

Child Safe Policy

Responsible Directorate: Services and Planning

1. Policy Purpose

This policy outlines Nillumbik Shire Council's commitment 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 legislative responsibility in meeting the requirements of the Child Safe Standards and our commitment to the community to create and sustain an environment where children are safe and protected from abuse.

2. Policy 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 organisation wide responsibility.

3. Policy Coverage

This Policy applies to all Councillors, employees including any person directly employed by the Nillumbik Shire Council or employed through an agency, Council's contractors, volunteers and work experience/work placement students, irrespective of their involvement in child related duties.

Third parties accessing Council resources or assets will have mechanisms built into Council agreements to ensure they are aware of the child safe standards and the compliance requirements specific to the third party.

4. Definition of Terms and Acronyms Being Used

Council	Means Nillumbik Shire Council
Councillors	Means the individuals holding the office of a member of Nillumbik Shire Council
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 is accepted as Aboriginal or Torres Strait Islander by an Aboriginal or Torres Strait Islander community.
Child	A person under 18 years of age
Child abuse	Any act committed against a child involving: physical violence, sexual offences, serious emotional or psychological abuse and serious neglect.

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.
Child related work	Work within one or more of the occupational fields defined in the Act where the contact with children is direct, unsupervised, and part of a person's duties, not incidental to their work.
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.
Children with a disability	A disability can be any physical, sensory, neurological disability, acquired brain injury or intellectual disability or developmental delay that affects a child's ability to undertake everyday activities. A disability can occur at any time in life. Children can be born with a disability or acquire a disability suddenly through an injury or illness. Some disabilities may be obvious while others are hidden.
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; where there is no assault, challenge or denial of their cultural or linguistic identity, of who they are and what they need. Efforts need to be made to ensure the culturally and/or linguistically diverse children and their families receive information in a culturally sensitive, relevant and accessible manner, including in relevant community languages. ¹
Cultural safety of Aboriginal children	Cultural safety encompasses the child being provided with a safe, nurturing and positive environment where they are comfortable with being themselves, expressing their culture, their spiritual and belief systems, and they are supported by the carer and family. ²

5. Context

On 17 April 2012, the Victorian Government initiated the Family and Community Development Committee's Inquiry into the Handling of Child Abuse by Religious and Other Organisations (Betrayal of Trust Inquiry).

¹ Department of Health and Human Services, *An overview of the Victorian child safe standards*, available on the Department's website.

² Secretariat of National Aboriginal and Islander Child Care, *Cultural Safety*, available at <http://www.supportingcarers.snaicc.org.au>

The Betrayal of Trust report was tabled in Parliament on 13 November 2013 and made 15 recommendations including compulsory minimum standards for creating child-safe environments.

On 26 November 2015, the Victorian Parliament passed the Child Wellbeing and Safety Amendment (Child Safe Standards) Act 2015 (The Act) to introduce Child Safe Standards.

The seven Child Safe Standards are compulsory minimum standards that all organisations that provide services to children are required to implement to help prevent child abuse, encourage reporting of abuse and increase the effectiveness of responses to allegations of child abuse.

6. Policy Statement and Principles

This Policy meets Council's obligations under Standard 2 of the Child Safe Standards – 'A child safe policy or statement of commitment to child safety' and provides the opportunity for Council to improve their existing processes and practices and enhance the culture of child safety for Nillumbik Shire Council.

6.1 Commitment to Child Safety

Council has zero tolerance of child abuse and 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, by Councillors, employees, contractors and volunteers.

6.2 Our Children

Council recognises children as active citizens and is committed to advocating for the rights of children as valued members of the community.

Nillumbik Shire Council adopted the Victorian Charter of the Child Friendly Cities (VLGA) which recognises the need for increased participation by children in decision-making forums and creating child friendly environment.

6.3 Diversity

Council values and celebrates diversity within the community and workforce, and actively encourages the safety, participation and empowerment of all children and is committed to:

- » Promoting the cultural safety of Aboriginal children and children from culturally and/or linguistically diverse backgrounds.
- » Promoting the participation and empowerment of Aboriginal children and children from culturally and/or linguistically diverse backgrounds.
- » Providing a safe environment for children with a disability and will act to encourage their participation.

6.4 Legislative Requirements

This policy focuses on the standards, processes and responsibilities (of both the organisation and individuals) that will enable all Councillors, employees, contractors and volunteers of Nillumbik Shire Council to keep children safe.

Council acknowledges and takes seriously its legal responsibilities relating to child abuse and reporting to appropriate authorities including:

- » **Failure to disclose:** Reporting child sexual abuse is a community-wide responsibility. All adults in Victoria who have a reasonable belief that an adult has committed a sexual offence against a child under 16 have an obligation to report that information to the police.
- » **Mandatory reporters:** (including nurses, midwives, teachers (including early childhood teachers) must report to child protection if they believe on reasonable grounds that a child is in need of protection from physical injury or sexual abuse
- » **Grooming:** Grooming offence targets communication, including online communication, with a child under the age of 16 or with a person who has care, supervision or authority for the child, with the intent of facilitating or committing child sexual abuse. This offence targets predatory conduct undertaken to prepare a child for sexual abuse at a later time with the groomer (aged 18 years or over) or another adult.
- » **Failure to protect:** People of authority within the Council will commit an offence if they have the power or responsibility to reduce or remove a substantial risk, where a child under the age of 16 years may become the victim of sexual abuse committed by an adult associated with the organisation; but negligently fail to do so.³

6.5 Risk Management

Council is responsible for effectively identifying and managing risk and for promoting a safe and healthy environment for Councillors, employees, contractors, volunteers and the community.

In Victoria, organisations are required to protect children when a risk is identified (see information about failure to protect above). In addition to general occupational health and safety risks, we proactively manage risks of abuse to our children.

We have risk management strategies in place to identify, assess, and take steps to minimise child abuse risks. Nillumbik Council will review and further develop risk management policies to ensure they comply with the Child Safe Standards.

³ Further information about the Failure to Disclose offence, Failure to Protect offence, Grooming and Mandatory Reporting is available from Department of Justice and Regulation, available on their website.

6.6 Reporting and Responding to a Child Safety Concern

Council is committed to complying with all legal requirements regarding child safety concerns and where an alleged/suspected incident occurs, provides structured reporting and responding processes (Guidelines – Reporting Child Safety Concerns) that protect and support the health and wellbeing of children.

Nillumbik Shire Council takes all allegations of abuse seriously and will investigate all allegations fairly and appropriately. All reports of allegations and child safety concerns will be recorded and stored securely.

6.7 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.

6.8 Employees, Contractors and Councillors

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

Council will implement effective screening tools during the recruitment process to employ suitable employees, contractors and volunteers to minimise the risk of inappropriate individuals from entering the organisation.

Nillumbik Shire Council is responsible for ensuring that appropriate behaviour with children is clearly defined and expectations are accessible and understood by all employees, contractors and volunteers.

a) Employee and Volunteer Codes of Conduct

Nillumbik Shire Council has clear and well established behavioural expectations of all employees, contractors and volunteers engaging in child related work including appropriate behavioural expectations for working with all children including Aboriginal, culturally and/or linguistically diverse children, and children with a disability.

All employees, contractors and volunteers of Nillumbik Shire Council are made aware of and must abide by Council's relevant Codes of Conduct.

b) Human resources and recruitment

Nillumbik Shire Council employs a range of best practice screening measures and applies these standards in the screening and recruitment of employees, contractors and volunteers.

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) Training and supervision

Training, education and supervision are important to ensure that everyone understands that child safety is everyone's responsibility within our organisation. Councillors, employees, contractors and volunteers will be made aware of their obligations and expectations of working in a Child Safe Organisation in a number of ways, including through this Policy and the Child Safe reporting procedures, Council's Codes of Conduct and employee and volunteer induction and training.

6.9 Privacy

Council is committed to protecting an individual's right to privacy, in accordance with the Information Privacy Principles contained in the *Privacy and Data Protection Act 2014* and Council's Privacy Policy.

7. Consequences of a Breach of Policy

Breaches of this Policy may lead to action in accordance any relevant disciplinary policies and procedures that apply to Councillors, contractors and volunteers; with Council's Disciplinary and Grievance Policy for staff; and/or result in referral to Victoria Police.

8. Approved by

Date: did/mm/yyyy

9. Review

The next biennial review of this document is scheduled for completion by 30 June 2019.