



Moreland
City Council

Child Safe Policy

Date Authorised by Chief Executive Officer:	June 2020
Commencement Date:	June 2020
Review Date:	June 2023
Responsible Branches:	Human Resources and Early Years and Youth

This policy has been authorised:

A handwritten signature in black ink, appearing to read 'Cathy Henderson'.

Cathy Henderson
Chief Executive Officer

Date: 11 August 2020

Policy ID: CEO - 1 - 2020

D19/242011

1 Introduction & Context

The Child Safe Policy outlines Council's commitment to Child Safety by creating and maintaining an environment where children are safe, happy, respected and empowered.

Council is committed to creating and maintaining a Child Safe organisation where protecting children and young people and preventing and responding to child abuse is embedded in the everyday thinking and practice of all Councillors, employees, contractors, work experience/work placement students and volunteers irrespective of their involvement in child related duties.

Council will support children by reporting any allegations or reasonable suspicions of child abuse to the appropriate authorities, without delay. Council will take all reasonable steps to create an environment where children are safe and protected from abuse.

This Policy reflects Council's legislative responsibility in meeting the requirements of the Child Safe Standards, the *Working with Children Act 2005* and our commitment to create a culture of child safety and recognises that protecting children and preventing and responding to child abuse is an organisation wide responsibility.

Reportable Conduct Scheme

The Reportable Conduct Scheme outlines a defined set of responsibilities and actions the head of an organisation must take into account allegations of child abuse and misconduct by employees. The Scheme aligns closely with the Child Safe Standards and seeks to improve organisations' responses to allegations of child abuse and neglect by their workers and volunteers. The scheme is established by the *Child Wellbeing and Safety Act 2005*. In summary, the scheme:

- requires organisations to respond to allegations of child abuse (and other child-related misconduct) made against staff and volunteers, and to notify us of any allegations;
- enables the Commission of Children and Young People to independently oversee those responses; and
- facilitates information sharing between organisations, their regulators, Victoria Police, the Department of Justice and Regulation's Working With Children Check Unit.

The Commission for Children and Young People 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.

The Reportable Conduct Scheme has been designed to ensure that the Commission will be aware of every allegation of certain types of employee misconduct involving children in relevant organisations that exercise care, supervision and authority over children. The Commission will also be able to share information where appropriate, including with the Working with Children Check Unit, relevant regulators and Victoria Police, to better prevent and protect children from abuse.

Importantly, a finding that a person has engaged in reportable conduct can trigger an assessment of whether that person is suitable to continue to work or volunteer with children. In turn, this may lead the Working with Children Check Unit to revoke a person's Working with Children Check card.

Child Safe Standards

Victorian organisations that provide services or facilities for children are required by law to implement Child Safe Standards to protect children from harm:

Standard 1: Governance and leadership - Strong and clear governance arrangements allow leaders to ensure child safety is a focus within their organisation;

Standard 2: Clear commitment to child safety - Demonstrate your commitment to child safety by documenting how your organisation will meet its duty of care and responsibilities;

Standard 3: Code of conduct - Establish clear expectations for appropriate behaviour with children;

Standard 4: Human resource practices - Develop and implement human resource practices that reduce the risk of child abuse occurring within your organisation;

Standard 5: Responding and reporting - All staff and volunteers must understand their role in keeping children safe, including their reporting responsibilities;

Standard 6: Risk management and mitigation - To reduce the likelihood of harm organisations must think about and define the risks; and

Standard 7: Empowering children - Children have a right to be heard and have their concerns and ideas taken seriously

Vulnerable Children

Moreland is a diverse community and is home to residents from over 150 countries. Council values and celebrates diversity within the community and workforce and works collaboratively with the community and our partners to promote the safety, participation and empowerment of all children.

Council is committed to supporting the health and wellbeing of all of Moreland's children and recognises that although all children are vulnerable, some children face additional vulnerabilities. Council is committed to:

- promoting the cultural safety, participation and empowerment of Aboriginal children;
- promoting the cultural safety, participation and empowerment of children from culturally and/or linguistically diverse backgrounds;
- ensure the inclusion, participation and empowerment of children who identify as gay, lesbian, bisexual, transgender, intersex and queer, and
- ensure that children with a disability are safe and can participate equally.

Strategies and programs led by the Early Years and Youth Branch have a particular focus on children and families experiencing vulnerability.

2 Alignment & Commitment to Child Safe Standards

Council will work to ensure our policies and procedures reflect our commitment to the Child Safe Standards and Reportable Conduct requirements within our workplaces, programs, activities and services.

3 Organisational Context

This Policy reflects Council's commitment and legislative responsibility in meeting the requirements of the Child Safe Standards and Reportable Conduct Scheme and our commitment to the community to create and maintain an environment where children are safe and protected from abuse.

All Council employees, Councillors volunteers and contractors have an obligation to report suspected cases of child abuse in accordance with this Policy.

Legislative responsibilities

Victorian organisations that provide services or facilities for children are required by law to implement Child Safe Standards to protect children from harm. Child Safety and protection is everyone's responsibility and Council takes this responsibility seriously.

The Royal Commission into Institutional Responses to Child Sexual Abuse made several recommendations aimed at strengthening the protection children receive through amendments to the *Working with Children Act 2005* effective from 1 August 2017.

Relevant legislation includes:

- *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 Amendment (Grooming) Act 2014*
- *Privacy and Data Protection Act (2014)*
- *Public Records Act (1973)*
- *Working with Children Act (2005)*

Offences include:

- **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.
- **Failure to protect:** People of authority in our organisation 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:** Grooming offence targets communication, including online communication, with a child under the age of 16 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 old or over) or another adult.

4 Objectives

This Policy aims to provide:

- the foundation for Council's approach to Child Safety, and the platform for the development of systems, practices, policies and procedures that promote child safety within and across all members of our organisation; and
- training and guidance to employees, Councillors, contractors, work experience/work placement students and volunteers on our organisational approach to create safe environments for children and young people participating in Council programs and activities and in our workplace.

5 Policy Details & Procedures

Child Safety Commitment Statement

Moreland City Council is committed to being a Child Safe organisation and has zero tolerance for child abuse. We recognise our legal and moral responsibilities in keeping children and young people safe from harm and promoting their best interests.

We will develop and maintain targeted policies, procedures and training to support employees, volunteers and contractors to achieve these commitments. We create environments where all

children and young people have a voice and are listened to, their views are respected and they contribute to how we plan for, design and develop our services and activities.

All Council employees, volunteers and contractors have an obligation to report suspected cases of child abuse in accordance with Council policies and procedures.

Delegation from Head of the Organisation (CEO)

Under the Reportable Conduct Scheme, the Head of the organisation - the Chief Executive Officer can delegate the responsibility of reporting allegations under the scheme to Child Safe Officers.

Child Safe Officers

Under this Policy the following staff have been designated as Child Safe Officers:

- Maternal and Child Health and Immunisation Unit Manager;
- Manager Early Years and Youth;
- HR Operations Manager; and
- HR Business Partner, Community Development Department.

It is acknowledged that there several sensitivities in relation to the Child Safe Standards and Reportable Conduct Scheme matters and that staff may need briefing, debriefing and support in relation to this. Child Safe Officers may assist staff in making reports to the Police and Child Protection and Child FIRST if there is need to do so. It is the responsibility of these positions to provide guidance in relation to the processes if there are queries in relation to the Child Safe Standards or the Reportable Conduct Scheme and matters in relation to child protection and vulnerable families.

Recruitment & Employee Screening

Council employs a range of best practice screening measures and applies these standards in the screening and recruitment of employees, contractors, work experience/work placement students 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.

Council takes all reasonable steps to employ skilled and appropriately qualified staff including:

- Developing selection criteria and advertisements which clearly states Council's commitment to Child Safety;
- Developing interview and reference check questions which clearly conveys the importance given to Child Safety by the organisation;

Council will carry out reference checks and Police record checks to ensure that we are recruiting the right people. Police record checks are used only for the purposes of recruitment. If during the recruitment process a person's records indicate a criminal history, then the person will be given the opportunity to provide further information and context. Further information is available in the Recruitment and Selection Policy.

Council employees undertake pre-employment screening and are required to maintain screening in accordance with the requirements of their role. This includes, but may not be limited to:

- Working With Children Check
- Police Check
- Health Screening
- Drivers Licence
- Qualifications
- Other work related permits.

Training and Awareness

Council will incorporate Child Safety training into our corporate induction program to ensure Councillors and employees are aware of Child Safety and understand that everyone has a role to play in protecting children from abuse and that their behaviour towards children is appropriate.

Council will ensure that all Councillors and employees receive appropriate training on Child Safety and will establish processes to ensure that contractors, work experience/placement students and volunteers receive Child Safe training.

New employees will complete a 3 step training process:

- Online Child Safe training prior to commencement (proposed prior to the first day);
- Child Safe awareness within Corporate Induction led by a Child Safe Officer; and
- Orientation to Child Safety with a work area context by Supervisor/Manager (included in Induction Checklist).

Risk Management

Council is responsible for effectively identifying and managing risk and for promoting a safe and healthy environment for employees, volunteers and the community. In addition to general occupational health and safety strategies, Council will proactively manage the risk of abuse to children.

Contractor Management

Council enters into contractual arrangements to with a range of contractors to deliver a wide range of services. The requirement to comply with the Child Safe Standards is incorporated into Council's Procurement Policy to ensure that requirements are embedded within contracts to reflect the intention of Council's Child Safe Statement of Commitment. This includes the requirement of the contractor in relation to the Child Safe Standards in terms of their policy, training provision and screening of staff as well as the standards and processes Council utilises to continually assess, review and audit their procedures, standards and performance.

Reporting and Responding to a Child Safety Concern

Council takes all allegations seriously and has practices in place to investigate concerns fairly, thoroughly, appropriately and promptly. Council is committed to complying with all legal requirements regarding child safety concerns and where an alleged/suspected incident occurs, and provides structured reporting and responding processes that protect and support the health and wellbeing of children.

If any adult in Victoria (including those either employed or representing Moreland City Council) has a reasonable belief that an incident has occurred then they must report the incident. Factors contributing to reasonable belief may be:

- a child states they or someone they know has been abused (noting that sometimes the child may in fact be referring to themselves);
- behaviour consistent with that of an abuse victim is observed;
- someone else has raised a suspicion of abuse but is unwilling to report it;
- observing suspicious behaviour.

The process for reporting a Child Safe Incident is outlined at **Attachment 1** and this flowchart and associated information including the Child Safe Incident Report form is available to all Council staff on Grapevine.

The processes for investigating issues in relation to the Child Safe Standards and the Reportable Conduct Scheme will differ slightly according to the requirements under the standards and the Scheme. For example, any issues identified under the Reportable Conduct Scheme (Council employee, contractor or volunteer) is required to be reported to the Commission and a decision made to report to Police depending on the severity of the allegation against the staff member.

Child Safe Internal Response Committee

The Child Safe Internal Response Committee comprises the following officers (or delegates): HR Operations Manager, Manager, Early Years and Youth and Unit Manager, Maternal and Child Health and Immunisation and is responsible for receiving and assessing individual Child Safe

Incident Reports and completing the Incident Reporting Procedure and Assessment Check List. (Attachment 2)

Child Safe Standards

The process to report any breaches under the Child Safe Standards are applicable to this legislation only and in line with the Councils Enterprise Agreement, Duty of Care and other legal responsibilities.

Reportable Conduct Scheme

The process to report any breaches under the Reportable Conduct Scheme is applicable to this legislation only and in line with Councils Enterprise Agreement, Duty of Care and other legal responsibilities.

Child Safe Incident Reports and any related documentation is stored securely in accordance with Privacy legislation. Access to Child Safe Reporting documentation is only made available to Child Safe Officers and any delegated staff as appropriate (Container no: C18/975).

Breaches

Breaches of this Policy may lead to action in accordance with Council's Disciplinary Code, which may include termination of employment and/or referral to Victoria Police.

6. Roles and Responsibilities

Party/parties	Roles and responsibilities	Timelines
CEO	Demonstrate leadership in child safe practices.	Ongoing
Executive MEG	Ensure implementation of Council's Child Safe policies and procedures within the organisation.	Ongoing
People Managers	Ensure Reporting Processes & WWCC requirements are implemented in all work areas and available to all staff. Ensure the child safe policy measures are implemented and maintained within the area of responsibility. Incorporate Child Safe principles into Risk Assessments. Ensure a workplace culture that supports a transparent, continually improving environment in relation to child safety.	Ongoing
Risk Management Coordinator	Ensure Risk Assessments incorporate Child Safe Principles	Ongoing
Manager Early Years & Youth	Maintain Child Safe Policy in partnership with HRO Manager.	Ongoing
Council employees and volunteers	Understand the legislation and legal obligations to report. Participate in training and education programs. Obtain and maintain a valid WWCC as required for your role as required.	Ongoing

All Staff	Employees working with children are required to report any charges relating to offences covered by the WWCC to their supervisor or manager immediately.	Ongoing
Contractors	Contribute to the safety and protection of children. Work within the provisions of the Child Safe policies and procedures.	Ongoing

7. Monitoring, Evaluation and Review

Council is committed to ensuring all of our operations and services are compliant with this Policy. The Child Safe Policy will be reviewed every two years and following any significant incidents if they occur.

8. Definitions and Key Terms

Term	Definition
Child	A person under 18 years of age.
Child and Young People	Children and young people under 18 years of age, for the purposes of this policy.
Child abuse	Any act committed against a child involving: physical violence, sexual offences, grooming, serious emotional or psychological abuse and serious neglect.
Child Safety	In the context of the Child Safe Standards, child safety.
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.
Council	Moreland City Council
Councillors	Elected Councillors of Moreland City Council
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.

Term	Definition
Emotional or Psychological Abuse	When a child does not receive the appropriate love, affection or attention they need for healthy, emotional, psychological and social development. Such abuse may involve repeated threats to a child, constant criticism, teasing, ignoring, threatening, yelling, scapegoating, ridicule and rejections or continual coldness.
Grooming	Grooming is a term used to describe what happens when a perpetrator of abuse builds a relationship and rapport with a child, and sometimes the family, to lower the child's inhibitions with the object of sexual abuse.
Reasonable	That which a rational person having regard for all circumstances would consider appropriate.
Neglect	Neglect is the failure to provide the child with the basic necessities of life such as food, clothing, shelter, medical attention or supervision, to the extent that the child's health and development is, or is likely to be, significantly harmed.
Physical Abuse	Physical abuse occurs when a child suffers or is likely to suffer significant harm from an injury inflicted by a child's parent or caregiver. The injury may be inflicted intentionally or may be the inadvertent consequence of physical punishment or physically aggressive treatment of a child.
Sexual Abuse	Sexual abuse occurs when a person uses power or authority over a child to involve the child in sexual activity and the child's parent or caregiver has not protected the child. Physical force is sometimes involved. Child sexual abuse involves a wide range of sexual activity.
WWCC	Working with children check.

9. Associated Documents

Council Human Rights Policy 2016 – 2026	D16/259405
Moreland Municipal Public Health and Wellbeing Plan 2017 - 2021	D18/9862
Contractor Health and Safety Policy	D14/216896
Councillors Code of Conduct Policy	D19/306152
Council's Code of Conduct Policy	
Council Plan 2017 -2020	
Early Years Strategy 2016 – 2020	D16/192715
Procurement Policy	
Recruitment and Selection Policy	
Risk Management Policy	
Social Media Policy	D16/52165

10. REFERENCES

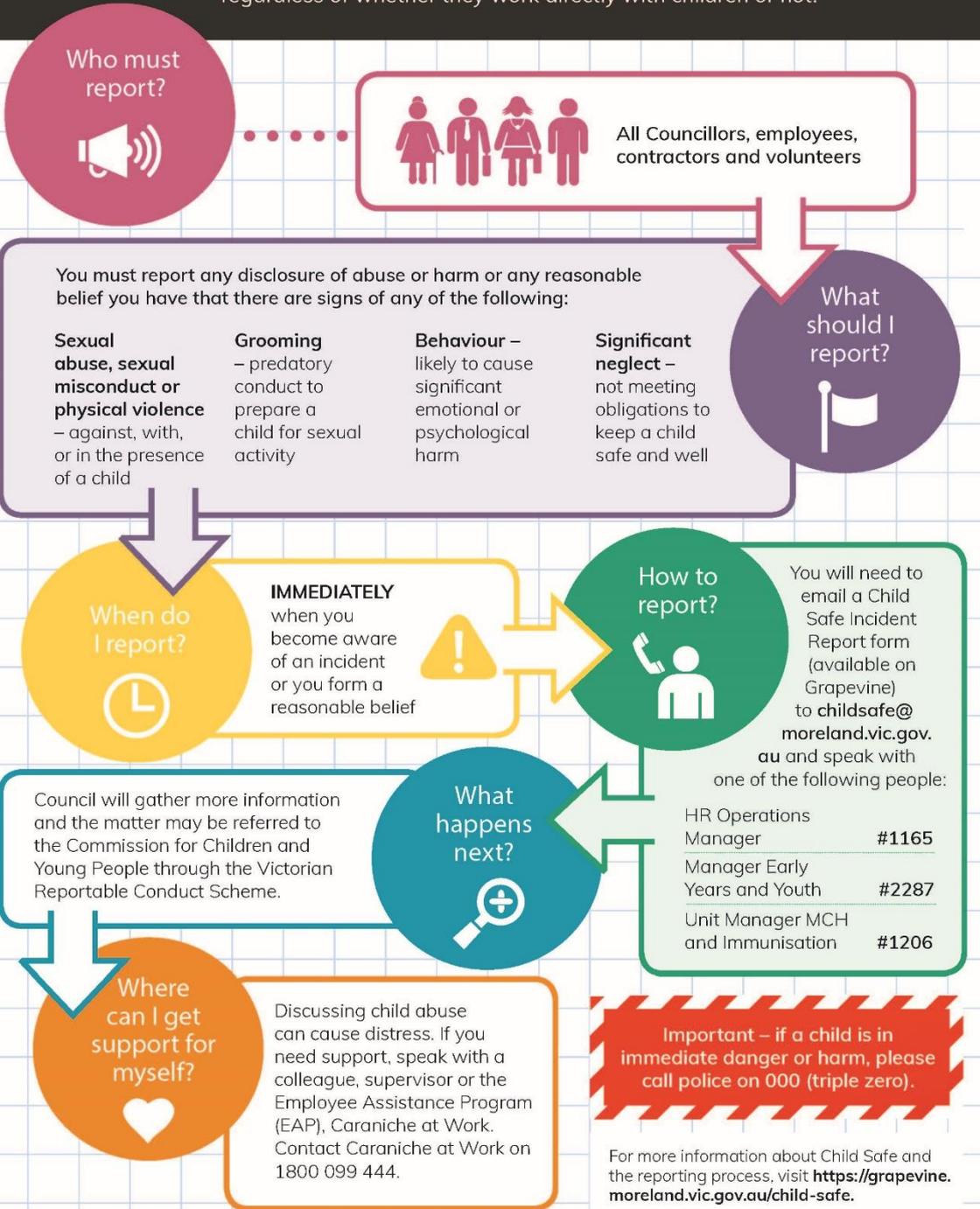
1. [Betrayals of Trust Report](#)
2. [DHS Definition of Terms](#)

Attachment 1 - Child Safe Reporting Process



Child Safe Reporting Process

Moreland City Council is committed to protecting children and preventing and responding to child abuse. This means all Councillors, employees, contractors and volunteers need to keep the safety of children in mind, regardless of whether they work directly with children or not.



Child Safe and Reportable Conduct Incident Procedure & Assessment Checklist

D19/241327

**Child Safe and Reportable Conduct
Incident Reporting Procedure & Assessment Checklist**

Purpose

This Procedure & Checklist outlines the key processes and requirements of MCC staff in responding to a Child Safe Incident and should be fully completed for ALL Child Safe Incident Reports. It is the responsibility of the Child Safe Internal Response Committee to complete this Assessment.

Process

All MCC staff have been made aware of their responsibilities in relation to the Child Safe Standards. The key requirement for all staff who become aware of an incident or issue concerning a child is to complete a Child Safe Incident Report Form ([D18/241209](#) available via Grapevine).

Child Safe Internal Response Committee

This Committee comprises the following officers (or delegates): HR Operations Manager, Early Years and Youth and Unit Manager, Maternal and Child Health and Immunisation.

CASE DETAILS

CCYP ref No **MCC Doc Ref:**

CHILD AFFECTED

Name, DOB (or approximate age):

Parent/guardian details:

PEOPLE IN ATTENDANCE/INVOLVED:

Staff name (respondent);

Name (Witness);

Name (Witness);

Responsible officer: Name Team Leader/Coord/Unit Manager

INCIDENT SUMMARY:

Overview of incident [date, place, who reported, what action has been taken]

ACTION	WHEN	WHO'S RESPONSIBLE	COMPLETED/COMMENT
--------	------	-------------------	-------------------

Incident reported to manager/supervisor	ASAP – immediately if possible. (same day)	Staff member who has been informed or witnessed the incident.	
Child Safe Incident Report Completed and forwarded by email to: Childsafe@moreland.vic.gov.au	ASAP – immediately if possible. (same day)	By staff member, manager or supervisor.	
Child Safe Internal Response Committee convened to assess the incident and decide on relevant actions outlined below. The Committee will meet as often as required to fully assess and respond to the matter including addressing the following questions: <ul style="list-style-type: none"> • Is it Reportable Conduct? • Does it require reporting to CCYP? • Should it be reported to Police? • Should the staff member be stood down? Manager, Director & CEO advised of the above assessment & make decision/s on what action/s to take.	ASAP – immediately if possible. (same or next day)	Manager, HR Operations, Manager, Early Years and Youth and Unit Manager, Maternal and Child Health and Immunisation.	
Incident Report submitted to DET/APHRA	Within 24 hours	Child Safe Internal Response Committee	
Parents advised – asked to check & monitor child	Within 24 hours	Child Safe Internal Response Committee	
Staff and other witnesses in attendance asked to provide written statement re incident	Within 24 hours	Child Safe Internal Response Committee	
Phone check/discussion with CCYP if required	Within 24 hours	Child Safe Internal Response Committee	
Report to Police & get instruction in writing on us proceeding, or not, with investigation	Within 24 hours	Child Safe Internal Response Committee	
Incident reported via CCYP Portal	Within 3 working days of CEO being advised	Child Safe Internal Response Committee	

<p>Formally advise accused staff member:</p> <p>If staff member to be stood down:</p> <ul style="list-style-type: none"> • Verbally advise staff member (see script); • Courier letter confirming stand down; <p>If staff member not stood down:</p> <ul style="list-style-type: none"> • Prepare letter advising of allegations; • Hand deliver letter & ensure staff knows requirements to continue in role. <p>If staff member is from Agency:</p> <ul style="list-style-type: none"> • Verbally advise Agency to remove contractor until investigation concluded; • Letter to contractor, via Agency, outlining allegations. 	<p>Before next shift, after decision made by CEO</p>	<p>Relevant Manager/Unit Manager and supervisor in consultation with HR Operations Manager or HR Business Partner.</p>	
<p>Initiate investigation:</p> <ul style="list-style-type: none"> • Decision on internal/external • Determine scope of the investigation; • Receive proposal; confirm contract; receive investigation plan; • Develop & email witness letters to staff • Provide investigator with contact info + arrange venue & investigation schedule for staff; • Provide other info to investigator as required; • Receive & provide investigation report to CEO 		<p>Child Safe Internal Response Committee</p>	
<p>Investigation Plan submitted via CCYP portal</p>	<p>As soon as available</p>		
<p>Welfare checks:</p> <ul style="list-style-type: none"> • Accused (respondent); • Other staff from site; • Parent/child 	<p>Regularly during course of investigation</p>	<p>Coord to assign someone for each (may get support from OHS)</p>	
<p>Arrange regular Complex Case review briefings, (either meeting or written update)</p>	<p>Weekly</p>		
<p>Submit 30 day progress report to CCYP via portal</p>	<p>30 days after initial CCYP report</p>		

<p>Meet with CEO to discuss investigation findings:</p> <ul style="list-style-type: none"> • Decision on outcome. • If decision to terminate then review if need to advise DOJ or registration board (eg VIT) 	<p>Asap after Investigation Report provided</p>	<p>Director, Manager</p>	
<p>Arrange Outcome meeting with respondent staff member:</p> <p>Advise verbally + in writing of meeting time & purpose.</p> <ul style="list-style-type: none"> • If decision is to terminate employment then Show Cause meeting; • If decision is a Warning then outcome meeting, with a printed Warning signed by relevant Manager; <p>If contract staff then advise Agency of adverse finding, or reinstate contractor if outcome ok.</p>	<p>Within 7 days of CEO decision</p>	<p>Relevant Manager/Unit Manager and supervisor in consultation with HR Operations Manager or HR Business Partner.</p>	
<p>Submit investigation findings & general follow up action to CCYP via Portal</p>	<p>After CEO decision</p>	<p>Child Safe Internal Response Committee</p>	
<p>Follow up with team:</p> <ul style="list-style-type: none"> • If staff member on a Warning then develop a Performance Improvement Plan (PIP) if applicable; • Check if child ok and supported; • Review any changes and support needs with other staff; • Implement PIP (if applicable). 		<p>Child Safe Internal Response Committee</p>	
<p>Strategic review of case & review of follow up</p>		<p>Child Safe Internal Response Committee</p>	