

Child Safe Policy

Record Number: A3331405

Issue: 0.2

Date Adopted: 3 April 2017 and revised 4 March 2019



1. POLICY STATEMENT OF COMMITMENT

Frankston City Council is committed to the health, safety and wellbeing of all children and to protecting them from child abuse.

Council does not tolerate child abuse and all allegations and safety concerns will be treated very seriously, reported and investigated.

Council will at all times listen to children respectfully and advocate for their right to feel safe, valued and protected.

Council will work in partnership with local organisations and services to protect children in our community from child abuse regardless of their age, gender, race, ability or their family's religious beliefs, sexual orientation, or social background.

Council is committed to the ongoing training and education of Councillors, employees, contractors and volunteers on child safety.

2. REASON FOR POLICY

In 2012, the Victorian Government initiated an inquiry into the handling of child abuse by religious and other non-government organisations. The Betrayal of Trust report was tabled on 13 November 2013; the report found that there were inadequate and inconsistent approaches to child safety in organisations across Victoria. The report provided 15 recommendations, including the introduction of child safe standards in Victoria to ensure child safe environments in organisations that work with children.

The Victorian Government committed to implementing all recommendations of the Betrayal of Trust Inquiry.

This Policy reflects Council's commitment to creating and sustaining a child safe organisation that is consistent with the Child Safe Standards:

Standard 1: Strategies to embed an organisational culture of child safety, including effective leadership arrangements

Standards 2: A child safe policy or statements of commitment to child safety

Standards 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 employees

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

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3. SCOPE

This Policy applies to Councillors, the Chief Executive Officer, the Executive Management Team, all employees, and volunteers irrespective of their involvement in child related work or duties. This Policy also applies to contractors and labour hire workers working with Council through an agency or on a contract basis, volunteers and work experience/work placement students.

4. AUTHORISATION

This Policy is managed by the **Family Health Support Services** Department, and is approved by Council's Chief Executive Officer (CEO) in accordance with Frankston City Council resolution at its Ordinary Council meeting of 3 April 2017. This policy was revised by Frankston City Council 4 March 2019.

5. REVISION DATE

This Policy will be reviewed and presented to Council no later than April 2021. If there is any change to the relevant legislation the Policy will be reviewed at that time and may be reviewed earlier as deemed necessary by Council. Thereafter, the Policy will be reviewed once within each subsequent Council term.

6. PRINCIPLES

- 6.1. Embedding an organisational culture of child safety.
- 6.2. Preventing instances of child abuse occurring within Council.
- 6.3. Clearly articulating individuals' responsibilities for identifying possible instances of suspected child abuse being perpetrated and establishing controls and procedures for preventing abuse occurring within our control.
- 6.4. Providing guidance to councillors, employees, contractors and volunteers regarding the actions they should take where they suspect any child abuse may be occurring within or outside the organisation.
- 6.5. Providing a clear statement to councillors, employees, volunteers and contractors showing that council has zero tolerance for child abuse.
- 6.6. Providing assurance that any and all suspected abuse will be reported and internally investigated.

7. ROLES AND RESPONSIBILITIES

All Councillors, employees, contractors or volunteers on forming a reasonable belief that that a child is in need of protection (due to their safety, health, or wellbeing being at risk) are

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encouraged to report such information through the Child Safe Policy Reporting Process (*appendix 2*).

7.1. Council

Councillors are responsible for providing leadership for the good governance of Council by acting as a responsible partner in fostering and developing an organisational culture that has zero tolerance for child abuse. Councillors will advocate in the best interests of children to create and sustain a community in which children are safe and protected from abuse.

7.2. Chief Executive Officer

The Chief Executive officer is ultimately responsible for driving the required cultural change of zero tolerance for child abuse, so that protecting children from risks of child abuse is embedded in every day thinking and practice across the organisation.

The Chief Executive Officer is responsible for ensuring that Council has effective controls in place to prevent child abuse occurring. This will be achieved through the implementation of robust procedures that aim to prevent the employment of perpetrators of child abuse, ensure early detection of any instances of child abuse and ensure any allegations of child abuse are reported and fully investigated.

The Chief Executive Officer (or delegate) must ensure that:

- the Manager Human Resources is notified of any allegation against an employee
- the Commission for Children and Young People (responsible for managing the Reportable Conduct Scheme) are notified within 3 business days of becoming aware of a reportable allegation against an employee
- allegations are investigated (subject to police clearance on criminal matters or those involving family violence)
- advise the Commission who will be undertaking the investigation within the organisation as soon as practicable
- any risks to children are managed to ensure their safety and wellbeing whilst an investigation takes place (e.g. preventing the subject of the allegation from having direct contact with children, or in very serious cases suspending them or taking other similar action to remove them from the workplace)
- within 30 calendar days the Commission is provided with detailed information about the reportable allegation and any action taken
- the Commission is notified of the investigation findings and any disciplinary action taken (or the reasons no action was taken).

7.3. The Executive Management Team

The Executive Management Team is responsible for supporting the Chief Executive Officer to drive a culture of zero tolerance for child abuse. This will be achieved by ensuring:

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- the organisation has in place and implements robust child safety procedures that protect children from child abuse
- suspected or alleged instances of child abuse are reported and fully investigated
- support is provided to employees, contractors and volunteers in undertaking their child protection responsibilities.

7.4. Child Safety Officers

Child Safety Officers will:

- act as the first point of contact for and receive child safety concerns or allegation of abuse within Council
- initiate internal processes to ensure the safety of the child
- clarify the nature of the complaint and decide whether the matter should be reported to the Police or Child Protection and make a report as soon as possible
- notify the Chief Executive Officer of a reportable allegation within 24 hours or the next working day.

Council's Child Safety officers are:

- Manager Community Safety – Leonie Reints 9784 1925 / 0407 043 726
- Coordinator Risk Management - Chris Innes – 9784 1775 / 0407 811 801
- Manager Family Health Support Services – Joanne Ferrie – 9784 1723 / 0484 221 151

7.5. Managers

All Managers must ensure that they:

- receive reports of child safety concerns or allegations of abuse within Council and inform the Child Safety Officers
- support internal processes to ensure the safety of the child
- support the disciplinary process managed by Human Resources as required
- identify any potential for child abuse to be perpetrated, and assess the related risks of child abuse within their Department
- eradicate/minimise any risk to the extent possible
- ensure employees are educated about the prevention and detection of child abuse and attend any relevant training when it is provided, and
- offer support to the child, the parents, the person who reports and the accused staff member, contractor or volunteer.

7.6. Manager Human Resources

The Manager Human Resources must ensure:

- support and guidance is provided to the Child Safety Officers, CEO and other Managers to ensure fair, timely and appropriate responses to allegations received
- they manage Council's disciplinary procedure including a thorough investigation as it applies to the child safe standards and Reportable Conduct

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- they support the CEO with the submission of reports and information to the Commission for Children and Young People (Reportable Conduct Scheme) within the prescribed timeframes.
- the principles of the child safe standards are embedded in Council procedures including recruitment and pre-employment screening processes
- employees and volunteers have access to and are aware of the Child Safe Policy and Child Safe Procedure
- the organisation strictly adheres to procedures as they apply to Child Safe Standards and takes appropriate action when a non-compliance arises
- they support employees who have been impacted by a child abuse incident and make appropriate referrals to the Employee Assistance Program, and
- they incorporate child safety in Council's Induction and Learning and Development program.

7.7. Employees

All employees must familiarise themselves with the relevant laws, the Staff Code of Conduct, and Council's Policy and procedures in relation to child safety, and comply with all requirements, including:

- participation in employee induction training
- reporting any suspicion or reasonable belief that a child's safety may be at risk to their supervisor or the designated Child Safety Officers
- providing an environment that is supportive of all children's emotional and physical safety.

7.8. Volunteers

Volunteers share the responsibility for the prevention and detection of child abuse, and must report any suspected cases to their direct supervisor or the relevant external reporting channels.

7.9. Labour hire – agency employees and contractors

Labour hire agency employees and contractors also share the responsibility for the prevention and detection of child abuse and any suspected case or allegation of child abuse. Council will embed a process that provides a contractual obligation to ensure that the same standards that apply to Council, will apply to labour hire agency employees and contractors.

7.10. Licensee / Lessor

Council acknowledges that sporting associations and not-for-profit entities are themselves also required to comply with Child Safe Standards. Council, as their licensee or lessor, will note this requirement in the Occupancy Licence Agreement between Council and individual groups with the aim to raise awareness of the legislation and compliance requirements.

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8. POLICY NON-COMPLIANCE

The Child Safe Standards are governed by the *Child Wellbeing and Safety Act 2005* (the *Child Wellbeing and Safety Amendment (Child Safe Standards) Bill 2015* amended the *Child Safety and Wellbeing Act 2005*) and the *Children, Youth and Families Act 2005*. Any non-compliance with the Child Safe Standards may lead to a penalty or imprisonment as prescribed within these Acts.

The establishment of these Child Safe Standards outlines the process to disclose and report suspected or alleged cases of Child Abuse. Disclosure is required in circumstances in which a reasonable belief exists that a sexual offence has been committed against a child. Furthermore, individuals are also required to protect a child when they knew of a risk of child sexual abuse by someone and had the authority to reduce or remove the risk but negligently failed to do so.

Failure to report or protect a child from abuse is now a criminal offence.

9. RELATED DOCUMENTS

- 9.1. Frankston City Council Child Safe Procedure 2017
- 9.2. Frankston City Council Councillors' Code of Conduct 2016 (currently being revised)
- 9.3. Volunteer Code of Conduct 2016 (currently being developed)
- 9.4. Frankston City Council Risk Management Policy 2014
- 9.5. Frankston City Council Staff Code of Conduct 2012 (currently being revised)
- 9.6. Human Resources procedures pertaining to recruitment, induction, performance management and general conditions of employment
- 9.7. Frankston City Council Privacy Policy 2008
- 9.8. Mahogany Rise Child and Family Centre Child Protection Policy 2016
- 9.9. *Privacy and Data Protection Act 2014*
- 9.10. *Public Records Act 1973*
- 9.11. Frankston City Council Child and Family Plan 2014-2018

10. IMPLEMENTATION OF THE POLICY

This Policy (in conjunction with other Related Documents) will be incorporated into key decision making processes and operating procedures of Council.

11. DEFINITIONS

The Act: Child Safety and Wellbeing Act 2005

Child: A person who is under the age of 18 years.

Child safety: In the context of the child safe standards, child safety means measures to protect children from abuse.

Aboriginal child: A person under the age of 18 who:

- is of Aboriginal or Torres Strait islander descent
- identifies as Aboriginal or Torres Strait islander, and

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- is accepted as Aboriginal or Torres Strait islander by an Aboriginal or Torres Strait Islander community.

Cultural safety: An environment that is safe for people, where there is no assault, challenge or denial of their identity, of who they are and what they need. Cultural safety is about shared respect, shared meaning, shared knowledge and experience, of learning, living and working together with dignity and truly listening (*Williams, R 208*).

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.

Child abuse: Section 3 of the *Child Wellbeing and Safety Amendment (Child Safe Standards) Act 2015*, states “child abuse includes—

- (a) any act committed against a child involving—
 - (i) a sexual offence; or
 - (ii) an offence under section 49B(2) of the *Crimes Act 1958*; and
- (b) the infliction, on a child, of—
 - (i) physical violence; or
 - (ii) serious emotional or psychological harm; and
- (c) the serious neglect of a child”

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. Some disabilities can be obvious while others are hidden.

Child Protection Authority: The Victorian Child Protection Service is specifically targeted to those children and young people at risk of harm or where families are unable or unwilling to protect them. The main functions of child protection are to:

- investigate matters where it is alleged that a child is at risk of harm
- refer children and families to services that assist in providing the ongoing safety and wellbeing of children
- take matters before the Children's Court if the child's safety cannot be assured within the family
- supervise children on legal orders granted by the Children's Court, and
- provide and fund accommodation services, specialist support services, and adoption and permanent care to children and adolescents in need.

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Councillors: Councillors are individuals holding the office of a member of Frankston City Council.

Commission for Children and Young People: Responsible for administering the Victorian Reportable Conduct Scheme including;

- supporting and guiding organisations that receive allegations in order to promote fair, effective, timely and appropriate responses
- Independently overseeing, monitoring and, where appropriate, making recommendations to improve the responses of those organisations.

Frankston City Council: Frankston City Council, a body corporate constituted as a municipal Council under the *Local Government Act 1989*.

Reasonable Belief: A person may form a **belief** on **reasonable** grounds that a child is in need of protection after becoming aware that a child or young person's health, safety or wellbeing is at risk and the child's parents are unwilling or unable to protect the child.

Reportable Conduct Scheme: The Reportable Conduct Scheme requires certain organisations that provide services or conducts activities related to children to notify the Commission for Children and Young People (the Commission) about allegations of child abuse and child related misconduct made against their employees, volunteers or contractors. It also requires organisations to undertake an investigation into any allegations and allows the Commission to oversee these investigations.

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APPENDIX 1 – TYPES OF CHILD ABUSE

Child abuse is any action (or non-action) that hurts a child or puts a child in danger.

Physical	Occurs when a child suffers significant harm from a non-accidental injury. The injury may be inflicted intentionally or may be the inadvertent consequence of physical punishment or physically aggressive treatment of a child. Some examples of physical abuse include hitting, punching, burning or shaking a child.
Sexual	Occurs when a person uses power, force or authority to involve a child or young person or adult in any form of unwanted or illegal sexual activity. This can involve touching or no contact at all. This may take the form of taking sexual explicit photographs or videos of children, forcing children to watch or take part in sexual acts and forcing or coercing children to have sex or engage in sexual acts with other children or adults.
Emotional	Affects a child's self-esteem and their psychological and emotional well-being. Emotional abuse can include being repeatedly isolated, rejected, continual coldness, excluding and distancing a child, or putting down and calling a child demeaning names.
Neglect	The failure to provide for the child or young person's basic needs for life, such as food, clothing, shelter, medical attention, supervision or care to the extent that the child's health and development is, or is likely to be, placed at risk. Some examples of neglect include frequent hunger, malnutrition, poor hygiene, inappropriate clothing.
Family Violence	Violence between members of a family or extended family or those fulfilling the role of family in a child or young person's life. Exposure to family violence places children and young people at increased risk of physical injury or harm and has a significant impact on their well-being and development.
Grooming	The offence of grooming concerns predatory conduct undertaken to prepare a child for sexual activity at a later time. The offence applies where an adult communicates by word or conduct with a child under the age of 16 years or with a person who has care, supervision or authority for the child with the intention of facilitating a child's involvement in sexual conduct, either with the groomer or another adult.

Related Terms:

Cumulative Harm: - refers to the effects of multiple adverse or harmful circumstances and events in a child's life. The unremitting daily impact of these experiences on the child can be profound and exponential, and diminish a child's sense of safety, stability and wellbeing. Cumulative harm may be caused by an accumulation of a single recurring adverse circumstance or event or by multiple circumstances or events.

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Multi-dimensional abuse: - Multi-dimensional abuse occurs where several abuse types are experienced at the same time i.e. sexual abuse that also involves physical and emotional abuse.

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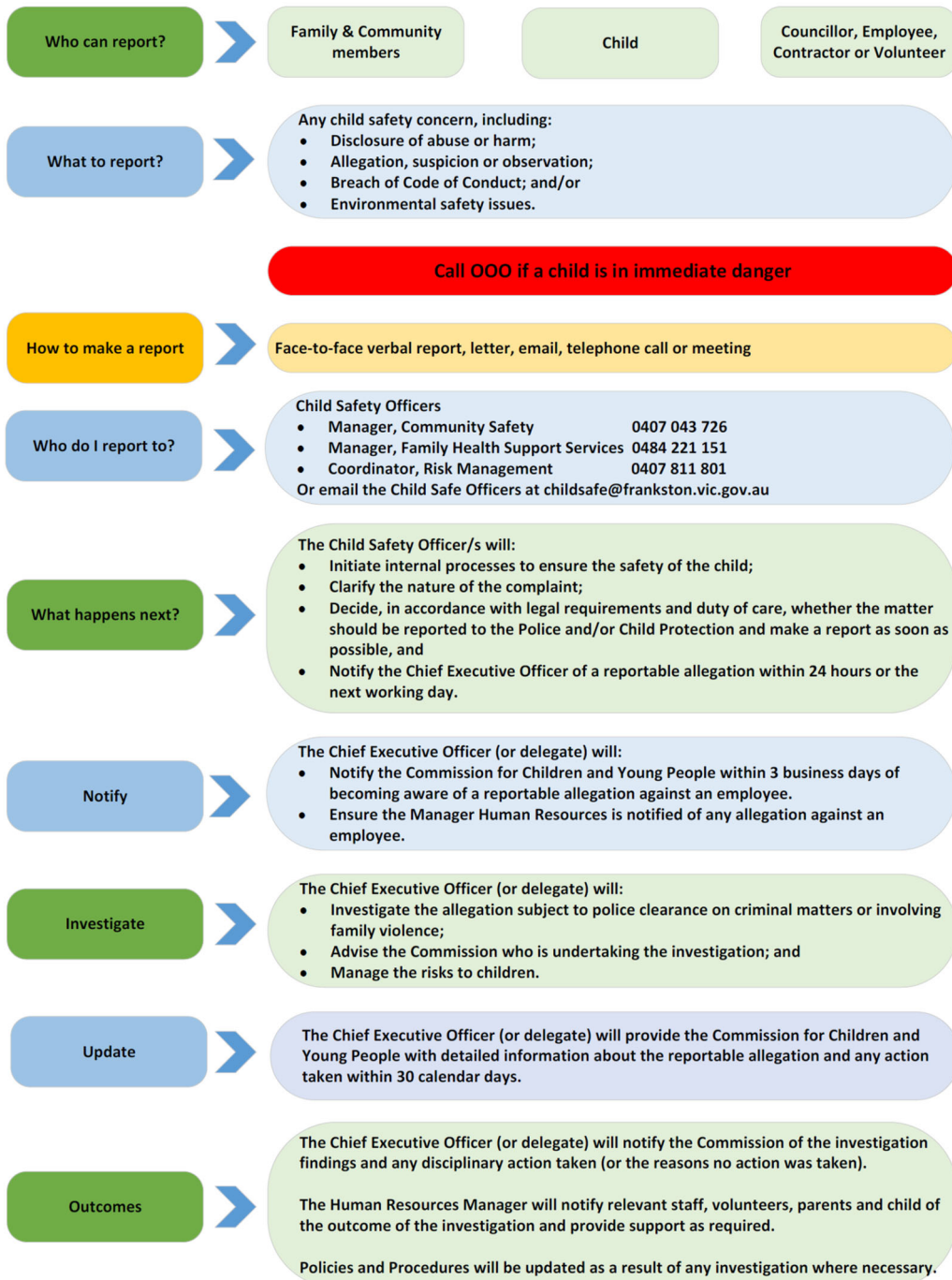
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APPENDIX 2: CHILD SAFETY REPORTING PROCESS

CHILD SAFETY REPORTING PROCESS

A REPORT CAN BE MADE ABOUT THE CONDUCT OF A COUNCILLOR, COUNCIL EMPLOYEE, CONTRACTOR OR VOLUNTEER OVER THE AGE OF 18 YEARS



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APPENDIX 3 – REPORTABLE CONDUCT

WHAT TYPE OF CONDUCT IS REPORTABLE?

There are five types of 'reportable conduct':

- sexual offences committed against, with or in the presence of a child;
- sexual misconduct committed against, with or in the presence of a child;
- physical violence against, with or in the presence of a child;
- any behaviour that causes significant emotional or psychological harm to a child, and
- significant neglect of a child.