



Child Safety Policy

Purpose

Baw Baw Shire Council is committed to creating a child safe organisation, where protecting children and preventing and responding to child abuse is embedded in everyday thinking and practice.

Baw Baw Shire Council is committed to the safety of all children and recognises it's legal and moral obligations to contact authorities when we are concerned about a child's safety.

This policy reflects Council's legislative responsibility in meeting the requirements of the Child Safe Standards. Council has specific policies, procedures and training in place that support our leadership team, staff and volunteers to achieve the Child Safe Standards.

Background

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. Baw Baw Shire Council recognises that child safety requires a whole of organisation response. All Council officers have a responsibility to ensure the safety of children.

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 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. The Child Safe Standards are underpinned by the understanding that all children are vulnerable.

Organisations must be guided by the following principles when implementing the standards:

- the cultural safety of Aboriginal children
- the cultural safety of children from culturally and/or linguistically diverse backgrounds
- the safety of children with disability

Baw Baw Shire will consider the above-mentioned principles in the implementation and design of services for our community.

Child Safe Standards

The standards have been strengthened and as of 1 July 2022 there are 11 child safe standards. These are:

1. Organisations establish a culturally safe environment in which the diverse and unique identities and experiences of Aboriginal children and young people are respected and valued
2. Child safety and wellbeing is embedded in organisational leadership, governance and culture
3. Children and young people are empowered about their rights, participate in decisions affecting them and are taken seriously
4. Families and communities are informed, and involved in promoting child safety and wellbeing
5. Equity is upheld and diverse needs respected in policy and practice
6. 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 are child focused
8. 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. 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

In 2017 the Child, Wellbeing and Safety Act 2005, was amended to give power to the Commission for Children and Young People (CCYP) to oversee the Reportable Conduct Scheme. Baw Baw Shire came into the scope of the scheme on 1 January 2018.

The Reportable Conduct Scheme:

- Requires organisations to respond to allegations of child abuse (and other child-related misconduct) made against their workers and volunteers and to notify CCYP of any allegations
- Enables the CCYP to independently oversee those responses
- Facilitates information sharing between organisations, their regulators, Victoria Police, The Department of Justice, Working With Children Check Unit and CCYP¹

The Reportable Conduct Scheme together with the Child Safe Standards aim to drive cultural change so that protecting children from abuse is part of everyday thinking and practice.

Scope

This policy demonstrates the commitment of the Baw Baw Shire Council, its leaders, staff and volunteers to child safety and the creation of a child safe organisation.

The policy applies to all Councillors, employees, Council volunteers and work experience/work placement students, irrespective of their involvement in child related work.

For the purposes of this policy only, where the word “child” or “children” is used exclusively, this is inclusive of all children and young people under the age of 18.

Relevant Legislation and Council Documents

Legislation	Child Wellbeing and Safety Amendment (Child Safe Standards) Act 2015 (Vic) Working with Children Act 2005 Children Youth and Families Act 2005 Commission for Children and Young People Act 2012
Relevant Council Documents	Child Safety Reporting Procedure Council Plan 2021 - 2025 Municipal Early Years Plan 2019 - 2023 Baw Baw Shire Recruitment and Selection Policy Employee Code of Conduct Policy Code of Conduct for Councillors Information Privacy Policy Performance and Behaviour Management Policy

Baw Baw Shire Council Commitment to Child Safety

Baw Baw Shire Council is committed to providing and actively promoting a safe environment for children. Council has zero tolerance towards child abuse, and is committed to protecting the physical, emotional, cultural, and social wellbeing of all children. Council has policies and systems to protect children, and all allegations and safety concerns will be treated seriously.

Baw Baw Shire Council acknowledges that children's safety is a whole of community responsibility and is everyone's business.

Our Children

We seek to engage and involve children when making decisions, especially about matters that directly affect them. We listen to their views and respect what they have to say.

We promote the cultural safety, participation and empowerment of Aboriginal children and their families and promote the cultural safety, participation, and empowerment of children from culturally and/or linguistically diverse backgrounds. We also promote the safety and participation of children with a disability. We recognise the importance of understanding the needs of children who identify as lesbian, gay, bisexual, transgender, or intersex.

We are committed to ensuring children and young people are aware of their rights such as those in the United Nations Convention on the Rights of the Child (CRC) including but not limited to:

- the right to participate and be heard
- the right to be safe and not harmed by anyone
- the right to live and grow up healthy
- the right to express their views and have a say about decisions that affect them, and
- the right to information, such as information about policies and procedures that may affect them.³

Our People

Baw Baw Shire Council has clear written guidance on appropriate conduct and behaviour towards children. It includes acceptable and unacceptable behaviours when working with all children. All staff, volunteers and Councillors must agree to abide by their respective Codes of Conduct.

Human Resources and Recruitment

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

Our organisation understands that when recruiting staff and volunteers we have ethical and legislative obligations. Council complies with all relevant regulatory and legal requirements when recruiting staff to ensure its employees and customers are not placed under unreasonable risk.

We carry out thorough reference checks and pre-employment screening, to ensure that we are recruiting with child safety in mind.

Education and Training

Education and training is important to ensure that all people connected with Baw Baw Shire Council understand that child safety is everyone's responsibility, and is vital to maintaining a child safe environment.

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

New employees and volunteers will be provided training and education to ensure they understand our organisation's commitment to child safety. Refresher training will be made available at regular intervals.

Reporting and Responding to a Child Safety Concern

Baw Baw Shire Council has implemented processes and training to ensure all Councillors, employees and volunteers know what to do and who to tell if they suspect abuse or are a victim, or if they notice inappropriate behaviour. This includes an understanding of the following legislation:

Failure to disclose: As defined in the Crimes Act 1958 (Vic), a failure to act on the legal obligation upon all adults to report to Victoria Police where they form a reasonable belief that a sexual offence has been committed by an adult (18 years and over) against a child under the age of 16 (16 being the legal age of consent).²

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.

A 'reasonable belief' is not the same as having proof. A 'reasonable belief' is formed if a reasonable person in the same position would have formed the belief on the same grounds.

Failure to protect: As defined in the Crimes Act 1958 (Vic), a person with power and authority who fails to protect a child from criminal sexual abuse, they know of the risk of abuse, and can reduce or remove the risk but fail to do so.²

People of authority within the Council will commit an offence if they know of a risk of child sexual abuse and have the authority to reduce or remove the risk, but negligently fail to do so.

Grooming: As defined in the Crimes Act 1958 (Vic), the act of communication, including online communication, with a child under the age of 16 or their parents with the intent of committing child sexual abuse. This includes 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.²

Mandatory Reporting: There is a legal obligation under the Children Youth and Families Act 2005, for certain professionals to report when a child is in need of protection. Mandatory Reporters under legislation include Medical Practitioners, Nurses, Midwives, School Principals, Police Officers and Teachers (including early childhood teachers).

Baw Baw Shire Council has committed to being a child safe organisation that complies with all relevant legislation including the Child Safe Standards and the Reportable Conduct Scheme.

Council takes all allegations of child abuse seriously. Allegations or incidents can be reported by children, young people, families, community members, Councillors, employees, contractors, and volunteers.

If a Councillor, employee, or volunteer becomes aware of an incident or allegation of abuse, the first responsibility is to ensure the safety of the child/children. If the child is in immediate danger, then the employee, contractor or volunteer should immediately call 000.

Baw Baw Shire Council has established a Child Safety Internal Response Team which includes the Child and Family Safety Officer, Manager Community Services and Manager People and Culture. If a child safety concern exists a member of this team should be consulted in the first instance to offer support and guidance. This team oversees the management of incidents relating to child safety and ensures that reporting is managed appropriately, and all legislative requirements are met.

If there is a belief that the incident or allegation involves criminal conduct, then the Police must be notified. If a Councillor, employee, contractor, or volunteer holds a reasonable belief that a child is in need of protection, notifications will be made to Police or Child Protection. If an allegation of child abuse is received all mandatory reporting requirements must be met which may include reporting to Police, Department of Fairness, Families and Housing - Child Protection, and The Commission for Children and Young People under the reportable conduct scheme.

Council has a Child Safety Reporting Procedure which outlines reporting requirements for suspected or actual abuse. This procedure includes information on how to report child abuse and/or neglect concerns within the organisation and to external authorities.

Privacy and Record Keeping

While safety and wellbeing of children is our primary concern, Council is committed to protecting an individual's right to privacy. Unless there is a legislative requirement (for example, if there is a risk of self-harm or a risk to someone's safety), all personal information

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considered during the process of a report or investigation, will be dealt with in accordance with Council's Information Privacy Policy. Records will be retained per Public Records Office Victoria requirements.

Monitoring and Review

The Child Safety Internal Response Team is in place to oversee the continued implementation, monitoring and review of this Child Safety Policy, and related child safety procedures and processes. This team monitors relevant Council data and trends relating to the reporting and investigation of abuse or misconduct, to identify causes and inform continuous improvement.

Risk Management

Baw Baw Shire Council proactively manages risk of abuse to our children. We recognise the importance of a risk management approach to minimising the potential for child abuse or harm to occur, and use this approach to inform policies, procedures, and activity/events planning.¹

Responsibilities

Who	What
Baw Baw Shire employee, Councillor, contractor, or volunteer	<p>Understanding this policy and their role in protecting children from abuse</p> <p>Ensuring that their behaviour towards children is safe and appropriate</p> <p>Ensuring they know how to report an incident or concern and the legal implications of failing to disclose or protect a child</p>
Coordinators and Managers	Responsible for ensuring that their staff understand this policy and their responsibilities in relation to child safety including the process for reporting an incident or concern and the legal implications of failing to disclose or protect a child
<p>Internal Response Team</p> <ul style="list-style-type: none"> • Child and Family Safety Officer • Manager Community Services • Manager People and Culture 	<p>Total management of reported incidents in relation to child safety</p> <p>Oversee the continued implementation, monitoring and review of this Child Safety Policy, and related child safety procedures and processes.</p> <p>Monitor relevant Council data and trends relating to the reporting and investigation of abuse or misconduct, to identify causes and inform continuous improvement.</p>
Child and Family Safety officer	Promote and embed an organisational culture that prioritises child safety across the organisation
People and Culture	<p>Address child safety requirements in the recruitment process</p> <p>Oversee refresher training</p>
Baw Baw Shire Council Chief Executive Officer (CEO)	Accountable for ensuring the Baw Baw Shire Council is compliant with the Child Safe Standards and the Reportable Conduct Scheme.

Breaches

Breaches of this policy may lead to action in accordance with Council's Code of Conduct and Performance Management policy and procedure, which may include termination of employment and/or referral to Victoria Police.

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.

References

¹ Commission for Children and Young People, A Guide for Creating a Child Safe Organisation, available at <https://ccyp.vic.gov.au/>.

² Department of Justice and Community Safety, available at <https://www.justice.vic.gov.au/>.

³ Australian Human Rights Commission available at <https://humanrights.gov.au/>

Status	Approved
Approval authority	Executive
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Responsible Department	Family and Children's Services
Responsible Director	Director Strategy & Organisational Performance