

	<h2>Child Safe Procedure</h2>
<b>Linked policy document:</b>	This procedure details actions and processes pursuant to the Child Safe Policy.
<b>Version No.</b>	Version 1.1 – 11 April 2019
<b>Endorsement</b>	Executive – 27 September 2018
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<b>Responsible officer</b>	General Manager Community Services
<b>Procedure owner</b>	Chief Executive Officer

## 1. Purpose

The purpose of this procedure is to set out Melton City Council's commitment to child safety, including the ways in which child safety will be provided, and child safety concerns will be addressed. Everyone is responsible for child safety, and this procedure seeks to detail the responsibilities of processes that apply to Councillors, staff, volunteers and labour-hire contractors.

Melton City Council is committed to child safety, in that it:

- has zero tolerance for child abuse;
- actively works to listen to and empower children;
- has systems to protect children from abuse, and will take all allegations and concerns very seriously and responds to them consistently in line with the organisation's policies and procedures;
- is committed to promoting cultural safety for Aboriginal children, cultural safety for children from culturally and/or linguistically diverse backgrounds, and to providing a safe environment for children with a disability.

As such, Council is committed to meeting the child safe standards, which are designed to ensure organisations provide a safe place for children (see Section 4).

## 2. Scope

Melton City Council is committed to upholding the Child Safe Standards at all times, to ensure children's safety and welfare. The policy explains Council's commitment, and the procedure provides details of how the Child Safe Standards will be applied at Council.

All of Council; that is, Councillors, staff, volunteers and labour hire contractors are bound by both the policy and this procedure. Furthermore, Council will take reasonable steps to ensure third party providers are committed to child safety.

Individual Departments, business units, and/or staff within Council may have additional mandatory and/or operational requirements to ensure a child safe organisation. These are outside of the scope of this procedure however the relationship to them is explained.

### 3. Definitions

<b>Child Safety Culture</b>	Melton City Council takes deliberate steps to directly and indirectly create a culture in which everyone – Councillors, staff, volunteers, and labour hire contractors – feels confident, enabled and supported to provide a safe place for children and to effectively and safely disclose and address child safety concerns.
<b>Child / Young Person</b>	A person under eighteen (18) years of age
<b>Child Abuse</b>	<p>Is defined in the Act as follows:</p> <p><i>child abuse includes—</i></p> <p>(a) <i>any act committed against a child involving—</i></p> <p style="padding-left: 20px;">(i) <i>a sexual offence; or</i></p> <p style="padding-left: 20px;">(ii) <i>an offence under section 49M(1) of the Crimes Act 1958; and</i></p> <p>(b) <i>the infliction, on a child, of—</i></p> <p style="padding-left: 20px;">(i) <i>physical violence; or</i></p> <p style="padding-left: 20px;">(ii) <i>serious emotional or psychological harm; and</i></p> <p>(c) <i>the serious neglect of a child.</i></p> <p>Please see other definitions of sexual abuse, emotional or psychological abuse, grooming offence, neglect, and physical abuse.</p>
<b>Child Related Work</b>	Specific definition as per the <i>Working With Children Act 2005</i> 'Work' is child-related if contact with children is part of the duties (not incidental to the duties) and is within one or more of the occupational fields defined in the Act.
<b>Child Safe Organisation</b>	An organisation that takes deliberate steps to protect children from physical, sexual, emotional and psychological abuse, and neglect.
<b>Child Safe Standards Code of Conduct</b>	Council's Child Safe Code of Conduct outlines the standards of behaviour expected when engaging with children.
<b>Child Safe Standards</b>	<p>A set of seven compulsory standards introduced by the Victorian government under the <i>Child Wellbeing and Safety Act 2005</i> to protect children from harm. The standards are compulsory for all organisations providing services to children.</p> <p>The standards are:</p> <ol style="list-style-type: none"> <li>1. Embed a culture of child safety</li> <li>2. Adopt a child safe policy</li> <li>3. Adopt a code of conduct for appropriate behaviour with children</li> <li>4. Screen, supervise and train staff</li> <li>5. Process for responding to and reporting abuse</li> <li>6. Identify child abuse risks and ways to reduce these risks</li> <li>7. Empower Children to share feedback and experiences</li> </ol>

<p><b>Commission for Children and Young People (Commission)</b></p>	<p>The Commission for Children and Young People (CCYP) is an independent statutory body that promotes improvement in policies and practices affecting the safety and wellbeing of Victorian children and young people. The CCYP focuses on vulnerable children and young people.</p> <p>The CCYP has various functions and powers in relation to the oversight and enforcement of the Child Safe Standards.</p> <p>The CCYP is also administering and overseeing the reportable conduct scheme.</p>
<p><b>Cultural Safety for Aboriginal children and culturally and / or linguistically diverse backgrounds</b></p>	<p>The positive recognition and celebration of cultures is more than just the absence of racism or discrimination, and more than cultural awareness and cultural sensitivity.</p> <p>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.</p>
<p><b>Emotional and Psychological Abuse</b></p>	<p>Occurs when a child does not receive the appropriate love, affection or attention they need for healthy, emotional, psychological and social development. Such abuse may involve repeated threats to a child, constant criticism, teasing, ignoring, threatening, yelling, scapegoating, ridicule and rejections or continual coldness. These behaviours continue to an extent that it results in significant damage to the child's physical, intellectual or emotional wellbeing and development.</p>
<p><b>Failure to disclose offence</b></p>	<p>Any adult who forms a reasonable belief that sexual offence has been committed by an adult against a child under 16 years of age has an obligation to report that information to police. Failure to disclose the information to police is a criminal offence.</p>
<p><b>Failure to protect offence</b></p>	<p>This offence applies to people within organisations who knew of a risk of child sexual abuse by someone in the organisation and had the authority to reduce or remove the risk, but did not act to protect the child.</p>
<p><b>Grooming offence</b></p>	<p>A term used to describe what happens when a perpetrator of abuse builds a relationship and rapport with a child with a view to abusing them at some stage in the future.</p> <p>Grooming can also be used to describe the process that a perpetrator goes through when building rapport and a relationship with guardians of children, or people with the responsibility for the care of children and young people.</p> <p>Grooming can occur over any length of time, in a variety of settings where a relationship can be formed, such as leisure facilities, childcare, music, religious and sporting activities, Internet chat rooms and social media or by SMS.</p> <p>The grooming offence applies where a person over 18 years of age communicates, by words or conduct, online or face-to-face, with a child under the age of 16 years or with a person who has care supervision or authority for a child, with the intention of later sexual activity with a child.</p>

<b>Incident</b>	Any disclosure or harm to a child or young person; allegation, suspicion or observation of abuse or harm to a child or young person; or a breach of the Child Safe Code of Conduct.
<b>Labour Hire Contractor</b>	A person employed through an external agency to work at Council to provide specific labour services, typically for a finite period of time. Labour Hire Contractors are bound by the policy in the same way as staff.
<b>Neglect</b>	Is the persistent failure or deliberate denial to provide with the basic necessities of life such neglect includes failure to provide adequate food, clothing, shelter, supervision, water, medical attention or supervision for the appropriate physical or psychological development.
<b>Physical Abuse</b>	Occurs when a person subjects another to non-accidental acts of physical aggression. The abuse may inflict injury intentionally or inadvertently as a result of physical punishment or aggressive treatment. Physically abusive behaviour includes (but not limited to) shoving, hitting, slapping, shaking, throwing, punching, biting, burning and kicking. It also includes the provision of harmful substances such as drugs, alcohol or poison.
<b>Sexual Abuse</b>	A child is sexually abused when any person uses their authority over the child to involve the child in sexual activity. Child sexual abuse involves a wide range of sexual activity including fondling genitals, masturbation, vaginal or anal penetration by a finger, penis or any other object, voyeurism and exhibitionism.

## 4. Child Safe Standards

The seven Child Safe Standards (CSS) are implemented by Council as follows.

### 4.1 Child Safe Standard 1: Embed A Culture Of Child Safety

Everyone shares the responsibility of the prevention and detection of child abuse. All Councillors, staff, volunteers and labour hire contractors must:

- Familiarise themselves with the Child Safe Policy, the Child Safe Code of Conduct, and this Procedure and comply with all requirements;
- Report any reasonable belief that a child's safety is at risk to the relevant authorities (such as the police and/or the state-based child protection service) and fulfil their obligations as mandatory reporters;
- Report any suspicion that a child's safety may be at risk to Child Safe Officer;
- Provide an environment that is supportive of all children's emotional and physical safety;
- Participate in mandatory child safety training as required.

#### **4.2 Child Safe Standard 2: Adopt A Child Safe Policy**

This Procedure is underpinned by the Child Safe Policy. All Councillors, staff, volunteers and labour hire contractors must review and acknowledge their understanding of the Child Safe Policy and this Procedure.

#### **4.3 Child Safe Standard 3: Adopt A Code Of Conduct For Appropriate Behaviour With Children**

The Child Safe Code of Conduct is attached to Child Safe Policy. All staff, Councillors, volunteers and labour hire contractors must review and acknowledge their understanding of the Child Safe Code of Conduct.

#### **4.4 Child Safe Standard 4: Screen, Supervise And Train Staff**

Melton City Council maintains a comprehensive recruitment and screening process for all staff, Councillors, volunteers and labour hire contractors that aims to:

- promote and protect the safety of all children under the care of the organisation;
- identify the safest and most suitable people who share Melton City Council's values and commitment to protect children; and
- prevent a person from working at Melton City Council if they pose a risk to children.

Melton City Council requires all Councillors, staff, volunteers and labour hire contractors to meet the organisation's recruitment and screening requirements prior to commencing with Melton City Council.

Melton City Council requires Police Checks and in specific cases, a Working with Children Check in accordance with Council policy, before applicants are offered a role at Melton City Council.

Melton City Council undertakes reference checks when recruiting staff, as per the recruitment procedure.

#### **4.5 Child Safe Standard 5: Process For Responding To And Reporting Abuse**

Council has reporting processes that must be strictly adhered to. These are set out later in this procedure.

#### **4.6 Child Safe Standard 6: Identify Child Abuse Risks and Ways To Reduce These Risks**

Staff will be trained to identify child abuse risks and ways to reduce those risks. The Manager Families and Children is responsible for the policy content. The Manager People and Culture is responsible for staff training.

#### **4.7 Child Safe Standard 7: Empower Children to share feedback and experiences**

Empowerment is about helping children and youth to have their say. Participation and empowerment are vital components of a child safe organisation that benefits children, youth, families, organisations and staff. Council's programs promote the participation of children by:

- Supporting children and young people to understand their rights and raise concerns.
- Valuing and respecting children's opinions.
- Seeking children's views about what makes them feel safe and unsafe.
- Establishing an environment of trust and inclusion that enables children to ask questions and speak up if they are worried or feeling unsafe.

- Ensuring participation is designed to be: ethical; age appropriate and child-friendly; culturally respectful; inclusive of a diverse range of children and demonstrating respect for children of all ages, abilities, social and cultural backgrounds; positive and fun; voluntary and with informed consent.
- Being clear, honest and realistic about the boundaries of a discussion and what can change.
- Ensuring adults involved are skilful in facilitating the participation of children.
- Being clear if the discussion will be confidential or if the outcomes will be made public.
- Monitoring the impact a consultation may have on the children involved.
- Ensuring procedures in place provide support to any child who may be distressed as a result of their involvement or disclosure of concerns.

## 5. Duty of care and legal responsibilities

All Councillors, staff, volunteers and labour hire contractors have a responsibility to report concerns about child abuse. Concerns about the safety and wellbeing of children can range from an uncomfortable feeling through to a direct observation of abuse. Anyone who has concerns about a child's safety or has concerns about child abuse should speak to a Child Safe Officer immediately.

Examples of child safety concerns include:

- inappropriate or special relationships developing between staff or volunteers and children;
- inadequate staff–child supervision ratios;
- breaches of the Code of Conduct, particularly if they are persistent;
- feelings of discomfort about interactions between a staff member or volunteer and a child;
- suspicions or beliefs that children are at risk of harm;
- observations of concerning changes in behaviour;
- concerns about a physical environment that may pose a risk to children (this includes health and hygiene issues)
- children's disclosures of abuse or harm, which must be reported to the police, DHHS and the Commission.

It should be noted that these are only examples and many other situations of abuse are not listed here. Any Councillor, staff, volunteer or labour hire contractor with a concern about child safety should discuss their concerns with a Child Safe Officer immediately.

### 5.1 General Reporting

- **If a child is in imminent or immediate danger, or may have experienced criminal abuse, call 000 immediately.**
- All Councillors, staff, volunteers and labour hire contractors have a responsibility to report concerns about child abuse to the relevant authorities.
- If a Councillor, staff, volunteer or labour hire contractor has a reasonable belief that child abuse has occurred or will occur, this should be immediately reported to Child Protection by calling their crisis line.

Contact Numbers:

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

Contact the appropriate local office:

North-West Metropolitan (03) 8690 4056

Western Victoria (03) 5448 1420

*Department of Health and Human Services*

During business hours – contact the appropriate local government area:

Northern and western suburbs 1300 664 977

Western rural and regional 1800 000 551

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

Child Protection Crisis Line (24 hours) 13 12 78.

- If a staff member has general questions or concerns or is unsure about child abuse, they should discuss this immediately with a Child Safe Officer who will guide them through the reporting process and provide appropriate support. A list of Child Safe Officers is contained in **Appendix 1**.

## **5.2 Sexual Abuse and Failure to Disclose**

- **Failure to disclose the information to police is a criminal offence.**
- Any adult who forms a reasonable belief that a sexual offence has been committed by an adult against a child under 16 years of age has an obligation to report that information to police, unless they have a reasonable excuse not to or an exemption applies.
- A reasonable belief is formed if a reasonable person in the same position would have formed the belief on the same grounds.

## **5.3 Mandatory Reporting**

- Some professionals have additional obligations to report to Child Protection if they form a belief on reasonable grounds that a child has suffered, or is likely to suffer, significant harm as a result of physical injury or sexual abuse and the child's parents have not protected, or are unlikely to protect, the child from harm of that type. This is called mandatory reporting.
- Mandatory Reporting requirements for Council staff are established in existing policies that have specific application to relevant nominated staff, for example, Maternal Child Health Nurses.
- Staff who have mandatory reporting obligations are already aware of and trained in how to respond to these allegations. In addition, staff with mandatory obligations may also be required to report the matter through the reportable conduct scheme.
- If a staff member is subject to mandatory reporting, they should also check with a Child Safe Officer as to whether the matter should also be reported to the Commission. The Child Safe Officer will guide them through the reporting process and provide appropriate support.

## **5.4 The Reportable Conduct Scheme**

Council is required to respond to and report allegations of child abuse and child-related misconduct by Council staff, volunteers and labour-hire contractors, through a process known as the Reportable Conduct Scheme. It requires the CEO or their delegate to report to the Commission for Children and Young People any allegation that a member of staff, volunteer or labour hire contractor has committed child abuse or child-related misconduct. Where an allegation is made, the organisation will carry out an investigation into the allegations and report its findings together with actions taken (if any) in response to the Commission.

#### 5.4.1 Report of allegation

- Anyone who has formed a reasonable belief that child abuse has been committed by a staff member, labour hire contractor or volunteer **must immediately notify a Child Safe Officer** or Deputy Child Safe Officer, as well as Child Protection or Police as appropriate. Child Safe Officers are listed in **Appendix 1**.
- The Child Safe Officer will guide the reporter through the process. If the Supervisor is not the suspected person, the reporter may also confidentially discuss this with their supervisor. However, a discussion with the supervisor does not mitigate their responsibility to notify a Child Safe Officer/Deputy or to report the matter to Child Protection or Police.
- In situations where the supervisor is suspected of involvement in the activity, or if reporter has concerns that the matter is not being appropriately addressed or dealt with by their supervisor, must immediately raise this with the Child Safe Officer.
- If notified, the Supervisor must also immediately report concerns of suspected abusive behaviour or misconduct to the Child Safe Officer and to ensure that if appropriate, child protection services or the police have been notified.

#### 5.4.2 Initial Investigation

- The Child Safe Officer will work with the person making the report to ascertain whether it is reportable conduct.
- It should be noted that whilst a matter may not be reportable conduct, it may still carry reporting obligations. In addition, the matter may need to be reported to other agencies as well as the Commission for Children and Young People, such as Child Protection or the Police. The Child Safe Officer will guide the reporting person through the appropriate reporting processes and agencies. Due to this complexity it is essential that any concerns are raised immediately with a Child Safe Officer.

#### 5.4.3 Making a report of Reportable Conduct

In cases where there is no immediate danger, an allegation of child abuse involving a staff member, volunteer or labour hire contractor must be reported to the Commission for Children and Young People (CCYP) **within 3 working days**, therefore the staff member must immediately notify a Child Safe Officer.

The Police and Child Protection may also need to be notified, and support will need to be offered to the child and family. The Child Safe Officer is responsible for overseeing all of these processes.

- The reportable conduct scheme requires allegations of suspected criminal conduct to be reported to Victoria Police as the first priority and maintains the primacy of an investigation by Victoria Police of any allegations of criminal misconduct. In all circumstances, allegations of criminal conduct must be reported to Victoria Police as the first priority.

The Child Safe Officer will oversee the making of all reports to authorities, and will complete and submit the CCYP 3 day report template to the CCYP.

The Child Safe Officer will guide the reporting staff member through the process and ensure the Reportable Conduct and all Child Safe requirements are met.

#### **5.4.4 Investigation**

If the CCYP, child protection service and/or the police decide to investigate, all staff, Councillors, volunteers and labour hire contractors must co-operate fully with the investigation.

Whether or not the authorities decide to investigate, the Child Safe Officer, as the CEO's delegate, will consult with the parties and the authorities and determine whether Council will also undertake its own investigation. It should be noted that if the police are investigating a criminal matter, Council must obtain police permission to undertake the investigation.

Should Council conduct its own investigation, Councillors, staff, volunteers and labour hire contractors must co-operate fully with the investigation. The person being investigated may be stood down from duties during the investigation.

The investigation will be confidential; however, from time to time other members of staff may be consulted in conjunction with the investigation.

#### **5.4.5 Response and Report back to Commission for Children and Young People (CCYP)**

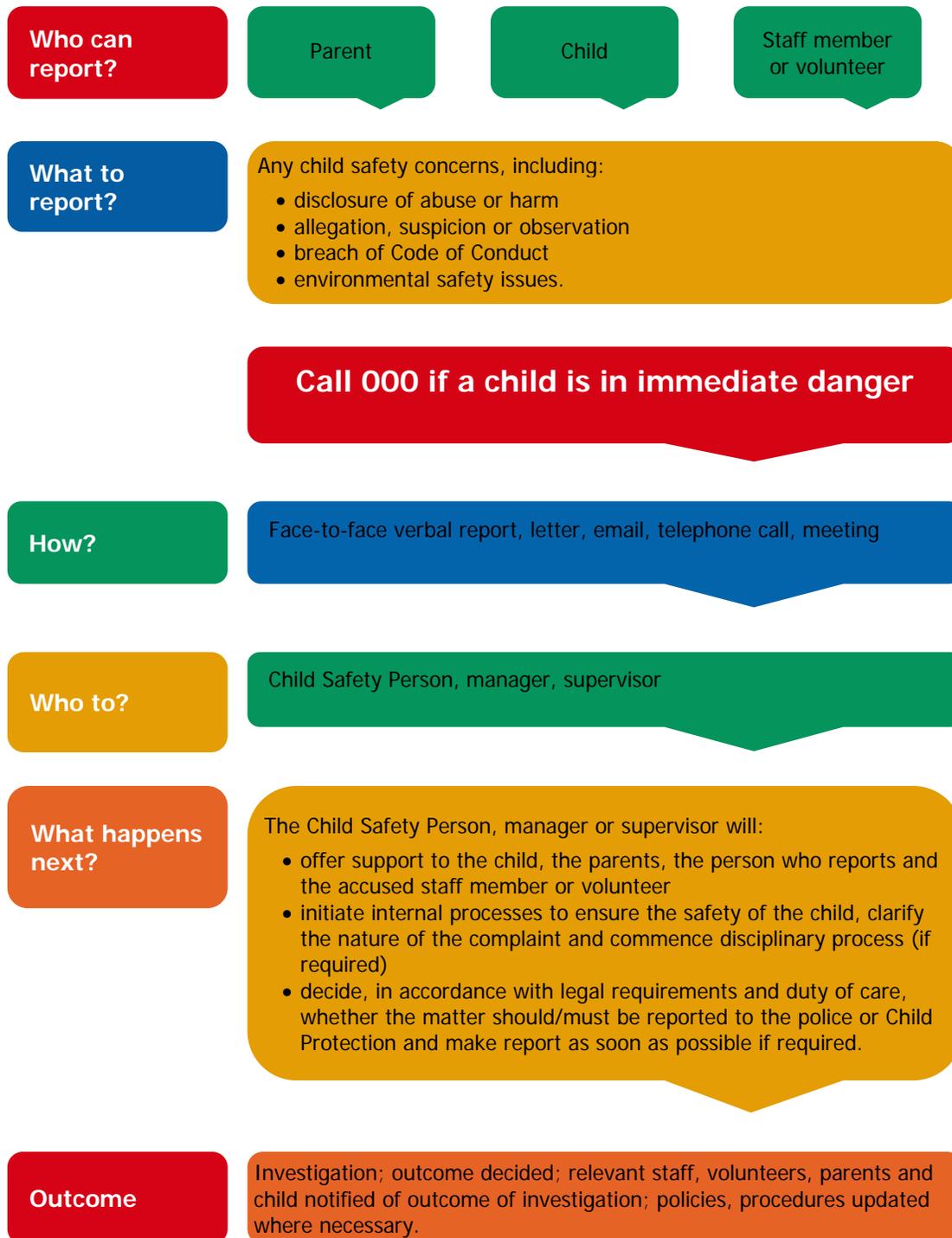
If the investigation concludes that on the balance of probabilities an offence or a breach of the organisation's policies or Child Safe Code of Conduct has occurred then disciplinary action may follow, up to and including dismissal or cessation of involvement with the organisation. The findings of the investigation will also be reported to any external body as required.

Council is required to provide a report back to the CCYP at 30 days after the initial report, and then again upon finalisation of the matter, should this occur later than the 30 day report. The Child Safe Officer is responsible for completing and submitting these reports, using the CCYP 30 day template for reporting.

## 6. Reporting Processes

The first process flowchart (6.1) maps out the reporting of general concerns about child safety. The second process flowchart (6.2) maps out the process for Reportable Conduct.

### 6.1 Child Safety Reporting Process



## 6.2 Reportable Conduct Reporting Process

Allegations of child abuse against a staff member, or volunteer must be reported to the Commission for Children and Young People **WITHIN 3 DAYS**.

If you are aware of an allegation of child abuse against a staff member, volunteer or labour hire contractor, **you must raise this with a Child Safe Officer immediately.**

### 1. Report of allegation

- Reported by staff member, volunteer, parent, child, labour hire contractor, member of public.
- Must be reported to Child Safe Officer or Deputy immediately.

### 2. Initial Evaluation

- Child Safe Officer determines whether allegation is Reportable Conduct. This may be in consultation with relevant parties such as the Commission or People and Culture Manager.

### 3. Report of allegation to Commission for Children and Young People within 3 days

- If allegation is Reportable Conduct, Child Safe Officer reports to Commission for Children and Young People within 3 business days, using report form Commission's report form. Allegation is also be reported to other authorities such as Police or Child Protection, as appropriate.

### 4. Investigation of allegation

- People and Culture Manager instigates investigation process and coordinates Council's response to the findings.
- Relevant parties are notified of findings and Council response by either the Child Safe Officer or the People and Culture Manager or both.

### 5. Report back to Commission for Children and Young People

- Child Safe Officer updates Commission for Children and Young People 30 days after initial complaint, and provides further update at conclusion of investigation if this occurs after the 30 days update.

## 7. References and links to legislation and other documents

Name	Location
Charter of Human Rights and Responsibilities Act 2006	Available via <a href="http://www.legislation.vic.gov.au">www.legislation.vic.gov.au</a>
Child Safe Conduct of Conduct	Melton City Council
Child Wellbeing and Safety Act 2005	Available via <a href="http://www.legislation.vic.gov.au">www.legislation.vic.gov.au</a>
Children, Youth and Families Act 2005	Available via <a href="http://www.legislation.vic.gov.au">www.legislation.vic.gov.au</a>
Commission for Children and Young People Act 2012	Available via <a href="http://www.legislation.vic.gov.au">www.legislation.vic.gov.au</a>
Councillor Code of Conduct	Melton City Council
Disability Act 2006	Available via <a href="http://www.legislation.vic.gov.au">www.legislation.vic.gov.au</a>
Employee Code of Conduct	Melton City Council
Family Violence Protection Act 2008	Available via <a href="http://www.legislation.vic.gov.au">www.legislation.vic.gov.au</a>
Local Government Act 1989	Available via <a href="http://www.legislation.vic.gov.au">www.legislation.vic.gov.au</a>
Protected Disclosure Act 2012	Available via <a href="http://www.legislation.vic.gov.au">www.legislation.vic.gov.au</a>
Sex Offenders Register Act 2004	Available via <a href="http://www.legislation.vic.gov.au">www.legislation.vic.gov.au</a>
Working With Children Act 2005	Available via <a href="http://www.legislation.vic.gov.au">www.legislation.vic.gov.au</a>

## 8. Attachments

Appendix 1 (List of Child Safety Officers and Child Safety Deputies)

## **Appendix 1– Child Safe Officers and Deputies**

### **Child Safe Officers**

- Manager Families and Children Services
- Manager Community Planning
- Manager Youth and Recreation Services
- Coordinator Early Years Program

### **Deputy Child Safe Officers**

- Coordinator Maternal and Child Health
- Coordinator Early Years Partnerships
- Coordinator Family Services
- Team Leader Housing Services
- Coordinator Community Home Support
- Coordinator Neighbourhood Participation
- Coordinator Recreation
- Coordinator Leisure Centres
- Coordinator Library Activation and Engagement
- Coordinator Young Communities
- Early Years Team Leader