

<b>Child Safe Policy</b>	
<b>Date adopted</b>	7 February 2024
<b>Adopted by</b>	ELT
<b>Review due</b>	February 2028
<b>Responsible officer</b>	Manager People and Safety
<b>Records reference</b>	9192620

### 1. Purpose

Melton City Council (Council) is committed to being a child safe organisation. This includes the ways in which Council will provide and respond to child safety concerns and as well as outlining the codes of standards of behaviours for those in scope of this Policy.

Everyone is responsible for child safety, and this Policy provides information and guidance on the responsibilities that apply to those covered by the scope of this Policy,

### 2. Application and Scope

This Policy applies to all Councillors, Council staff, agency staff, volunteers, paid committee members, and labour hire contractors.

Individual business units, and/or staff within Council may have additional requirements (such as those linked to funding) to ensure a child safe organisation. Those requirements are outside the scope of this Policy.

Council will take reasonable steps to ensure third party providers are committed to child safety.

### 3. General Provisions

Council is dedicated to the safety of children by ensuring:

- Compliance with the Victorian Child Safe Standards and the National Principles for Child Safe Organisations
- Compliance with the Victorian Reportable Conduct Scheme

#### 3.1. Statement of Commitment to Child Safety

Council is committed to being a child safe organisation which provides a safe place which is free from harm and abuse for all children and young people.

Council is committed to child safety, in that it:

- has zero tolerance to child abuse.
- creates a culture of child safety and recognising that protecting children and promoting their safety and wellbeing is a Council wide responsibility.
- actively implements strategies which recognise children and young people have the right to safety, participation, and empowerment.
- has systems to protect children from abuse and will take all allegations and concerns of child safety seriously. Council will respond to these concerns consistently and in line with the organisation's policies and procedures and relevant legislations.
- aims to prevent child abuse and identifies risks early and removes and reduces these risks.
- maintains recruitment practices to appoint individuals who do not pose a risk to children's safety.
- trains and educates staff and volunteers about child safety and child abuse so that employees are aware of their obligations.
- treats allegations of child safety concerns seriously and responds appropriately.
- contacts authorities when there are reasonable concerns about a child's safety.
- ensures the cultural safety of all children, including Aboriginal children, children from a culturally or linguistically diverse backgrounds, LGBTIQ+ children and young people, children who are unable to live at home, as well as children with disability.
- puts in place and adheres to specific processes to deliver on these commitments.

Council has obligations to contact authorities when concerns for a safety and wellbeing have been identified.

### 3.2. The Child Safe Standards

The Child Safe Standards (Standards) were introduced in response to the 2013 Betrayal of Trust Inquiry via amendments to the *Child Safety and Wellbeing Act 2005 (Vic)*. In 2022, the Standards were expanded from seven (7) to eleven (11):

**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

**Standard 2** – Child safety and wellbeing is embedded in organisational leadership, governance and culture

**Standard 3** – Children and young people are empowered about their rights, participate in decisions affecting them and are taken seriously

**Standard 4** – Families and communities are informed, and involved in promoting child safety and wellbeing

**Standard 5** – Equity is upheld, and diverse needs respected in policy and practice

**Standard 6** – People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice

**Standard 7** – Processes for complaints and concerns are child focused

**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

**Standard 9** – Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed

**Standard 10** – Implementation of the Child Safe Standards is regularly reviewed and improved

**Standard 11** – Policies and procedures document how the organisation is safe for children and young people

### 3.3. National Principles for Child Safe Organisations

The National Principles for Child Safe Organisations set out a nationally consistent approach to promoting a culture of child safety and wellbeing within organisations. They are in addition to the Victorian Child Safe Standards. They are:

- Underpinned by children’s rights and are strengths-based in their approach.
- Designed to allow for flexibility in implementation across all sectors engaging with children and young people, and in organisations of various sizes.
- Aligned with existing child safe approaches at the state and territory level.

### 3.4. Legislative requirements

#### 3.4.1. Failure to Disclose and Failure to Protect

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 Victoria 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.

The failure to protect offence applies to those 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 that child.

### 3.4.2. 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.

If a staff member is subject to mandatory reporting, they must confirm with the Child Safe team as to whether the matter should also be reported Commission for Children and Young People (CCYP). If this is the case, for the purposes of dealing with the matter under the Scheme, the matter will be taken over by the Child Safe team.

### 3.4.3. Reportable Conduct Scheme

Council is required to respond to and report allegations of child abuse and child-related misconduct by those covered by the scope of this Policy through a process known as the Reportable Conduct Scheme (the Scheme).

Reportable conduct is defined as:

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

The Chief Executive Officer (CEO) or their delegate must report to CCYP allegations of what is assessed as reportable conduct within three days of being made aware of the allegation. Allegations will be reported in relation to those covered by the scope of this Policy.

Reportable conduct allegations will be investigated in accordance with the Staff Code of Conduct, Disciplinary Policy and associated procedures.

## 3.5. Reporting

Any matters of criminal nature should immediately be reported to Victoria Police.

All allegations of child abuse should also be referred to the Child Safe team via [childsafemelton@melton.vic.gov.au](mailto:childsafemelton@melton.vic.gov.au). Allegations or incidents can be reported by anyone including the child, a carer or family member, teacher or community member.

The Child Safe team will make an assessment to confirm if the allegation meets the definition to be reported to CCYP as alleged reportable conduct.

Allegations can only be referred to CCYP that relate to individuals covered by the scope of this Policy and must be based on a reasonable belief that the conduct may have occurred

Members of the community (including children, young people or adults) can make first contact with the Customer Service team, requesting to speak with a member of the Child Safe Team or by emailing [childsafemelton@melton.vic.gov.au](mailto:childsafemelton@melton.vic.gov.au)

The Manager People and Safety (or their delegate) is responsible for submitting reports to CCYP, and for providing notification to regulators at the conclusion of a reportable conduct investigation, or earlier if directed by CCYP.

### **3.6. Diversity, Inclusion and Cultural Safety**

Council is committed to creating accessible, equitable, inclusive, and culturally safe facilities and services for children. We recognise and appreciate the differences between people and how they identify themselves. This includes a commitment that all children and young people feel valued, respected, and have equitable access to opportunities and resources, as well as the ability to contribute to their community.

An inclusive approach recognises that children and young people have diverse needs, characteristics, and life experiences. No one child's experience is the same, and therefore stereotypes are to be avoided.

Council recognises the increased vulnerabilities of particular groups of children and/or young people. We pay particular attention to the cultural safety of Aboriginal children and children from culturally and/or linguistically diverse backgrounds as well as the safety of children with disability, children who identify as lesbian, gay, bisexual, trans and/or intersex, and children who are unable to live at home.

### **3.7. Employees, Labour Hire Contractors and Volunteers**

Council has clear and well-established behavioral expectations of all those who work or interact with children and/or young people. This includes cohorts of children and young people mentioned earlier in this policy as being particularly vulnerable.

The CEO as the head of relevant entity, as prescribed by the Child Wellbeing and Safety Act 2005, is responsible for appointing, directing, and managing employees, contractors and volunteers.

### **3.8. Employee and Volunteer Code of Conduct**

Everyone covered by the scope of this Policy is responsible for ensuring the safety, participation, wellbeing and empowerment of children and young people whilst undertaking their roles and must abide by relevant Code of Conduct clauses.

### **3.9. People and Safety**

Our screening and recruitment practices play a vital role in protecting children from harm, and we will ensure child safety is prioritised when recruiting employees in child related roles, including through:

- a statement of commitment to child safety in our recruitment materials

- requirement for candidates to disclose child safety convictions and/or substantiated reportable conduct allegations when applying for a role with Council
- clearly identifying which roles require a Working with Children Check
- mandatory police checks for all new employees
- providing notification to regulators such as the Victorian Institute of Teaching (VIT) or the Australian Health Practitioner Regulation Agency at the conclusion of a reportable conduct investigation, or earlier if directed by the Commission for Children and Young People.

Council complies with all relevant regulatory and legal requirements when recruiting staff.

### **3.10. Support and Training**

Council is responsible for ensuring that appropriate behaviour with children and young people is clearly defined and expectations are accessible and understood.

Council will appropriately inform and provide training for those who have obligations under this Policy and ensure that specialist guidance and resources are available.

All employees and agency staff are assigned compulsory online Child Safe Standards training to complete as part of their induction to Council and every two years thereafter.

Ongoing supervision and support are also provided via line management to increase capacity to establish and maintain a culture of child safety.

Council ensures all staff, agency staff, volunteers, paid committee members, and labour hire contractors are aware of the established Child Safe Reporting Process to ensure the implementation of child safe practices.

### **3.11. Working with Children Checks**

Council complies with its obligations under the Working with Children Act 2005 and Working with Children Regulations 2016 by ensuring that people who work with, or care for children and young people are subject to a screening process.

The Working with Children Check (WWCC) is a mandatory minimum requirement for any person engaged in child- related work which involves direct contact with children. These requirements may apply to work performed on both a paid and volunteer basis.

Council requires all position descriptions that fall within the occupation fields outlined in Appendix 1 undertake and maintain a WWCC. All new employees of Council, who require a WWCC as part of their employment, must pay for their own WWCC and provide Council with a copy. The cost for renewing WWCC for existing employees will be borne by Council. Volunteers of Council can obtain a WWCC at no cost, where one is required for their role with Council.

### 3.12. Feedback and complaints

Council is committed to hearing feedback from children and their families, feedback can be provided via [childsafemelton@melton.vic.gov.au](mailto:childsafemelton@melton.vic.gov.au).

Complaints raised in relation to Council staff that are outside the scope of this Policy will be managed in accordance with Council's Complaints Management Policy.

### 3.13. Governance

Council has a governance framework for management of child safety. This includes a Child Safety Steering Group, Organisational Child Safety Working Group, Child Safety Champions and People Leaders Forum.

## 4. Definitions

Term	Definition
The Act	means the Local Government Act 2020
Aboriginal and/or Torres Strait Islander Child	A child or young person up to the age of 18 years who is of Aboriginal or Torres Strait Islander descent, identifies as Aboriginal or Torres Strait Islander, and is accepted as Aboriginal or Torres Strait Islander by an Aboriginal or Torres Strait Islander community.
Child and/or young person	A person under eighteen (18) years of age
Child abuse	Includes: a) Any act committed against a child involving: i. a sexual offence; or ii. an offence under section 49M (1) of the Crimes Act 1958; and b) the infliction, on a child, of: i. (i) physical violence; or ii. (ii) serious emotional or psychological harm; and c) the serious neglect of a child.
Child related work	Specific definition as per section 7 of the Worker Screening Act 2020. Child-related work is work at or for a service, body, or place, or that involves an activity and that usually involves direct contact with a child. For the purposes of this Act, work is not child-related work by reason only of occasional direct contact with children that is incidental to the work.

Term	Definition
Child Safe organisation	An organisation that takes deliberate steps to protect children from physical, sexual, emotional, and psychological abuse, and neglect.
Children from culturally 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 disability	Use of the term 'disability' is consistent with that in <i>the Disability Act 2006</i> . In relation to a child, the use of the word 'disability' incorporates 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 disability or acquire a disability suddenly through an injury or illness. Some disabilities may be obvious while others are hidden
Commission for Children and Young People	The independent statutory body that has various functions and powers in relation to the oversight and enforcement of the Child Safe Standards and the administers and oversees the reportable conduct scheme for Councils
Cultural safety for Aboriginal and/or Torres Strait Islander Children	Cultural safety for an Aboriginal and/or Torres Strait Islander child means they experience a safe, nurturing, and positive environment, where their unique identity is respected without attack, challenge, or denial. In this environment, their voice is heard and valued, and they are free to explore and express themselves, their culture, views and needs.
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. The environment is free from discrimination, challenge, or denial of their cultural or linguistic identity, of who they are and what they need.
Duty of care	The obligation of Council employees, contractors, and volunteers to take reasonable steps to protect children in their care from the risks of injury that are reasonably foreseeable.



## 5. Related Documents

Name	Location
<i>Local Government Act 2020</i>	<a href="https://www.legislation.vic.gov.au/in-force/acts/local-government-act-2020">https://www.legislation.vic.gov.au/in-force/acts/local-government-act-2020</a>
<i>Child Wellbeing and Safety Act 2005</i>	<a href="https://www.legislation.vic.gov.au/legislation/child-wellbeing-and-safety-act-2005">Child Wellbeing and Safety Act 2005 (legislation.vic.gov.au)</a>
<i>Working with Children Regulations 2016</i>	<a href="https://www.legislation.vic.gov.au/legislation/working-with-children-regulations-2016">Working with Children Regulations 2016 (legislation.vic.gov.au)</a>
<i>Working with Children Act 2005</i>	<a href="https://www.legislation.vic.gov.au/legislation/working-with-children-act-2005">Working with Children Act 2005 (legislation.vic.gov.au)</a>
Staff Code of Conduct	Intranet
Disciplinary Policy	Intranet

The master document is controlled electronically. Printed copies of this document are not controlled. Document users are responsible for ensuring printed copies are valid prior to use. If printing, please think about whether you need to print in colour.