

# POLICY

## CSS Child Safety Policy



### 1 Purpose

Hindmarsh Shire Council's (**Council**) Child Safety Policy reinforces an ongoing commitment to child safety, wellbeing, participation and cultural safety and awareness. Council is committed to creating and maintaining a child-safe organisation, where preventing and responding to child abuse is embedded in the practices, actions and decisions of all Councillors, employees, volunteers and contractors. Promoting organisational responsibility and a child-safe culture ensures that Council is able to support the health and wellbeing of Aboriginal and Torres Strait Islander children, those from culturally and linguistically diverse backgrounds and those with disabilities.

Under the *Child Wellbeing and Safety Act 2005 (Vic)*, the Victorian Child Safe Standards provide a mandatory framework that supports organisations in promoting the safety and wellbeing of children. The provisions of the Child Safe Standards are captured within this policy.

This Policy is intended to empower and protect children in the Hindmarsh community. Council will aim to involve them when making decisions, especially about matters that directly affect them. We will listen to their views and value their contributions.

Information regarding Council's child safety commitments, principles and practices will be made available in formats accessible and age-appropriate for young people. This includes ensuring that relevant documents are produced in plain English, and are accessible in locations young people are likely to access.

Hindmarsh Shire Council promotes diversity and acceptance by:

- promoting the cultural safety, cultural expression, inclusion, participation and empowerment of Aboriginal children;
- promoting the cultural safety, participation and empowerment of children from culturally and/or linguistically diverse backgrounds; and
- ensuring that children with a disability are safe and can participate inclusively.

### 2 Scope

This Policy applies to all Council employees, volunteers and Councillors as well as people engaged as contractors, consultants, agency staff or workplace students over the age of 18.

### 3 Definitions

**CEO** means Chief Executive Officer of Hindmarsh Shire Council

<b>Council</b>	means the Hindmarsh Shire Council
<b>Volunteer</b>	refers to an approved person undertaking unpaid work or activities in a Council facility or on behalf of Council e.g delivery of Meals on Wheels, operation of tourist facilities in Hindmarsh Shire Council.
<b>Abuse</b>	means a sexual offence committed against a child, grooming or sexual conduct with a child under the age of 16 under section 49M(1) of the <i>Crimes Act 1958</i> (Vic), physical violence against a child, causing serious emotional or psychological harm to a child and/or serious neglect of a child.
<b>Grooming</b>	describes the predatory conduct designed to facilitate later sexual activity with a child. Grooming can include communicating and/or attempting to befriend or establish a relationship or other emotional connection with the child or their parent/carer. Grooming does not necessarily involve any sexual activity or even discussion of sexual activity. On-line grooming is also a criminal offense.
<b>Serious Neglect</b>	is the failure to provide the child with the basic necessities of life such as food, clothing, shelter, medical attention or supervision, to the extent that the child's health and development is, or is likely to be harmed.

#### **4 Statement of Commitment**

Council is committed to the equitable safety, participation and empowerment of all children and has zero tolerance towards incidents of child abuse. All allegations and safety concerns will be treated very seriously and investigated and actioned according to all internal policies and legislative requirements. Council recognises its legal and moral obligations to contact the relevant authorities promptly should concerns be raised regarding a child's safety or welfare. Council will ensure that our response is embedded in a trauma-formed approach and principles of effective and appropriate engagement with children.

Council is committed to preventing child abuse, identifying risks early and removing and reducing these risks. Our management of these risks commences with robust human resources and recruitment practices for all staff and volunteers and continues with ongoing staff training and supervision.

Council is committed to upholding equity for all children and to preventing discrimination based on disability, race, ethnicity, gender identity, religion, sex, intersex status and/or sexual orientation.

We encourage and celebrate the contributions and participation of all children and young people and work to empower all those who are involved with Council, including our Youth Council representatives.

Council is also committed to the cultural safety of Aboriginal and Torres Strait Islander children, the cultural safety of children from culturally and/or linguistically diverse backgrounds and to the provision of a safe and inclusive environment for children with a disability.

Those employed by Council are responsible for the care and protection of young people who participate in our organisation, including those attending council run activities and events, and for reporting all incidents of real or suspected abuse.

## **5 Training and Supervision**

Training and education is important to ensure that everyone at Hindmarsh Shire Council understands that child safety is everyone's responsibility.

Our organisational culture aims for all Councillors, staff, volunteers, families and children to feel confident and comfortable in discussing any allegations of child abuse or child safety concerns. We train our Councillors, staff and volunteers to identify, assess, and minimise risks of child abuse and to detect potential signs of child abuse.

We also support our Councillors, staff and volunteers through ongoing supervision to develop their skills to protect children from abuse and promote the cultural safety of Aboriginal children, the cultural safety of children from linguistically and/or diverse backgrounds, and the safety and inclusion of children with a disability.

New Councillors, staff and volunteers will be supervised regularly to ensure they understand Hindmarsh Shire Council's commitment to child safety and that everyone has a role to play in protecting children from abuse. This will include checking that their behaviour towards children is safe and appropriate (please refer to Hindmarsh Shire Council's Code of Conduct for information about appropriate behaviour). Any inappropriate behaviour will be reported through appropriate channels, including the Department of Health and Human Services and Victoria Police, depending on the severity and urgency of the matter.

## **6 Human Resources and Recruitment**

Recruitment practices, as well as practices undertaken when engaging contractors, will assess all parties to ensure that they comply, and will continue to comply, with the Child Safe Standards and all provisions of this policy. We take all reasonable steps to employ skilled people to work with children. We develop selection criteria and advertisements which clearly demonstrate our commitment to child safety and an awareness of our social and legal responsibilities. Hindmarsh Shire Council understands that when recruiting staff and volunteers, we have ethical as well as legislative obligations.

We actively encourage applications from Aboriginal people, people from culturally and/or linguistically diverse backgrounds and people with a disability.

All people who are engaged in child-related work and who are not exempt, including volunteers, are required to hold a Working with Children Check and to provide evidence of this check. For more information, please refer to the Working with Children website <<http://www.workingwithchildren.vic.gov.au/home/>>.

We carry out reference checks and police record checks to ensure that we are recruiting the right people. If during the recruitment process a person's records indicate a criminal history then the person will be given the opportunity to provide further information and context.

Additionally, Council's referee check process ensures that referees are able to provide information regarding the conduct of prospective employees as it relates to working with children.

All of our staff and volunteers must agree to abide by our Code of Conduct which specifies the standards of conduct required when working with children. All staff and volunteers, as well as children and their families, are given the opportunity to contribute to the development of the Code of Conduct.

## **7 Reporting and Responding to Child Safety Concerns**

Hindmarsh Shire Council takes all allegations seriously and has practices in place to investigate thoroughly and quickly. Our Councillors, staff and volunteers are trained to deal with allegations appropriately.

We work to ensure all children, families, Councillors, staff and volunteers know what to do and who to tell if they observe abuse or are a victim, and if they notice inappropriate behaviour. All staff must comply with the legal requirements and adopted processes for responding to and reporting suspected child abuse. Where appropriate and in the best interests of the child, Council will inform parents or carers if their child raises safety concerns with staff or volunteers. Council may seek advice from Victoria Police or the relevant Child Protection State Government Department prior to undertaking any action or making any such disclosure.

We all have a responsibility to report an allegation of abuse if we have a reasonable belief that an incident took place. If an adult has a reasonable belief that an incident has occurred then they must report the incident. Factors contributing to reasonable belief may include:

- a child states they or someone they know has been abused (noting that sometimes the child may in fact be referring to themselves);
- behaviour consistent with that of an abuse victim is observed;
- someone else has raised a suspicion of abuse but is unwilling to report it; and
- observing suspicious behaviour.

If an allegation of abuse or a safety concern is raised, Council will:

- ensure that procedures for responding to alleged abuse are fair and focus on child safety
- ensure processes for responding to suspected child abuse explicitly include culturally appropriate responses
- provide progress updates to the relevant authorities and, where appropriate, people involved in any incident.
- Provide ongoing support or make referrals for support to alleged victims, their families and affected staff, such as helping them understand their rights and the process that will

be followed in responding to the allegations, as well as assistance in accessing counselling or other support as required.

- Provide contact details for internal and/or external expertise so that staff have access to advice when managing child safety incidents, including expertise relating to culturally and/or linguistically diverse children, and children with a disability.
- undertake timely reviews of organisational child safe policies and procedures if child abuse occurs, and review organisational responses following an incident to help drive continuous improvement.

Hindmarsh Shire Council takes its legal responsibilities seriously, including:

- **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 Victoria Police.
- **Failure to protect:** people of authority in an organisation will commit an offence if they know of a substantial risk of child abuse and have the power of responsibility to reduce or remove the risk, but negligently fail to do so.

**Mandatory reporting:** Any Councillors, staff or volunteers who are mandatory reporters (doctors, nurses, midwives, teacher, principals and police officers) must comply with their duties.

- **Duty of care:** If a child is abused by an individual associated with our organisation, our organisation is presumed to have breached its duty of care unless it can prove that it took 'reasonable precautions' to prevent the abuse in question. For more information, please refer to the new organisational duty of care to prevent child abuse page <<https://www.justice.vic.gov.au/safer-communities/protecting-children-and-families/betrayal-of-trust-fact-sheet-the-new>> on the Department of Justice and Regulation's website.
- **Reportable conduct:** The head of our organisation must be made aware of any allegations of physical and sexual abuse, sexual misconduct, significant emotional or psychological harm or significant neglect by an employee or volunteer towards a child. We are also legally required to notify the Commission for Children and Young People of the allegation.

The Victorian Reportable Conduct Scheme (RCS) seeks to improve organisations' response to allegations of child abuse and neglect by their workers and volunteers. The scheme is established by the Child Wellbeing and Safety Act 2005. The RCS has been designed to ensure that the Commission of Children and Young People (the Commission) will be aware of every allegation of certain types of misconduct involving children in relevant organisations that exercise care, supervision and authority over children.

For more detailed information about the RCS and organisation's responsibilities please refer to: <https://ccyp.vic.gov.au/reportable-conduct-scheme/>

Council will comply with all requirements under the RCS and will ensure all staff report all allegations of misconduct or reportable conduct to the appropriate person- even if the conduct happens outside the workplace.

## **8 Children's Participation and Empowerment**

Council will aim to ensure:

- reporting procedures are accessible for all children and young people.
- children and young people understand their rights and understand what abuse is and how they can seek support or advice (in an age appropriate manner).
- children feel safe, empowered and taken seriously if they raise concerns.
- children feel empowered to contribute to Hindmarsh Shire Council's understanding and treatment of child safety.
- children's reports of concern are responded to appropriately.
- staff and volunteers understand how to empower children and encourage their participation.

## **9 Record Management**

Record keeping supports effective and transparent governance arrangements that prioritise child safety and promote organisational accountability. Council will ensure the effective and compliant management of information relating to child safety and employee conduct. All employees should be aware of their obligations under Council's Records Management Policy, all relevant legislation, including the *Privacy Act 1988* (Cth) and the *Child Wellbeing and Safety Act 2005* (Vic), and how to handle all requests that relate to information involving children.

## **10 Regular review**

This policy will be reviewed every two years, following significant incidents if they occur and in line with any legislative changes. We will ensure that families, carers and children have the opportunity to contribute. Where possible we will do our best to work with local Aboriginal communities, culturally and/or linguistically diverse communities and people with a disability.

## **11 Related Council Policies / Documents**

Hindmarsh Shire Council Child Safety Code of Conduct

Hindmarsh Shire Council Employee Code of Conduct

Hindmarsh Shire Council Councillor Code of Conduct

Hindmarsh Shire Council Complaints Handling Policy

**12 DOCUMENT CONTROL**

Child Safety Standards Policy		<b>Policy Category</b>	Administrative
<b>Version Number</b>	1.2	<b>Policy Status</b>	Approved
<b>Approved/Adopted By</b>	CEO	<b>Approved/Adopted on:</b>	12/06/2019
<b>Responsible Officer</b>	Director Corporate and Community Services		
<b>Version History</b>	<b>Date</b>	<b>Version</b>	<b>Description</b>
	01/08/2016	1.0	Initial draft – never adopted (Doc ID 205161)
	12/06/2019	1.1	New Policy format, updated content in line with neighboring Councils
	21 November 2022	1.2	Updated contents in line with new Child Safe Standards