



CHILD SAFE POLICY

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RELATED LEGISLATION:	Children, Youth and Families Act 2005 (Vic) Worker Screening Act 2020 (Vic) Child Wellbeing and Safety Amendment Act 2015 (Vic) Child Wellbeing and Safety Amendment Oversight and Child Safe Standards Act 2016 (Vic) Child Safe Standards 2022 (Vic) The Charter of Human Rights and Responsibilities Act 2006 (Vic) The Commission for Children and Young People Act 2012 (Vic) Privacy and Data Protection Act 2014 (Vic) Grooming Offence 2014 (Vic)
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CHILD SAFE POLICY

Policy documents are amended from time to time, therefore you should not rely on a printed copy being the current version. Please consult the policies on the Loddon Shire website (Council Policies) or Intranet (Organisational Policies) to ensure that the version you are using is up to date.

This document is available in alternative formats (e.g. larger font) if requested.

ACKNOWLEDGEMENT OF COUNTRY

Loddon Shire Council acknowledges the Traditional Custodians of the land comprising the Loddon Shire Council area. Council would like to pay respect to their Elders both past and present.

1 PURPOSE

This policy has been developed to support the implementation of Loddon Shire Council (Council) Child Safe Standards Framework and ensure compliance with the Victorian Child Safe Standards that came into effect 1 July 2022.

2 SCOPE

This policy applies to all Council Representatives engaged by Council irrespective of their involvement in duties related to children or young people.

Staff with mandatory reporting responsibilities need to refer to the Children, Youth and Families Act 2005 (CYFA) and the Family Law Act 2005 (FLA) to undertake understand their responsibilities.

3 POLICY

3.1 Commitment to child safety

Loddon Shire Council has a zero tolerance for any form of child abuse and is committed to the safety, wellbeing and empowerment of children including the cultural safety of Aboriginal and Torres Strait Islander children, culturally and linguistically diverse children, and the safety of children with a disability.

Council will create and maintain a child safe organisation, where protecting children and preventing and responding to child abuse is embedded in everyday thinking and practices by:

- preventing child abuse occurring within our services, programs and facilities
- creating an organisational culture of child safety
- setting clear expectations of Council Representatives about what is required to keep children safe
- ensuring Council Representatives are clear about their responsibilities when they suspect abuse of a child
- ensuring all suspected abuse is reported and fully investigated.

3.2 Child Safe Standards Framework

Council has developed a Child Safe Standards Framework to respond to the Department of Health and Human Services Child Safe Standards. The framework sets out the commitment to working towards an organisational wide approach of embedding child safety across the eleven Child Safe Standards.

3.3 Responsibilities

When working on behalf of Loddon Shire Council, all Council Representatives are required to fulfil their responsibilities to protecting children.

The Child Safe Standards Framework outlines specific responsibilities of all Council Representatives. Please note that unless otherwise stipulated in this policy, a child is a person under the age of 18 years.

3.4 Legislative requirements

All Council Representatives are responsible for the care and protection of children and young people, and reporting information about child abuse. Everyone in the organisation must have a shared understanding of child safety and their responsibilities in keeping children safe from abuse and harm.

In relation to any issue of protecting children and young people, Council Representatives need to ensure that they comply with Council's privacy policy and discuss with the Child Safe Officer and/or the Organisational Development Department how to maintain levels of information security and confidentiality for all parties involved.

Council takes its legal and reporting responsibilities seriously, including the following obligations.

3.4.1 Responsibility to protect

When a Council Representative forms a reasonable belief that a child or young person has been harmed or is at risk, they have a duty of care to take action to protect the safety and wellbeing of that child. It is a moral obligation and everyone has a responsibility to protect children.

Council will ensure that all Council Representatives have the ability to identify potential risks and understand their responsibility to act to prevent the abuse or harm of a child or young person. If they fail to do so, it is a criminal offence under Section 49C Crimes Act 1958 (Vic).

Council will take all reasonable care to prevent the abuse of a child or young person by a person associated with Council while the child is under the care, supervision or authority of Council in its services or programs.

3.4.2 Responsibility to disclose

This section specifically refers to sexual offences against children under the age of 16 years.

All adults in the state of Victoria, hence all Council Representatives who have any reasonable belief that a sexual offence has been committed by another adult over 18 years against a child under the age of 16 years **must** report that belief to police. It is a criminal offence to fail to report.

This must be reported as soon as possible unless there is a reasonable excuse or an exemption applies.

A reasonable excuse may include a fear for the immediate safety of the victim or another person as a result of the disclosure, or the information has already been disclosed to the police. It does not include a perceived interest such as reputation, legal liability or financial status.

3.4.3 Responsibility for mandatory reporting

Everyone has a moral responsibility to report concerns about child abuse. Under Section 182(1) of the Children, Youth and Families Act 2005 (as amended in 2011) certain professionals including nurses, midwives, teachers including early childhood teachers, principals, a person in a religious ministry, a person employed by a children's service within the meaning of the Children's Services Act, registered psychologist, youth and child welfare worker, youth justice officer and a youth parole officer and police are mandatory reporters and are legally bound to make a report to Child Protection Services when they have concerns of child abuse and the child is in need of protection.

To meet Early Year Services' quality assurance and compliance requirements, preschool staff will work within the Early Years Child Protection Procedure.

Any incident or suspected abuse of a child involving a Council Representative will result in Council reporting it to the Commission for Children and Young People within three days of Council becoming aware.

Council will handle any concern that is reported to the Child Safety Officer in line with the Child Safe Responding and Reporting Obligations Procedure.

For more information on mandatory reporting refer to the Child Safe Standards Framework.

3.5 Risk Management

Council will take a risk management approach to minimise or eliminate the potential for child abuse or harm to occur. Risk management strategies are outlined in the Child Safe Standards Framework.

Routine risk assessments will identify, assess and take steps or put in place mitigating actions to minimise child abuse or harm to a child or young person.

3.6 Recruitment and training

When recruiting Council Representatives, Council will ensure that all reasonable screening processes, particularly Working with Children Checks for identified roles, and police checks for all roles, will be undertaken.

Training and education is important to ensure that everyone understands that child safety is everyone's responsibility within the organisation. All Council Representatives will be made aware of their obligations and expectations of working in a Child Safe Organisation via Council's Staff Code of Conduct, Volunteer Code of Conduct, Councillors Code of Conduct, new employee induction, awareness and training sessions. In addition all Council Representatives are required to undertake mandatory Child Safe training.

Through education, awareness and training, all Council Representatives understand the organisation's commitment and their responsibility in creating and maintaining a culturally safe and inclusive environment.

3.7 Breaches of the policy

Breaches of this policy may lead to action in accordance with Council's Discipline Policy and Managing Misconduct Procedure, which may result in termination of employment and/or referral to Victoria Police. Similarly, Councillors, contractors and volunteers will face equivalent sanctions for breach of this policy.

4 DEFINITIONS OF TERMS OR ABBREVIATIONS USED

Term	Definition
Child	A person under the age of 18 years. Note there are specific provisions of this policy that refer to children under the age of 16 years.
Child abuse	Any act committed against a child involving: physical violence sexual offences, an offence committed against a child under section 49M(1) of the Crimes Act 1958 (Vic), such as grooming serious emotional or psychological abuse and serious neglect.

Child related work	Work within one or more occupational fields defined under the Children's Services Act where contact with children is direct, unsupervised, and part of a person's duties, not incidental to their work.
Child protection	Means any responsible measure or activity undertaken to safeguard children from harm.
Child Safety Officer	An appointed Loddon Shire Representative who has the skillset to provide advice and support to Council Representatives about what they need to do if they need to report suspected abuse.
Child safe organisation	In the context of the Child Safe Standards, a child safe organisation is one that meets the standards by proactively taking measures to protect children from abuse.
Complaint	A statement that something is unsatisfactory or unacceptable
Council Representatives	Refers to all Loddon Shire Councillors, employees, volunteers and contractors.
Cultural safety	Cultural safety is about creating an environment that is safe for Aboriginal and Torres Strait Islander people
Disclosure	Requires any adult who holds a reasonable belief that a sexual offence has been committed in Victoria by an adult against a child (aged under 16) to disclose that information to Victoria Police or Child Protection. Applies to everyone in the community, not just mandated professionals.
Harm	Is damage to the health, safety or wellbeing of a child or young person, including as a result of child abuse by adults or the conduct of other children.
Mandatory reporting	Certain professions are legally required to make a report to Child Protection Services. They are mandated to report through the course of their work if they form the belief on reasonable grounds that a child is in need of protection. It is a criminal offence not to report. Mandated reporters are registered medical practitioners, midwives, nurses, anyone registered as a teacher under the Education, Training and Reform Act 2006 or teachers granted permission to teach under that Act, principals of government or non-government schools and members of the police force.
Reasonable belief	A reasonable belief or a belief on reasonable grounds is not the same as having proof, but it is more than mere rumour or speculation. A 'reasonable belief' is formed if a reasonable person in the same position would have formed the belief on the same grounds.

5 HUMAN RIGHTS STATEMENT

It is considered that this policy does not impact negatively on any rights identified in the Charter of Human Rights Act. Loddon Shire Council is committed to consultation and cooperation between management and employees. The Council will formally involve elected employee Health and Safety Representatives in any workplace change that may affect the health and safety of any of its employees.

6 REVIEW

The Manager Organisation Development will review this policy for any necessary amendments no later than 1 year after adoption of this current version in conjunction with the review of the Child Safe Standards Framework.