

# Draft Child Safe Policy

**Version:** 2.0

**Date updated:** 18 December 2018

**Responsible Department:** Safer Communities

## 1. Purpose

The City of Casey is committed to creating and maintaining a child safe organisation where protecting children and preventing and responding to child abuse is embedded in the everyday thinking and practice of all Councillors, employees, contractors and volunteers.

This Policy reflects Council's intention to be aspirational – not just compliant – in meeting the requirements of the Victorian Child Safe Standards. The City of Casey is uniquely positioned to be an industry leader that models good practice and processes in keeping children safe from harm or abuse.

This Policy provides information and guidance to all levels of our organisation and requires that all Councillors, employees, contractors and volunteers commit to an active creation, demonstration and maintenance of a child safe culture.

We will do this in accordance with our City of Casey values being to dream big, empower each other and make our community proud. We Dream Big in setting an aspirational intention to become an industry leader in child safe practice; we Empower Each Other through clear reporting procedures and a culture of child safety; we Make our Community Proud by protecting children and families, and being a leader in child safe practice within the region.

Council acknowledges that child safe practice would not be possible without the valued support of a number of key external stakeholders.

## 2. Definitions

<b>Council</b>	means Casey City Council, being a body corporate constituted as a municipal Council under the <i>Local Government Act 1989</i> .
<b>Councillors</b>	means the individuals holding the office of a member of Casey City Council.

*Council policy documents change from time to time and it is recommended that you consult the electronic reference copy at [www.casey.vic.gov.au/policiesstrategies](http://www.casey.vic.gov.au/policiesstrategies) to ensure that you have the current version. Alternatively you may contact Customer Service on 9705 5200.*

<b>Council officer</b>	means the Chief Executive Officer and staff of Council appointed by the Chief Executive Officer.
<b>Aboriginal Child</b>	a child or young person up to the age 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.
<b>Abuse</b>	<p>Abuse is an act or acts which endangers a child's health, wellbeing and/or development. It can be a single event or a series of traumatic events. It includes:</p> <ul style="list-style-type: none"><li>» Physical abuse</li><li>» Sexual abuse</li><li>» Emotional abuse</li><li>» Cumulative harm</li><li>» Exposure to family violence</li><li>» Neglect</li><li>» Grooming</li><li>» Multi-dimensional harm</li></ul>
<b>Child or Children</b>	means any child or young person up to the age of 18 years. <sup>1</sup>
<b>Child related work</b>	Work within one or more of the occupational fields defined in the <i>Working with Children Act 2005</i> where the contact with children is direct, unsupervised, and part of a person's duties, not incidental to their work. <sup>2</sup>
<b>Child safe organisation</b>	In the context of the Child Safe Standards, a child safe organisation is one that takes deliberate steps to protect children from abuse. This commitment to protecting children must be embedded in an organisation's culture and policies. <sup>1</sup>
<b>Children from culturally and/or linguistically diverse backgrounds</b>	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.
<b>Children with a disability</b>	Use of the term 'disability' is consistent with that in the <i>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 a disability or acquire a disability suddenly through an injury or illness. Some disabilities may be obvious while others are hidden. <sup>3</sup>

<b>Child Safe Standards</b>	In 2015, the <i>Child Wellbeing and Safety Act 2005</i> was amended to include Child Safe Standards. The standards are designed to drive cultural change and embed practice of protecting children into the everyday thinking of an organisation. <sup>1</sup>
<b>Contracted Organisations</b>	any type of business entity (which may include all their employees and sub – contractors) contracted by the City of Casey to provide a specific service or range of services in accordance with the contract terms and the defined scope of contract.
<b>Cultural safety of Aboriginal children</b>	Aboriginal or Torres Strait Islander children be given the opportunity to be connected to culture and provided with a safe, nurturing and positive environment where they are comfortable with being themselves, expressing their culture, their spirituality and belief systems. <sup>1</sup>
<b>Cultural safety for children from culturally and/or linguistically diverse backgrounds</b>	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. <sup>1</sup>
<b>Duty of Care</b>	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.
<b>Employee</b>	Directly employed individual including but not limited to: agency appointments, and those staff on short and long-term employment agreements.
<b>Failure to Disclose</b>	As defined in the <i>Crimes Act 1958 (Vic)</i> , a failure to act on the legal obligation upon all adults to report to Victoria Police where they form a reasonable belief that a sexual offence has been committed by an adult (18 years and over) against a child under the age of 16 (16 being the legal age of consent). <sup>2</sup>
<b>Failure to Protect</b>	As defined in the <i>Crimes Act 1958 (Vic)</i> , a person with power and authority who fails to protect a child from criminal sexual abuse, they know of the risk of abuse, and are able to reduce or remove the risk but fail to do so. <sup>2</sup>
<b>Grooming</b>	As defined in the <i>Crimes Act 1958</i> , the act of communication, including online communication, with a child under the age of 16 or their parents with the intent of committing child sexual abuse. This includes predatory conduct undertaken to prepare a child for sexual abuse at a later time with the groomer (aged 18 years old or over) or another adult. <sup>2</sup>

**Mandatory Reporting**

The legal obligation under the *Children Youth and Families Act 2005*, of certain professionals to report when a child is in need of protection. Mandatory reporters include:

- » Medical Practitioners
- » Nurses
- » Midwives
- » School Principals
- » Police Officers
- » Teachers (including early childhood teachers)

**Reasonable Belief**

A 'reasonable belief' is not the same as having proof. A 'reasonable belief' is formed if a reasonable person in the same position would have formed the belief on the same grounds.<sup>2</sup> A person forms a '**reasonable belief**' that a child is in need of protection, or their safety or wellbeing is at risk, when:

- » They are more likely to accept rather than reject their suspicion; and
- » The belief is formed through disclosures, observations or other information of which they have become aware.

**3. Scope**

Council is committed to creating a culture of child safety, and recognises that protecting children, and preventing and responding to child abuse is an organization-wide responsibility.

This Policy applies to all Councillors, employees, Council's volunteers and work experience/work placement students, irrespective of their involvement in child related work.

Council will require contracted organisations to comply with the child safe legislation as part of their contractual agreements with the City of Casey. Individuals who are employed by Contracted Organisations are not considered employees of the City of Casey under the Reportable Conduct Scheme. This means that Contracted Organisations are not in scope of the City of Casey's Reportable Conduct Scheme.

**4. Context**

In 2015, the Victorian *Child, Wellbeing and Safety Act 2005*, was amended to include the Child Safe Standards. The Victorian Child Safe Standards (the Standards) are a compulsory framework that support organisations that provide services to children to implement policies and procedures that prevent, respond to and report allegations of child abuse.

There are three guiding principles that organisations must consider when implementing the standards:

- » The cultural safety of Aboriginal children
- » The cultural safety of children from culturally and/or linguistically diverse backgrounds
- » The safety of children with a disability.<sup>1</sup>

The City of Casey will consider these principles in the implementation and design of services for our community.

The seven Victorian Child Safe Standards are:

1. Strategies to embed an organisational culture of child safety, through effective leadership arrangements.
2. A Child Safe Policy or Statement of Commitment to Child Safety.
3. A Code of Conduct that establishes clear expectations for appropriate behavior with children.
4. Screening, supervision, training and other human resource practices that reduce the risk of child abuse by new and existing personnel.
5. Processes for responding to and reporting suspected child abuse.
6. Strategies to identify and reduce or remove risks of child abuse.
7. Strategies to promote the participation and empowerment of children.<sup>1</sup>

In 2017, the *Child, Wellbeing and Safety Act 2005* was amended to give power to the Commission for Children and Young People (CCYP) to oversee the Reportable Conduct Scheme. The Reportable Conduct Scheme began on 1 July 2017, with the City of Casey coming into scope of the scheme on 1 January 2018. The Scheme:

- » Requires organisations to respond to allegations of child abuse made against their workers and volunteers, either within work or outside of work, and to notify the CCYP of any allegations.
- » Enables the CCYP to independently oversee those responses.
- » Facilitates information sharing between organisations, their regulators, Victoria Police, the Department of Justice and Community Safety and regulates the Working with Children Check Unit and the CCYP.<sup>1</sup>

## 5. Policy

The Child Safe Policy communicates Council's commitment to keeping children and young people safe. Council is in the unique position of being able to provide a framework for safety around one of our most vulnerable people groups: "children". It is often said "it takes a village to raise a child". Council's infrastructure in many ways is that Village, from our school crossing supervisors, to our playgrounds within our parks and gardens, to our public spaces and community centres, to our road maintenance teams and kindergartens. We all have a role to play in keeping Casey's children and young people safe from harm or abuse.

## 5.1 Statement of Commitment to Child Safety

All children or young people who attend services, programs, and events delivered by, and spaces owned or managed by the City of Casey, have the right to feel and be safe. The wellbeing and safety of children and young people in our care will always be our priority.

Council has zero-tolerance of child abuse and is committed to creating and maintaining a child safe and child friendly organisation where all children are valued and protected from abuse.

The City of Casey is committed to creating and maintaining a child safe organisation where protecting children from abuse is embedded in the everyday thinking and practice of Council, its employees, contractors and volunteers.

## 5.2 Children have the right to speak and be heard

The City of Casey encourages the voices of children in our organisational planning, delivery of services, programs and events, procedures, and management of facilities. Our priority is to involve children and young people in opportunities to influence matters that affect them as active citizens in their community. This will be achieved through the following strategies, endorsed by Council in the strategic plan '*Casey's Future – A Plan for Children, Young People & Families 2017-2021*':

- » Provide all children, young people and families with opportunities to voice their opinions and be actively involved in shaping their community.
- » Enhance the skills of City of Casey staff and local service providers to collaborate with children, young people and families in a respectful, ethical and genuine way.
- » Develop a community that actively engages in fulfilling the rights of children, young people and families.<sup>4</sup>

## 5.3 Diversity and Inclusion

Council is committed to creating an inclusive, safe and connected community for children and young people. Diversity recognises the differences between people and how they identify themselves, and inclusion occurs when all children and young people feel valued and respected, have access to opportunities and resources and can contribute to their community. An inclusive approach recognises that children and young people have different needs, characteristics and life experiences and, although there are similarities within groups, no one child's experience is the same, and therefore stereotypes should be avoided.

Casey is a culturally diverse municipality, with overseas-born residents from more than 179 countries, representing 520 distinct ethnic groups (different cultures, languages and religions). Casey is home to the largest number of Aboriginal and Torres Strait Islander residents in the Southern region of Melbourne.

Through the *Inclusive Casey Strategic Framework 2018-2021*, Council is embedding the following principles of inclusion:

- » **Upholding Human Rights:** involves eliminating discrimination based on age, gender identity, sexuality, race, religious/faith beliefs, political beliefs, ethnicity, physical/intellectual/sensory ability and socio-economic status.
- » **Embracing Diversity:** moving beyond tolerance and acceptance of difference, to recognising and appreciating the benefits and contributions a diverse community brings.
- » **Equity of Access:** strives to reduce, and ideally to remove any barriers, physical or otherwise placed on people who live, work, learn or visit the City of Casey, so that everyone can participate in all aspects of community life.
- » **Shared Responsibility:** Council recognises the important leadership role we must play in making Casey a more inclusive place however, Council also recognises that it must be undertaken in partnership.
- » **The importance of belonging:** A sense of belonging to place, people and the wider community enables participation in all aspects of home, family and community life.
- » **Evidence informed:** Actions undertaken to make Casey a more inclusive place need to be informed by effective consultation and evidence to ensure they are most likely to make a positive difference, particularly to those experiencing exclusion.<sup>5</sup>

#### 5.4 Employees, Contractors and Volunteers

The City of Casey has clear and well established behavioural expectations of all employees, contractors and volunteers who work or interact with children. This includes appropriate behavioural expectations for working with all children including Aboriginal, culturally and/or linguistically diverse children, and children with a disability.

The Chief Executive Officer (CEO) is responsible for appointing, directing and managing employees, contractors and volunteers.

##### a) Employee and Volunteer Code of Conduct

All employees or volunteers of the City of Casey are responsible for ensuring the safety, participation, wellbeing and empowerment of children whilst undertaking their roles. All employees employed in accordance with the Casey City Council Enterprise Agreement, and volunteers engaged in a City of Casey program, advisory, consultative or reference group/committee are made aware of and must abide by Council's relevant Code of Conduct agreements.

##### b) Human Resources and Recruitment

The City of Casey has effective screening tools to assist the recruitment of suitable employees, contractors and volunteers to minimise the risk of inappropriate individuals entering the organisation.

Council's recruitment process includes our statement of commitment to child safety in all job advertisements, inclusion of child safe questions for pre-interview screening, interview and referee checks, and the requirement of a valid Working with Children Check before commencement at the City of Casey.

Council complies with all relevant regulatory and legal requirements when recruiting staff to ensure its employees and customers are not placed under unreasonable risk.

### **c) Supporting and Training**

The City of Casey is responsible for ensuring that appropriate behaviour with children is clearly defined and expectations are accessible and understood by all employees, contractors and volunteers.

The City of Casey will appropriately inform, and/or provide training for Councillors, employees and volunteers on child safety, including the cultural safety of Aboriginal children, children from culturally and/or linguistically diverse backgrounds, and children with disabilities.

All employees and volunteers are assigned the compulsory online Child Safe Standards training to complete as part of their induction to Council. Further mandatory Child Safe Standards workshops are provided to employees and volunteers who undertake child related work for the City of Casey. These workshops include training in abuse types, understanding the Child Safe Policy and Code of Conduct, disclosures and reporting obligations.

Refresher Child Safe Standards training will be implemented with employees and volunteers who undertake child related work every two years. Ongoing supervision and support are also provided to employees and volunteers to increase their capacity to establish and maintain a culture of child safety.

The City of Casey ensures all employees and volunteers are aware of the established City of Casey Child Safe Reporting Process to ensure the implementation of child safe practices with children and young people across the organisation.

## **5.5 Reporting a Child Safety Concern**

The City of Casey has committed to be a child safe organisation that complies with all relevant legislation, including both the Child Safe Standards and Reportable Conduct Scheme.

The City of Casey takes all allegations of child abuse seriously and will investigate all allegations in a procedurally fair way and comply with natural justice principles.

**a) Legislative Requirements**

The City of Casey has implemented processes and training to ensure all Councillors, employees and volunteers are aware of both their own, and the organisation's legal obligations in relation to the reporting of child abuse. This includes an understanding of the following legislation:

- » Failure to disclose
- » Failure to protect
- » Mandatory reporting
- » Grooming

**b) Internal Response Team**

The City of Casey has established an Internal Response Team with the following objectives:

- » To ensure that reportable incidents, staff who report incidents and organisational obligations in relation to reporting are managed effectively, efficiently and in compliance with all legislative obligations.
- » To ensure the City of Casey is at the forefront of being a child safe organisation and reinforcing that child safety is of paramount importance to the City of Casey.
- » To manage and maintain a robust governance framework.
- » To be focused on the total management and compliance of reported incidents relating to child safety.

In fulfilling these objectives, the Internal Response Team will action findings from child safety reviews or investigations and facilitate changes to relevant Council policies where appropriate.

**c) Reporting**

All incidents or allegations of child abuse should be reported to the Internal Response Team. Allegations or incidents can be reported by children, young people, families, Councillors, employees, contractors or volunteers.

A reportable allegation is made where a child, young person or adult makes an allegation, based on a reasonable belief, that a Councillor, employee, contractor or volunteer of the City of Casey has been involved in the abuse of a child or young person.

The City of Casey Child Safe Reporting Process<sup>6</sup> outlines:

- » If a Councillor, employee, contractor or volunteer becomes aware of an incident or allegation of abuse, the first responsibility is to ensure that the child or children are safe, and the risks of further abuse or harm are mitigated. If the incident or allegation of abuse could involve criminal conduct, the matter must be immediately reported to Victoria Police. If there is any immediate risk to a child or children, then the employee, contractor or volunteer should immediately call 000. If a reasonable belief is formed by a Councillor, employee, contractor or volunteer that a child is in need of protection, notifications will be made to either the Police or Child Protection.
- » All reports of child abuse will be treated as serious, whether they are made by an adult or a child.
- » When an allegation of child abuse is received, all mandatory reporting requirements must be met, including reporting to:
  - Police
  - Department of Health and Human Services
  - the Commission for Children and Young People under the Reportable Conduct Scheme
  - other government departments or regulators as appropriate.

If children, young people, families, Councillors, employees, contractors or volunteers have concerns regarding the organisation's leadership in relation to child safety, they can report these concerns under the Reportable Conduct Scheme.

Under the Scheme, reports can be made on the conduct of Councillors, employees, contractors or volunteers to the Internal Response Team. Children, young people or adults can make first contact with the City of Casey's Customer Service team requesting to speak with a member of the Internal Response Team.

#### **d) Support**

Where appropriate, following a child safety concern, Council will:

- » Assist alleged victims and their families to access counselling and support services.
- » Provide support to affected staff through Council's Employee Assistance Program.

### **5.6 Privacy, Record Keeping and Incident Monitoring**

Council is committed to protecting an individual's right to privacy. All personal information considered or recorded during the process of a report or investigation will be handled in accordance with Council's Privacy Policy.

Council is committed to best practice when keeping and maintaining confidential records of child abuse allegations or reports. Records will be retained in keeping with the recommendations from the Public Records Office Victoria.

Reports of child abuse and complaints about child safety will be monitored by the Internal Response Team to ensure that they are appropriately managed. Risks to child safety that are identified in complaints, reports or allegations of abuse will be reviewed and incorporated into the relevant risk register.

## 5.7 Risk Management

Council recognises the importance of a risk management approach to minimising the potential for child abuse or harm to occur, and uses this approach to inform policies, procedures and activity/events planning.<sup>1</sup>

Council has a Risk Management Policy and Plan. Council's risk register includes the identified risks of child abuse within the City of Casey. The following elements are included in Council's risk register.

- » All existing and new activities and facilities must be assessed for risks of child abuse including:
  - environmental risks (e.g. areas that might obscure a line of sight)
  - vulnerability risks (such as activities that may foster personal relationships between staff/volunteers and children who have an increased risk of being exploited, such as children who are highly vulnerable and dependent on the employees/volunteer for their needs).
- » All identified risks of child abuse are actively reduced by designing and implementing appropriate preventative measures.
- » Risk management plans are documented for all existing and new activities and facilities.
- » Employees, contractors and volunteers are made aware of their responsibility for identifying risks of child abuse and their obligation to work with management on reducing those risks.
- » Families and children are made aware of how to report on identified risks of child abuse.
- » Risk management plans are living documents that are updated as required, referred to regularly, and reviewed periodically.<sup>1</sup>

The Internal Response Team will regularly undertake assessments of higher risk practices and how these are mitigated. Council departments will include Child Safe Standards as a consideration in the annual service risk reviews.

## 6. Administrative Updates

It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter this document, such a change may be made administratively. Examples include a change to the name of a Council department, a change to the name of a Federal or State Government department, and a minor update to legislation which does not have a material impact. However, any change or update which materially alters this document must be by resolution of Council.

## 7. Review

This policy will be reviewed every 4 years. The City of Casey undertakes to seek the views, comments and suggestions from children, parents, carers, employees, contractors and volunteers as a part of this process. The next review will be completed by 31 December 2022.

## 8. Related Documents

- » City of Casey Council Plan (2017 - 2021)
- » Casey's Future – A Plan for Children, Young People and Families 2017-2021
- » Municipal Public Health and Wellbeing Plan 2017-2021
- » Code of Conduct for Councillors, Employees and Volunteers
- » Diversity, Access and Inclusion Policy
- » Aboriginal Strategic Framework 2018-2021
- » Accessibility Framework for Action 2018-2021
- » Inclusive Casey Strategic Framework 2018-2021
- » Family Violence Prevention Strategy
- » Privacy Policy
- » Department of Education and Training, Annual Child Protection and Mandatory Reporting Training

## 9. Breaches

Council will enforce this policy and the relevant volunteer and Employee Codes of Conduct. Following any breaches by employees, contractors or volunteers, Council will follow the Disciplinary Code, which may include suspension, termination of employment and/or referral to Victoria Police.

## 10. References

<sup>1</sup> Commission for Children and Young People, *A Guide for Creating a Child Safe Organisation*, available at <https://ccyp.vic.gov.au/>.

<sup>2</sup> Department of Justice and Community Safety, available at <https://www.justice.vic.gov.au/>.

<sup>3</sup> Department of Human Services, *Disability Act 2006*, available at <https://providers.dhhs.vic.gov.au/disability-act-2006-service-providers>.

<sup>4</sup> City of Casey, *Casey's Future – A Plan for Children, Young People and Families 2017-2021*.

<sup>5</sup> City of Casey, *Inclusive Casey Strategic Framework 2018-2021*.

<sup>6</sup> City of Casey, *Child Safe Reporting Process 2018*.