

PURPOSE

The purpose of this policy is to state the council's position on the implementation of the *Child Safe Standards* introduced by the Victoria Government in 2015.

The *Child Safe Standards* have been introduced to improve the way organisations that provide services for children prevent and respond to child abuse that may occur within their organisation. The focus of the standards is to help drive cultural change so that protecting children from abuse is embedded into every day thinking and practice.

SCOPE

The standards apply to organisations providing services for children. Local government under the implementation of the *Child Safe Standards* in Victoria are considered Category 1 organisations as they are currently funded or regulated by government. Local governments are required to work towards compliance from January 1, 2016.

This policy applies to councillors, all employees and volunteers of Wodonga City Council.

The policy informs council, executive, staff and volunteers at all levels of the organisation of their responsibilities toward the safety of children.

DEFINITIONS

Term	Definition
The Act	<i>Child Safety and Wellbeing Act 2005</i>
Aboriginal child	A person under the age of 18 who: <ul style="list-style-type: none"> • is of Aboriginal or Torres Strait Islander descent • identifies as Aboriginal or Torres Strait Islander, and • is accepted as Aboriginal or Torres Strait Islander by an Aboriginal or Torres Strait Islander community.
Child abuse	For the purposes of these standards, abuse constitutes any act committed against a child involving: <ul style="list-style-type: none"> • physical violence • sexual offences • serious emotional or psychological abuse • 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. ¹

¹ Victorian Government, *Cultural Responsiveness: Guidelines for Victorian Health Services* (2009) http://www.health.vic.gov.au/__data/assets/pdf_file/0008/381068/cultural_responsiveness.pdf

Term	Definition
Child	A person who is under the age of 18 years.
Child safety	In the context of the child safe standards, child safety means measures to protect children from abuse.
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.
Cultural competency	A set of congruent behaviours, attitudes and policies that come together in a system, agency or among professionals that enable them to work effectively in cross-cultural situations. ²
Cultural abuse	Actions and attitudes that deliberately ignore, denigrate or attack the culture of a person or community. ³
Cultural safety for Aboriginal children	<p>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.</p> <p>A culturally safe environment does not ignore, challenge or deny cultural identity. Cultural safety upholds the rights of Aboriginal children to:</p> <ul style="list-style-type: none"> • identify as Aboriginal without fear of retribution or questioning • have an education that strengthens their culture and identity • maintain connections to their land and country • maintain their strong kinship ties and social obligations • be taught their cultural heritage by their Elders • receive information in a culturally sensitive, relevant and accessible manner • be involved in services that are culturally respectful.⁴ <p><i>'A child safe organisation respects cultural differences and variations in child rearing practices due to a families personal, cultural or religious beliefs.</i></p> <p><i>However, a child safe organisations recognises that these differences do not reduce a child's right to be safe or the organisations responsibility to protect the child from harm.</i></p> <p><i>The Royal Commission advises that: Some children are more vulnerable to abuse, based on various factors including age, gender, ethnicity, disability,</i></p>

² Aboriginal Cultural Competence Framework 2008:
http://www.dhs.vic.gov.au/__data/assets/pdf_file/0011/580934/Aboriginal_cultural_competence_2008.pdf

³ Aboriginal Cultural competence Framework 2008
http://www.dhs.vic.gov.au/__data/assets/pdf_file/0011/580934/Aboriginal_cultural_competence_2008.pdf

⁴ Victorian Aboriginal Child Care Agency, 2010, *Building Respectful Partnerships*

Term	Definition
	<p><i>and prior abuse'</i> (A Guide for Creating a Child Safe Organisation 2016, p. 12).</p>
<p>Cultural safety for children from culturally and/or linguistically diverse backgrounds</p>	<p>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.⁵ 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.</p> <p><i>'A child safe organisation respects cultural differences and variations in child rearing practices due to a families personal, cultural or religious beliefs.</i></p> <p><i>However, a child safe organisations recognises that these differences do not reduce a child's right to be safe or the organisations responsibility to protect the child from harm.</i></p> <p><i>The Royal Commission advises that: Some children are more vulnerable to abuse, based on various factors including age, gender, ethnicity, disability, and prior abuse'</i> (A Guide for Creating a Child Safe Organisation 2016, p. 12).</p>
<p>Children with a disability</p>	<p>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.⁶ 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.⁷</p>
<p>Organisation⁸</p>	<p>The <i>Child Safety and Wellbeing Act 2005</i> (the Act) will provide that the standards apply to 'applicable entities', which are defined in the Act as:</p> <ul style="list-style-type: none"> • an incorporated body or association • an unincorporated body or association (however structured) • an individual who carries on a business and engages contractors, employees or volunteers to assist in the business in providing services or facilities.

⁵ Williams, R. 1999, 'Cultural Safety – what does it mean for our work practice?', *Australian and New Zealand Journal of Public Health*, Vol 23, Issue 2, p213-214.

⁶ s 3 *Disability Act 2006*.

⁷ Department of Health and Human Services, [About disability](http://www.dhs.vic.gov.au/for-business-and-community/community-involvement/people-with-a-disability-in-the-community/disability-in-victoria/about-disability), <www.dhs.vic.gov.au/for-business-and-community/community-involvement/people-with-a-disability-in-the-community/disability-in-victoria/about-disability>

⁸ An individual who carries on a business but does not engage contractors, employees or volunteers to assist in the business in providing services or facilities will be required to comply with the child safe standards when the individual belongs to a class prescribed by regulation.

POLICY

Wodonga City Council is committed to ensuring children's rights and acknowledges the approach identified by the World Health Organisation, the United Nations Convention of the Rights of the Child and the implementation of the Victorian *Child Safe Standards*. The council has previously adopted the *Child Friendly City Policy* and endorsed the *Child Friendly City Framework* in 2012.

The council fully supports the implementation of the *Child Safe Standards* through this policy and associated procedural guidelines. The *Child Safe Standards* are also referred to in the councils *Human Rights Policy 2016* and *Safety, Inclusion and Equity Strategy 2016-2017 to 2021-2022*.

The implementation of the *Child Safe Standards* will further assist the council to:

- Prevent child abuse;
- Encourage reporting of any abuse that does occur; and
- Improve responses to any allegations of child abuse.

There are seven *Child Safe Standards*, and in all standards, the following principles apply.

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

To create and maintain a child safe organisation, the council fully supports the implementation of the seven standards into every day practice across the organisation. This implementation is supported through this policy and associated procedural guidelines.

Standard 1

Strategies to embed an organisational culture of child safety, including through effective leadership arrangements.

Standard 2

A child safe policy or statement of commitment to child safety.

Standard 3

A code of conduct that establishes clear expectations for appropriate behaviour with children.

Standard 4

Screening, supervision, training and other human resources practices that reduce the risk of child abuse by new and existing personnel.

Standard 5

Processes for responding to and reporting suspected child abuse.

Standard 6

Strategies to identify and reduce or remove risks of child abuse.

Standard 7

Strategies to promote the participation and empowerment of children.

These standards are supported by the following principles:

1. A commitment to child safety

- The council is committed to the safety, participation and empowerment of all children as well as staff and volunteers.
- All councillors will show leadership and stewardship through holding a Working with Children's Check (WWCC). Councillors not able to fulfil this commitment will be unable to participate in activities involving children and young people (i.e. those aged 0-17 years).
- The council has a zero tolerance of child abuse, and all allegations and safety concerns will be treated very seriously and consistently with policies and procedures.
- The council has legal and moral obligations to contact authorities when there is concern regarding a child's safety.
- The council is committed to preventing child abuse and identifying risks early, and removing and reducing these risks.
- The council has people and workplace resources and recruitment practices for all staff and volunteers.
- The council is committed to regularly training and educating staff and volunteers on child abuse risks.
- The council is committed to the cultural safety of Aboriginal children, the cultural safety of children from a culturally and/or linguistically diverse backgrounds, and to providing a safe environment for children with a disability.
- The council has specific policies, procedures and training in place that support the leadership team, staff and volunteers to achieve these principles.

2. Children

This policy is intended to empower children in our municipality. The council involves them when making decisions, especially about matters that directly affect them. The council listens to their views and respect what they have to say.

The council promotes diversity and tolerance in the organisation, and people from all walks of life and cultural backgrounds are welcome. In particular the council:

- Promote the cultural safety, participation and empowerment of Aboriginal children;
- Promote the cultural safety, participation and empowerment of children from culturally and/or linguistically diverse backgrounds; and

- Ensure that children with a disability are safe and can participate equally.

3. Our staff and volunteers

This policy guides staff and volunteers on how to behave with children in the organisation.

All staff and volunteers must agree to abide by the code of conduct which specifies the standards of conduct required when working with children. All staff and volunteers, as well as children and their families, are given the opportunity to contribute to the development of the code of conduct.

4. Training and supervision

Training and education is important to ensure that everyone in the organisation understands that child safety is everyone's responsibility.

The organisational culture aims for all staff and volunteers (in addition to parents/carers and children) to feel confident and comfortable in discussing any allegations of child abuse or child safety concerns. The council trains staff and volunteers to identify, assess, and minimise risks of child abuse and to detect potential signs of child abuse.

The council also supports staff and volunteers through ongoing supervision to: develop their skills to protect children from abuse; promote the cultural safety of Aboriginal children, the cultural safety of children from linguistically and/or diverse backgrounds, and the safety of children with a disability.

New employees and volunteers will be supervised regularly to ensure they understand the organisation's commitment to child safety and that everyone has a role to play in protecting children from abuse, as well as checking that their behaviour towards children is safe and appropriate (Code of Conduct, 2017). Any inappropriate behaviour will be reported through appropriate channels, including the Department of Health and Human Services and Victoria Police, depending on the severity and urgency of the matter.

5. Recruitment

The council take all reasonable steps to employ skilled people to work with children. The council develops selection criteria and advertisements which clearly demonstrate commitment to child safety and an awareness of social and legislative responsibilities. The council understands that when recruiting staff and volunteers there are ethical as well as legislative obligations.

The council actively encourage applications from Aboriginal peoples, people from culturally and/or linguistically diverse backgrounds and people with a disability.

All people engaged in child-related work are required to hold a Working with Children Check and to provide evidence of this check. All volunteers are required to hold a Working with Children's Check. The council has implemented a *Child Safe Standards Position Assessment Tool* to provide a risk analysis to ascertain which staff require a *Working with Children Check*.

The council carry out reference checks and police record checks to ensure that the right people are recruited.

6. Fair procedures for personnel

The safety and wellbeing of children is the council's primary concern. The council are also fair and just to personnel. The decisions made when recruiting, assessing incidents, and undertaking disciplinary action will always be thorough, transparent, and based on evidence.

The council record all allegations of abuse and safety concerns using our incident reporting form, including investigation updates. All records are securely stored.

If an allegation of abuse or a safety concern is raised, the council will provide updates to children and families on progress and any actions we as an organisation take.

7. Privacy

All personal information considered or recorded will respect the privacy of the individuals involved, whether they be staff, volunteers, parents or children, unless there is a risk to someone's safety.

The council have safeguards and practices in place to ensure any personal information is protected. Everyone is entitled to know how this information is recorded, what will be done with it, and who will have access to it.

8. Legislative responsibilities

The council takes their legal responsibilities seriously, including:

Failure to disclose: Reporting child sexual abuse is a community-wide responsibility. All adults in Victoria who have a reasonable belief that an adult has committed a sexual offence against a child under 16 have an obligation to report that information to the police.⁹

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.¹⁰

⁹ A person will not commit this offence if they have a reasonable excuse for not disclosing the information, including a fear for their safety or where the information has already been disclosed. Further information about the failure to disclose offence is available on the [Department of Justice and Regulation website](http://www.justice.vic.gov.au/home/safer+communities/protecting+children+and+families/failure+to+disclose+offence)

<www.justice.vic.gov.au/home/safer+communities/protecting+children+and+families/failure+to+disclose+offence>.

¹⁰ Further information about the failure to protect offence is available on the [Department of Justice and Regulation website](http://www.justice.vic.gov.au/home/safer+communities/protecting+children+and+families/failure+to+protect+offence)

<www.justice.vic.gov.au/home/safer+communities/protecting+children+and+families/failure+to+protect+offence>.

Any personnel who are **mandatory reporters** must comply with their duties.¹¹

9. Risk management

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

The council have risk management strategies in place to identify, assess, and take steps to minimise child abuse risks, which include risks posed by physical environments and online environments.

10. Regular review

This policy will be reviewed every four years and following significant incidents if they occur. The council will ensure that families and children have the opportunity to contribute. The council works with local Aboriginal communities, culturally and / or linguistically diverse communities and people with a disability.

11. Allegations, concerns and complaints

The council takes all allegations seriously and has practices in place to investigate thoroughly and quickly. Staff and volunteers are trained to deal appropriately with allegations.

The council works to ensure all children, families, staff and volunteers know what to do and who to tell if they observe abuse or are a victim, and if they notice inappropriate behaviour.

The council have a responsibility to report an allegation of abuse if we have a reasonable belief that an incident took place (see information about failure to disclose above).

If an adult 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.¹²

¹¹ Mandatory reporters (doctors, nurses, midwives, teachers (including early childhood teachers), principals and police) 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. See the Department of Health and Human Services website for information about [how to make a report to child protection](http://www.dhs.vic.gov.au/about-the-department/documents-and-resources/reports-publications/guide-to-making-a-report-to-child-protection-or-child-first) <www.dhs.vic.gov.au/about-the-department/documents-and-resources/reports-publications/guide-to-making-a-report-to-child-protection-or-child-first>.

¹² For example behaviour, please see [An Overview of the Victorian child safe standards:](http://www.dhs.vic.gov.au/__data/assets/word_doc/0005/955598/Child-safe-standards_overview.doc) <www.dhs.vic.gov.au/__data/assets/word_doc/0005/955598/Child-safe-standards_overview.doc>

- Someone else has raised a suspicion of abuse but is unwilling to report it.
- Observing suspicious behaviour.

ATTACHMENTS

An Overview of the Victorian Child Safe Standards 2015

RELATED POLICIES

Wodonga Council Plan 2017-2018– 2020-2021 and Action Plan 2017-2018

Municipal Early Years Plan 2015-2016 to 2016-2017

Child Friendly City Policy 2012-2016

Child Friendly City Framework 2012-2016

Human Rights Policy 2016

Safety, Inclusion and Equity Strategy 2016-2017 to 2021-2022

Risk and Opportunity Management Policy

RELATED LEGISLATION

Child Safety and Wellbeing Act 2005

Child Wellbeing and Safety Amendment (Child Safe Standards) Act 2015

Disability Act 2006

Charter of Human Rights and responsibilities Act 20006

Children, Youth and Families Act 2005

Commission for Children and Young People Act 2012

Crimes Act 1958

Privacy & Data Protection Act 2014

Public Records Act 1973

Working with Children Act 2005

REVIEW

Council may review this policy at any time but unless otherwise requested at least every four years from date of adoption. Minor amendments to the policy may be authorised by the CEO at any time where such changes do not alter the substance of the policy e.g.: typographical errors, a change to the name of a related policy, or a change to the name of legislation.

Title:	Procurement Policy
Business Unit:	Family Youth and Early Years
Category:	Policy
Version:	One
Approved By:	Council on October 16, 2017
Next Review:	No later than October 2021.