



Child Safe Policy

Version 2

Approval Date: 6 November 2023

Review Date: 30 June 2027

DOCUMENT CONTROL

Responsible GM	General Manager Organisational Performance	
Division	Organisational Performance	
Last Updated (who & when)	Manager People & Culture	November 2023
DOCUMENT HISTORY		
Authority	Date	Description of change
Administration Update	10 July 2017	Creation of new Policy to comply with Victorian Government legislative requirements.
Council	10 July 2017	Creation of new Policy to comply with Victorian Government legislative requirements.
Council	6 November 2023	Update of Child Safe Policy to comply with Victorian Government legislative requirements
Administrative Update	2 September 2023	Update approval and review dates on cover page to reflect correct dates in line with November 2023 review.
References	Refer to Section 9 of this policy	
Next Review Date	(June 2027)	
Published on website	20 November 2023	
Document Reference No	2562123	

Responsible Division	Organisational Performance	Approved Date	6 November 2023	Review Date	June 2027
----------------------	----------------------------	---------------	-----------------	-------------	-----------

1. Background

The Child Safe Standards (the Standards) are part of the response to the 2013 Victorian Parliamentary Inquiry into the Handling of Child Abuse by Religious and Other Non-Government Organisations (the Betrayal of Trust Inquiry).

The Standards were introduced via amendment to the *Child Safety and Wellbeing Act 2005*; and from January 2017, all Victorian organisations, which provide services for children, were required to comply with the Standards.

Since this time, Council has been committed to creating an organisation which is safe, inclusive and supports participation of all children and young people regardless of their abilities, gender, religion, sexual orientation or social, economic or cultural background. Council has worked towards compliance with the Standards, which were updated in 2022, and the Reportable Conduct Scheme.

1.1. The Child Safe Standards

The Standards were legislated to commence from July 2022. Key changes included the requirement to:

- involve families and communities in the organisations efforts to keep children and young people safe;
- provide a greater focus on safety for Aboriginal children and young people;
- manage the risk of child abuse in online environments;
- have greater clarity on governance, systems, and processes to keep children and young people safe.

The 11 Standards aim to promote the safety of children, prevent child abuse, and ensure organisations and businesses have effective processes in place to respond to and report all allegations of child abuse.

The Standards require changes in organisational culture through the embedding of child safety in everyday thinking and practice, providing a minimum standard of child safety across the organisation and highlight that we all have a role to play to keep children safe from abuse.

The 11 Standards are:

- **Child Safe 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.
- **Child Safe Standard 2** – Child safety and wellbeing is embedded in organisational leadership, governance and culture.
- **Child Safe Standard 3** – Children and young people are empowered about their rights, participate in decisions affecting them and are taken seriously.

- **Child Safe Standard 4** – Families and communities are informed, and involved in promoting child safety and wellbeing.
- **Child Safe Standard 5** – Equity is upheld and diverse needs respected in policy and practice.
- **Child Safe Standard 6** – People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice.
- **Child Safe Standard 7** – Processes for complaints and concerns are child focused.
- **Child Safe 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.
- **Child Safe Standard 9** – Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed.
- **Child Safe Standard 10** – Implementation of the Child Safe Standards is regularly reviewed and improved.
- **Child Safe Standard 11** – Policies and procedures document how the organisation is safe for children and young people.

Although all children are vulnerable, some children face additional vulnerabilities, namely Aboriginal and Torres Strait Islander children, children from culturally and linguistically diverse backgrounds and children with disabilities. Consequently, in applying each standard, organisations must embed the following three key principles:

1. Promoting the cultural safety of Aboriginal Children
2. Promoting the cultural safety of children from culturally and/or linguistically diverse backgrounds
3. Promoting the safety of children with a disability

While children's primary caregivers can be a protective factor against neglect and abuse, it takes many components to build a child safe organisation. The Standards help build a child safe culture within an organisation and ensure that organisations are accountable for the safety of children using their services and facilities. Compliance with the Standards is regulated and monitored by the Commission for Children and Young People (the Commission).

Responsible Division	Organisational Performance	Approved Date	6 November 2023	Review Date	June 2027
----------------------	----------------------------	---------------	-----------------	-------------	-----------

The Standards closely align with the National Principles for Child Safe Organisations. These principles were developed following the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse and endorsed by the Council of Australian Governments in February 2019.

1.2 The Reportable Conduct Scheme

The Scheme requires organisations to respond to allegations of child-related misconduct made against employees, contractors and volunteers and report any allegations to the Commission.

There are five types of 'reportable conduct':

- Sexual offences committed against, with or in the presence of a child.
- Sexual misconduct committed against, with or in the presence of a child.
- Physical violence against, with or in the presence of a child.
- Any behaviour that causes significant emotional or psychological harm to a child.
- Significant neglect of a child.

The Commission has a range of powers in response to allegations under the Scheme, including but not limited to:

- Receive allegations and findings of reportable conduct;
- Assess an organisation's systems to prevent, notify and investigate reportable conduct;
- Provide oversight of workplace investigations;
- Investigate allegations in some circumstances;
- Refer findings to professional registration bodies and the Working with Children Check (WWCC) Unit;
- Build the capacity of organisations to respond to allegations of abuse; and
- Report to Parliament on performance of the scheme and trends.

The Scheme does not replace or interfere with Police investigations.

1.3 Mandatory Reporting

Mandatory reporting refers to the legal requirement of certain professional groups to report a reasonable belief of child abuse to child protection authorities.

In Victoria, under the *Children, Youth and Families Act 2005*, mandatory reporters must make a report to child protection authorities, if in the course of practising their profession or carrying out duties of their office, position or employment, they form a belief on reasonable grounds that a child is in need of protection from physical injury or sexual abuse.

In a Local Government setting, the Chief Executive Officer (CEO) is a mandatory reporter as the 'Head of Organisation.' To support mandatory reporting on behalf of Council, CEO delegation has been granted to two members of the People and Culture department, however any employee working with children can make a report to the Commission at any time.

2. Objectives

The purpose of this policy is to outline Council's commitment to child safety and reflect Council's legislative responsibility in meeting the requirement of the Standards.

All children or young people, regardless of their abilities, gender, religion, sexual orientation or social, economic or cultural backgrounds, who attend services, programs, and events delivered by, and at spaces owned or managed by Council, have the right to feel and be safe and welcome. The wellbeing and safety of children and young people in our care will always be our priority.

Council has zero-tolerance towards child abuse and is committed to creating and maintaining a child safe and child friendly organisation where all children and young people are valued and protected from abuse, harm and neglect, and creating an environment where they feel respected and included is embedded in the everyday thinking and practice of Council, its employees, contractors and volunteers.

Council encourages the voice of children and young people of all genders and backgrounds in 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 by:

- Providing children and young people of all abilities, genders, religions, sexual orientations, and social, economic and cultural backgrounds with opportunities to voice their opinions, be taken seriously, be actively involved in shaping their community and participate in decisions that affect them;
- Enhancing the skills of Council staff and local service providers to collaborate with children, young people and families in a respectful, inclusive, ethical and genuine way;
- Empowering children, young people and families to maximise their potential as they participate and grow in the Latrobe community.

Responsible Division	Organisational Performance	Approved Date	6 November 2023	Review Date	June 2027
----------------------	----------------------------	---------------	-----------------	-------------	-----------

3. Scope

This policy applies to all Councillors, Council employees, contractors, volunteers and students, irrespective of whether or not they are engaged in a child facing role.

Council will require contracted organisations to comply with the child safe legislation as part of their contractual agreements. Individuals who are employed by contracted organisations are not considered employees of Council under the Scheme. This means that contracted organisations are not in scope of this policy.

4. Principles of Management

This policy will be reviewed and updated every four years or following significant incidents if they occur or in line with legislative changes from the Commission. Feedback received from families and children will be considered as part of the review process.

When reviewing this policy, we will strive to work with children, young people, parents and families, as well as community members and organisations who represent the diversity of our community. This includes people of all genders, Aboriginal and Torres Strait Islander communities, culturally and linguistically diverse communities, LGBTIQ+ communities, children who can't live at home and people with disabilities.

When there are updates or changes to this policy, they will be communicated to all employees, contractors, volunteers, Councillors and other stakeholders following endorsement.

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 existing processes and practices and continue to embed a child safety culture within Latrobe City Council.

5. Accountability and Responsibility

5.1. Councillors:

Councillor's are responsible for:

- Working in the best interests of the people within our municipality, using the best skill and judgement to uphold the expectations detailed in the Councillor Code of Conduct, including Section 22 'Interacting with Children'.

- Being aware of and understanding their obligations under the relevant legislation, and Council’s policies and procedures in relation to child safety and wellbeing.
- Providing leadership and good governance of Council by acting as a responsible partner in fostering and developing a culture that has zero tolerance for child abuse. Council will advocate in the best interest of children to create and sustain a community in which children are safe and protected from child abuse.
- Obtaining a WWCC prior to becoming a Councillor, and maintaining this while a Councillor.
- Participating in training/education in relation to identifying, preventing and reporting child abuse.
- Contribute to creating an environment where children and young people of all abilities, genders, religions, sexual orientations, and social, economic and cultural backgrounds feel safe, respected and included, and have opportunities to have their voice heard and shape decisions which impact them.
- Reporting all concerns and reasonable beliefs to the Chief Executive Officer in relation to a child or young person being abused or at risk of being abused in the home, community or a Council service or facility.

5.2. Executive Officer:

In addition to responsibilities as an employee, 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.
- The overall responsibility for compliance with this policy.
- The overall responsibility for enforcing accountability of this policy.
- Meeting specific obligations under the Reportable Conduct Scheme or designating these responsibilities to a member of the People and Culture department. These obligations include:
 - Notifying the Commission for Children and Young People within three working days of becoming aware of an allegation;
 - Investigating any allegations (subject to Police clearance on criminal matters) and notifying the Commission who is undertaking the investigation;

- Managing any risks to children;
 - Updating the Commission within thirty calendar days, providing information on the reportable allegation and any action taken; and
 - Notifying the Commission of investigation findings and any disciplinary actions (or why no action was taken).
- The CEO may also receive reports of suspected incidents of child abuse from Councillors in line with the Child Safe Reporting Process.
 - Creating an environment where children and young people of all abilities, genders, religions, sexual orientations, and social, economic and cultural backgrounds feel safe, respected and included, and have opportunities to have their voice heard and shape decisions which impact them.

5.3. General Managers, Managers, Coordinators and Team Leaders:

In addition to their responsibilities as an employee, are responsible for:

- Regular communication and discussions with employees, contractors and volunteers on child safety to build a sense of child safety being everyone's responsibility.
- Ensuring the organisation has appropriate policies and procedures implemented in order support the prevention and reporting of child abuse.
- Ensuring allegations of child abuse are reported and fully investigated.
- Providing support to employees, contractors in undertaking their child safety and wellbeing obligations.
- Taking reasonable steps to identify any potential risks to child safety and wellbeing within their department and ensure that these risks are removed or minimised.

5.4 Manager People and Culture:

In addition to their responsibilities as an employee, is responsible for:

- Developing frameworks and procedures in compliance with this policy.
- Enforcing responsibilities to achieve compliance with frameworks and procedures.
- Providing appropriate resources for the execution of the frameworks and procedures.

- Ensuring that all Council staff, volunteers, contractors and Councillors receive and undertake regular training/education in relation to identifying, preventing and reporting child abuse, including on the unique needs of Aboriginal and Torres Strait Islander children, children from culturally and linguistically diverse backgrounds, children with disability, children who are unable to live at home, and lesbian, gay, bisexual, transgender and intersex children.
- Receiving and refer any child safety concerns to Council's Child Safety Representatives and/or the relevant authority depending on the urgency of the issue.
- Acting to protect a child or young person and initiate internal processes for reporting and/or investigation of allegations, including the disciplinary process if required.
- Ensuring that confidentiality and privacy of all personal information is maintained in line with relevant legislation and Council's policies and procedures.
- Enforcing compliance with Operational Recruitment Policies and Procedures to ensure WWCC and Background checks are completed for all new employees.

5.5 Employees, Contractors and Volunteers, must:

- Be aware of and understand their obligations under the relevant legislation, Code of Conduct and Council's policies and procedures in relation to child safety and wellbeing.
- Obtain and maintain an employee WWCC.
- Creating an environment and deliver programs and services in ways that are safe, inclusive and support participation of all children and young people regardless of their gender, abilities, sexual orientation, religion, or social, economic, or cultural background.
- Ensuring children and young people of all abilities, genders, religions, sexual orientations, and social, economic and cultural backgrounds have opportunities to have their voice heard and shape decisions which impact them.
- Participate in training/education in relation to identifying, preventing and reporting child abuse; and additional training for those with particular responsibilities for children and/or young people.

- Report all concerns and reasonable beliefs in relation to a child or young person being abused or at risk of being abused to Council's Child Safety Representatives and/or the relevant Manager.
- Report child abuse whether it has or is, suspected to have taken place in the home, community or a Council service.

6. Definitions

In this policy:

Council	Means Latrobe City Council, being a body corporate constituted as a municipal Council under the Local Government Act 2020.
Councillors	Means the individuals holding the office of an elected member of Latrobe City Council.
Aboriginal and/or Torres Strait Islander Child	A person under the age of 18 who is of Aboriginal and/or Torres Strait Islander descent, identifies as Aboriginal and/or Torres Strait Islander, and is accepted as Aboriginal and/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.

Child Safe Representative	Employees from across the organisation that are specifically trained to provide support and information to other employees in relation to Child Safety.
Cultural Safety	Cultural safety is the positive recognition and celebration of cultures. It is more than just 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.
Gender	Part of how you understand who you are and how you interact with others. May be described as woman, man, girl, boy, or as a combination of these or neither.
LGBTIQ+	Means lesbian, gay, bisexual, trans and gender diverse, intersex and queer and others on the spectrum of gender.
Mandatory Reporting	In accordance with the Children Youth and Families Act, the legal obligation of certain groups of people to report a reasonable belief of child physical or sexual abuse to child protection authorities.
Volunteer	Volunteer means any person engaged by or a part of an organisation who provides a service without receiving a financial benefit, regardless of whether their role relates to children. There is no minimum period of engagement to be considered a volunteer.

7. Evaluation and Review

This policy will be reviewed on request of Council, in the event of significant change to legislation applicable to the subject matter of the policy or, in any other case, during each Council term (generally four years).

8. Related Documents

List all related Latrobe City Council Policies, Frameworks and Procedures.

Latrobe City Council policies	Latrobe City Council Reconciliation Action Plan Latrobe City Council Employee Code of Conduct Latrobe City Council Councillor Code of Conduct
-------------------------------	---

	<p>Latrobe City Council Complaints Handling Policy.</p> <p>Responding To & Reporting Child Abuse – Employee Guidelines</p> <p>Child Safe Code of Conduct</p> <p>Child Safety and Wellbeing Operational Policy</p> <p>Latrobe City Council Gender Equality Actions Plan</p>
--	--

9. Reference Resources

Legislation (Victoria)	<p>Children Youth and Families Act (2005)</p> <p>Working with Children Act (2005)</p> <p>Child Wellbeing and Safety Act (2005)</p> <p>Child Wellbeing and Safety Amendment (Child Safe Standards) Act (2015)</p> <p>Child Wellbeing and Safety Amendment (Oversight and Enforcement of Child Safe Standards) Act (2016)</p> <p>Child Wellbeing and Safety Amendment (Child Safe Standards) Regulations (2015)</p> <p>Crimes Act (1958)</p> <p>Gender Equality Act (2020)</p> <p>The Charter of Human Rights and Responsibilities Act (2006)</p> <p>The Commission for Children and Young People Act (2012)</p> <p>Privacy and Data Act (2014)</p>
Criminal offences	<p>Failure to protect a child from sexual abuse (2015)</p>

	<p>Failure to disclose child sexual abuse (2014)</p> <p>Grooming offence (2014)</p>
--	---

Responsible Division	Organisational Performance	Approved Date	6 November 2023	Review Date	June 2027
----------------------	----------------------------	---------------	-----------------	-------------	-----------