

## 1. Purpose and Intent

Council is in the unique position of being able to provide a framework for maintaining the safety and wellbeing of one of our communities most vulnerable groups: children. It is often said “it takes a village to raise a child” and in many ways Council’s infrastructure is that village. From school crossings, to the playgrounds within our parks and gardens, to our online spaces and community centres, to our road maintenance activities and libraries, we all have a role to play supporting the wellbeing of children and in keeping children safe from harm or child abuse.

The purpose of this policy is to confirm Council’s overarching commitment to:

- creating and maintaining a Child Safe Organisation;
- protecting children;
- preventing child abuse;
- implementing the Child Safe Standards and the associated reporting obligations;
- modelling good practice and processes in keeping children safe from harm or child abuse;
- creating a culture of child safety and wellbeing and recognising that protecting children and preventing and responding to child abuse is a Council wide responsibility;
- promoting cultural safety for Aboriginal and Torres Strait Islander children and children from culturally and/or linguistically diverse backgrounds and the safety of children with a disability; and
- adopting and maintaining a zero-tolerance position in relation to the intentional harm of any child.

## 2. Scope

This Policy applies to Council’s Councillors, CEO, employees, agency staff, volunteers, and work experience/work placement students, irrespective of their involvement in Child Related Work. There are no exclusions to the application of this policy.

## 3. Definitions

Key term	Definition
<b>Aboriginal and/or Torres Strait Islander Children</b>	Children up to the age of 18 who are Aboriginal and/or Torres Strait Islander.

<b>Agency Staff</b>	Paid workforce members engaged by a third party whose activities associated with the delivery of their work are managed and supervised by Council.
<b>CEO</b>	Chief Executive Officer.
<b>Child Abuse</b>	Any act committed against a child involving: <ul style="list-style-type: none"> <li>• a sexual offence;</li> <li>• grooming;</li> <li>• physical violence;</li> <li>• serious emotional or psychological harm; or</li> <li>• serious neglect.</li> </ul>
<b>Child/Children</b>	A person or persons under the age of 18 years.
<b>Child Related Work</b>	Work within one or more of the occupational fields defined in the <i>Worker Screening Act 2020</i> (Vic) which involves direct rather than incidental contact with children.
<b>Child Safe Organisation</b>	An organisation that takes proactive steps to protect children from child abuse. A commitment to protecting children is embedded in an organisation's culture and policies.
<b>Child Safe Standards</b>	The standards established under the <i>Child Wellbeing and Safety Act 2005</i> (Vic).
<b>Children from Culturally and/or Linguistically Diverse Backgrounds</b>	Children who identify as having particular cultural or linguistic affiliations by virtue of their place of birth, ancestry or ethnic origin, religion, preferred language or language spoken at home, or because of their parents' identification on a similar basis.
<b>Council</b>	Frankston City Council.
<b>Councillors</b>	The individuals holding the office of a member of Council.
<b>Cultural Safety for Aboriginal and/or Torres Strait Islander Children</b>	Aboriginal and/or Torres Strait Islander children be given the opportunity to be connected to culture and provided with a safe, nurturing and positive environment where they are comfortable with being themselves, expressing their culture, their spirituality and belief systems.
<b>Cultural Safety for Children from Culturally and/or Linguistically Diverse Backgrounds</b>	An environment which is spiritually, socially and emotionally safe, as well as physically safe for children; where there is no assault, challenge or denial of their cultural or linguistic identity, of who they are and what they need.
<b>Disability/Disabilities</b>	Any physical, sensory, neurological disability, acquired brain injury or intellectual disability or developmental delay that affects a child's ability to undertake everyday activities.

<b>Grooming</b>	The act of communication by an adult, with a child or their parents with the intent of committing child sexual abuse.
<b>LGBTIQA+ Children</b>	Children up to the age of 18 who identify as lesbian, gay, bisexual, transgender, intersex, queer/questioning, asexual and other terms that people use to describe their experiences of their gender, sexuality and physiological sex characteristics.
<b>Mandatory Reporting</b>	The legal obligation under the <i>Children Youth and Families Act 2005</i> (Vic), of certain professionals, as detailed in the Act, to report to the Child and Youth Protection Services when a child is in need of protection.
<b>Reasonable Belief</b>	A 'reasonable belief' does not require an individual to have actual knowledge but they must have more than a mere speculation. A 'reasonable belief' is formed if a reasonable person in the same position would have formed the belief on the same grounds.
<b>Reportable Allegation</b>	Any information that leads a person to form a Reasonable Belief that a person to whom this Policy applies has committed: <ul style="list-style-type: none"> <li>• Reportable Conduct; or</li> <li>• Misconduct that may involve Reportable Conduct – whether or not the conduct or misconduct is alleged to have occurred within the course of the person's employment or engagement.</li> </ul>
<b>Reportable Conduct</b>	One or more of the following involving a Council employee, volunteer or contractor: <ul style="list-style-type: none"> <li>• Sexual offences committed against, with or in the presence of, a child</li> <li>• Sexual misconduct committed against, with or in the presence of, a child</li> <li>• Physical violence against, with or in the presence of, a child</li> <li>• Any behaviour that causes significant emotional or psychological harm to a child</li> <li>• Significant neglect of a child.</li> </ul>

#### 4. Authorisation

This Policy is managed by the People and Culture Department, and is approved by Frankston City's Mayor and Council's Chief Executive Officer (CEO):




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Mayor, Frankston City

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CEO, Frankston City Council

in accordance with Frankston City Council resolution at its Ordinary Council meeting of 12 December 2022.

## 5. Policy

### 5.1 Statement of Commitment to Child Safety

Council has zero tolerance for child abuse. Council is committed to creating and maintaining a child safe environment where all children are valued and protected from harm and abuse and will promote a whole of community approach to keeping children safe.

All children, who attend services, programs, events and spaces (including online environments) that are delivered, owned or managed by Council, have the right to be heard, to participate and feel safe regardless of their, or their families', age, gender, race, ability, health, religious beliefs, sexual orientation or social background. Council will encourage and support Aboriginal children to express their culture and enjoy their cultural rights and commits to creating culturally safe environments.

Council will actively facilitate the voices of children in Council planning, the design and delivery of services, programs and events and in the management of facilities. Council's priority is to involve children in opportunities to influence matters that affect them as active citizens in their community.

Council will treat all reports of child safety concerns seriously and will actively encourage children to raise such issues.

### 5.2 The Child Safe Standards

The Standards were introduced 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). The Standards were introduced via amendment to the *Child Safety and Wellbeing Act 2005* (Vic), and from January 2017, all Victorian organisations which provide services for children, including Council, were required to comply with the Standards.

A new set of Standards were introduced from July 2022.

#### **Child Safe 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

#### **Child Safe Standard 2**

Child safety and wellbeing is embedded in organisational leadership, governance and culture

#### **Child Safe Standard 3**

Children and young people are empowered about their rights, participate in decisions affecting them and are taken seriously

#### **Child Safe Standard 4**

Families and communities are informed, and involved in promoting child safety and wellbeing

#### **Child Safe Standard 5**

Equity is upheld and diverse needs respected in policy and practice

#### **Child Safe Standard 6**

People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice

### **Child Safe Standard 7**

Processes for complaints and concerns are child focused

### **Child Safe 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

### **Child Safe Standard 9**

Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed

### **Child Safe Standard 10**

Implementation of the Child Safe Standards is regularly reviewed and improved

### **Child Safe Standard 11**

Policies and procedures document how the organisation is safe for children and young people

## **5.3 Diversity, inclusion and cultural safety**

Council is committed to creating accessible, equitable, inclusive and culturally safe facilities and services for children. Council will achieve this by:

- » welcoming and supporting participation of all children, including children with disability, children from culturally and linguistically diverse backgrounds, those who are unable to live at home, LGBTIQ+ children and Aboriginal and/or Torres Strait Islander children and their families
- » having zero tolerance of racism and other forms of discrimination and taking action when discrimination or exclusion is identified
- » striving to reflect the diversity of our community through representation in our workforce
- » creating physical and online environments that actively celebrate diversity
- » providing children with access to information, support and complaints processes in ways that are culturally safe, accessible and easy to understand
- » providing avenues for children or their families to identify their individual needs and making reasonable changes to support participation by all children
- » aligning with the principles of universal design, access, equity and inclusion which includes:
  - ensuring Council's future planning and decision making will deliver best practice for all of Council's built assets, services, activities, festivals or events making them more accessible to children with a wide range of abilities, disabilities, and other characteristics
  - ensuring built assets and services are available to everyone who is entitled to use them and are free of any form of discrimination on the basis of a person's ethnicity, gender, sexual orientation, religion, English language skills, ability or age.
  - recognising children have different needs, characteristics and life experiences and, although there are similarities within groups, no one child's experience is the same

- » creating culturally safe environments for Aboriginal and/or Torres Strait Islander children by:
  - » creating an environment that is safe for Aboriginal and/or Torres Strait Islander children. This means there is no assault, challenge or denial of their identity and experience
  - » actively supporting and facilitating participation and inclusion within the organisation by Aboriginal and/or Torres Strait Islander children and their families
  - » ensuring racism and discrimination are not tolerated and unconscious biases are challenged
  - » acknowledging, appreciating and celebrating the unique experiences, perspectives and strengths of Aboriginal and/or Torres Strait Islander children, their families and communities
  - » ensuring Aboriginal and/or Torres Strait Islander children, their families and communities have an opportunity to provide feedback in relation to their experience with Council including their sense of safety in expressing their identity
  - » recognising self determination is an 'ongoing process of choice' to ensure that Aboriginal and/or Torres Strait Islander communities are able to meet their social, cultural and economic needs

## 5.4 Recruitment

Council puts child safety and wellbeing at the centre of recruitment processes and has effective screening tools to assist the recruitment of suitable employees, agency staff and volunteers to minimise the risk of engaging workforce members who commit child abuse or put children at risk.

Council's recruitment process includes our Statement of Commitment to Child Safety in all job advertisements, inclusion of child safe questions in interviews and referee checks and the requirement of holding a valid Working with Children Check on commencement.

Council complies with all relevant regulatory and legal requirements when recruiting to ensure children are not placed at risk.

## 5.5 Support, training and ongoing workforce management

Council is responsible for ensuring that appropriate behaviour with children is clearly defined and expectations are accessible and understood by all employees, agency staff and volunteers. These expectations are detailed in Council's Code of Conduct which all employees, agency staff and volunteers are required to agree to adhere to. Breaches of the Code of Conduct may result in disciplinary action and in serious cases may involve termination of a person's involvement with Council.

All Councillors, employees, agency staff and volunteers are assigned the compulsory online Child Safe Standards training to complete as part of their induction to Council and every two years

thereafter. Additional mandatory Child Safety workshops are provided to employees and volunteers who undertake work in higher risk settings and for those who engage directly with children in the course of their regular work including those undertaking roles classified as Child Related Work. Refresher workshops will be delivered every two years.

Ongoing supervision and support are also provided to employees agency staff and volunteers to ensure compliance with the Child Safe Policy, Child Safe Standards and to increase their capacity to establish and maintain a culture of child safety.

Council will ensure that licences and checks, including Working with Children's Checks, are maintained by relevant employees and volunteers and will conduct regular status checks to ensure validity and currency of licence and check details.

## 5.6 Complaints and Reporting

Council is committed to hearing the voices of children and their families including in its feedback and complaints processes. Council's Complaint Handling Policy includes information about how complaints are managed and additionally, easy-to-understand and accessible resources are made available to children, families and the community that detail the complaint process and the supports available to those making a complaint and those involved in the complaint process.

If a complaint includes an allegation or incident of child abuse or harm, all who this policy applies to are required to report in accordance with the **Child Safety Reporting Procedure** and must prioritise children's safety in any response. If there is concern for the immediate safety of a child, call 000.

All reports of concerns for the health, safety or wellbeing of a child will be treated seriously and responded to promptly and thoroughly.

Council is committed to establishing and maintaining robust child safety report management processes to ensure child safety is prioritised, Council workforce members are supported in reporting and report management processes and Council's legislated child safety reporting obligations are met.

## 5.7 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 report or investigation will be handled in accordance with Council's privacy obligations, the *Child Wellbeing and Safety Act 2005 (Vic)* 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. The Reportable Conduct Team is responsible for ensuring that records are managed in accordance with this Policy and data security and confidentiality requirements.

## 5.8 Risk Management

Council recognises the importance of identifying and managing risks of child harm and abuse in the physical and online environments owned and managed by Council including risks associated with the use of contractors and association with other third-party organisations.

Risk assessments and risk management plans are developed in recognition of the diverse nature of Council services and settings and where relevant risk management activities are incorporated into Service Plans. Risks to child safety that are identified through complaints, reports or allegations of abuse will be reviewed and incorporated into the relevant risk register.

## 6 Roles and responsibilities

All Councillors, the CEO, employees, agency staff and volunteers on forming a Reasonable Belief that Reportable Conduct has occurred or that a child is at risk or in need of protection (due to their safety, health, or wellbeing being at risk) are required to report through Council's **Child Safe Reporting Procedure**. In addition, any person may disclose a Reportable Allegation directly to the Commission for Children and Young People.

### 6.1 Councillors

Councillors are responsible for providing leadership for the good governance of Council by acting as a responsible partner in fostering and developing an organisational culture that has zero tolerance for child abuse. Councillors will advocate in the best interests of children to create and sustain a community in which children are safe and protected from child abuse.

### 6.2 CEO

The CEO is responsible for driving cultural change and ensuring Council has zero tolerance for child abuse and a culture where protecting children from risks of child abuse or harm to a child is embedded in the everyday thinking and practice of all staff across Council.

The CEO (or delegate) will ensure:

- » all Councillors, employees, agency staff and volunteers are supported to undertake their roles and responsibilities in a way that focuses on child safety and transparency
- » child safety is addressed at the strategic level, including the ongoing engagement of key stakeholders in the development, implementation, and review of child safe strategies
- » governance level policies are appropriate, relevant, understood and regularly reviewed, in line with organisational processes and ensure they are implemented across Council
- » effective leadership by championing child safe practices both internally and externally, that ensure Council is safe for all children
- » that all Councillors, employees, agency staff and volunteers understand their obligations to prevent, detect and report child abuse



- » that all Councillors, employees, agency staff and volunteers are aware of relevant laws, Council policies and procedures and the Code(s) of Conduct
- » that investigations are carried out into Reportable Allegations in accordance with the *Child Wellbeing and Safety Act 2005 (Vic)*
- » that the Commission for Children and Young People is notified and kept informed of Reportable Allegations, investigations and findings involving employees or volunteers.

### 6.3 Executive Management Team and Managers

The Executive Management Team and all Managers are responsible for supporting the CEO in creating a Child Safe Organisation and embedding a culture of zero tolerance for child abuse. This will be achieved by ensuring:

- » Council has robust child safeguarding practices in place that protect children from child abuse or harm
- » effective support and training is provided to employees, agency staff and volunteers in undertaking their role in preventing, recognising, responding and reporting child abuse or harm to children
- » Reportable Allegations are investigated and reported to the Commission for Children and Young People
- » Promoting the importance of acknowledging and appreciating the strengths of Aboriginal culture and its importance to the wellbeing and safety of Aboriginal children to employees, contractors and volunteers

### 6.4 Employees, agency staff and volunteers

Council has clear and well-established behavioural expectations of all employees, agency staff and volunteers who engage with children as a part of their role. This includes appropriate behavioural expectations for working with all children including Aboriginal and Torres Strait Islander children, culturally and/or linguistically diverse children and children with a disability.

All employees, agency staff and volunteers at Council are responsible for ensuring the safety, participation, wellbeing and empowerment of children while undertaking their roles. All employees, agency staff and volunteers are aware of and must abide by Council's relevant Code(s) of Conduct.

Employees, agency staff and volunteers must also ensure that they:

- » promote child safety at all times
- » assess the risk of child abuse within their area of control and eradicate or minimise any risk to the extent possible
- » ensure as far as reasonably possible that team members take steps to detect and prevent child abuse
- » report any inappropriate behaviour or suspected abusive activities

- » promote the cultural safety, participation and empowerment of Aboriginal children and children with culturally and/or linguistically diverse backgrounds and identify any cultural safety knowledge gaps and seek training
- » familiarise themselves with the relevant laws, Code(s) of Conduct, policies and procedures in relation to child safety and comply with all requirements
- » comply with all additional reporting obligations that are specific to their role such as Mandatory Reporting

## 6.5 Child Safety Committee

Council has established the Child Safety Committee to assist Council in identifying ways to strengthen child safety within Council, and ensure Council's leadership team remains aware of the implementation of the Child Safe Standards. The Child Safety Committee provides governance around the implementation of the Child Safe Standards and other activities that contribute to the development of Council as a Child Safe Organisation.

## 6.6 Reportable Conduct Team

Council has established a Reportable Conduct Team to ensure compliance with Council's child safe policies and procedures and with relevant legislation, particularly the *Child Wellbeing and Safety Act 2005* (Vic). The Reportable Conduct Team oversees Council's reporting requirements and has specific delegation from the CEO to manage Reportable Allegations.

If a report is made under Council's Child Safety Reporting Procedure about the conduct of a Councillor, CEO, employee, agency staff member or volunteer towards a child, a Reportable Conduct Team meeting will be held. The Reportable Conduct Team will review the incident reported to ascertain whether the incident has met the Commission for Children and Young People's threshold for a Reportable Allegation. The Reportable Conduct Team may also report the matter to other entities such as the Police if the report indicates criminal offence has been committed or the Local Government Inspectorate if it involves the conduct of a Councillor.

## 7 Policy non-compliance

Non-compliance with this Policy may constitute a breach of employment or contractual obligations, misconduct, harassment, discrimination or some other contravention of the law (such as the *Child Wellbeing and Safety Act 2005* (Vic) or the *Children, Youth and Families Act 2005* (Vic)).

## 8 Related documents

- Appropriate Workplace Behaviour Procedure
- Child Safety Reporting Procedure
- Child Safe Committee Terms of Reference
- Code of Conduct
- Councillor Code of Conduct

- Disciplinary Policy
- General Conditions of Employment
- Mahogany Rise Child and Family Centre Child Protection Policy
- Municipal Early Years Plan 2021-2025
- Police and Working with Children Check Policy
- Privacy Policy
- Recruitment and Selection Policy
- Reportable Conduct Team Terms of Reference
- Risk Management Policy 2014 and Framework
- Volunteer Policy

#### Supporting legislation

- *Child Wellbeing and Safety Act 2005 (Vic)*
- *Children, Youth and Families Act 2005 (Vic)*
- *Crimes Act 1958 (Vic)* (including Failure to Protect and Failure to Disclose offences)
- *Health Records Act 2001 (Vic)*
- *Privacy and Data Protection Act 2014 (Vic)*
- *Public Records Act 1973 (Vic)*
- *Worker Screening Act 2020 (Vic)*

## 9 Implementation of the Policy

This Policy (in conjunction with other Related Documents) will be will be implemented on authorisation and incorporated into key decision making processes and operating procedures of Council.

## 10 Policy Review

Council’s CEO is authorised to make any reasonable administrative amendments to this Policy where the amendment does not affect the substance or intention of the Policy.

The Policy will be comprehensively reviewed every two years but will be reviewed earlier in the event of significant operational changes or changes to relevant legislation.

## 11 Document History

Date approved	Change Type	Version	Next Review Date
3 April 2017	New	Version 1	March 2019
30 March 2020	Revised	Version 2	March 2022
11 July 2022	Revised	Version 3	December 2022
12 December 2022	Revised	Version 4	December 2024