

Date Adopted	September 2017
Date Reviewed-current as at	June 2019
To be Reviewed	June 2021

Fully compliant with Victorian  
Charter of Human Rights and  
Responsibilities Act 2006



---

**POLICY TITLE**                      **CHILD SAFE POLICY**

**POLICYNUMBER**                      **CPOL/STAFF143**

### **1. PURPOSE**

The Victorian child safe standards are part of a mandatory regulatory scheme that supports organisations to be safer for children by requiring organisations to implement policies and procedures to prevent, respond to and report allegations of child abuse.

### **2. SCOPE**

This policy applies to all Swan Hill Rural City Council (Council) Councillors, staff, volunteers, contractors, work experience students, and industry placement students.

### **3. POLICY**

This policy demonstrates Council's commitment to child safety. Council aims to provide children with an environment that is safe and welcoming and encourages participation. The objectives of this policy include:

- To reflect Council's commitment to provide a safe environment where every person has the right to be treated with respect and is safe and protected from harm.
- To provide Councillors, staff, volunteers and contractors with guidance on their responsibilities for identifying possible occasions for child abuse and for establishing controls and procedures for preventing such abuse and/or detecting such abuse when it occurs.
- To ensure decisions and actions are consistent with the Victorian Child Safe Standards.

Council is committed to promoting and protecting the interests and safety of children. We have zero tolerance for child abuse.

All children who come to Swan Hill Rural City Council facilities have a right to feel and be safe. Council is committed to the safety and well-being of all children participating in our programs and visiting our libraries. We aim to create a safe and friendly environment where children feel safe and valued and where the views of children are encouraged and respected. Council is committed to promoting and protecting, at all times, the best interests of children involved in its programs.

All children, regardless of their gender, race, religious beliefs, age, disability, sexual orientation, family or social background, have equal rights to protection from abuse.

Council supports and respects all children, staff and volunteers. Council values and celebrates diversity within the community and workforce and does not tolerate any discrimination practices. Council is committed to the cultural safety of Aboriginal children, and those from culturally and linguistically diverse backgrounds, and to providing a safe environment for children living with a disability.

Date Adopted	September 2017
Date Reviewed-current as at	June 2019
To be Reviewed	June 2021

Fully compliant with Victorian  
Charter of Human Rights and  
Responsibilities Act 2006



A child safe organisation is one that understands if we accept behaviour that is concerning to us without speaking up, we are condoning it. The essence of the Child Safe Standards is a widely understood commitment to saying something, if you see something. While it takes many components to build a child safe organisation, the standards primary focus is fostering a common attitude shift from “that behaviour is worrying but it isn’t my concern” to “it is my concern”.

#### 4. THE STANDARDS

The child safe standards apply to organisations providing services or facilities or employing children or young people in Victoria.

The standards support child safety by changing the way in which organisations and their staff, volunteers and members work so that protecting children is always considered, taken seriously and acted on.

Victoria has seven child safe standards that focus on governance and leadership, documenting, identifying and managing risk; and promoting the participation of, and empowering, children.

- Standard 1: Strategies to embed an organisational culture of child safety, including through effective leadership arrangements.
- Standard 2: A child safe policy or statement of commitment to child safety.
- Standard 3: A code of conduct that establishes clear expectations for appropriate behaviour with children.
- Standard 4: Screening, supervision, training and other human resources practices that reduce the risk of child abuse by new and existing personnel.
- Standard 5: Processes for responding to and reporting suspected child abuse.
- Standard 6: Strategies to identify and reduce or remove risks of child abuse.
- Standard 7: Strategies to promote the participation and empowerment of children.

The child safe standards also include three principles that recognise that while all children are vulnerable some groups of children face additional risks – Aboriginal children; children from culturally and/or linguistically diverse backgrounds; and children with disabilities. In complying with the Victorian child safe standards, organisations must apply the principles in addressing the seven standards. The principles are:

- Principle 1 - promoting the cultural safety of Aboriginal children
- Principle 2 - promoting the cultural safety of children from culturally and /or linguistically diverse backgrounds
- Principle 3 – promoting the safety of children with a disability

**If any person believes a child is in immediate risk of abuse, telephone 000.**

## 5. WHAT IS CHILD ABUSE

This policy acknowledges that there is a continuum of abuse of children. All such events, regardless of whether they are seen as 'harm' or 'abuse' are damaging. Expressing concern regarding behaviour where there is a risk of physical or emotional harm to a child will help in preventing more serious abuse.

**Physical:** Physical violence occurs when a child suffers or is likely to suffer significant harm from a non-accidental injury or injuries inflicted by another person. Physical violence can be inflicted in many ways including beating, shaking, burning or use of weapons (such as belts and paddles).

**Sexual:** Sexual offences occur when a person involves a child in sexual activity, or deliberately puts the child in the presence of sexual behaviours that are exploitative or inappropriate to his/her age and development. Child sexual abuse can involve a range of sexual activities including fondling, masturbation, penetration, voyeurism and exhibitionism. It can also include exposure to or exploitation through pornography or prostitution, as well as grooming behaviour.

**Emotional or Psychological:** Serious emotional or psychological abuse occurs when harm is inflicted on a child through repeated rejection, isolation, or by threats of violence. It can include derogatory name-calling and put-downs, or persistent and deliberate coldness from a person, to the extent where the behaviour of the child is disturbed or their emotional development is at serious risk of being impaired. Serious emotional or psychological abuse could also result from conduct that exploits a child without necessarily being criminal, such as encouraging a child to engage in inappropriate or risky behaviours.

**Neglect:** Serious neglect is the continued failure to provide a child with the basic necessities of life, such as food, clothing, shelter, hygiene, medical attention or adequate supervision, to the extent that the child's health, safety and/or development is, or is likely to be, jeopardised. Serious neglect can also occur if an adult fails to adequately ensure the safety of a child where the child is exposed to extremely dangerous or life threatening situations.

**Grooming** Grooming is an offence which targets communication by an adult, including online communication, with a child or their parents with the intent of committing child sexual abuse.

## 6. DEFINITIONS

**Aboriginal or Torres Strait Islander Child** A person under the age of 18 who identifies as Aboriginal and/or Torres Strait Islander

**Child** A person who is under the age of 18

**Child abuse** For the purposes of the Child Safe Standards, abuse constitutes any act

committed against a child involving:

- Physical violence
- Sexual offences
- Serious emotional or psychological abuse
- Serious neglect.
- Grooming

Further explanation of these types of abuse is provided in the section 'What is child abuse?'

**Child safety** In the context of the Child Safe Standards, child safety means measures to protect a child from abuse

**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.

**Cultural safety for Aboriginal Children** 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.

**Cultural safety for 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.

**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.

**Reasonable belief** If an adult has a reasonable belief that an incident has occurred then they must report the incident. A 'reasonable belief' or a 'belief on reasonable grounds' is not the same as having proof but is more than mere rumour or speculation. Factors contributing to reasonable belief may be:

- A child states they or someone they know has been abused (noting the 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
- Observing suspicious behaviour

**Failure to** Requires any adult who holds a reasonable belief that a sexual offence

Date Adopted September 2017

Date Reviewed-current as at June 2019

To be Reviewed June 2021

Fully compliant with Victorian  
Charter of Human Rights and  
Responsibilities Act 2006



**Disclose** has been committed in Victoria by an adult against a child (aged under 16) must disclose that information to police or Child Protection. Applies to everyone in the community, not just mandated professionals. Maximum penalty 3 years imprisonment.

**Failure to Protect** Applies to people who hold a position of authority within organisations who know of a risk of child sexual abuse by someone in the organisation and have the authority to reduce or remove the risk, but negligently fail to do so. Maximum penalty 5 years imprisonment.

**Grooming** Individuals who communicate, including online communication, with a child under the age of 16 or their parents, with the intent of committing child sexual abuse. Maximum penalty 10 years imprisonment.

**Mandatory Reporting** Positions such as Nurses, Police, Teachers and Early Childhood Educators carry explicit requirements concerning mandatory reporting. Swan Hill Rural City Council standards and this policy will apply unless more onerous occupational standards exist.

## 7. KEY ROLES AND RESPONSIBILITIES

Every person employed with or acting on behalf of Council has a responsibility to understand their important and specific role, individually and collectively, to ensure that the wellbeing and safety of all children is at the forefront of all they do and every decision they make. Key roles and responsibilities have been outlined for the purpose of clarity and understanding as follows:

Key Role	Key Responsibilities
All Employees	<ul style="list-style-type: none"><li>• Complete the compulsory Child Safe induction training on commencement of employment with Council.</li><li>• Conduct work according to the requirements of the Child Safe Policy, procedures and Code of Conduct.</li><li>• Report all concerns regarding child safety or harm to the Child Safety Officer.</li><li>• Be aware of and participate in, if required, the review of Service Unit Risk Analysis, which identifies, assesses and controls your workplace risk.</li><li>• Where a child is in immediate danger call 000.</li></ul>
Child Safety Officer	<ul style="list-style-type: none"><li>• Act as the first point of contact for child safety concerns or allegations of abuse within council and provide support to other personnel.</li><li>• Oversee the implementation of Child Safe policies and procedures.</li><li>• Take the lead in creating an organizational culture of protecting children from abuse.</li><li>• Ensuring an appropriate response to child abuse allegations and risks.</li></ul>

	<ul style="list-style-type: none"> <li>Engage the assistance of expert advice as required when the nature of the child safety issue is beyond experience, knowledge or qualifications.</li> <li>Confirm relevant authorities have been notified. ie Department Health and Human Services (DHHS) child protection, Department of Education and Training (Quality Assessment and Regulation Division) , Police for imminent risk and the Commission for Children and Young People of reports of allegations of child abuse and misconduct towards children.</li> </ul>
Organisational Development Manager	<ul style="list-style-type: none"> <li>Act as a point of contact for child safety concerns or allegations of abuse within council and provide support to other personnel.</li> <li>Oversee the implementation of Child Safe policies and procedures.</li> <li>Engage the assistance of expert advice as required when the nature of the child safety issue is beyond experience, knowledge or qualifications</li> <li>Oversee any investigations arising from Reportable Conduct</li> </ul>
Directors and Managers	<ul style="list-style-type: none"> <li>Receive reports of child safety concerns or allegations of abuse within Council.</li> <li>Take the lead in creating an organizational culture of protecting children from abuse.</li> <li>Ensuring an appropriate response to child abuse allegations and risks.</li> <li>Offer support to the child, the parents, the person who reports and the accused staff member or volunteer.</li> <li>Initiate internal processes to ensure the safety of the child, clarify the nature of the complaint and commence disciplinary process (if required).</li> <li>Decide, in accordance with legal requirements and duty of care, whether the matter should/must be reported to the police or Child Protection and make report as soon as possible if required.</li> </ul>
Human Resources	<ul style="list-style-type: none"> <li>Provide information (including Code of Conduct) relating to the Child Safe Standards and Child Safe Policy via training / Induction material and make available to managers, team leaders and coordinators for dissemination.</li> <li>Manage Council's disciplinary procedures as they apply to the Child Safe Standards and Child Safe Policy.</li> <li>Apply relevant recruitment and pre-employment screening processes to select appropriate staff to work with children.</li> <li>Support staff to build resilience and cope with child abuse incidences, for example through resilience training, Employee Assistance Program (EAP) counseling service.</li> <li>Reflect a culture of child safety in Learning and Development activities.</li> <li></li> </ul>

Date Adopted September 2017

Date Reviewed-current as at June 2019

To be Reviewed June 2021

Fully compliant with Victorian  
Charter of Human Rights and  
Responsibilities Act 2006



CEO	<p>The Reportable Conduct Scheme imposes new obligations on heads of organisations that are within the scheme. This includes requirements to:</p> <ul style="list-style-type: none"><li>• have in place systems to prevent child abuse and, if child abuse is alleged, to ensure allegations can be brought to the attention of appropriate persons for investigation and response</li><li>• ensure that the Commission is notified and given updates on the organisation's response to an allegation.</li></ul> <p>The Reportable Conduct Scheme does not replace the need to report allegations of child abuse to Victoria Police. When an allegation is made the head of entity:</p> <ul style="list-style-type: none"><li>• <b>must notify the Commission within 3 business days of becoming aware of a reportable allegation.</b></li><li>• must investigate an allegation – <i>subject to police clearance on criminal matters.</i></li><li>• must advise the Commission who is undertaking the investigation.</li><li>• must manage the risks to children.</li><li>• Within <b>30 calendar days</b>, provide the Commission detailed information about the reportable allegation and any action you have taken.</li><li>• must notify the Commission of the investigation findings and any disciplinary action the head of entity has taken (or the reasons no action was taken).</li></ul>
-----	--

Note further information on the Reportable Conduct Scheme can be found at [www.cyp.vic.gov.au](http://www.cyp.vic.gov.au)

## 8. RECORDS

In 2015, the Victorian Government removed all limitation periods that apply to civil actions for damages founded on child abuse by amending the *Limitations of Actions Act 1958*. This means that Victorian public sector offices cannot destroy any records which are likely to be needed for civil action legal proceedings, for at least the life of the child and possibly longer. Affected records will be managed and retained in accordance with Public Record Office Victoria (PROV) standards and with Council's *Records Management Policy POL/CORP214*.

## 9. RELATED POLICIES/DOCUMENTS

Reporting Concern about Children or Young People POL/HUMAN604

Police Checks PRO/STAFF141

Working with Children Check PRO/STAFF142

Staff Code of Conduct POL 017

Privacy Policy POL/PRO211

Equal Opportunity Employment POL/STAFF105

Protected Disclosures POL/GOV018

Date Adopted September 2017  
Date Reviewed-current as at June 2019  
To be Reviewed June 2021

Fully compliant with Victorian  
Charter of Human Rights and  
Responsibilities Act 2006



---

Serious Misconduct Negligence and Fraud POL/STAFF123, 124  
Occupational Health and Safety – CPOL/OHS901  
Disciplinary Policy – POL/STAFF104  
Termination of Employment – POL/STAFF130  
Records Management Policy POL/CORP214

## 10. RELATED LEGISLATION

Education and Care Services National Law 2010  
Education and Care Services National Regulations 2011  
Commonwealth Family Assistance Law:  
Equal Opportunity Act 2010  
Occupational Health and Safety Act 2004  
Charter of Human Rights and Responsibilities Act 2006  
Child Wellbeing and Safety Act 2005  
Children, Youth and Families Act 2005  
Commission for Children and Young People Act 2012  
Crimes Act 1958  
Privacy and Data Protection Act 2014  
Public Records Act 1973  
Working with Children Act 2005  
*Limitations of Actions Act 1958*

Signed: Ann Young

Mayor

Date: 2/07/2019