

# CHILD SAFE POLICY

<b>Policy Number:</b>	2.1.6
<b>Approved by:</b>	Council
<b>Date Approved:</b>	December 2025
<b>Date of Next Review:</b>	December 2027
<b>Applicable to:</b>	Councillors, Council employees and temporary staff, volunteers, contractors and consultants engaged by Council
<b>Responsible Officer:</b>	Manager People and Capability
<b>Related Policies:</b>	Volunteer Policy; Recruitment and Selection Policy; Employee Code of Conduct; Child Safe Code of Conduct; Privacy and Data Collection Policy; Risk Management Policy; Human Rights Policy; Complaints Handling Policy; Records Management Policy and Community Engagement Policy
<b>Related Documents:</b>	Child Safe Reporting Procedures
<b>Statutory Reference:</b>	<i>Children, Youth and Families Act 2005</i> <i>Child Wellbeing and Safety Act 2005 (Vic)</i> <i>Children Youth and Families Act 2005</i> <i>Child Wellbeing and Safety Regulations 2017</i> <i>Crimes Amendment (Protection of Children) Act 2014</i> <i>Child Wellbeing and Safety (Child Safe Standards Compliance and Enforcement) Amendment Act 2021</i> <i>Charter of Human Rights and Responsibilities Act 2006 (Vic)</i> <i>United Nations Convention on the Rights of the Child 1989</i> <i>Privacy and Data Protection Act 2014 (Vic)</i> <i>Worker Screening Act 2020</i> <i>The Victorian Child Safe Standards</i> <i>The Victorian Reportable Conduct Scheme</i> <i>Family Violence Multi-Agency Risk Assessment and Management Framework Child Information Sharing Scheme</i> <i>Family Violence Protection Act 2008</i>

## OVERVIEW

Victorian organisations that provide services or facilities to children, such as Wellington Shire Council, are required by law to implement the Victorian Child Safe Standards (The Standards) and abide by the Reportable Conduct Scheme, to protect children from harm and ensure that allegations of child abuse are reported. The Standards were established by the *Child Wellbeing and Safety Act 2005*.

This policy is based on the principles of The Standards, which provide a framework for child safe organisations to develop policies, procedures and strategies that embed a child safe culture into every day thinking and practice, in order to reduce the risk of harm and abuse to children and young people.

## **THE POLICY**

Wellington Shire Council is committed to protecting children and young people from the risk of harm or abuse when they interact with us in person, online, visit our facilities, reside in our community, use our services and/or attend our events.

This policy affirms Council's commitment to child safety by explaining how Council will always prioritise the safety and wellbeing of children and young people. This policy outlines the child safe considerations and practices that will be implemented, to ensure that we embed and promote a culture of child safety and ensure that all allegations of child abuse or harm are taken seriously and acted upon immediately.

## **BACKGROUND**

The Child Safe Standards (the Standards) were introduced in 2016 as part of the response to the 2013 Victorian Parliamentary Inquiry into the Handling of Child Abuse by Religious and Other Non-Government Organisations (the Betrayal of Trust Inquiry).

Council is committed to creating an organisation which is safe, inclusive and supports the participation of all children and young people. Council has worked towards compliance with the Standards, which were updated in July 2022, and the Reportable Conduct Scheme, which was expanded in July 2024.

## **SCOPE**

This Policy applies to Council employees (including full time, part time, casual employees, agency staff, secondees and students) and Councillors. This Policy is also applied in the management of contractors, volunteer groups, and consultants of Wellington Shire Council, all of the time (both during work hours and outside of work hours).

## **OUR COMMITMENT TO CHILD SAFETY**

Wellington Shire 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 have a commitment to all children, including the cultural safety of Aboriginal and Torres Strait Islander children, culturally and linguistically diverse children, and to the safety of gender diverse children and children with a disability. We aim to create enriching experiences for children and young people, ensuring they feel safe, happy, and empowered.

We have specific policies, procedures, and training in place to support employees, volunteers, and contractors 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.

All allegations and safety concerns will be treated very seriously and acted on immediately, consistently in line with Council's Child Safe Reporting Procedures.

## DEFINITIONS

Terms and definitions used in this policy include:

Term	Definition
<b>Child Abuse</b>	Child abuse is defined in the Child Safety and Wellbeing Act 2005 as including: <ul style="list-style-type: none"> <li>• Physical abuse</li> <li>• Sexual abuse</li> <li>• Emotional or psychological abuse</li> <li>• Serious neglect</li> <li>• Family violence</li> <li>• Grooming</li> </ul>
<b>Child Protection</b>	Department of Families, Fairness and Housing's (DFFH) Child Protection services protect children and young people from significant harm resulting from abuse or neglect ensuring that they receive services that deal with the impact of abuse and neglect on their wellbeing and development.
<b>Child Safe Organisation</b>	A child safe organisation (in the context of the Child Safe Standards) is required to take deliberate steps to protect children and young people from abuse. This commitment must be embedded in the organisation's policies and practices that prioritise the safety of children.
<b>Child / Young person</b>	In Victoria, under the <i>Child Safety and Wellbeing Act 2005</i> a child or young person is a person under eighteen years of age.
<b>Child Safety Officer</b>	A nominated officer within an organisation who can guide you if you have any child safe concerns.
<b>Cultural Safety</b>	Cultural Safety is used by organisations to demonstrate their commitment to work and provide services which are welcoming and respectful of another person's culture. It is about our practice and how we promote safe services that value our children, young people and families and their cultural identity, lived experiences and wellbeing. It is about how we facilitate culturally safe approaches that empower children and families within decision-making processes.
<b>Aboriginal and/or Torres Strait Islander Child</b>	A child or young person up to the age of 18 years who 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.
<b>LGBTIQ+</b>	LGBTQIA+ stands for lesbian, gay, bisexual, transgender, queer (or sometimes questioning), intersex, asexual, and others. The "plus" represents other sexual identities, including pansexual and Two-Spirit.
<b>Commission for Children and Young People (The Commission)</b>	Commission for Children and Young People are an independent statutory body that promotes improvement in policies and practices affecting the safety and wellbeing of Victorian children and young people and is responsible for administering the Victorian Child Safe Standards and the Reportable Conduct Scheme.

<b>Term</b>	<b>Definition</b>
<b>Misconduct that may involve Reportable Conduct</b>	A behaviour that breached a professional code of conduct or workplace expectation (such as a departure from accepted standards that was deliberate or seriously negligent and where the individual was indifferent to the welfare of those affected) and involves one or more of the five types of reportable conduct.
<b>Reasonable Belief</b>	A reasonable belief that a child or young person needs protection, or their safety and wellbeing is at risk, is formed: If a reasonable person in the same position would have formed the belief on the same grounds. It does not require proof. A 'reasonable belief' may be formed through disclosures, observations, or other information of which you have become aware.
<b>Reportable Allegation</b>	A reportable allegation is made where a person makes an allegation, based on a reasonable belief, that an employee or volunteer has committed reportable conduct or misconduct that may involve reportable conduct. This includes where a reportable allegation is made against the head of the organisation.
<b>Employees</b>	Includes permanent and temporary full-time and part-time council employees (including temporary employees), Councillors, volunteers, secondees, students, contractors, and consultants while engaged by Council.

## **THE CHILD SAFE STANDARDS**

The Child Safe Standards (The Standards) are a set of 11 standards that aim to create and maintain child safe environments. Council is required to implement and comply with these Standards.

The Standards aim to:

- Promote the safety of children;
- Prevent child abuse; and
- Ensure organisations and businesses have effective processes in place to respond to and report all allegations of child abuse.

The Standards work by:

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

Although all children are vulnerable, some children face additional vulnerabilities. The standards provide overarching principles that organisations must consider:

- The cultural safety of Aboriginal and Torres Strait Islander children;
- The cultural safety of children from culturally and/or linguistically diverse backgrounds;
- The safety of children who are LGBTIQ+; and
- The safety of children with a disability.

The organisation overseeing the implementation and compliance with the Child Safe Standards is the Commission for Children and Young People (The Commission).

The Standards are as follows:

<b>Standard 1</b>	Organisations establish a culturally safe environment in which the diverse and unique identities and experiences of Aboriginal children and young people are respected and valued.
<b>Standard 2</b>	Child safety and wellbeing is embedded in organisational leadership, governance, and culture.
<b>Standard 3</b>	Children and young people are empowered about their rights, participate in decisions affecting them and are taken seriously.
<b>Standard 4</b>	Families and communities are informed and involved in promoting child safety and wellbeing.
<b>Standard 5</b>	Equity is upheld and diverse needs respected in policy and practice.
<b>Standard 6</b>	People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice.
<b>Standard 7</b>	The process for complaints and concerns are child focused.
<b>Standard 8</b>	Staff and volunteers are equipped with the knowledge, skills, and awareness to keep children and young people safe through ongoing education and training.
<b>Standard 9</b>	Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed.
<b>Standard 10</b>	Implementation of the Child Safe Standards is regularly reviewed and improved.
<b>Standard 11</b>	Policies and procedures document how the organisation is safe for children and young people.

## HUMAN RESOURCES PRACTICES

Council will ensure that recruitment and selection processes are robust and follow best practice in relation to child safety legislation and best practice, ensuring that all reasonable steps are followed to minimise the risk of inappropriate individuals infiltrating our organisation. Council will ensure position descriptions and advertisements promote Council's commitment to child safety, and that child safe questions are included in interviews and reference checks. Appropriate probity checks (National Criminal History Checks, International Criminal History Checks and Working With Children Checks) will always be conducted as required to ensure that Council engages appropriate people, to ensure that children and young people are not placed at risk. Council will conduct quarterly status checks on all Working With Children Checks to ensure ongoing compliance.

Council will ensure that our employees' and representatives' behaviour towards children and young people is safe, appropriate, and aligned with Council's Child Safe Code of Conduct.

Council understands that training and supervision are vital to ensuring that everyone across the organisation understands that the safety of children and young people is everyone's legal and moral responsibility. Council is committed to ensuring that **all employees and representatives** are equipped with the knowledge and ability to recognise, respond, and report incidents, allegations,

and disclosures of child abuse and/or neglect. Council will ensure that all new employees and volunteers are required to complete mandatory child safety training on commencement, and complete refresher training on a **two-year** basis.

## **CRIMINAL OFFENCES**

Obligations under this Policy are additional to legal requirements associated with criminal law.

If any person in a position of authority within our organisation becomes aware of a substantial risk that a child may become the victim of a sexual offence committed by an adult associated with the organisation (for example, an employee, contractor or volunteer), and they have the power or responsibility to reduce or remove the risk, then they must take all reasonable steps to do so. A person in authority who negligently fails to take action to address the risk may be charged with the criminal offence of “failing to protect” and may face a term of imprisonment.

- If an adult reasonably believes a sexual offence has been committed by an adult against a child under the age of 16, they must report it to Victoria Police by calling 000 or going to their local police station. Failure to disclose the information may be a criminal offence.

## **REPORTABLE CONDUCT SCHEME**

The Reportable Conduct Scheme (established by the *Child Wellbeing and Safety Act 2005*) aims to improve organisations’ responses to allegations of certain types of misconduct involving children, committed by their workers and volunteers. It imposes legal obligations on heads of organisations to have systems in place to prevent child abuse, and if child abuse is alleged, to ensure allegations are brought to the attention of appropriate persons for investigation and response.

Reportable conduct against a child includes:

- Sexual offences
- Sexual misconduct
- Physical violence
- Significant emotional or psychological harm
- Significant neglect

The Reportable Conduct Scheme has been designed to ensure that the Commission for Children and Young People will be aware of every allegation of certain types of employee/volunteer misconduct involving children. The Commission must be informed of all allegations of child abuse involving a worker or volunteer, and independently monitors all investigations undertaken by organisations.

Any complaints about a Council employee, Councillor, volunteer, student, secondee, or contractor’s behaviour or conduct towards a child or young person will be treated seriously and in accordance with the Reportable Conduct Scheme, if applicable.

The Reportable Conduct Scheme does not replace the need to report allegations of child abuse to Victoria Police and other relevant authorities.

Under the *Child Wellbeing and Safety Act 2005* and the *Child Wellbeing and Safety Regulations 2017* the Reportable Conduct Scheme does not currently apply to Wellington Shire Council.

## MANDATORY REPORTING

Mandatory reporting refers to the legal requirement of certain groups of people to report a reasonable belief of child physical or sexual abuse to authorities. There is a legal obligation under the Children Youth and Families Act 2005 of certain professionals required to make a report when a child requires protection.

## CHILD ABUSE DEFINITIONS

A Child is defined as any person under the age of 18. Child abuse and neglect commonly involve the misuse of power or authority or a breach of trust resulting in physical, psychological or sexual abuse or neglect.

TYPE OF ABUSE	DEFINITION
<b>Physical child abuse</b>	Physical violence can occur when a person intentionally or recklessly uses physical force against, with or in the presence of a child without their consent, which causes or could cause the child harm. Physical violence can be inflicted in many ways, including hitting, punching or throwing something that strikes a child and using threats to use physical harm.
<b>Child sexual abuse</b>	Sexual offences occur when a person involves a child in sexual activity or deliberately puts the child in the presence of sexual behaviours that are exploitative or inappropriate to their age and development. Child sexual abuse is any act that exposes a child or young person to, or involve a child or young person in, sexual activities that: <ul data-bbox="686 1120 1197 1276" style="list-style-type: none"><li>• they do not understand</li><li>• they do not or cannot consent to</li><li>• are not accepted by the community</li><li>• are unlawful.</li></ul>
<b>Grooming</b>	Grooming can include communicating or attempting to befriend or purposely establish a relationship or other emotional connection with a child or their family with the intent of committing child sexual abuse, either in person or on-line.
<b>Emotional or psychological child abuse</b>	Emotional and psychological child abuse may involve persistent verbal abuse, coercive or manipulative behaviour, hostility towards a child, humiliation, belittling or scapegoating, resulting in a child feeling worthless or rejected. Severe emotional or psychological harm often decreases a child's sense of identity, dignity or self-worth, creating a severe risk of being impaired. Psychological harm has a long-term cognitive impact that may affect the child's mind. Psychological harm may not be noticeable immediately however, it may present issues later in life and maybe a diagnosable psychological disorder.
<b>Neglect</b>	Severe neglect is the failure to provide a child with the basic necessities of life, such as food, clothing, shelter, hygiene, medical attention or adequate supervision, to the extent that the child's health, safety and/or development is, or likely to be jeopardised.

TYPE OF ABUSE	DEFINITION
<b>Family Violence</b>	<p>Family Violence is any behaviour that occurs within a family, domestic or intimate relationship that is physically, psychologically, economically abusive, threatening, coercive, or any way controlling that causes a person to live in fear for their safety or wellbeing.</p> <p>A child or young person's exposure to family violence constitutes child abuse.</p>

## ALLEGATIONS, CONCERNS, OR COMPLAINTS

If an employee, contractor, volunteer or representative of Council has a reasonable belief that an incident involving a child has occurred, then they must report the incident following Council's **Child Safe Reporting Procedures**. All allegations of child abuse and safety concerns will be actioned immediately as per the required reporting processes.

## KEY ROLES AND RESPONSIBILITIES

ROLE	RESPONSIBILITIES
<b>All employees and representatives</b>	<ul style="list-style-type: none"> <li>• Where a child is in immediate danger, call 000.</li> <li>• Complete mandatory child safe training;</li> <li>• Conduct work according to the requirements of the Child Safe Policy, the Child Safe Reporting Procedures and Child Safe Code of Conduct;</li> <li>• Report and respond to all concerns regarding child safety or harm to People &amp; Capability in accordance with Council's Child Safe Reporting Procedures;</li> <li>• Maintain required Working With Children Checks and inform People &amp; Capability of any changes relating to circumstances.</li> </ul>
<b>Managers and Coordinators</b>	<ul style="list-style-type: none"> <li>• Receive reports of child safety concerns or allegations of harm or abuse and immediately report them to People &amp; Capability;</li> <li>• Offer support to the child, parents and the person who reports, as well as the accused employee or representative and</li> <li>• In conjunction with People &amp; Capability, initiate an internal review of the service area where the alleged abuse occurred, identifying gaps and weaknesses in system failures.</li> </ul>
<b>Hiring Managers recruiting for child-related roles</b> (including contractors)	<ul style="list-style-type: none"> <li>• Ensure employees, contractors and volunteers have access to and are aware of the Child Safe Policy and Child Safe Reporting Procedures;</li> <li>• Ensure that new employees, contractors, representatives, or volunteers complete the compulsory induction process and mandatory training requirements on commencement with Council; and</li> </ul>

ROLE	RESPONSIBILITIES
	<ul style="list-style-type: none"> <li>• Conduct recruitment practices in line with Council's Recruitment and Selection Policy requirements for child-related work.</li> </ul>
<b>People &amp; Capability</b>	<ul style="list-style-type: none"> <li>• Provide information to all Hiring Managers and Interview Panellists regarding the Child Safe requirements for child-related work (Recruitment and Selection Policy);</li> <li>• Conduct National / International Criminal History checks on all employees and volunteers before commencement.</li> <li>• Ensure all new employees and volunteers requiring a WWCC have a valid WWCC card before the commencement of any child-related work Conduct quarterly checks on the status of all current employees and volunteers WWCC's;</li> <li>• Receive complaints, concerns, disclosures from Council employees and representatives, and community members regarding child safety; and</li> <li>• Investigate (or coordinate external parties to do so) complaints and concerns, whilst providing support (e.g. EAP) to those affected.</li> </ul>
<b>CEO</b>	<p>If the Reportable Conduct Scheme is applicable, as the head of Council, the CEO is required to:</p> <ul style="list-style-type: none"> <li>• Respond to a reportable allegation made against a worker or volunteer of Council, by ensuring that allegations are appropriately investigated.</li> <li>• Report allegations which may involve criminal conduct to the police.</li> <li>• Notify the Commission for Children and Young People (The Commission) of allegations within three business days after becoming aware of the allegation.</li> <li>• Provide The Commission with certain detailed information about the allegation within 30 days after becoming aware of the allegation.</li> <li>• After the investigation has concluded, provide The Commission with certain information including a copy of the findings of the investigation; and</li> <li>• Ensure that Council has systems in place to: <ul style="list-style-type: none"> <li>○ Prevent reportable conduct from being committed by a worker or volunteer within the course of their employment;</li> <li>○ Enable any person to notify the head of a reportable allegation;</li> <li>○ Enable any person to notify The Commission of a reportable allegation involving the head; and</li> </ul> </li> </ul>

ROLE	RESPONSIBILITIES
	<ul style="list-style-type: none"> <li>○ Investigate and respond to a reportable allegation against a worker or volunteer from Council.</li> </ul>
<b>Councillors</b>	<p>Councillors are responsible for promoting and modelling organisational and community child safe practices in their role, for considering the safety and inclusion of children and young people when making relevant decisions, and for reporting and responding to child safety issues, including reporting any child safety issues to the Chief Executive Officer (CEO).</p>

## PROMOTING EQUITY AND DIVERSITY

Council employees, volunteers, contractors and representatives must ensure their interactions with children and young people are sensitive, respectful and inclusive of all backgrounds and abilities. Wellington Shire Council is committed to promoting the safety, participation and empowerment to children and young people who are Aboriginal or Torres Strait Islander, from culturally and/or linguistically diverse backgrounds, have a disability, LGBTQIA+ and who are unable to live at home to actively engage and/or participate in child-related programs and events and feel free to express and enjoy their cultural rights.

Council has a zero tolerance of racism and any form of discrimination and will take immediate action when an instance of discrimination or exclusion is identified.

## EMPOWERING CHILDREN AND YOUNG PEOPLE

Wellington Shire Council is committed to empowering children and young people to actively participate in programs, activities and services and to know and understand their rights, such as those outlined in the *United Nations Convention on the Rights of the Child*, including:

- The right to participate and be heard;
- The right to be safe and not harmed by anyone;
- The right to live and grow up healthy;
- The right to express their views and have a say about decisions that affect them, including raising their own complaints; and
- The right to information, such as information about policies and procedures that affect them.

## INVOLVING FAMILIES AND COMMUNITIES

Council recognises the important role of families and seeks to involve them in decisions that may affect their children. Families are encouraged to provide feedback or raise concerns with Council as the need arises.

Council provides information to families and the community regarding child safe policies and practices by:

- Publishing this policy, the Child Safe Reporting Procedures and the Child Safe Code of Conduct on Council's website
- Providing information about our approach to child safety to parents of children accessing Council's programs and services
- Providing families with information and guidance around how to report a concern, or allegation relating to child abuse / harm.

## **CREATING CULTURALLY SAFE ENVIRONMENTS FOR ABORIGINAL CHILDREN AND FAMILIES**

Council is committed to creating environments where Aboriginal culture is celebrated and Aboriginal children, families and community members are welcomed and included.

Council will ensure that the implementation of policies, procedures and systems will always support the creation of Aboriginal culturally safe and inclusive environments.

### **RISK MANAGEMENT**

Council recognises the importance of identifying and managing risks of harm and abuse in both the physical and online environments attached to Council through the services and programs it delivers. Council's Risk framework will include child safety considerations, to ensure that risk controls are in place to keep children safe from harm and abuse.

### **PRIVACY AND RECORD KEEPING**

Council is committed to protecting an individuals' right to privacy. Unless there is a legislative requirement (for example, if there is a risk of self-harm or a risk to someone's safety), all personal information considered during the process of a report or investigation will be dealt with in accordance with Council's Privacy and Data Collection Policy. The nature of the records kept will include complaints made, including concerns raised about the safety of children and disclosures about alleged abuse or harm of children, and the actions taken.

Council understands that it may have to share relevant information to promote the safety and wellbeing of children, where it is appropriate and in their best interest. Confidential information may be required to be shared with external authorities, to comply with legislative requirements and best child safety practices.

### **REGULAR POLICY REVIEW**

This policy will be reviewed annually and following significant incidents if they occur. Council will ensure that this Policy is easily accessible to both employees, volunteers and representatives of Council, along with being publicly available to members of the public.

### **BREACH OF POLICY**

Any breach of this policy, including failure to report concerns about child abuse or harm of a child or young person, by an employee, contractor or volunteer will be considered serious misconduct, and action will be taken in accordance with Council's disciplinary and termination procedures. Council will refer all relevant matters to Victoria Police, and where applicable, the Commission for Children and Young People.

### **REVISION HISTORY**

<b>VERSION</b>	<b>DATE</b>	<b>SUMMARY OF CHANGES</b>
1.0	December 2024	New policy developed.
1.1	December 2025	Date of Next Review updated to December 2027.