

Moira Shire Council

Child Safety and Wellbeing Policy

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Responsible Director	Director Corporate Performance
Responsible Officer	Manager Governance, Risk and Performance
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It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to this document. Administrative changes do not materially alter the document (such as spelling/typographical errors, change to the name of a Council department, a change to the name of a Federal or State Government department). Administrative updates can be made in accordance with the Policy Framework Guidelines.

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PURPOSE

The purpose of this policy is to outline Moira Shire Council's commitment to child safety by creating and maintaining child safe environments and a child safe workplace that supports the health and wellbeing of all children in Moira Shire. This policy also explains what people who work for the Council must do if they think a child is at risk of abuse or harm.

This policy reflects Council's responsibility in meeting the requirements of the Child Safe Standards and legislative reporting requirements and our commitment that our culture, practices and priorities will create and sustain an environment where children feel safe, nurtured and protected, and where they are confident to share their views and concerns and trust that these will be heard and taken seriously.

SCOPE

This policy applies to everyone who conducts work for, or is connected to, Council in a paid or unpaid capacity and includes:

- Employees.
- Councillors.
- Contractors.
- Consultants.
- Volunteers.
- Students on placement.

DEFINITIONS

Term	Definition
Child / Children	A person / persons under 18 years of age.
Aboriginal Child / Children	A person under the age of 18 who is of Aboriginal or Torres Strait Islander descent, identifies as Aboriginal or Torres Strait Islander.
Child Abuse	The <i>Child Safety and Wellbeing Act 2005</i> defines Child abuse as: <ul style="list-style-type: none">• a sexual offence committed against a child.• grooming for sexual conduct with a child under the age of 16 (under section 49M(1) of the <i>Crimes Act 1958</i>).• physical violence against a child.• causing serious emotional or psychological harm to a child• serious neglect of a child.
Children from culturally and/or linguistically diverse backgrounds	A person under the age of 18 who identifies as having particular cultural or linguistic affiliations by virtue of their place of birth, ancestry or ethnic origin, religion, preferred language spoken at home or because of their parents' identification on a similar basis.
Child facing role	Employment where duties required include direct contact with children.
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.
Child Safety Concern	Refers to any issue that has or could impact negatively on the safety and wellbeing of children.

Term	Definition
	This means any child safety concern where Council personnel, in the course of their work, form a reasonable belief that a child or young person has suffered, or is likely to suffer, abuse or harm – whether caused by an adult OR by another child.
Child Safety Complaint	<p>An expression of dissatisfaction to an organisation related to one or more of the following:</p> <ul style="list-style-type: none"> the organisation's services or dealings with individuals. allegations of abuse or misconduct by a staff member, a volunteer or another individual associated with the organisation. disclosures of abuse or harm made by a child. the conduct of a child at the organisation. the inadequate handling of a prior concern. general concerns about the safety of a group of children or activity. <p>This means any complaint against Moira Shire Council, including any allegation of Reportable Conduct made against Council personnel.</p>
Children with a disability	A person under 18 with a disability, congenital or acquired which 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.
Contractor	Any type of business entity (Including all their employees and sub-contractors) contracted by Council to provide a specific service or range of services.
Commission	Commission for Children and Young People.
Councillor	<p>Has the same meaning as the definition in the <i>Local Government Act 2020</i>.</p> <p>In accordance with the <i>Local Government (Moira Shire Council) Act 2023</i>, Moira Shire Council has a Panel of two Administrators appointed. Administrators fulfill the role of Councillors and the Chair Administrator fulfills the role of Mayor.</p> <p>While under Administration, any reference to the term Councillor/s can be deemed to be a reference to Administrator/s.</p>
Council personnel	Includes Council employees (ongoing and casual), volunteers, students on placement with Council, contractors and agency staff engaged by Council, and Councillors.
Direct contact	<p>Direct contact with children is where the staff or volunteer position will have physical or face-to-face contact or contact through written, oral or electronic communication with children. Direct contact includes:</p> <ul style="list-style-type: none"> supervision, leadership, and control over children. delivering programs and services for children. delivering education and training sessions to children. delivering or supervising coaching or practical training sessions to children.

Term	Definition
Duty of Care	The obligation of Council personnel to take reasonable steps to protect children in their care from the risks of injury that are reasonably foreseeable.
Employee	Staff directly employed by Council, also including but not limited to agency appointments, and those staff on short- and long-term employment agreements.
Failure to disclose	Failure to disclose obligations apply to all adults in Victoria as defined in the <i>Crimes Act 1958</i> . Any adult who forms a reasonable belief that a sexual offence has been committed by an adult against a child or young person under 16 years of ages has an obligation to report that information to the police. Failure to disclose the information to police is a criminal offence.
Failure to protect	The failure to protect offence under the <i>Crimes Act 1958</i> applies to a person in a position of authority within an organisation who knows that a child is at substantial risk of being sexually abused by a person associated with the organisation and negligently fails to reduce or remove the risk.
Harm	Harm is damage to the health, safety or wellbeing of a child, including as a result of child abuse by adults or the conduct of other children. It includes physical, emotional, sexual and psychological harm. Harm can arise from a single act or event and can also be cumulative, that is, arising as a result of a series of acts or events over a period of time.
Indirect contact	Indirect contact can include: <ul style="list-style-type: none"> • a role where decisions are made that impact children. • a role that has access to a child's personal information. • influence over the organisation's policies and systems covering children.
Neglect	Serious neglect is the continued failure to provide a child with the 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. Serious neglect can also occur if an adult fails to adequately ensure the safety of a child where the child is exposed to extremely dangerous or life-threatening situations.
Online environments	Online environments are any technological platforms which an organisation uses or controls, such as computers, phones, websites, intranet, social media and video conference facilities regardless of where such platforms may be accessed by children.
Physical environments	Physical environments are the physical places where an organisation operates or conducts activities, such as a building, facility or space and includes physical environments operated by third parties.

Term	Definition
Reasonable belief	A reasonable belief that a child 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 a person has become aware.
Mandatory reporting	Mandatory reporting is the legal requirement for certain professional groups to report a reasonable belief of child physical or sexual abuse to child protection authorities under the <i>Children Youth and Families Act 2005</i> .
WWCC	Working with Children's Check.

ROLES AND RESPONSIBILITIES

Child Safety is a shared responsibility within our organisation. Council personnel have different responsibilities depending on their role. The below table sets out the different responsibilities.

Council has an internal Child Safety Committee will oversee the implementation of this policy and the Child Safe Standards. The committee will:

- meet quarterly and identify ways to strengthen child safety in the organisation.
- oversee and lead the response to child safe complaints and reports and ensure any findings from any child safety incidents and investigations are actioned, including any changes to relevant Council policies, procedures, and processes where appropriate.

The Committee will consist of Director Corporate Performance, Executive Manager People & Culture and the Governance & Risk Advisor.

Role	Responsibility
Councillors	<ul style="list-style-type: none"> • must be aware of and understand their role and legal obligations under the Child Safety legislation, the Councillor Code of Conduct and Council's policies and procedures in relation to child safety and wellbeing. • may choose to obtain a volunteer WWCC or may be exempt based on if they are a teacher with the Victorian Institute of Teaching or a Victorian or Australian Federal Police Officer. • participate in training/education in relation to identifying, preventing, and reporting child abuse. • report all concerns in relation to a child or children being abused or at risk of being abused to the Chief Executive Officer or Victoria Police (in instances where there is a requirement to disclose a reasonable belief that an offence has been committed).
Executive Leadership Team (ELT)	<ul style="list-style-type: none"> • Strengthen and model Council's child safe culture. • Ensure regular communication and discussions take place with employees on child safety to build a sense of child safety being everyone's responsibility. • Ensure the organisation has appropriate policies and procedures in place for the prevention and reporting of child abuse. • Ensure allegations of child abuse are reported and fully investigated. • Ensure support is provided for all of Council in undertaking their child safety and wellbeing obligations.

Role	Responsibility
	<ul style="list-style-type: none"> Additionally, the Chief Executive Officer is also responsible for meeting specific obligations under the Reportable Conduct Scheme.
Senior Leadership Team/ Coordinators and Team Leaders	<ul style="list-style-type: none"> Ensure a culture of child safety and wellbeing is embedded among their team/s. Ensure Child Safety and Wellbeing policies and procedures are implemented within the work areas they are responsible for, including that all employees: <ul style="list-style-type: none"> have access to Child Safety and Wellbeing Policies and Procedures; and complete relevant training and are aware of their roles and responsibilities in relation to child safety, including child safety incident reporting. Conduct risk assessments, taking reasonable steps to identify any potential risks to the safety and wellbeing of children within their team/s and remove or minimise the risks. Ensure engagement and consultation with children on matters that affect them in relation to the work their team/s undertake.
People and Culture Team	<ul style="list-style-type: none"> Ensure all recruitment and selection is undertaken to meet the requirements of the Child Safe Standards and this Policy. Where relevant, and in conjunction with People Leaders, ensure employees and volunteers have and maintain a current WWCC, prior to engagement and on an ongoing basis. Ensure induction of new employees includes the provision of the Child Safety and Wellbeing Policy and Procedures and training to support them to understand their roles and responsibilities relating to child safety. Oversee the implementation of child safety training for relevant Council personnel as required under this policy and refresher training on an ongoing basis and keep records of training completed. Manage disciplinary procedures as they relate to child safety and wellbeing.
Council employees and volunteers	<ul style="list-style-type: none"> Understand and comply with their roles and responsibilities and legal obligations in keeping children safe. Report any concerns about the safety and wellbeing of a child. Participate in training and education in relation to child safety and wellbeing as required. If required under this policy, ensure that they hold a valid / current / appropriate WWCC and that their details are up to date. Provide an environment where children feel safe, empowered and can participate. Take reasonable steps to identify and remove or minimise any potential risks to child safety and wellbeing within their work area.
Contractors (and agency/labour hire)	<ul style="list-style-type: none"> Be aware of and comply with this policy (including the Child Safe Code of Conduct) as part of their contractual agreement with Council. Keep records regarding WWCC's for relevant workers. Council may ask for WWCC's if deemed necessary as part of contract arrangements.
Council grant recipients (and	<ul style="list-style-type: none"> Council expects any recipients of funding from Council (such as through grants or sponsorship) to be aware of and comply with this

Role	Responsibility
other Council funded organisations)	<p>policy (including the Child Safe Code of Conduct) as part of their funding agreement with Council.</p> <ul style="list-style-type: none"> If children are expected to participate in the funded events or initiatives, Council strongly encourages organisations to implement safeguarding policies and procedures. Council may ask for a WWCC if deemed necessary as part of the funding arrangements.

POLICY CONTEXT

As Council provides services and facilities for children, we are required under the *Child Wellbeing and Safety Act 2005* to implement and be compliant with the Child Safe Standards and Reportable Conduct Scheme to protect children from abuse, harm and to ensure child safe cultures are imbedded.

Victorian Child Safe Standards

The Child Safe Standards provide a framework for organisations to develop policies, procedures and strategies that embed a child safe culture into every day thinking and practice to reduce the risk of child abuse and harm. All Victorian organisations which provide services for children, including Council, are required to follow the standards.

A new set of eleven standards were introduced from July 2022. These standards are set out below:

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

Reportable Conduct Scheme

The Reportable Conduct Scheme aligns closely with the Child Safe Standards. The scheme 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.

The scheme:

- Requires organisations within the scheme to respond to allegations of child abuse (and other child-related misconduct) made against their workers and volunteers, either within work or outside of work, and to notify the Commission of any allegations.
- Enables the Commission to independently oversee those responses.
- Facilitates information sharing between organisations, their regulators, Victoria Police, the Department of Justice and Community Safety and regulates the Working with Children Check Unit and the Commission.

There are five types of reportable conduct:

- a sexual offence committed against, with or in the presence of, a child, whether or not a criminal proceeding about the offence has been commenced or concluded.
- sexual misconduct, committed against, with or in the presence of, a child.
- physical violence committed against, with or in the presence of, a child.
- any behaviour that causes significant emotional or psychological harm to a child
- significant neglect of a child.

Mandatory reporting

Under Section 182 (1) of the *Children Youth and Families Act 2005*, Mandatory reporters must make a report if, in the course of practising their profession or carrying out their duties, they form a reasonable belief that a child is in need of protection and the child's parents are unable or unwilling to protect the child. Mandatory reporters must make a report to Child Protection without delay, cannot outsource their legal responsibility to another person, and must make a report each time they become aware of any further grounds for their belief.

The following are mandatory reporters in Victoria:

- registered medical practitioners
- nurses
- midwives
- registered teachers and early childhood teachers
- school principals
- school counsellors
- police officers
- out of home care workers (excluding voluntary foster and kinship carers)
- early childhood workers
- youth justice workers
- registered psychologists
- people in religious ministry.

In Council, this will be relevant for some employees which includes but may not be limited to Maternal and Child Health Nurses.

Criminal Offences

The *Crimes Act 1958* and *Crimes Amendment (Grooming) Act 2014* outline three offences applicable to Council as follows:

- **Failure to disclose** - All adults in Victoria who have a reasonable belief that an adult has committed a sexual offence against a child under 16 years have a legal obligation to report that information to the police.
- **Failure to protect**: People of authority within Council 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.
- **Grooming offence**: Grooming offence targets communication, including online

communication, with a child under the age of 16 and/or their parents with the intent of committing child sexual abuse. This offence targets predatory conduct undertaken to prepare a child for sexual abuse later with the groomer (aged 18 years or over) or another adult.

POLICY STATEMENTS

1. Commitment to Child Safety

Moirā Shire Council is a child safe organisation with a zero-tolerance approach to child abuse. We recognise our legal and moral responsibilities in keeping children safe from harm and promoting their best interests and are committed to creating and maintaining a child safe organisation where child safety is embedded in the everyday thinking and practice of Council, its employees, contractors and volunteers.

As a child safe organisation, we are committed to providing welcoming, safe and accessible environments where children feel valued, empowered and considered in decisions that affect their lives regardless of their age, gender identity, sexual orientation, ethnicity, religious beliefs, ability and family background.

We recognise the distinct history and experience of Aboriginal children and their families and are committed to creating a culturally safe and inclusive environment in which the diverse and unique identities, experiences and cultural rights of Aboriginal children are respected and valued.

Our commitment will be enacted through the implementation and monitoring of the Child Safe Standards.

2. Children's Empowerment and Participation

Council will actively seek to include children's view and ideas in our engagement with the community on issues that affect them.

We respect the rights of children and are committed to helping children feel safe within the organisation.

Council will do this by:

- providing information and resources about child safety.
- ensuring children understand their rights and how to make a report or complaint.
- consulting with children about any proposed significant changes to the physical environment, policies, procedures, services, and programs that affect them.
- ensuring that information provided to children is child friendly.

3. Involvement of families and communities

Council recognises the important role of families and parents/carers in child safety and wellbeing. Parents, families and communities are encouraged to provide feedback at any time and are encouraged to raise any child safety concerns or complaints they have with us.

Council will involve families and communities by:

- Seeking their input in decisions impacting children.
- Communicating effectively about how to raise child safety concerns through publishing this Policy and related information on the Council website; and
- Taking into account the diversity of families and act to reduce barriers to inclusion.

4. Diversity, Inclusion and Cultural Safety

Council is committed to creating an inclusive, safe and connected community for children and families of all backgrounds.

We recognise the increased vulnerabilities of groups of children and will pay particular attention to the cultural safety of Aboriginal children and children from culturally and/or linguistically diverse backgrounds as well as the safety of children with disability, LGBTIQ children, and children who are unable to live at home.

Council will do this by:

- having zero tolerance of racism and other forms of discrimination and taking action when discrimination and/or exclusion is identified.
- providing avenues for children or their families to identify their individual needs and making reasonable changes to support participation by all children.
- providing opportunities for children to share their cultural identity, express their culture and enjoy their cultural rights.
- providing children with access to information, support and complaints processes in ways that are culturally safe, accessible, and easy to understand.
- committing to ensuring our facilities, services and online environments promote inclusion of children of all abilities.
- acknowledging and celebrating important cultural dates.

Council has a number of strategies and plans to support an inclusive, safe and connected community throughout the Moira Shire, including:

- Council Plan
- Wellbeing for All Ages Strategy
- Gender Equality Action Plan
- All Abilities Access and Inclusion Plan
- Arts and Culture Strategy

5. Recruitment

Council will ensure that recruitment practices are conducted in line with requirements under the Victorian Child Safe Standards. Council has a Recruitment and Selection Policy and related procedures to ensure the recruitment, selection, induction and ongoing supervision of suitable and appropriate Council employees including the management WWCC's. Council puts child safety and wellbeing at the centre of recruitment processes and has effective screening tools to assist the recruitment of suitable employees to minimise the risk of engaging workforce members who commit child abuse or put children at risk.

The screening tools include:

- robust reference checking.
- National Police Checks.
- WWCC's undertaken in accordance with Council's Recruitment and Selection Policy and related procedures and prior to commencing any child facing role at the organisation.

6. Training and supporting staff

Training and education are important to ensure that everyone understands that child safety is everyone's responsibility within the organisation. All Council personnel will be made aware of their obligations and expectations of working in a child safe organisation and their reporting requirements.

Council will:

- Ensure that all Council personnel are provided with this policy and the Child Safe Code of Conduct to inform them of Council's expectations, practices and approach in relation child safety.
- Ensure that all Council personnel (excluding contractors) are provided with training upon commencement and at least every two years thereafter, which covers child safety and wellbeing, including identifying, preventing and reporting child abuse and harm;
- Keep records of the completion of child safety training by Council personnel;
- Reflect a culture of child safety in organisational development activities.

Employees who have direct contact with children must also undertake additional training on Child Protection and Mandatory Reporting as is relevant to their role.

Council will also support employees to build resilience and cope with child abuse incidences, for example through resilience training, and Council's Employee Assistance Program (EAP) counselling service.

7. Child Safety Code of Conduct

Council will have a Child Safe Code of Conduct which sets out the child safe standards of behaviour to be followed. All Council personnel are to act in accordance with the code in their physical and online interactions with children at all times.

Breaches of the code may result in disciplinary action and in serious cases may involve termination of a person's involvement with Council.

8. Risk Management

Council recognises the importance of a risk management approach to minimising the potential for child abuse or harm to occur in our physical and online environment and use this to inform our policy and procedures. Council has a Risk Management Framework under which it undertakes a systematic approach to identifying events that could prevent, delay or enhance the achievement of strategic and operational objectives. Child safety risks will be considered in the context of this Framework.

In addition to general occupational health and safety strategies, Council will proactively manage risks of abuse to children and ensure they comply with the Child Safe Standards.

9. Complaints and Reporting

Council will ensure a child-focused complaints culture, focusing on children and their safety and providing a culture to support anyone who wishes to make a child safety complaint.

We will do this by:

- Providing publicly available information about how child safety complaints can be raised, and how those complaints will be responded to and investigated, that is child-friendly, accessible, age-appropriate, and in a range of language and formats as needed.
- Welcoming and encouraging complaints, without judgement or dispute.
- Explaining the different ways that complaints can be submitted, either through Council and/or external authorities, and supporting them to access their preferred avenue.

Council takes allegations of child abuse seriously and will investigate and/or refer all Child Safety complaints and concerns promptly, thoroughly, and fairly in order to protect and support the health and wellbeing of children. Anyone can report a child safety complaint, including, children, families and other members of the community. Council personnel also have an obligation to report Child Safety Concerns.

Council will not tolerate improper conduct or the taking of reprisals against those who come forward to disclose such conduct.

10. Privacy, information sharing and record keeping.

Council is committed to protecting an individual's right to privacy. All personal, sensitive and health information collected during the process of a complaint or report will be handled in accordance with Council's privacy obligations, the *Child Wellbeing and Safety Act 2005* and legislated Mandatory Reporting and Information Sharing requirements.

Information will be used and disclosed only as necessary to meet the purposes outlined in this policy and as authorised by law. Council is committed to best practice when securely maintaining confidential records of Reportable Allegations. Records which may assist with the investigation of a complaint or safety concern will be identified and kept as part of the record of an investigation. Records will be kept even if an investigation does not substantiate a complaint. Council will record and keep the outcome of any investigations, and the resolution of any complaints. This includes findings made, reasons for decisions and actions taken.

IMPLEMENTATION AND MONITORING

The Child Safety Committee will provide oversight of implementation of this Policy and compliance with the Child Safe Standards.

NON-COMPLIANCE WITH THIS POLICY

Any non-compliance with this policy will be investigated on a case-by-case basis in accordance relevant policies which may include Council's Complaints Handling Policy, Council's Child Safety Complaints & Reporting Procedure, Disciplinary Procedure or other relevant policies and procedures as appropriate.

Any behaviour that constitutes a criminal offence under the *Crimes Act 1958* will be treated as a criminal matter and reported to Victoria Police without delay. This applies to all known criminal offences involving a child irrespective of whether or not it occurred while undertaking Council business.

Incidences of 'reportable conduct' will be investigated and reported to the Commission. This includes sexual offences, sexual misconduct, and physical violence against, with, or in the presence of a child. It also includes any behaviour that is likely to cause significant emotional or psychological harm to a child, and significant neglect.

RELATED LEGISLATION

Child Wellbeing and Safety Act 2005
Child Wellbeing and Safety Amendment Act 2015
Children, Youth and Families Act 2005
Equal Opportunity Act 2010
Racial and Religious Tolerance Act 2001
Charter of Human Rights and Responsibilities Act 2006
Crimes Act 1958
Wrongs Act 1958
Privacy and Data Protection Act 2014
Gender Equality Act 2020

RELATED POLICIES/DOCUMENTS

Child Safety Code of Conduct
Child Safety Complaints and Reporting Procedure
Employee Code of Conduct

Model Councillor Code of Conduct
Maternal and Child Health Mandatory Reporting Procedure
Recruitment and Selection Policy and Procedure
Procurement Policy
Risk Management Policy
Community Asset Committee Manual

REFERENCES

Commission for Children and Young People's Guide for Creating a Child Safe Organisation

DOCUMENT REVISIONS

Version	Summary of Changes	Approved by	Date
1	New Policy adopted	Council	26/07/2017
2	Policy reviewed with minor changes	Council	23/06/2021
3	New draft Policy written to address changes to the Child Safe Standards	Council	11/12/2024