



Child Safe Policy

Department/Unit	People and Culture	First Implemented	17 July 2018	Review Date	February 2025
Origin	People and Culture Advisor	Reviewed	November 2021	Version	2.0
Authorising Officer	For endorsement by Council	Effective From	February 2022	TRIM Reference	E513/3 E1533

Purpose/Objective

This policy outlines Council's commitment to the safety and wellbeing of children and the promotion and protection of children's rights and takes into account Council's legislative requirements to comply with Victorian Child Safe Standards.

It sets clear expectations of councillors, employees, volunteers and contractors as to what is required to keep children safe and outlines their responsibilities when they suspect abuse of a child.

Scope

This policy applies to all Council employees, councillors, contractors, consultants, volunteers and other authorised personnel of Mansfield Shire Council.

Definitions

Term	Definition
Aboriginal Child	A person under the age of 18 who: <ul style="list-style-type: none"> • Is of Aboriginal or Torres Strait Islander descent • Identified as Aboriginal and/or Torres Strait Islander, and • Is accepted as Aboriginal and/or Torres Strait Islander by an Aboriginal or Torres Strait Islander community.
Child	Means a person below the age of 18 years unless, under the law applicable to the child, majority is attained earlier.
Child abuse	Means all forms of physical abuse, emotional ill-treatment, sexual abuse and exploitation, neglect or negligent treatment, commercial (e.g. for financial gain) or other exploitation of a child and includes any actions that results in actual or potential harm to a child.

Mansfield Shire Council | Child Safe Policy

Term	Definition
Children from culturally and/or linguistically diverse backgrounds	A child or young person who identified 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 grooming	Refers to actions deliberately undertaken with the aim of befriending and establishing an emotional connection with a child to lower the child's inhibitions in preparation for sexual activity with the child.
Child-related work	Work is child-related work if the usual duties of the work involve, or are likely to involve, contact with a child.
Child safety	In the context of the child safe standards, child safety means measures to protect children from abuse.
Child sexual assault	Is any act which exposes a child to, or involves a child in, sexual processes beyond their understanding or contrary to accepted community standards.
Council	Mansfield Shire Council
Cultural competency	A set of congruent behaviours, attitudes and policies that come together in a system, agency or among professionals that enable them to work effectively in cross-cultural situations.
Cultural safety for Aboriginal children	<p>The positive recognition and celebration of cultures. It is more than just the absence of racism or discrimination, and more than cultural awareness and cultural sensitivity.</p> <p>A culturally safe environment does not ignore, challenge or deny cultural identity. Cultural safety upholds the rights of Aboriginal children to:</p> <ul style="list-style-type: none"> • identify as Aboriginal without fear of retribution or questioning • have an education that strengthens their culture and identity • maintain connections to their land and country • maintain their strong kinship ties and social obligations • be taught their cultural heritage by their Elders • receive information in a culturally sensitive, relevant and accessible manner • be involved in services that are culturally respectful
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.
Employee	<p>An employee/staff member is defined under the Act as:</p> <p><i>a natural person who is employed by the Chief Executive Officer (other than an independent contractor under a contract for services or a volunteer) to enable—</i></p> <p>(a) <i>the functions of the Council under this Act or any other Act to be carried out;</i></p> <p>(b) <i>the Chief Executive Officer to carry out his or her functions;</i></p> <p><i>Note: The Chief Executive Officer is also a member of Council staff.</i></p>

The Victoria Child Safe Standards

All Victorian organisations that provide services or facilities to children are required by law to comply with the Child Safe Standards. This means that all councillors, employees, volunteers and contractors involved in the provision of services or facilities to children must comply with the Child Safe Standards.

Child Safe Standards -11 Victorian Child Safe Standards: (Commission for Youth and Young People)

- **Child Safe Standard 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.
- **Child Safe Standard 2** – Child safety and wellbeing is embedded in organisational leadership, governance and culture.
- **Child Safe Standard 3** – Children and young people are empowered about their rights, participate in decisions affecting them and are taken seriously.
- **Child Safe Standard 4** – Families and communities are informed and involved in promoting child safety and wellbeing.
- **Child Safe Standard 5** – Equity is upheld and diverse needs respected in policy and practice.
- **Child Safe Standard 6** – People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice.
- **Child Safe Standard 7** – Processes for complaints and concerns are child focused.
- **Child Safe Standard 8** – Staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training.
- **Child Safe Standard 9** – Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed.
- **Child Safe Standard 10** – Implementation of the Child Safe Standards is regularly reviewed and improved.
- **Child Safe Standard 11** – Policies and procedures document how the organisation is safe for children and young people

Child Safety Officer

Council appoints the holder of the position of Manager Community Health and Wellbeing to the position of Child Safety Officer. Their contact details are clearly displayed in posters in all Council buildings, Council's website and Council's internal intranet.

This position is available for staff to refer to for guidance on the implementation of the standards and reportable conduct scheme as well as parents and children.

Commitment to Child Safety

Council has a zero tolerance of child abuse and all allegations and safety concerns will be treated seriously and consistently with policies, procedures and the law.

A Child Safety Statement of Commitment is exhibited at all Council offices. It has been developed using inclusive language, photographs and artwork that demonstrate Council's commitment to diversity and child safety.

Council has legal and moral obligations to contact authorities when there is concern regarding a child's safety.

Council is committed to preventing child abuse and identifying risks early and removing and reducing these risks.

Council is committed to the cultural safety of Aboriginal children, the cultural safety of children from a culturally and/or linguistically diverse background, providing a safe environment for children with a disability, and the safety of all vulnerable children.

Council has a code of conduct in place that establishes clear expectations for appropriate behaviour with children.

Recruitment, Screening, Supervision and Training Practices that Reduce the Risk of Child Abuse

- ▶ Council will take all reasonable steps to employ skilled people to work with children.
- ▶ Council develops selection criteria and advertisements that clearly demonstrate commitment to child safety and an awareness of social and legislative responsibilities.
- ▶ Council understands that when recruiting employees and volunteers there are ethical as well as legislative obligations.
- ▶ All employees engaged in child-related work, or who are occasionally required to interact with children during the course of doing their job, are required to hold a Victorian Working with Children Check and must provide evidence of this check. The People and Culture Advisor will determine which staff require a Victorian Working with Children Check using the Victorian online assessment tool for organisations.
- ▶ All Council volunteers engaged in child-related work, or who are occasionally required to interact with children during the course of their volunteer duties, are required to hold a current Victorian Working with Children's Check.
- ▶ All consultants and contractors undertaking child related work are required under the Working with Children Act to hold a Victorian Working with Children's Check. Compliance with the Act is the responsibility of the contracted organisation.

Mansfield Shire Council | Child Safe Policy

- ▶ As part of employee recruitment council carry out reference checks and police record checks as background checks to mitigate the risk of harm to children in the provision of its services.
- ▶ Council will support and provide ongoing supervision to new and existing employees and volunteers to ensure they understand the organisation's commitment to child safety, as well as checking that their behaviour towards children is safe and appropriate.
- ▶ Council will regularly train employees and volunteers to identify, assess, and minimise risks of child abuse and to detect potential signs of child abuse.
- ▶ Council will promote an organisational culture whereby employees, volunteers and contractors (in addition to parents/carers and children) feel confident and well equipped in discussing any allegations of child abuse or child safety concerns.

Privacy, Technology and Social Media

Council has safeguards and practices in place to ensure any personal information is protected. Persons whose information is collected will be informed about the information collected, what will be done with it, and who will have access to it in accordance with the Privacy and Data Protection Policy.

All personal information considered or recorded will respect the privacy of the individuals involved, whether they be councillors, employees, volunteers or contractors, unless there is a known threat to safety and disclosure of the information is permitted or required by law.

All employees, volunteers, contractors, parents or children must protect the privacy of information about children and their families in accordance with Council's Privacy and Data Protection Policy.

All employees and volunteers must ensure that technology and social media are used appropriately in connection with children, including by:

- ▶ obtaining informed consent from parents, guardians, and carers;
- ▶ ensuring that any use of technology and social media is not detrimental to the child or harmful to the child's safety; and
- ▶ act in accordance with all relevant processes, guidelines and operating rules.

Any employee or volunteer who photographs or films children, or uses images of children must:

- ▶ obtain informed consent from a parent or guardian of the child and, where appropriate, directly from the child;
- ▶ ensure that the content and purpose of the photographs, film and video material are appropriate, and
- ▶ present children in a dignified and respectful manner

Allegations, Concerns and Complaints

Council takes all allegations seriously and has practices in place to investigate thoroughly and quickly.

Employees and volunteers are trained to deal appropriately with allegations.

Council works to ensure all children, families, employees and volunteers know what to do and who to tell if they observe abuse or are a victim, and if they notice inappropriate behaviour.

Processes for Responding to and Reporting Suspected Child Abuse

Reasonable Belief: Council has a responsibility to report an allegation of abuse if it forms a reasonable belief that an incident took place. Reasonable belief **does not** require evidence. Factors contributing to reasonable belief may be:

- ▶ 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; or
- ▶ Observing suspicious behaviour.

If an adult forms reasonable belief that an incident of abuse has occurred, then they must report the incident and respond according to the Victoria Reportable Conduct Scheme and Council's Reportable Conduct Procedures.

Reportable Conduct: There are five types of 'reportable conduct' listed in the *Child Wellbeing and Safety Act 2005*:

- ▶ 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)
- ▶ behaviour that causes significant emotional or psychological harm
- ▶ significant neglect

Reporting Process: When becoming aware of reportable conduct, Council employees must immediately report the allegation to **Department of Health and Human Services** North Eastern rural and regional 1800 650 227.

Mansfield Shire Council | Child Safe Policy

In accordance with the reportable conduct guidelines, the CEO is responsible for notifying the Commission for Children and Young People (1300 782 978) of the allegation within three business days and must provide an update to the commission of progress within 30 calendar days.

The CEO, with support of relevant staff, must investigate the reportable allegation and provide the findings of the allegation to the commission.

If the incident may be a criminal offence, the CEO must also report the allegation to the police (000).

Individuals employed by contracted organisations are not considered council employees under the Reportable Conduct Scheme.

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 18 have an obligation to report that information to the police.

People of authority in our organisation will commit an offence if they know of a substantial risk of child sexual abuse and have the power or responsibility to reduce or remove the risk, but negligently fail to do so.

It is an offence to fail to notify and update the commission about reportable allegations.

Fair Procedures for Employees

The safety and wellbeing of children is council's primary concern. Council are also fair and just to employees.

The decisions made when recruiting, assessing incidents and undertaking disciplinary action will always be thorough, transparent, and based on evidence.

Council will record all allegations of abuse and safety concerns. All records are securely stored.

If an allegation of abuse or a safety concern is reported or investigated, council will notify and update children and families on progress and any actions as permitted by the Privacy and Data Protection Policy.

Cultural Safety, Participation and Empowerment of Children

Council is committed to empowering children by involving children in decision making, especially about matters that directly affect them.

Council will uphold the rights of children and young people so that they feel heard on matters relevant to their safety and so that they feel safe and protected.

Council promotes diversity and tolerance in the organisation and promotes inclusive behaviour.

Council is committed to promoting safety, participation and empowerment of vulnerable children, Aboriginal children, children from culturally and/or linguistically diverse background and children with a disability.

Key Contacts

Department of Health and Human Services during business hours:

North Eastern rural and regional 1800 650 227

After hours and to report concerns about the immediate safety of a child:

Child Protection Crisis Line (24hrs) 13 12 78

Victoria Police – Sexual Offences and Child Abuse Investigation Team (SOCIT)

Eastern Victoria (03) 5820 5878

Mansfield Shire Council’s Child Safety Officer

(03) 5775 8568

References/Related Policies and Procedures

Mansfield Shire Council Reportable Conduct Procedures

Mansfield Shire Council Councillor Code of Conduct and Councillor Charter

Mansfield Shire Council Employee Code of Conduct

Mansfield Shire Council Recruitment and Selection Policy.

Mansfield Shire Council Privacy and Data Collection Policy

Mansfield Shire Council Equal Opportunity and Human Rights Policy

Mansfield Shire Council Gender Equality Policy

Mansfield Shire Council Volunteer Policy

Legislation

The Local Government Act 2020 (Vic)

Privacy Act 2000 (Vic)

Equal Opportunity Act 2010 (Vic)

Charter of Human Rights and Responsibilities Act 2006 (Vic)

Human Rights and Equal Opportunity Commission Act 1986 (Cth)

The Child Wellbeing Act 2005 (Vic)

Child Wellbeing and Safety Amendment Act 2015 (Vic)

The Children, Youth and Families Act 2005 (Vic)

Implementation

This Policy is effective from February 2022.

Review Date

Every three years, and following every reportable incident, a review shall be conducted to assess whether the organisation’s child safe policy requires modification to better protect the children under the organisation’s care.

This Policy is to be reviewed by February 2025.

Authorisation to Implement Policy

Signed: 
Councillor

Witnessed: 
Chief Executive Officer

Approval dated: 15/03/2022

Mansfield Shire Council reserves the right to review, vary or revoke this Policy at any time.