

Child Safe Policy



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<i>RESPONSIBLE OFFICER:</i>	Group Manager People and Communications
<i>APPROVED BY:</i>	Executive Management Team 18 December 2019
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<i>RELATED DOCUMENTS:</i>	Working With Children Check Policy Police Check Policy Employee Code of Conduct Disciplinary Policy Information Privacy and Security Policy
<i>RELATED LEGISLATION:</i>	<i>Children, Youth and Families Act 2005 (Vic)</i> <i>Child Wellbeing and Safety Act 2015</i> <i>Crimes Act 1958 (Vic)</i> <i>Crimes Amendment (Grooming) Act 2014</i> <i>Crimes Amendment (Protection of Children) Act 2014</i> <i>Crimes Amendment (Sexual Offences and Other Matters) Act 2014</i> <i>Equal Opportunity Act 2010</i> <i>Working with Children Act 2005</i>

1. PURPOSE

Manningham Council is committed to child safety, supporting the health and wellbeing of children, and being compliant with the Child Safe Standards.

The purpose of the *Child Safe Policy* (Policy) is to outline requirements for:

- Compliance with the Child Safe Standards and to meets legal obligations, including but not limited to, those prescribed under the:
 - *Child Wellbeing and Safety Act 2015*
 - *Children, Youth and Families Act 2005 (Vic)*
 - *Crimes Act 1958 (Vic)*
 - *Crimes Amendment (Grooming) Act 2014*
 - *Crimes Amendment (Protection of Children) Act 2014*
 - *Crimes Amendment (Sexual Offences and Other Matters) Act 2014*
 - *Equal Opportunity Act 2010*
 - *Working with Children Act 2005*
- Compliance with the Victorian Government's Child Safe Standards;
- Educating workers on child abuse to assist them to identify and prevent it from occurring in the workplace; and
- Providing a framework for the reporting and management of child abuse allegations.



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2. APPLICATION

This Policy applies to:

- Employees, including permanent, temporary, and casuals
- Contractors
- Volunteers, including work experience and work placement volunteers
- Persons employed by a third party agency
- Mayor and Councillors.

3. DEFINITIONS

For the purpose of the Policy the following definitions apply.

Aboriginal Child means a person under the age of 18 years of Aboriginal or Torres Strait Islander descent; identifies as an Aboriginal or Torres Strait Islander; and/or is accepted as such by the Aboriginal or Torres Strait Islander community in which they live. The issue of identification is complex and Aboriginal and Torres Strait Islanders may choose to define and express their identity in a multitude of ways. The Aboriginal and/or Torres Strait Islander status of children is determined by self-identification or by the parent, relatives or other kin.

Child/Children means a person/s under the age of 18 years.

Child Abuse means (a) any act committed against a child involving a sexual offence or an offence under section 49B (2) of the *Crimes Act 1958*; and (b) the infliction, on a child, of physical violence; or serious emotional or psychological harm; and (c) the serious neglect of a child.

Child-Related Work means work at or for a service, body or place or that involves an activity, specified in the *Working with Children Act 2005*, and that usually involves direct contact with a child.

Child Safe Standards refers to compulsory framework that supports organisations to promote the safety of children by requiring them to implement policies to prevent, respond to and report allegations of child abuse. The legislation that creates the standards is the *Child Wellbeing and Safety Act 2005*. The standards are designed to drive cultural change and embed a focus on child safety by placing children's rights and wellbeing at the forefront of the organisation's mind.

The standards require organisations to have:

1. Strategies to embed an organisational culture of child safety, including through effective leadership arrangements;
2. A Child Safe policy or statement of commitment to child safety;
3. A Code of Conduct that establishes clear expectations for appropriate behaviour with children;
4. Screening, supervising, training and other human resources practices that reduce the risk of child abuse;
5. Processes for responding to and reporting suspected child abuse;
6. Strategies to identify and reduce/remove risks of child abuse; and
7. Strategies to promote the participation and empowerment of children.



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Organisations must be guided by the following principles when implementing the standards:

- The cultural safety of Aboriginal children;
- The cultural safety of children from culturally and/or linguistically diverse backgrounds; and
- The safety of children with a disability.

Code of Conduct is a set of rules or practices that establish a standard of behaviour to be followed by individuals and organisations. A Code of Conduct defines how individuals should behave towards each other and towards other organisations and individuals in the community (refer to the Manningham Council Employee Code of Conduct).

Direct Contact means any contact between a person and a child that involves physical contact; or face-to-face contact; or contact by post or other written communication; or contact by telephone or other oral communication; or contact by email or other electronic communication.

Failure to Disclose refers to the criminal offence when an adult who forms a reasonable belief that a sexual offence has been committed by an adult against a child under 16 fails to report that information to police. Failure to disclose is a criminal offence under the *Crimes Act 1958 (Vic)*.

Failure to Protect refers to the criminal offence when a person in a position of authority fails to reduce or remove the risk of sexual abuse of a child by an adult associated with their organisation. Failure to protect is a criminal offence under the *Crimes Amendment (Protection of Children) Act 2014*.

Grooming means the criminal offence concerning predatory conduct undertaken to prepare a child for sexual activity at a later time. Grooming can be sexual misconduct and can involve the use of a variety of manipulative and controlling techniques used to build trust or normalise sexually harmful behaviour with the overall aim of facilitating exploitation or preventing disclosure (or both). Grooming can target those involved in gaining access to the child's life, including parents and other caregivers, colleagues and others in an organisation. Some examples of some grooming behaviours include:

- Initiating opportunities for unsupervised contact with a child or group of children
- Spending inappropriate special time with a child
- Inappropriately showing special favours to one child over others
- Inappropriately allowing a child to overstep rules
- Inappropriately giving gifts, money, alcohol or drugs
- Asking the child not to tell anyone else about their conversations, activities or interactions.

Grooming is a criminal offence under the *Crimes Amendment (Grooming) Act 2014*.

Mandatory Reporting refers to the legal obligation of mandatory reporters, who in the course of practising their profession or carrying out the duties of their office, position or employment, forms the belief on reasonable grounds that a child is in need of protection must report that belief to the Department of Human Services and the reasonable grounds for it as soon as practicable. Mandatory reporters include registered medical



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practitioners, nurses, midwives, persons registered as a teacher or early childhood teacher, school principals, members of the police force, and youth workers and social workers. Failure for a mandated reporters to report is a criminal offence under the *Children, Youth and Families Act 2005*.

Reasonable Belief/Reasonable Grounds means a belief based on facts that would lead a reasonable person in the same position to form the belief on the same grounds. For example, a person is likely to have reasonable belief if they observed the conduct themselves, heard from a child that the conduct occurred, or received information from another source (including another person who witnessed the conduct).

Reportable Conduct refers to the five types of reportable conduct listed in the *Child Wellbeing and Safety Act 2005*:

- 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 to a child
- Significant neglect of a child.

Reportable Conduct Scheme means the scheme established under the *Child Wellbeing and Safety Act 2005*, which requires certain organisations that provide services or conduct activities related to children to notify the Commission for Children and Young People (CCYP) about allegations of child abuse and child related misconduct made against their employees, volunteers or contractors. It also requires organisations to undertake an investigation into any allegations and allows the CCYP to oversee those investigations.

Sexual Offences means certain sexual behaviours against, with or in front of, a child. Many of these behaviours are reportable conduct as per the Victorian Reportable Conduct Scheme. This includes sexual assault, indecent acts, possession of child abuse material, and grooming a child in order to commit a sexual offence. This is a criminal offence under the *Crimes Amendment (Sexual Offences and Other Matters) Act 2014*.

Sexual Misconduct refers to a broader range of inappropriate behaviours of a sexual nature that are not necessarily criminal. Sexual misconduct refers to conduct that amounts to misconduct, is of a sexual nature, and occurred against, with, or in the presence of, a child, including behaviour, physical contact or speech or other communication of a sexual nature, inappropriate touching, grooming behaviour and voyeurism.

Worker is used as a generic term meaning a person engaged or providing services on behalf of Manningham Council. For the purposes of this policy, the word “worker” includes employees, volunteers (including work experience and work placement volunteers), contractors, consultants, persons employed through a third party agency, the Mayor and Councillors.



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4. CHILD SAFETY AT MANNINGHAM COUNCIL

4.1. Manningham Council's Statement of Commitment to Child Safety

Manningham Council is committed to:

- The protection, safety, participation and empowerment of all children;
- Promoting cultural safety for Aboriginal children, and children from culturally and/or linguistically diverse backgrounds; and
- Providing a safe environment for children with a disability.

Manningham Council demonstrates its commitment to child safety through creating and maintaining an environment that protects children engaged in Manningham Council programs and services from child abuse.

4.2. Requirements

Workers must not engage in, encourage or assist, any conduct that may constitute child abuse or grooming, or that puts a child's safety at risk. Workers must report all actual, perceived, or potential cases of child abuse or grooming in accordance with the reporting section of this Policy.

To assist in the prevention of child abuse, all workers must:

- Report any suspected child abuse to external authorities and their manager;
- Make recruitment and employment decisions that incorporate the Child Safe Standards principles.

4.2.1 Employee Code of Conduct

Manningham Council has an *Employee Code of Conduct* which includes the expectations for complying with the Child Safe Standards, including:

- Not engaging in or encouraging any behaviour that puts a child's safety at risk ;
- Avoiding unnecessary physical contact with children;
- Reporting inappropriate behaviour toward children (suspected or otherwise) immediately;
- Participating in child safety training programs; and
- Complying with relevant legislation and our policy.

4.2.2 Child Safe Standards of Behaviour

In addition to Manningham Council's Employee Code of Conduct, Manningham Council has developed child safe standards of behaviour (as set out in Appendix 1) to promote child safety in Manningham Council, set expectations for what constitutes appropriate and inappropriate behaviours by adults towards children, and to protect workers from potential accusations of inappropriate behaviour.

Refer to Appendix 1 for the Manningham Council Child Safe Standards of Behaviour.

4.2.3 Legal Obligations

Workers also have a number of legal obligations, including:

- Reporting information to the Police when a reasonable belief that a sexual offence has been committed by an adult against a child under 16 years of age (refer to *Failure to Disclose* section).



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- Acting to protect a child when a person in authority knows of a risk of child sexual abuse by someone within Manningham Council and has the authority to reduce or remove the risk (refer to *Failure to Protect* section).
- Report to relevant authorities when a mandatory reporter forms the belief of reasonable grounds that a child has suffered or is likely to suffer, significant harm as a result of physical injury or sexual abuse and the child's parents have not protected, or are unlikely to protect, the child from such harm (refer to *Mandatory Reporting* section).

4.2.4 Manager obligations

Managers, in addition to these responsibilities and obligations, are expected to be champions for child safety in their area. Managers are also responsible for raising any suspected child abuse to the Child Safety Contact Officer if it relates to allegations of allegations of child abuse (and other child-related misconduct) made against a workers.

5. EDUCATION AND SUPPORTING PROCESSES

5.1. Education and Training

All workers will be made aware of this Policy and provided with education on the contents of the Policy. This includes:

Who	Education and Training
Mayor and Councillors	Will be provided with education upon their induction following election.
Other Workers with access to Manningham Council's e-learning system	Will have access to the Policy and be provided with access to e-learning education within six months of commencement and refresher education at least every two years.
Other Workers without access to Manningham Council's e-learning system	Will be provided with information and training as determined by the Line Manager.

5.2. Child Safety Contact Officer

Manningham Council has nominated the Group Manager People and Communications to be the Manningham Council Child Safety Contact Officer. The Manningham Council Child Safety Contact Officer is responsible for responding to concerns or complaints made by workers, parents, children, or the community, as well as providing initial support and education.

5.3. Recruitment

Manningham Council incorporates child safe working practices into its recruiting, selection and screening policies and procedures.

5.4. Records management

Personal information recorded regarding a case of suspected child abuse is treated confidentially and is respectful of privacy of the individuals involved, unless there is a risk to someone's safety, in accordance with the *Information Privacy and Security Policy*.



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6. REPORTING A CHILD SAFETY CONCERN OR COMPLAINT

Manningham Council takes all concerns and complaints about potential child abuse seriously and has practices in place to investigate and escalate to authorities if necessary.

Concerns or complaints about child safety should be made to the Manningham Council Child Safety Contact Officer.

The Manningham Council Child Safety Contact Officer can be contacted on (03) 9840 9201, email childsafetyofficer@manningham.vic.gov.au, or in writing. Because of their sensitive nature, written child safety concerns or complaints sent through the post should be marked:

Strictly Confidential
Group Manager People and Communications
Child Safety Contact Officer
Manningham City Council
Po Box 1,
Doncaster 3108

Nothing in this Policy prevents a person, who holds a reasonable belief that child abuse has been committed, to report such allegations directly to the relevant authorities.

If a Child is in immediate risk of Child Abuse, call the Police on 000.

Persons seeking further information about child safety are encouraged to contact the Manningham Council Child Safety Contact Officer.

A flowchart outlining Manningham Council's child safety reporting process is included in the Appendix of this policy

7. BREACHES

Workers who are in breach of the Policy may be subject to disciplinary action, up to and including the termination of employment, in accordance with the *Disciplinary Policy*.

Workers who are not employees may be subject to review of their terms of engagement.



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Appendix 1: Child Safe Standards of Behaviour

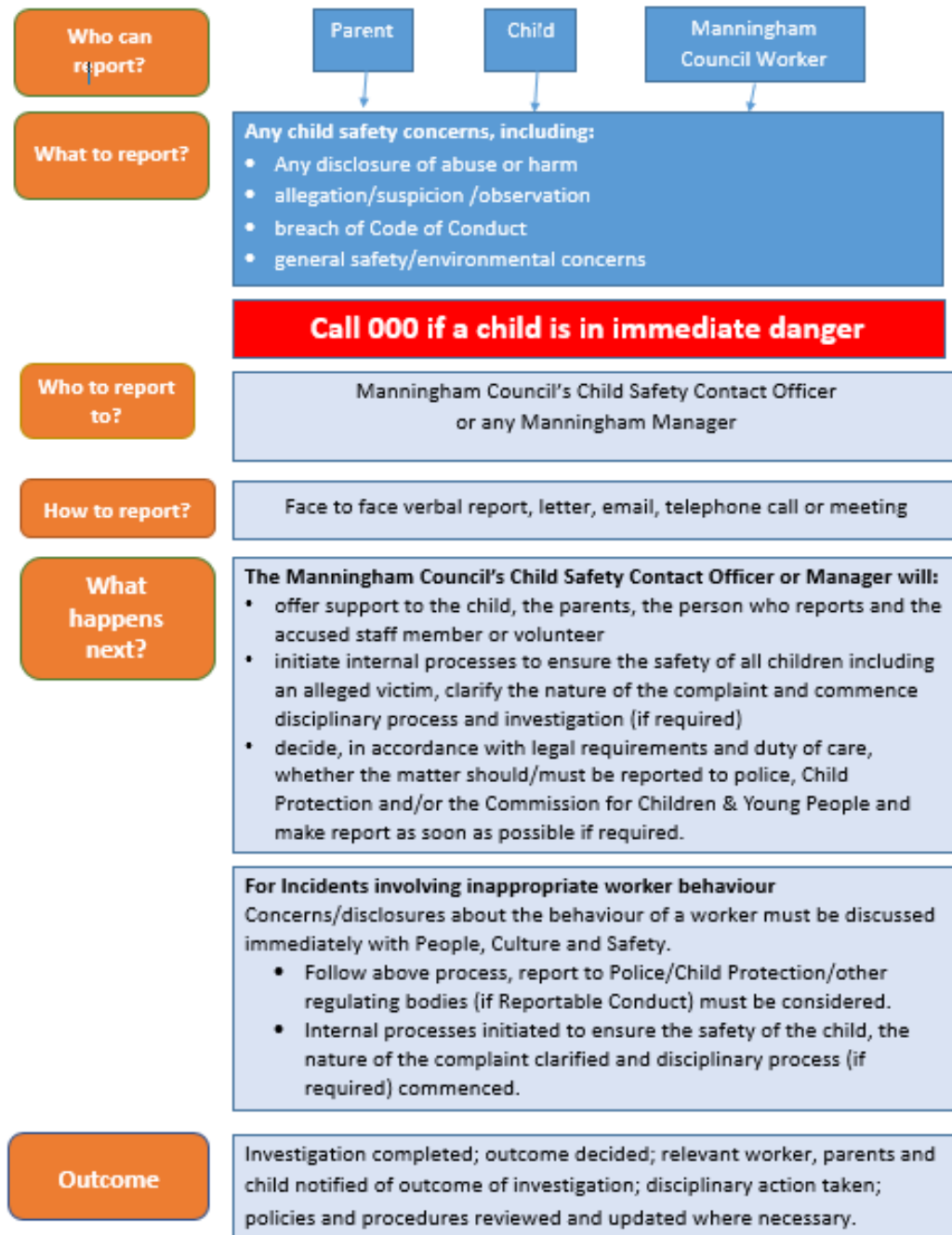
Acceptable behaviours Workers are responsible for supporting the safety and wellbeing of children they come into contact with and must:	Unacceptable behaviours Workers must not :
<ul style="list-style-type: none"> • adhere to Manningham Council's Child Safe Policy at all times • take all reasonable steps to protect children from abuse and harm • treat everyone with respect • work to prevent discrimination and actively promote the participation and inclusion of all children • model appropriate adult behaviour • listen to children and respond to their needs appropriately • reporting any allegations of child abuse to the Manningham Council Child Safety Contact Officer and ensure any child criminal matters are referred to the Victoria Police • work with children in an open and transparent way – other adults should always know about the work you are doing with children • encourage children to “have a say” and participate in matters important to them • ensure as far as practicable, that adults are not alone with a child • avoid physical contact with children, unless required as part of fulfilling legitimate work purposes (such as holding a baby or child when required as part of your role; when appropriate to assist with comforting a distressed child; when appropriate to assist a child with a disability; or when appropriate in training, sports or recreation) or where otherwise necessary (such as to assist in getting a child's attention due to an immediate safety concern or when administering first aid). 	<ul style="list-style-type: none"> • seek to use children in any way to meet the needs of adults • ignore or disregard any concerns, suspicions or disclosures of child abuse or harm • use discriminatory or oppressive behaviour or language with children • engage in rough physical games • discriminate on the basis of age, gender, race, culture, religion, disability, vulnerability, sexuality or other protected attributes under the <i>Equal Opportunity Act 2010</i>. • initiate unnecessary physical contact with children or do things of a personal nature that children can do for themselves, such as toileting or changing clothes • develop 'special' relationships with specific children or show favouritism through the provision of gifts or inappropriate attention • exchange personal contact details such as phone number, social networking site or email addresses with children • have unauthorised contact with children in person, online or by phone.



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Appendix 2: Flowchart of Child Safety Reporting Process



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