

# Child Safety and Wellbeing Policy

Date Authorised by Chief Executive Officer :	14 December 2022
Commencement Date:	14 December
Review Date (2 years from authorised date):	December 2024
Responsible Department	People and Safety

This policy has been authorised.

Cathy Henderson  
Chief Executive Officer

# 1. Introduction

Merri-bek City Council (Council) is committed to creating a culture where:

- the safety, wellbeing and protection of children and young people is prioritised; and
- preventing and responding to child abuse and harm is embedded in every day thinking and practice.

Council will create and maintain environments where children and young people have a voice, are listened to, respected and are empowered about their rights.

Engagement with children and young people is not always planned and coordinated and can happen incidentally, therefore being a child safe organisation is everyone's responsibility. The Child Safety and Wellbeing Policy applies to Councillors and Council personnel.

For the purpose of this policy child/children refers to any person aged under 18 years.

## 2. Context

### 1. Alignment

The Child Safe Standards require Council to embed child safe culture and practice across the organisation, therefore there is alignment across most areas of Council including the associated policies and procedures. The key Council documents are outlined in section 8.

### 2. Organisational Context

As Council provides services and facilities for children and young people, we are required under the Child Wellbeing and Safety Act (2005) to implement and be compliant with the Child Safe Standards and Reportable Conduct Scheme to protect children from abuse and harm.

#### 2.1 Child Safe Standards

The Child Safe Standards (the Standards) provide a framework for organisations to develop policies, procedures and strategies that embed a child safe culture into every day thinking and practice to reduce the risk of child abuse and harm.

After a review, the Standards have been strengthened to align with the National Principles for Child Safe Organisations, while retaining a Victorian context. From 1 July 2022 there are 11 Standards each with several minimum requirements to meet compliance. The Standards are as follows:

<b>Standard 1</b>	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.
<b>Standard 2</b>	Child safety and wellbeing is embedded in organisational leadership, governance and culture.

<b>Standard 3</b>	Children and young people are empowered about their rights, participate in decisions affecting them and are taken seriously.
<b>Standard 4</b>	Families and communities are informed and involved in promoting child safety and wellbeing.
<b>Standard 5</b>	Equity is upheld and diverse needs respected in policy and practice.
<b>Standard 6</b>	People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice.
<b>Standard 7</b>	Process for complaints and concerns are child focused.
<b>Standard 8</b>	Staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training.
<b>Standard 9</b>	Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed.
<b>Standard 10</b>	Implementation of the Child Safe Standards is regularly reviewed and improved.
<b>Standard 11</b>	Policies and procedures document how the organisation is safe for children and young people.

## 2.2 *Reportable Conduct Scheme*

The Reportable Conduct Scheme (the Scheme) aligns closely with the Child Safe Standards and requires Council to:

- prevent child abuse and, if abuse is alleged, ensure allegations are brought to the attention of the appropriate person for investigation and response;
- respond to and investigate allegations of certain types of abuse or misconduct made against Council personnel; and
- report any allegations to the Commission for Children and Young People (the Commission).

The Commission is responsible for administering the Scheme with a focus on:

- 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; and
- facilitating information sharing between organisations, their regulators, Victoria Police and the Working with Children Check Unit to better prevent and protect children from abuse.

The five types of reportable conduct are:

- **Sexual offences** against, with or in the presence of a child;
- **Sexual misconduct** against, with or in the presence of a child;
- **Physical violence** against, with or in the presence of a child;
- Behaviour that causes significant **emotional or psychological** harm; and
- Significant **neglect**.

### **2.3** *Mandatory Reporting*

In Victoria, under the *Children, Youth and Families Act 2005* any personnel who are mandatory reporters 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.

In Council this is relevant for some staff including, nurses and early childhood workers. A complete list of mandatory reporters is available on the [Department of Families, Fairness and Housing website](#).

### **2.4** *Offences*

The Crimes Act 1958 and Crimes Amendment (Grooming) Act 2014 outline three offences applicable to Council as follows:

- [Failure to disclose offence](#): All adults in Victoria who have a reasonable belief that an adult has committed a sexual offence against a child under 16 years have a legal obligation to report that information to the police.
- [Failure to protect](#): People of authority within Council will commit an offence if they know of a substantial risk of child sexual abuse and have the power or responsibility to reduce or remove the risk, but negligently fail to do so.
- [Grooming offence](#): Grooming offence targets communication, including online communication, with a child under the age of 16 and/or their parents with the intent of 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.

## **3. Objectives**

This Policy provides:

- the foundation for Council's approach to Child Safety and Wellbeing, and outlines systems, practices, and procedures that promote child safety and wellbeing across the whole organisation; and
- information and guidance to Councillors and Council personnel on:

- the organisational approach to creating safe environments for children and young people who attend Council activities, programs, services, and/or facilities owned or managed by Council; and
- their roles and responsibilities in relation to protecting children and young people from child abuse and harm.

## **4. Policy details**

### **4.1 *Child Safety Commitment Statement***

Merri-bek City Council is committed to being a Child Safe organisation and has zero tolerance for child abuse. We believe children and young people have the right to be and feel safe and that their safety and wellbeing is the responsibility of everyone. All child safe incidents will be treated seriously and responded to promptly.

At Merri-bek we support and encourage the empowerment and participation of all children and young people. As an inclusive organisation we recognise and respect diversity. We are committed to providing culturally safe environments where all children and young people are heard, respected and encouraged to reach their full potential.

We recognise the distinct history and experience of Aboriginal and Torres Strait Islander children and young people and their families and encourage the expression, enjoyment and sharing of their cultures.

### **4.2 *Cultural Safety of Aboriginal and Torres Strait Islander Children and Young People***

The Standards, places first, the importance of cultural safety of Aboriginal and Torres Strait Islander children and young people. To implement child safe standard one Council will ensure:

- Implementation of policies, procedures and systems that will support the creation of culturally safe and inclusive environments that meet the needs of Aboriginal and Torres Strait Islander children, young people and their families;
- Participation and inclusion of Aboriginal and Torres Strait Islander children, young people and their families in our services and activities is supported and facilitated;
- Aboriginal and Torres Strait Islander children and young people have the opportunity to express their cultures and enjoy their cultural rights and that this is encouraged and actively supported by all Council personnel; and
- Any incidents of racism within the Council are identified, addressed, and not tolerated.

### **4.3 *Equity and Inclusion***

Council is committed to ensuring that equity is upheld and the diverse needs of all children and young people are respected. All children and young people will be supported to participate and engage with Council. However, Council will pay particular attention to ensure culturally safe information, participation and engagement opportunities for:

- Aboriginal and Torres Strait Islander children and young people;
- Children and young people from culturally and linguistically diverse backgrounds;

- Children and young people with a disability;
- Children and young people that are unable to live at home; and
- LGBTIQ+ children and young people.

#### **4.4 Participation of children, young people, families and the community**

Council is committed to empowering children and young people to actively participate in programs, activities and services and to know and understand their rights when engaged with Council.

Children and young people are active members in the community and Council will consult with them and their families when making decisions, especially about matters that directly affect them.

Council will promote the role the whole community plays in keeping children and young people safe and preventing harm and abuse.

#### **4.5 Child Safe Standards of Behaviour**

Council will outline expected child safe standards of behaviour of Councillors and Council personnel with children and young people via the Code of Conduct.

#### **4.6 Reporting Harm and Abuse**

Anyone can report a child safe incident, including, children, young people, families and other members of the community.

Councillors and Council personnel must report all child safe incidents, including suspected cases of child abuse or harm. All reports will be treated seriously and responded to promptly. Confidentiality will be maintained unless there is a legislative requirement to disclose or report information, for example if there is a risk to the safety of a child or young person.

Council has procedures in place to ensure all reports are investigated fairly, thoroughly, appropriately and promptly. Attachment 1 – Child Safe Reporting Process, outlines the internal reporting process for Councillors and Council personnel.

#### **4.7 Response to Child Safe Incident Reports**

The Child Safe Incident Response Group will respond to all child safe incident reports. The group is made up of the following personnel:

- Child Safe Advisor (Child Safe Officer)
- Manager Early Years and Youth (Child Safe Officer)
- Senior Workplace Relations Lead (Child Safe Officer)
- Unit Manager Human Resources, Safety and Wellbeing
- Unit Manager Maternal Child Health and Immunisation (Child Safe Officer)

The relevant supervisor/manager will be included in responding to child safe incidents relating to a member of their team and/or incidents within their unit.

Those noted as Child Safe Officers are available to take Child Safe Incident reports from children, young people, families or members of the community and will also provide Council personnel support and guidance in relation to child safe matters. This includes if someone is unsure whether to report, any queries in relation to the Child Safe Standards or Reportable Conduct Scheme and making reports to the Police, Child Protection or any other relevant authorities or services.

#### **4.8 Risk Management**

Council will proactively manage the risk of harm or abuse to children and young people, including the consideration of both physical and online environments.

#### **4.9 Human Resources**

Council has a range of human resources policies and procedures to ensure the recruitment, selection, induction and ongoing supervision of suitable and appropriate Council personnel, including the management of Working with Children Checks.

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

#### **4.10 Education, Training and Information**

Education and training are important to ensure all Councillors and Council personnel understand that child safety and wellbeing is everyone's responsibility.

All new Councillors' induction will include this policy, the Code of Conduct and training to identify indicators of child abuse and harm and how to respond and report. This will be repeated at least once every two years.

All Council personnel will be trained to identify indicators of child abuse and harm and how to respond and report. Training will be provided on induction and repeated at least once every two years thereafter. Child safe information is accessible at all times on Grapevine.

Further education and training will be provided to specific employees to ensure they have the knowledge and skills to meet the requirements of the Child Safe Standards.

Council's website will provide children, young people, their families and the broader community information about child safety and wellbeing, including how Council keeps children and young people safe and how to report child safe concerns.

#### **4.11 Record Keeping, Management of Records and Privacy**

Council will keep detailed records of all child safe incidents and these will be stored and managed in line with the Records and Information Management Policy. Council is committed to protecting an individual's right to privacy. Unless there is a legislative requirement (for example if there is a risk of self-harm or risk to someone's safety), all personal information considered and recorded during the process of a report or investigation will be handled in accordance with Council's Information Privacy and Health Records Policy.

#### 4.12 *Third Party Operators*

Council enters into contractual arrangements with a range of suppliers that hire, access or use buildings with children or young people present and/or deliver services for or with children, young people, and their families.

Council takes a tiered approach to contract management in relation to child safety and wellbeing, based on the level of engagement with and risk to children and young people. The requirement to comply with child safety requirements will be incorporated into contracts with third party operators, to ensure that businesses and organisations understand their obligations to be aware of and (where relevant) compliant with the Child Safe Standards.

Employees engaged from labour hire agencies are bound by this Child Safety and Wellbeing Policy.

#### 4.13 *Breaches*

Breaches of this Policy, including the failure to report concerns about the child abuse or harm of a child or young person, is a serious matter. Council will follow the Disciplinary policy and procedure and this may include suspension, termination of employment and/or referral of the matter to Victoria Police.

### **5. Roles and responsibilities**

Safeguarding children and young people is a shared responsibility across Council. The following Governance Framework will oversee the implementation of Child Safety and Wellbeing Policy, Procedure and Practice.

The **Child Safety and Wellbeing Steering Committee** will provide high level oversight of compliance with legislation and the Child Safe Continuous Improvement Plan and manage the child safe risks in the risk register.

The **Child Safety and Wellbeing Working Group** will lead the development, implementation and review of the Child Safe Continuous Improvement Plan.

The **Child Safety Incident Response Group** will oversee and lead the response to child safe incident reports.

Specific responsibilities for roles are outlined below.

<b>Role</b>	<b>Responsibility</b>
Councillors	Model a culture of child safety and wellbeing  Understand and comply with their obligations in relation to child safety and wellbeing.  Participate in training/education to identify, prevent and report child abuse and harm.  Report any concerns about child safety and wellbeing.



Executive Team	<p>Strengthen and model a culture of child safety and wellbeing, and provide leadership and good governance, ensuring:</p> <ul style="list-style-type: none"> <li>• the appropriate policies and procedures are in place and implemented across the organisation;</li> <li>• all staff are aware of their roles and responsibilities in relation to child safety and wellbeing; and</li> <li>• allegations of child abuse and harm are reported and fully investigated.</li> </ul> <p>In addition, the <b>CEO</b> is responsible for meeting specific requirements under the Reportable Conduct Scheme and ensuring these are implemented within legislated timeframes.</p>
People Leaders	<p>Ensure a culture of child safety and wellbeing is embedded among their team/s.</p> <p>Ensure Child Safety and Wellbeing policies and procedures are implemented within the work areas they are responsible for, including that all staff:</p> <ul style="list-style-type: none"> <li>• have access to Child Safety and Wellbeing Policies and Procedures; and</li> <li>• complete relevant training and are aware of their roles and responsibilities in relation to child safety, including child safety incident reporting.</li> </ul> <p>Conduct risk assessments, taking reasonable steps to identify any potential risks to the safety and wellbeing of children and young people within their team/s and remove or minimise the risks.</p> <p>Ensure engagement and consultation with children and young people on matters that affect them in relation to the work their team/s undertake.</p> <p>Where relevant, and in conjunction with Human Resources, ensure that relevant personnel maintain a current Working with Children Clearance.</p>
Council personnel	<p>Understand and comply with their roles and responsibilities in keeping children and young people safe.</p> <p>Report any concerns about the safety and wellbeing of a child or young person.</p> <p>Participate in training and education in relation to child safety and wellbeing as required.</p>

	<p>Relevant personnel will obtain a Working with Children Check and maintain a current Working with Children Clearance <b>or</b> provide evidence of current Victorian Institute of Teaching (VIT) Registration.</p> <p>Provide environments for children and young people where they feel safe, empowered and can participate.</p> <p>Behave safely and appropriately with children and young people.</p>
Child Safe Advisor	<p>Promote a child safety and wellbeing culture across the organisation.</p> <p>Provide guidance, information and training to teams, supporting them to embed child safety in the work they undertake.</p>
Human Resources	<p>Ensure all recruitment and selection is undertaken to meet the requirements of the Child Safe Standards.</p> <p>Where relevant, and in conjunction with People Leaders, ensure staff have and maintain a current Working with Children Clearance or VIT Registration, prior to engagement and on an ongoing basis.</p> <p>Ensure induction of new employees includes the provision of the Child Safety and Wellbeing Policy and Procedures and training to support them to understand their roles and responsibilities relating to child safety.</p> <p>Oversee the implementation of child safety training for new employees and refresher training for all employees on an ongoing basis and keep records of training completed.</p> <p>Manage disciplinary procedures as they relate to child safety and wellbeing.</p>
Contract Managers	<p>The management of contracts includes, but is not limited to, all agreements, leases, licences, grant recipients, funded partners and labour hire. Anyone managing these contracts will ensure:</p> <ul style="list-style-type: none"> <li>• all third-party operators are provided with a copy of Council's Child Safety Commitment Statement; and</li> <li>• contracts contain the relevant child safe clauses, including the requirement for Working with Children Checks where relevant; and</li> </ul>

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- monitoring of compliance with child safety requirements.
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## 6. Monitoring, Evaluating and review

This policy will be reviewed every two years and/or following the occurrence of any significant child safe incidents.

## 7. Definitions

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Term	Definition
Child	Any child or young person under 18 years or age.
Child abuse	Child abuse is defined in the <i>Child Safety and Wellbeing Act 2005 (Vic)</i> as including: <ul style="list-style-type: none"><li>• a sexual offence committed against a child</li><li>• grooming for sexual conduct with a child under the age of 16 (under section 49M(1) of the <i>Crimes Act 1958 (Vic)</i>)</li><li>• physical violence against a child</li><li>• causing serious emotional or psychological harm to a child</li><li>• serious neglect of a child</li></ul>
Child safe culture	An organisation that has shared attitudes, values, policies and practices that prioritise the safety of children.
Child safe incident	A child safe incident is any of the following: <ul style="list-style-type: none"><li>• sexual offences against, with or in the presence of a child;</li><li>• sexual misconduct against, with or in the presence of a child;</li><li>• physical violence against, with or in the presence of a child;</li><li>• any behaviour that causes significant emotional or psychological harm to a child;</li><li>• significant neglect;</li><li>• a disclosure of abuse or harm;</li><li>• an allegation of suspicion or observation;</li><li>• breach of code of conduct relating to child safety and wellbeing; and</li><li>• environmental safety issues.</li></ul>

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Child safety	Child safety includes matters related to protecting all children and young people from child abuse and harm. This includes managing the risk of child abuse and harm, providing support to a child or young person at risk of child abuse or harm, and responding to suspicions, incidents, disclosures or allegations of child abuse or harm.
Councillor	A democratically elected member of Merri-bek Council.
Council personnel	Employees, volunteers, contractors or consultants (including those engaged through an employment agency), work experience or work placement students or anyone else engaged by Council to undertake work for or within the community.  Volunteers that receive remuneration, reimbursement or vouchers, are included in this definition.
Cultural safety	The positive recognition and celebration of cultures. It is more than the absence of racism or discrimination and more than 'cultural awareness' and 'cultural sensitivity'. It empowers people and allows them to contribute and feel safe to be themselves.
Disability	Disability includes the following: <ul style="list-style-type: none"> <li>• the total or partial loss of a body part or a bodily function (such as mobility, sight or hearing);</li> <li>• the presence in the body of organisms that may cause disease;</li> <li>• malformation or disfigurement;</li> <li>• a mental or psychological disease or disorder; and/or</li> <li>• learning difficulties.</li> </ul> <p>Disability may be permanent, non-permanent or an increased chance of developing a disability in future. Disability also includes behaviour that may be a symptom or expression of disability even if that disability is not formally diagnosed.</p>
Empowerment	Building up children and young people and strengthening their confidence in themselves and in an organisation. It involves equipping children and young people with the skills and knowledge to make informed decisions and enabling them to increase control of their lives.
Grooming	A person aged 18 or older communicates in any way with a person under 16, with the intention of subsequent sexual activity with the child or young person.
Harm	Damage to the health, safety or wellbeing of a child, including as a result of child abuse by adults or the conduct of other children or young people. It includes physical, emotional, sexual and

	psychological harm. Harm can arise from a single act and can also be cumulative.
Mandatory reporting	Mandatory reporting is the legal requirement of certain professional groups to report a reasonable belief of child physical or sexual abuse to child protection authorities.
Risk	In the context of this policy, risk is exposure to the chance for harm or abuse of a child or young person to occur in connection to Council.
Risk Management	Identifying, preventing and minimising risk as much as is reasonably possible
Standards of behaviour	Expectations regarding behaviour of Councillors and Council personnel when interacting with children and young people.

## 8. Associated Documents

### *External*

- [National Principles for Child Safe Organisations](#)
- [National Strategy to Prevent and Respond to Child Sexual Abuse](#)
- [United Nations Convention on the Rights of a Child](#)
- [Charter of Human Rights and Responsibilities Act 2006](#)
- [Child Wellbeing and Safety Act 2005](#)
- [Children, Youth and Families Act 2005](#)
- [Commission for Children and Young People Act 2012](#)
- [Crimes Act 1958](#)
- [Crimes Amendment \(Grooming\) Act 2014](#)
- [Privacy and Data Protection Act 2014](#)
- [Public Records Act 1973](#)
- [Working with Children Act 2005](#) (and associated amendment Acts)

### *Internal*

- [Appropriate Workplace Behaviour](#)
- [Councillor Code of Conduct](#)
- [Cyber Security Policy](#)
- [Disciplinary Policy and Procedure](#)
- [Employee Code of Conduct](#)

- [Information Privacy and Health Records Policy](#)
- [Moreland Children, Young People and Families Plan 2021-2025](#) and [Implementation Plan 2022-2025](#)
- [Procurement Policy 2021-2025](#)
- [Records and Information Management Policy](#)
- [Recruitment and Selection Policy](#) and [Recruitment and Selection Procedure](#)
- [Social Media Policy](#)
- [Work Experience Policy and Procedure](#)
- [Working with Children Checks Management Procedure](#)

## **9. References**

- [Child Safe Standards - definitions | Victorian Government \(www.vic.gov.au\)](#)
- [Child Wellbeing and Safety Act 2005 \(legislation.vic.gov.au\)](#)
- [The Commission for Children and Young People](#)
- [Crimes Act 1958 \(legislation.vic.gov.au\)](#)
- [Department of Education and Training Victoria](#)
- [Department of Justice and Community Safety Victoria](#)

