

Child Safe Policy

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1 Document Information

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RESPONSIBLE GENERAL MANAGER	General Manager Community Sustainability
RESPONSIBLE MANAGER (Policy Owner)	Manager Family Youth and Children's Services
APPROVED BY	Chief Executive Officer
SIGNATURE	
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2 Purpose

This Policy outlines the City of Kingston's approach to creating and maintaining a child safe organisation and is consistent with the requirements under the Victorian Child Safe Standards and other relevant legislation.

3 Definitions

Term/Word	Definition
Child	A person under 18 years of age as defined in Child Youth and Families Act 2005
Child Safe Standards	Compulsory minimum standards for organizations that have contact with or provide services or facilities for children, to help protect children from abuse.
Child Safe Officer	City of Kingston officer responsible to assess and report any child safety and wellbeing concerns in line with City of Kingston's legal and moral obligations.
Sexual abuse	Sexual abused occurs when any person uses their authority over a child to involve the child in any sexual activity.
Physical abuse	Intentionally causing or threatening to cause physical injury to a child or inadvertently causing injury as a consequence of physical punishment or physically aggressive treatment of a child.
Need of protection	A child is in need of protection if they are subjected to emotional, psychological, racial, cultural or religious abuse or when basic needs such as adequate food, drink, shelter, clothing, supervision, hygiene and medical attention are not met.
Staff	A person over the age of 18 years who is or has been directly employed and paid by the organization on a permanent or casual basis or a fixed term contract.
Volunteer	A person over the age of 18 years who is or has been directly engaged by the organisation to provide a service on a particular day or time without financial gain. There is no minimum period for engagement.
Student	A person over the age of 18 years who is directly or has been engaged by the organisation to undertake a work placement.

4 Scope

This policy applies to all staff, volunteers and students engaged by the City of Kingston irrespective of their role or function; even if they do not work directly with children.

5 Policy Details

5.1 Background

In November 2013 the *Betrayal of Trust* report was tabled in Parliament and listed 15 recommendations, including the introduction of Child Safe Standards in Victoria to ensure child safe environments in organisations that provide service or facilities for children. The Child Safe Standards are compulsory and apply to organisations that work with children or have regular or direct contact with children.

The Child Safe Standards are:

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, supervision, training and other human resources practices that reduce the risk of child abuse by new and existing personnel
5. Processes for responding to and reporting suspected child abuse
6. Strategies to identify and reduce or remove risks of child abuse
7. Strategies to promote the participation and empowerment of children.

The Child Safe Standards seek to:

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

The Child Safe Standards work by:

- Driving changes in organisational culture.
- Providing a minimum standard of child safety across all organisations.
- Highlighting that we all have a role to keep children safe from abuse.

5.2 Legislative context

The Victorian Government has strengthened laws to protect children from sexual abuse and exposure to sexual offenders with a range of legislation. This is in recognition of the shared community responsibility to protect children from abuse and to provide a safe environment for children to develop, learn and play. The legislation includes the following:

5.2.1 Children, Youth and Families Act (CYFA), 2005

Governs and guides the process of child protection in Victoria. Under this Act a person can make a report to Child Protection Services if they have: A significant concern for a child's wellbeing; belief the child is in need of protection; significant concern before the birth of a child about his/her wellbeing after his/her birth.

This includes Mandatory Reporting which describes the legal obligation of certain professionals and community members in Victoria to report incidences of child sexual abuse and/or child physical abuse. The following professionals are mandated to report:

- Registered medical practitioner;

- Nurse or Midwife;
- Teacher or School principal;
- Member of the police force;
- Early Childhood educators;
- Youth, social or welfare workers;
- Psychologists;
- Youth Justice Officers; and
- Youth Parole Officers.

5.2.2 Child Wellbeing and Safety Act (2015)

Establishes the Victorian Children's Council and Child Safety Commissioner; and establishes the principles for wellbeing of children in Victoria.

5.2.3 Crimes Amendment (Grooming) Act 2014

Refers to the offence of grooming. A grooming offence is committed if the offender communicates by works or conduct with a child under the age of 16 years or their carer or supervisor and intends to commit a sexual offence involving the child.

5.2.3 Crimes Amendment (Protection of Children) Act 2014, s.49c

Refers to the failure to protect children from sexual offences. If any individual or organisation could have reasonably protected a child from sexual abuse and fails to do so it may be considered a criminal offence.

5.2.4 Crimes Amendment (Protection of Children) Act 2014, s.327

Refers to the responsibility of all individuals to disclose to authorities if they have a reasonable belief that a child under the age of 16 years has been sexually abused. Failure to do so is a criminal offence.

5.2.5 Reportable Conduct Scheme

The Commission for Children and Young People administer the Reportable Conduct Scheme in Victoria. The scheme aims to improve oversight of how organisations respond to allegations of child abuse and child-related misconduct by workers and volunteers. Under the scheme, the Commission for Children and Young People have the power to: Monitor organisation's investigations of abuse or misconduct and report on trends; share information with key organisations, such as the Working with Children Check Unit and certain professional registration bodies to improve child safety; inquire into the safety systems of organisations engaged in child-related work; and share relevant information to better protect children from the risks of abuse.

5.2.6 Working with Children Check (WWCC) Act 2005

Outlines the purpose of the WWCC and what constitutes child-related work; outlines occupations that apply and explains relevant offences and findings that are relevant to the WWCC. It sets out obligations of individuals and organisations and how personal information is stored and disposed of.

5.3 Statement of commitment to child safety

The City of Kingston is committed to being a child safe organisation and ensuring that no children are harmed by staff, volunteers or students.

We recognise our legal and moral responsibilities in keeping children and young people safe from harm and promoting their best interests. We have developed specific policies, procedures and training to support employees, volunteers and students to achieve these commitments.

We create environments where all children 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.

We are committed to promoting children's right to safety and protection by:

- Recognising children as active citizens and advocating for their rights as valued members of the community;
- Fostering the engagement, participation and empowerment of children;
- Preventing child abuse occurring within our services, programs and facilities;
- Creating an organisational culture of child safety;
- Setting clear expectations of employees, volunteers and students as to what is required to keep children safe;
- Ensuring employees, volunteers and students are clear about their responsibilities when they are concerned about the safety and wellbeing of a child; and
- Ensuring all suspected abuse is reported and investigated as appropriate.

5.4 Children and diversity

The Child Safe Standards are underpinned by the understanding that all children are vulnerable. However, some diverse groups of children may be more marginalised than others and require additional support to ensure their safety and participation needs are met. This includes children:

- Who identify as Aboriginal and Torres Strait Islander;
- From culturally and linguistically diverse backgrounds; and
- Who have disabilities.

The City of Kingston values and celebrates diversity within the community and actively supports and encourages the safety, wellbeing, participation and empowerment of all children regardless of race, religion, gender, age, ability, social status or family structure; including children who identify as Aboriginal and Torres Strait Islander, children from culturally and linguistically diverse backgrounds and children with disabilities.

Information about the Child Safe Standards and how to make a report will be made available to families and children and communicated in easy to understand language that is age appropriate.

5.5 Risk Management

In addition to general occupational health and safety risks, the City of Kingston works proactively to identify, assess, minimize and eliminate risks to the safety and wellbeing of children. This includes but is not limited to the physical and online environments.

Regular analysis of child protection reports, breaches of child safe policy and procedures, internal investigations and other serious incidents is undertaken and reported to the leadership group to identify ways to strengthen child safety and risk management in the organisation.

5.6 Reporting and responding to child safety concerns

The City of Kingston is committed to complying with all our legal and moral responsibilities regarding the safety and wellbeing of children.

The City of Kingston takes all allegations of child abuse seriously and provides a clear reporting process that is available to all staff, volunteers and students. All allegations will be investigated fairly and appropriately; and reported to the relevant authorities. This includes making reports to the Commission for Children and Young People's Reportable Conduct Scheme within the prescribed timeframes.

A Child Safe Officer has been appointed to receive initial reports regarding concerns about the conduct of staff, volunteers and students towards children and to assist with the investigation process and reporting to external agencies.

5.7 Privacy and retention of records

The City of Kingston is committed to respecting the privacy of all individuals involved in any suspected child abuse report, including reporting staff, volunteers, students, parents, guardians, careers, community members, children and the person who is suspected of child abuse.

All allegations and reports of suspected child abuse will be recorded and stored securely in accordance with the City of Kingston's Information Privacy Policy and Protected Disclosures Policy to protect the confidentiality of staff, volunteers, students, parents, guardians, careers, community members, children who make a report and the person who is suspected of child abuse.

5.8 Recruitment, selection, screening and support

The City of Kingston takes all reasonable steps to recruit appropriate and skilled people through the development of processes and screening tools including, but not limited to, Police Checks, reference checks and performance appraisals for all employees, volunteers and students. There is also a requirement for all position descriptions and job advertisements to state that the City of Kingston is a child safe organisation.

In addition to this, all people engaged in child related work, including staff, volunteers and students are required to hold a valid WWCC and provide evidence, including a copy of the WWCC and confirmation that they have been linked to the City of Kingston through the WWCC website. Further to this, specific values-based questions that relate to child safety are included in interview and reference check processes for staff, volunteers and students who are engaged in child related work.

The Code of Conduct provides clear guidance regarding appropriate behaviour, including how all staff, volunteers and students are expected to behave with children. All staff, volunteers and students are required to agree to abide by the Code of Conduct.

The City of Kingston recognises that training and supervision is important to ensure that all staff, volunteers and students understand their responsibilities to keeping children safe.

All staff, volunteers and students will be provided with mandatory induction, training and ongoing supervision and support to help maintain a child safe organisation; and will be informed about changes to relevant policy and procedures as required in the usual way.

5.9 Failure to comply with the Child Safe Policy

Failure to comply with the Child Safe Policy will be managed in accordance with the Performance Management and Disciplinary Policy.

6 Delegation Authority and Decision Guidelines

6.1 Delegations/Authorisations

The General Manager Community Sustainability and the Manager Family Youth and Children's Services have the delegated responsibilities for this Policy under the Instrument of Sub-Delegation.

6.2 Exemptions

There are no exemptions permitted from this Policy.

6.3 Human Rights Charter

This policy has been reviewed against and complies with the Charter of Human Rights and Responsibilities Act 2006.

7 Related Documents and Resources

Legislation

Children, Youth and Families Act 2005

Child Wellbeing and Safety Act, 2005

Crimes Amendment (Grooming) Act, 2014

Crime Amendment (Protection of Children) Act, 2014, s.49c and s.327

Working with Children Check Act 2005

Human Rights and Equal Opportunity Commission Act 1986

City of Kingston Documents

Child Safe Standards Reporting Procedure

Performance Management and Disciplinary Policy

Policy Protected Disclosures Procedure

Code of Conduct

Recruitment and Selection Policy

Risk Management Policy Information

Privacy Policy Workplace Learning Policy

Resources / External Documents

Commission for Children and Young People - <https://ccyp.vic.gov.au>

8 Transition arrangements

This Policy will commence upon the Chief Executive Officer's approval.

Appendix 1

Key Terms and Definitions Related to Child Abuse

In order to create a child safe environment, it is important for staff, volunteers and students to understand the various ways in which child abuse can occur. The following section defines the various forms of abuse and harm relevant to this framework.

Emotional Abuse –

Can result in damage to the child's physical, social, intellectual or emotional development. This may involve being repeatedly rejected, name-called or put down. It may involve being frightened by threats or subjected to continual coldness so that self-esteem, physical and emotional growth are affected.

Family Violence –

Witnessing family violence is a specific form of emotional or psychological abuse. Family violence is defined as violence between members of a family or extended family or those fulfilling the role of family in a child or young person's life. Exposure to family violence places children and young people at increased risk of physical injury and harm and has a significant impact on their well-being and development.

Grooming –

The offence of grooming concerns predatory conduct undertaken to prepare a child for sexual activity at a later time. The offence applies where an adult communicates by word or conduct with a child under the age of 16 years or with a person who has care, supervision or authority for the child with the intention of facilitating a child's involvement in sexual conduct, either with the groomer or another adult. Grooming does not necessarily involve any sexual contact or even discussion of sexual activity if it is deemed to have the purpose of facilitating sexual activity at a later time. The offence can be committed by any person aged 18 years or over.¹

Neglect –

Involves the failure to meet a child's basic needs, such as providing adequate food, drink, shelter, clothing, supervision, hygiene and medical attention to the extent that the child's health and development are, or are likely to be, placed at risk.

Physical Abuse –

Occurs when a child suffers or is likely to suffer significant harm from an injury. The injury may be inflicted intentionally or may be the inadvertent consequence of physical punishment or physically aggressive treatment of a child. This may take the form of punching, beating, shaking or otherwise harming a child.

Sexual Abuse –

Occurs when a person uses power, force or authority to involve a child in any form of sexual activity. Sexual abuse may involve: touching or fondling; obscene or suggestive phone calls/texts; exhibitionism and or voyeurism; showing children or involving them in the production pornographic

¹ Sourced www.justice.vic.gov.au ñ Victoria Government

images; penetration with penis, finger or other object into the mouth, anus or vagina.

Sexual exploitation –

Is considered a specific form of sexual abuse because children, by virtue of their age and development, are unable to give informed consent. Sexual exploitation of children takes different forms. It can include children being involved in sexually exploitive relationships, exposing a child to pornography, receiving money, goods, drugs or favours in exchange for sex with one or more adults, or being exploited in sex work. In all cases, those exploiting the children have power over them by virtue of their age, gender, physical strength, economic or other resources, such as access to drugs or gifts.²

Cumulative Harm –

Involves repeated and ongoing abuse and/or neglect which detrimentally impacts a child's development and well-being.

Multi-dimensional harm-

Occurs where multiple abuse types are experienced at the same time e.g. sexual abuse also involves physical and emotional abuse.

Sexually harmful behaviour in children –

Refers to harmful behaviour perpetrated by a child (17 years of age or younger) to another child. Harmful behaviours in children are often an indicator that they have experienced abuse or neglect. Where sexually harmful behaviour occurs, organisations have a duty of care to both children. Note that in children under 10 years of age, such behaviour is usually referred to as *sexually problematic behaviour*

Racial, cultural, religious, spiritual safety –

Is impacted through conduct that demonstrates contempt, ridicule, hatred or negativity towards a child because of their race, culture, religion or spiritual beliefs. Such conduct may be overt, such as direct racial vilification or discrimination, or covert, such as demonstrating a lack of cultural respect (attitude and values) and awareness (knowledge and understanding) or failing to provide positive images about another culture. This conduct may result in significant emotional abuse of a child.

² Revised from *An Overview of the Victorian Child Safe Standards* (November 2015) -State of Victoria, Department of Health and Human Services and
A Guide for Creating a Child Safe Organisation (Version 2.0 December 2015) - Commission for Children and Young People