

<h2>CHILD SAFETY AND WELLBEING POLICY</h2> <h3>(including Child Safe Reporting Procedure)</h3>	Date Adopted:	10 August 2022
	Adopted By:	Council
	Review Due:	August 2026
	Responsible Officer:	Governance Coordinator
	Directorate:	Community and Corporate Services
	EDRMS No:	D/22/49309

PURPOSE

The *Child Wellbeing and Safety Act 2005* sets the legislative basis for the Child Safe Standards (the Standards). The Standards require Council to adopt and maintain a Child Safety and Wellbeing Policy that sets out the organisations expectations and practices in relation to each of the Standards.

ABOUT THE STANDARDS

The Standards require organisations to have:

1. A culturally safe environment that respects and values the diverse identities and experiences of Aboriginal children and young people;
2. Strategies to embed child safety and wellbeing through organisational leadership, governance and culture;
3. Strategies to ensure children and young people are empowered about their rights, participate in decisions affecting them and are taken seriously;
4. Strategies to ensure families and communities are informed and involved in promoting child safety and wellbeing;
5. Practices in which equity is upheld and diverse needs are respected;
6. Strategies to ensure 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 to be child-focused;
8. Strategies to ensure 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. Processes to ensure the 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.

ABOUT THE REPORTABLE CONDUCT SCHEME

The Reportable Conduct Scheme aims to improve organisations' responses to allegations of certain types of misconduct involving children, committed by their workers and volunteers. It imposes legal obligations on heads of organisations to have systems in place to prevent child abuse, and if child abuse is alleged, to ensure allegations are brought to the attention of appropriate persons for investigation and response.

The Commission must be notified and given periodic updates on the organisation's response to the allegation. The legislation allows the Commission to appropriately share information with the Working with Children Check Unit, relevant regulators, and Victoria Police to better prevent and protect children from abuse, and to trigger an assessment of whether that person is suitable to continue to work or volunteer with children.

DEFINITIONS

Aboriginal child or children refers to anyone under the age of 18 who identifies as Aboriginal and or Torres Strait Islander.

Child abuse is any action towards a child or young person that harms or puts at risk their physical, psychological or emotional health or development. Child abuse can be a single incident or a number of different incidents that take place over time. In Victoria abuse is classified into seven types:

1. Physical abuse
2. Sexual abuse
3. Grooming
4. Emotional or psychological harm
5. Neglect
6. Family Violence
7. Children exhibiting inappropriate sexual behaviour.

Child or children is inclusive of anyone under 18 years of age, including the unborn child. It is not intended to diminish any emphasis on risks to adolescents by not using the term 'young people'.

Child or children with a disability refers to any physical, sensory, neurological disability, acquired brain injury, intellectual disability or developmental delay that affects a child's ability to undertake everyday activities.

Child in need of protection refers to the legal definition of a child in need of protection as defined in the Children Youth and Families Act 2005.

Child safety in the context of this policy means measures to protect a child from abuse.

Child safe organisation is defined by the Commission for Children and Young People as one that recognises cultural differences and does not reduce a child's right to be safe, or the organisation's responsibility to protect the child from harm.

Child sexual abuse is used to delineate this type of abuse from others and is used in the context of criminal offences and reporting duties specifically related to child sexual abuse.

Councillor means an elected Councillor of the Southern Grampians Shire

Culturally and/or linguistically diverse child or children means a child or children who identify as having particular cultural or linguistic affiliations by virtue of their place of birth, ancestry or ethnic origin, religion, preferred language, language spoken at home, or because their parents identification on a similar basis.

Direct contact refers to either physical contact, face-to-face-contact, written, oral and/or electronic communication with children.

Employee refers to all people acting as representatives of Council including: full time, part time, casual and agency employees, contractors, volunteers and students.

Mandated reporters refers to Council's Maternal and Child Health (MCH) Nurses and Early Childhood Educators who are legally required to report concerns for a child's safety to Child Protection Services (Department Families Fairness and Housing (DFFH)).

Non-mandated reporters refer to all other Council officers who form a reasonable belief that a child has suffered, or is likely to suffer abuse or harm, has an ethical and professional duty to report their concerns to the appropriate authorities.

Reasonable belief is not the same as having proof, but is formed if a reasonable person in the same position would have formed a belief on the same grounds, for example:

- a child states that they have been abused;
- a child states that they know someone who has been abused (they might be referring to themselves)
- someone who knows a child states that the child has been abused
- professional observations of a child's behaviour or development leads that person to form the belief that the child has been abused
- signs or indicators of abuse leads to a belief that the child has been abused.

Supervisor refers to an employee members immediate line manager within the organisational structure.

APPLICATION AND SCOPE

This policy applies to all Southern Grampians Shire Council Councillors, employees, volunteers, contractors and individuals, irrespective of whether or not they work with or have direct contact with children.

*The Victorian Reportable Conduct Scheme seeks to improve organisations' responses to allegations of child abuse and neglect by their **workers and volunteers** but the Reportable Conduct Scheme does not replace the need to report allegations of child abuse, including criminal conduct and family violence to Victoria Police.*

PREVENTION

COMMITMENT TO CHILD SAFETY

Southern Grampians Shire Council has a zero-tolerance approach to child abuse and is committed to creating and maintaining a child safe and child friendly organisation where all children are valued and protected from abuse.

Council will demonstrate this commitment by:

- Providing clear standards to Councillors, employees, volunteers and contractors.
- Empowering children through engagement and involvement when making decisions.
- Inclusion of child safe practices in the recruitment processes.
- Regular review and auditing of child safe practices.

COMMITMENT TO THE CULTURAL SAFETY OF ABORIGINAL CHILDREN

Southern Grampians Shire Council is committed to providing a culturally safe environment where the unique and diverse identities and experiences of Aboriginal children are respected and valued.

Council will demonstrate this commitment by:

- Encouraging and supporting children to express their culture and enjoy their cultural rights
- Actively supporting and facilitating participation and inclusion within the organisation by Aboriginal children and their families.
- Consulting with families, members of the Aboriginal community and the relevant Aboriginal organisations
- Having a zero tolerance approach to racism and identifying and addressing any instances of racism
- Investigating and responding to reported instances in accordance with Council's Codes of Conduct and Performance and Discipline Policy
- Acknowledging, appreciating and understanding the strengths of Aboriginal culture and its importance to the wellbeing and safety of Aboriginal children
- Celebrating and acknowledging significant and culturally important events

CREATE A CULTURE OF CHILD SAFETY

Council will prioritise the safety of children in their care, build child safety into everyday thinking and practice and support the diversity of children's needs.

Council will regularly monitor and improve performance against all the standards and encourage openness to talk about difficult subjects and decisions, to identify mistakes and learn from them.

EMPOWERMENT AND PARTICIPATION

Council respects the rights of children and will provide them with information about their rights including the right to be safe. Council will actively seek to understand what makes children feel safe in our organisation and regularly communicate with children about what they can do if they feel unsafe.

Council will support children's participation by actively seeking children's views and ideas in organisational planning and the delivery of services that affect them as well as involving families and communities to participate in decisions affecting their children.

EQUITY AND INCLUSION

All children shall have equal access to Council's services and facilities, will always be treated with fairness and respect and will not be subjected to discrimination based on disability, race, ethnicity, religion, sex, intersex status, gender identity or sexual orientation.

Staff and volunteers will be supplied with the relevant information and guidance about children's diverse circumstances to be able to provide support and respond to those who are vulnerable.

RISK MANAGEMENT

Council identify and manage risks as per the SGSC Risk Policy and Framework. Council will take a preventative risk management approach by identifying and assessing risks. Any risks identified in complaints, reports or allegations of abuse will be reviewed and incorporated into the relevant risk register.

The following elements are to be included in Council's risk register:

- All identified risks of child abuse are actively reduced by designing and implementing appropriate preventative measures.
- Risk management plans are documented for all existing and new activities and facilities.
- Councillors, employees, contractors and volunteers are to be made aware of their responsibility for identifying risks of child abuse and their obligation to work with management on reducing those risks.
- Risk management plans are living documents that are updated as required, referred to regularly, and reviewed periodically.

Council will take preventative measures to ensure the safety of children in an online environment through the application of appropriate filtering software whilst maintaining a child's right to privacy, access to information and social connections.

RECRUITMENT

Council's commitment to child safety is demonstrated through robust human resources, recruitment and vetting practices during the application and interview process when recruiting employees and volunteers.

These practices include but are not limited to:

- Requirement to have or obtain a current Working with Children Check before commencement for applicable positions
- Conducting police and reference checks
- Including a statement of commitment to child safety in job advertisements
- Including child safe questions in pre-interview screening, interview and referee checks

EDUCATION AND TRAINING

Council will provide education and training as part of Council's induction process, which will include Child Safe Standards and Code of Conduct information.

Current employees are required to complete a child safe training module annually and attend induction updates as scheduled.

Council's will maintain its accreditation with eSmart Libraries or a similar program which provides a cyber safety framework to assist in developing and maintaining smart, safe and responsible digital behaviours.

RESPOND

Council will provide a clear and succinct procedure for Councillors, employees, contractors and volunteers to be able to respond in an appropriate and timely manner if they hold a reasonable belief that a child has been harmed or is in danger.

This procedure will include but is not limited to:

- How to identify the type of abuse
- Who to report the incident or disclosure to
- What information needs to be documented and where it needs to be stored
- Where to access support if needed

Council will immediately act on the allegation as per the Council's Child Safety and Wellbeing Policy and Procedure, Child Safe Standards and the *Child Wellbeing and Safety Act 2005*.

REPORT

Council will set out clear guidelines for employees, contractors and volunteers in its Child Safe Procedure in regard to:

- Who can report;
- Who to report an alleged incident to;
- When to report; and

What to do if a report is made against an employee, volunteer, contractor or councillor.

CEO RESPONSIBILITIES

The head of an organisation (Chief Executive Officer) is the person who is primarily responsible for an organisation's compliance with the Reportable Conduct Scheme.

Section 16M of the *Child Wellbeing and Safety Act 2005* requires the head of an organisation to initially notify the Commission of a reportable allegation within three business days and update the Commission of progress within 30 calendar days.

COMPLIANCE

Compliance with this policy is mandatory.

Employees must bring any instances of non-compliance to the attention of their direct supervisor and Victoria Police as outlined above. Behaviour that endangers children or is in contravention of this policy is taken seriously and is considered as serious misconduct and non-compliance with Council's Codes of Conduct.

CHARTER OF HUMAN RIGHTS COMPLIANCE

It is considered that this policy is compatible with the relevant human rights identified in the *Charter of Human Rights and Responsibilities Act 2006 (Vic)*.

GENDER EQUALITY COMPLIANCE

It is considered that this policy is compatible with the relevant gender equality principles identified in the *Gender Equality Act 2020*.

Is a Gender Impact Assessment required?

Yes

No

A Gender Impact Assessment is not considered necessary for this policy. The Child Wellbeing and Safety Act 2005 sets out standards organisations are required to adhere to, this policy does not set a policy position, rather, it makes a commitment to the ways in which Council will meet its statutory obligations outlined in the Act

ASSOCIATED DOCUMENTS

Child Wellbeing and Safety Act 2005

SGSC Child Safe Reporting Procedure

SGSC Code of Conduct

REVIEW

This Policy must be reviewed a minimum of every four years or in-line with legislative change.

AUTHORISED

Adopted at Council Meeting on 10 August 2022.

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CHILD SAFE REPORTING PROCEDURE

The Child Safe Standards are a framework to prevent, respond to and report child abuse. Council is required under Victoria's Reportable Conduct Scheme to respond to allegations of child abuse (and other child related misconduct) **made against their employees, contractors and volunteers** and to notify the Commission for Children and Young People (the Commission) of any allegations.

Please Note:

The Reportable Conduct Scheme does not replace the need to report allegations of child abuse, including criminal conduct and family violence to Victoria Police.

In addition, to the obligations of organisations under the Reportable Conduct Scheme, there are pieces of legislation that contain reporting obligations in regard to Child Safety, including: *Crimes Act 1958*

Children, Youth and Families Act 2005

To understand your obligations under these Acts, please refer to 'Other Reporting Obligations' at the end of this procedure.

WHAT DO I REPORT?

Any concerns about the safety and welfare of children should be reported. These can range from uncomfortable feelings through to direct observation of child abuse.

A reportable allegation is made where a person makes an allegation, based on a reasonable belief, that an **employee, contractor or volunteer has committed reportable conduct or misconduct** under the Reportable Conduct Scheme (the Scheme).

Under the Scheme **an allegation can be made against an employee, contractor or volunteer regardless of whether the alleged conduct or misconduct occurred** before, during, or outside the worker or volunteer's role with the organisation.

A reasonable belief is more than a suspicion; there must be some objective basis for the belief. A reasonable belief does not require proof and does not require certainty.

There are five types of reportable conduct.

The first three are reportable if committed **against, with or in the presence of a child:**

- Sexual offences – (against, with or in the presence of a child)
- Sexual misconduct - (against, with or in the presence of a child)
- Physical violence - (against, with or in the presence of a child)

The following two types are reportable if they are significant and there is a clear link between the behaviour and the harm.

- Significant emotional or psychological harm
- Significant neglect

Descriptions of the five types of reportable conduct can be found here: [Information Sheet 2 - What is Reportable Conduct under the Reportable Conduct Scheme](#)

As well as reportable conduct allegations, employees and volunteers should report any child safety concerns, including:

- Direct or indirect disclosure of child abuse
- Allegation, suspicion or observation of child abuse
- Breach of Child Safe Policy or reportable conduct
- Environmental risks that could increase the likelihood of abuse occurring

Child safety concerns can also include:

- Inappropriate or special relationships developing between staff and children
- Inadequate staff-child supervision ratios
- Feelings of discomfort about interactions between a staff member or volunteer and a child
- Suspicions or beliefs that children are at risk of harm
- Observations of concerning changes in behaviour
- Concerns about a physical environment that may pose a risk to children including health and hygiene issues
- Children's disclosure of abuse or harm. This must be reported to the police, DFFH the Commission and where appropriate, any other regulator.

WHO CAN MAKE A REPORT?

Who can report an allegation?

Children, parents, community members, employees, contractors, students and volunteers can make an allegation based on a reasonable believe that **an employee, contractor or volunteer** has committed a reportable conduct or misconduct, breached the Child Safe Policy or the Code of Conduct (in respect to behaviour towards a child).

Who to report to:

Physical or sexual abuse is a crime and must be reported to Victoria Police. **If a child is in immediate danger, call 000 without delay and make a report to your immediate supervisor.**

Any other form of reportable conduct or child safety concerns should be reported to your immediate supervisor.

HOW TO REPORT?

Reports should be made to the employee's immediate supervisor either verbally or in writing. It is important to remember to document everything as an allegation will be investigated thoroughly.

The supervisor will contact the Manager Organisational Development (MOD) who will be responsible for oversight and coordination of the report and investigation.

The supervisor will assist the reporter of the allegation in the completion of an incident report form to be submitted to the MOD.

If an employee, contractor or volunteer is unsure how to proceed, they can contact the Commission or Victoria Police for guidance:

Commission for Children and Young People: <https://ccyp.vic.gov.au/contact-us/>

Victoria Police: <https://www.police.vic.gov.au/homepage>

If the allegation involves suspected criminal behaviour, both Victoria Police and the Commission must be notified (the CEO is to notify the Commission via their online form). If an organisation becomes aware that Victoria Police will investigate a reportable allegation, they must not begin or continue their own investigation. Organisations should wait until police advise that their investigation has concluded or that the organisation's investigation may be conducted simultaneously.

RESPONSIBILITIES

Manager Organisational Development Responsibilities

The MOD is responsible for organising an investigation of the allegation. The Commission requires an independent investigator be used who must have appropriate qualifications, training or experience to investigate reportable allegations. The independent investigator can come from within Council, or an external investigator can be appointed.

The investigator will investigate the reportable allegation and make findings as to whether or not the facts meet the definition of reportable conduct under the *Child Wellbeing and Safety Act 2005* (the Act).

The investigator will:

- Collect and document evidence
- Establish the facts based on evidence
- Prepare an Investigation Report detailing the outcome of the investigation and if requested by the CEO any findings or recommendations

A detailed guide on investigating a reportable conduct allegation is available on the Commission for Children and Young People's website, see link below.

<https://ccyp.vic.gov.au/assets/resources/Reportable-Conduct-Guidance/CCYP-Investigationguide.pdf>

The MOD will assist the appointed investigator with the investigation and provide information to the CEO to fulfil the CEO's obligations under the Scheme.

- Notify commission when a reportable investigation is made.
- Investigate the allegation (could include permitting an external investigator to investigate)
- Provide information or documents to the Commission
- Ensure that the Commission (or independent investigator) is provided any assistance in relation to the reasonable performance of their functions
- Provide detailed information about the reportable allegation to the Commission
Provide details of the outcome of an investigation into to the conduct and any proposed actions.

Any disciplinary action deemed necessary by the MOD due to a breach of the Child Safe Policy will be taken in line with Council's Performance and Discipline Policy (CM D/17/54190). The Appeals and Grievance Policy (CM D/15/25969) provides a means of review for employees who wish to appeal a decision or action taken which they believe has had or will have a detrimental impact on them.

The MOD will coordinate support to the affected parties including the child, parents, person making the allegation and the employee that the allegation has been made about.

[Employee Assistance Program](#)
[Helpful Resources and Organisations](#)

CEO RESPONSIBILITIES

The CEO must notify the Commission of a reportable allegation within **3 business days** and update the Commission of progress with **30 calendar days**.

They must investigate the reportable allegation and provide the findings of the investigation to the Commission.

Who is required to make the report?

The *Child Wellbeing and Safety Act 2005* states that the head of an organisation (CEO) is required to make the report to the Commission.

To discharge their obligation, the head of an organisation can delegate tasks. This may include creating and developing systems, sending approved notifications to the Commission, and conducting investigations on their behalf.

However, it is ultimately the responsibility of the head of an organisation to ensure the Commission is notified when they form, or become aware that another person has formed, a reasonable belief that reportable conduct has occurred.

The Commission will seek the following information at various milestones:

Three business day notification	30 calendar day update	Advice on investigation	Outcomes of investigation	Additional documents
<ul style="list-style-type: none"> • Name of the worker or volunteer • Date of birth • Police report • Organisation contact details • Head of organisation's name • Initial advice on the nature of the allegation 	<ul style="list-style-type: none"> • Details of the allegation • Details of your response to the allegation • Details about any disciplinary or other action proposed • Any written response from the worker or volunteer about the allegation and the proposed disciplinary or other 	<ul style="list-style-type: none"> • Name of investigator • Contact details • As soon as practicable 	<ul style="list-style-type: none"> • Copy of findings and reasons for the findings • Details about any disciplinary or other action proposed • Reasons for taking or not taking action • As soon as practicable 	<ul style="list-style-type: none"> • The Commission may request further documents from the head of the organisation

Further information on the CEO responsibilities can be found here: [Information Sheet 3 - Responsibilities of the Head of an Organisation](#)

Online forms to notify and update reportable allegations must be completed in one sitting. Information required to complete the online forms can be found here: [Reportable Conduct Scheme Form Requirements](#)

The CEO must notify the commission via their online form [Notify and Update Reportable Allegation](#)

OTHER REPORTING OBLIGATIONS

The above procedure relates to Council's obligation under Victoria's Reportable Conduct Scheme where it relates to allegations made against the organisation's **employees and volunteers**.

In addition to the scheme, there are other legal obligations regarding child safety.

Crimes Act 1958 (Vic)

Failure to Disclose

Any adult who forms a reasonable belief that a sexual offence has been committed by an adult against a child under 16 must report that information to Victoria Police. It is a criminal offence to fail to disclose that information to Victoria Police.

Failure to Protect

If you are a staff member in a position of authority, and you become aware that an adult associated with your organisation (such as a worker or volunteer) poses a risk of sexual abuse to a child who is under the care, authority or supervision of the organisation, you must take all reasonable steps to remove or reduce the risk. If you fail to take reasonable steps in these circumstances, this may amount to a criminal offence.

Children, Youth and Families Act 2005 (Vic)

Doctors, nurses, midwives, teachers (including early childhood teachers), principals, and police are all 'mandatory reporters'. They must report to Child Protection if they form a reasonable belief that a child is in need of protection from physical injury or sexual abuse.

Reporting crimes to Victoria Police

Any suspected criminal behaviour should be reported to police.

If a reportable allegation involves suspected criminal behaviour, both Victoria Police and the Commission must be notified.

A police investigation into any matter takes priority over a reportable conduct investigation and may require an organisation's investigation to be put on hold until the police investigation is complete.

Heads of organisations should consult with Victoria Police before beginning an investigation to gain their advice and find out if police are, or will be, conducting an investigation.

- If you want to report a child in **immediate** risk or danger of a sexual offence please call Triple Zero (000).
- If the report is not in relation to an immediate risk, please contact your [local police station](#).
- If you have general concerns about the safety or wellbeing of a child or young person, please contact the Child Protection Crisis Line on 13 12 78.

CHILD SAFE – INCIDENT REPORT



Incident details

Date of incident:	
Time of incident:	
Location of incident:	
Name(s) of child/children involved:	
Name(s) of employee/volunteer involved:	

If you believe a child is at immediate risk of abuse - Phone 000

Please categorise the alleged reportable conduct incident

Physical violence

Sexual offence

Serious emotional or psychological abuse

Serious neglect

Or

Other Child Safety Concerns

Direct or indirect disclosure of child abuse

Allegation, suspicion or observation of child abuse

Breach of Child Safe Policy or reportable conduct

Environmental risks

Instances of racism or discrimination

Other

Please describe the incident

Overview: What happened?	
Who was involved? Provide names (if you know them), was the person/s involved staff members, volunteers, contractors, students or members of the public?	

What did you see, hear or know?	
Other information	

Does the child identify as Aboriginal or Torres Strait Islander?

No Yes, Aboriginal Yes, Torres Strait Islander

Is the child from a culturally or linguistically diverse background?

No Yes, please provide details: _____

Does the child have a disability?

No Yes, please provide details: _____

Details of Person Reporting the Incident

Name of person reporting the incident:	
Department of reporter (if/where applicable):	
Contact Details of reporter:	

Name and signature of person making the report (optional)

Name: _____ Signature: _____ Date: _____

Office use:

Date incident report received:		
Staff member managing incident:		
Date CEO Notified		
Incident ref. number:		
Has the incident been reported?	Date Notified	Comments
Child protection		
Police		
Commission for Children and Young People		
Another third party (please specify):		