

# Child Safe Policy

April 2022

**Responsible Directorate:** Community Support

**Authorised By:** City of Boroondara

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# 1. Introduction

## 1.1 Purpose

The City of Boroondara has zero-tolerance towards abuse and neglect of children and young people. We are committed to the rights of all children and young people to feel safe and be safe when participating in Council activities, services and programs. It is important not to underestimate the relevance of child safety to our organisation. When child safety is taken for granted, the wellbeing of children and an organisation's reputation can be at risk.

Engagement with a child or young person can happen incidentally and need not be planned or coordinated. Being a child safe organisation is therefore everyone's business.

The purpose of the Child Safe Policy is to ensure that councillors and all Council employees, volunteers and contractors are aware of Council's commitment to being a child safe organisation. It provides strategic and operational guidance to keep children safe, and outlines the responsibilities, procedures and practices that support this. It applies in all our operational environments and without fail wherever children and young people are participating in our organisation's activities, programs, services and/or facilities, as well as within the community of Boroondara when councillors, Council employees, volunteers and contractors are fulfilling their roles when children are present.

## 2. Background

There are many components that contribute to being a child safe organisation. This includes being compliant with the Child Safe Standards (the Standards) and the Reportable Conduct Scheme. Mandatory reporting is also required for some professional groups.

### 2.1 The Child Safe Standards

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

In July 2021, a new set of Standards were legislated to commence from July 2022. Key changes include new requirements:

- to involve families and communities in organisations' efforts to keep children and young people safe
- to provide a greater focus on safety for Aboriginal children and young people
- to manage the risk of child abuse in online environments, and
- for greater clarity on the governance, systems, and processes to keep children and young people safe.

There are eleven Standards to be met. They 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 require changes in organisational culture - embedding child safety in everyday thinking and practice, provide for a minimum standard of child safety across all organisations and highlight that we all have a role to play to keep children safe from abuse.

The eleven Standards are:

- **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
- Although all children are vulnerable, some children face additional vulnerabilities, namely Aboriginal and Torres Strait Islander children, children from culturally and linguistically diverse backgrounds and children with disabilities. Consequently, in applying each standard, organisations must embed the following three key principles:
  1. promoting the cultural safety of Aboriginal Children
  2. promoting the cultural safety of children from culturally and/or linguistically diverse backgrounds
  3. promoting the safety of children with a disability

While children's primary caregivers (parents/families) can be a protective factor against neglect and abuse, it takes many components to build a child safe organisation. The Standards help build a child safe culture within an organisation and ensure that organisations are accountable for the safety of children using their services and facilities. Compliance with the Standards is regulated and monitored by the Commission for Children and Young People.

Also relevant are the National Principles for Child Safe Organisations, which were developed following the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse and endorsed by the Council of Australian Governments in February 2019. The Victorian Government Child Safety Standards are closely aligned to the National Principles.

## **2.2 The Reportable Conduct Scheme**

Following the Victorian Parliament's Inquiry into the Handling of Child Abuse and other Non-Government Organisations in 2013, it was found that there was a need for independent scrutiny of organisations' systems and processes to respond to allegations of child abuse.

The Reportable Conduct Scheme (the Scheme) requires organisations to respond to allegations of child-related misconduct made against workers (employees and contractors) and volunteers and report any allegations to the Commission for Children and Young People (the Commission). There are five types of 'reportable conduct':

- sexual offences committed against, with or in the presence of a child
- sexual misconduct committed against, with or in the presence of a child
- physical violence 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.

The Commission has the power to receive allegations and findings of reportable conduct, assess an organisation's systems to prevent, notify and investigate reportable conduct, provide oversight of workplace investigations, investigate allegations in some circumstances, refer findings to professional registration bodies and the Working with Children Check Unit, build the capacity of organisations to respond to allegations of abuse and report to Parliament on performance of the scheme and trends. The Scheme does not replace or interfere with Police investigations.

## **2.3 Mandatory Reporting**

Mandatory reporting refers to the legal requirement of certain professional groups to report a reasonable belief of child abuse to child protection authorities. In Victoria, under the Children, Youth and Families Act 2005, mandatory reporters must make a report to child protection authorities, if in the course of practising their profession or carrying out duties of their office, position or employment, they form a belief on reasonable grounds that a child is in need of protection from physical injury or sexual abuse. In Council, this will be relevant for

some staff which includes but not limited to nurses and early childhood workers. For a complete list, refer to the [Department of Families, Fairness and Housing website](#)<sup>1</sup>.

### 3. Policy Context

In developing the Child Safe Policy, the following legislative framework is relevant:

- United Nations Convention on the Rights of the Child
- National Strategy to Prevent and Respond to Child Sexual Abuse 2021-2030
- Australian Human Rights Commission National Principles for Child Safe Organisations
- Victoria Child Safe Standards
- Victorian Reportable Conduct Scheme
- Related Council policies are:
  - Child Safe Reporting Policy
  - Councillor Code of Conduct
  - Staff Code of Conduct
  - Employment and Background Checks Policy
  - Council Volunteer Policy
  - Council Privacy and Data Protection Policy
  - Children and Young People Action Plan
  - Community Engagement Policy

The Boroondara Community Plan 2021-31 has a vision for a 'sustainable and inclusive community'.

**Theme 1** - Your Community, Services and Facilities, and the following strategies are relevant:

**Strategy 1.6** Residents and visitors feel safe in public spaces through encouraging local activity and creating and maintaining civic areas.

**Strategy 1.7** Community resilience, safety and public health are improved by working in partnership with community and government organisations.

**Theme 7** - Leadership and governance, is also relevant, as our community told us they value being listened to and responded to.

The Boroondara Children and Young People Strategy has the following action which is relevant:

Deliver online and face-to-face targeted health and wellbeing programs to young people to feel safe and connected in the community.

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<sup>1</sup> <https://providers.dhhs.vic.gov.au/mandatory-reporting>

## 4. Policy Statement

### 4.1 Our Commitment

The City of Boroondara is committed to the safety and well-being of children and, as such, is committed to creating and maintaining a child safe organisation. We understand that child safety is everyone's responsibility.

We have zero tolerance of child abuse and are committed to actively contributing to a child safe city where children are protected from abuse.

Our commitment will be enacted through the implementation and monitoring of the Child Safe Standards, as specified under the Child Wellbeing and Safety Amendment (Child Safe Standards) Act 2015.

We will ensure the safety of children by:

- documenting our commitment to safeguarding children and young people from abuse and neglect and communicating our commitment to all councillors, staff, volunteers and contractors
- having sound processes and procedures for reporting suspected child abuse and neglect
- educating Council's workforce, councillors, volunteers, contractors and the community about the safety of children and young people. This includes understanding their role and the required standards of behaviour
- providing environments that are safe for children and young people when delivering services and programs, including online, physical or psychological environments
- embedding processes that safeguard children and young people from abuse across all aspects of our operation
- responding appropriately and ensuring children are taken seriously if they raise concerns in relation to their safety and well-being
- listening to the voices of children and young people, particularly as we plan and deliver programs and services
- recognising diversity and promoting engagement with children from Aboriginal and Torres Strait Islander backgrounds, culturally and linguistically diverse backgrounds and children and young people with a disability
- having appropriate screening processes in place to minimise the likelihood that we or a contractor recruit a person who is unsuitable to work or volunteer with children and young people
- making our Child Safe Policy and procedures accessible, online and in forms that are easy to understand.

## **4.2 Working with Children Clearances (WWCCs)**

Designated staff, volunteers and contractors are required to have a current Working with Children Clearance (WWCC). These roles have been selected based on legislative requirements and Child Safe Standards risk assessment. They cover those who:

- work/volunteer in services and programs that care for/educate/support children whether supervised or unsupervised (e.g. school crossing supervisors, maternal child health and immunisation nurses) OR
- are required to work with or visit a child-based service (childcare centre, kindergarten, school) on a regular basis (e.g. project architect for child related facility) OR
- are not engaged in work that is specifically child-related but do have direct contact with children (e.g. library staff, home support staff where child family members may be present in the home environment, playground maintenance staff) AND
- may reasonably be expected to come into direct contact with children on a regular basis during the course of their work or whilst representing Council. This includes attendance at community events where children or families are participating.

Regular contact with children refers to 'on at least six occasions per calendar year'.

Councillors may choose to obtain a volunteer WWCC in view of their representational role. Councillors may also be exempt from holding a WWCC if they are a teacher with the Victorian Institute of Teaching or a Victorian or Australian Federal Police Officer.

## **4.3 Code of Conduct**

Council has a Code of Conduct that outlines the expectations and requirements for how Council staff, volunteers and contractors will behave that is in alignment with our values and prioritises integrity in relationships to ensure positive outcomes for our community. The Code of Conduct outlines that safeguarding children and young people is a shared responsibility within our organisation. The full list of safeguarding behaviours are outlined in detail in section 4.6 below. In addition, some staff within the organisation are also required to adhere to professional Codes of Conduct and/or practice standards. Some professionals are also mandated to report physical and sexual abuse of children and young people e.g. Maternal and Child Health Nurses.

Councillors have a Code of Conduct that reflects their representational role. It outlines councillors' support for Council's zero tolerance approach to child abuse and its adherence to the Victorian Child Safe Standards and related legislation including Failure to Disclose, Failure to Protect and Grooming offences.

## **4.4 Responding to Child Safety Concerns**

Council has legal obligations in relation to the reporting of child abuse. If a person is unsure as to whether to report, they should contact the Council Child Safety Officer to discuss their concerns, or in the case of councillors, the CEO. No staff, councillors, volunteers or



contractors should investigate any disclosure of harm made to them. This is the role of the police or Department of Families, Fairness and Housing through Child Protection.

A chart outlining the child safety reporting process for staff can be found on OAK.

## **4.5 Roles and Responsibilities**

Safeguarding children and young people is a shared responsibility within our organisation. It is the responsibility of all councillors, employees, volunteers and contractors to create and maintain a child safe culture. Responsibilities are outlined in the table below.

### **Councillors**

Councillors set the strategic direction of Council and represent the interests of the municipality.

They:

- are aware of and understand their obligations under the relevant legislation, 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 on the basis of if they are a teacher with the Victorian Institute of Teaching or a Victorian or Australian Federal Police Officer
- direct officers to provide an environment in facilities and activities which Council directly operates and provides activities where children and young people feel safe, empowered and can participate
- participate in training/education in relation to identifying, preventing and reporting child abuse
- report all concerns and reasonable beliefs in relation to a child or young person being abused or at risk of being abused to the Chief Executive Officer. All councillors are required to report child abuse whether it has or is, suspected to have taken place in the home, community or a Council service

### **Executive Leadership Team (ELT)**

The Executive Leadership Team is responsible for providing leadership and good governance for the organisation.

ELT is responsible for strengthening Council's child safety and wellbeing culture. This will be achieved through ensuring:

- regular communication and discussions take place with staff on child safety to build a sense of child safety being everyone's
- responsibility
- the organisation has appropriate policies and procedures in place for the prevention and reporting of child abuse

- allegations of child abuse are reported and fully investigated
- support is provided for all of Council in undertaking their child safety and wellbeing obligations.

Additionally, the Chief Executive Officer is also responsible for meeting specific obligations under the Reportable Conduct Scheme. These obligations include:

- notifying the Commission for Children and Young People within three working days of becoming aware of an allegation
- investigating any allegations (subject to Police clearance on criminal matters) and notifying the Commission who is undertaking the investigation.
- managing any risks to children
- updating the Commission within 30 calendar days, providing information on the reportable allegation and any action taken
- notifying the Commission of investigation findings and any disciplinary actions (or why no action was taken).
- The CEO may also receive reports of suspected incidents of child abuse from councillors in line with the Child Safe Reporting Process.

### **Senior Leadership Team/ Coordinators and Team Leaders**

Additionally:

- promote regular discussion on child safety as being everyone's responsibility.
- ensure all of Council has access to and are aware of their obligations under the relevant legislation, Code of Conduct and Council's policies and procedures in relation to child safety and wellbeing.
- take reasonable steps to identify any potential risks to child safety and wellbeing within their department and that these risks are removed or minimised.
- ensure that all Council staff, volunteers and contractors receive and undertake regular training/education in relation to identifying, preventing and reporting child abuse.
- receive and refer any child safety concerns to Council's Child Safety Officers and/or the relevant authority depending on the urgency of the issue.
- act to protect a child or young person and initiate internal processes for reporting and/or investigation of allegations, including the disciplinary process if required.
- ensure that confidentiality and privacy of all personal information is maintained in line with relevant legislation and Council's policies and procedures.

## **Management Steering Group**

Oversee the implementation of the Child Safe Policy and:

- ensure a child safe culture is a key focus and commitment across the organisation
- develop documents required for implementation of the CSS
- monitor compliance and non-compliance activities as they relate to the agreed CSS
- provide leadership and guidance pertaining to any potential breaches of CSS policy and procedures
- review organisational practice and develop recommendations arising out of any breaches to the CSS policy and procedures.

## **Council staff and volunteers**

- be aware of and understand their obligations under the relevant legislation, Code of Conduct and Council's policies and procedures in relation to child safety and wellbeing.
- designate staff and volunteers to have WWCCs, noting staff who have regular contact with children refers to 'on at least six occasions per calendar year'.
- provide an environment where children and young people feel safe, empowered and can participate.
- participate in training/education in relation to identifying, preventing and reporting child abuse; and additional training for those with particular responsibilities for children.
- report all concerns and reasonable beliefs in relation to a child or young person being abused or at risk of being abused to Council's Child Safety Officers and/or the relevant Manager. All Council staff, volunteers or contractors are required to report child abuse whether it has or is, suspected to have taken place in the home, community or a Council service.

## **People and Culture**

Additionally:

### **Recruitment**

- conduct all recruitment practices in line with Council's recruitment and selection guideline requirements for child related work.
- ensure appropriate child safety checks and screening is undertaken prior to offering positions according to the Employment and Background Checks Policy.
- ensure all designated new employees have WWCCs
- ensure employees have access to and are aware of the Child Safe Policy and procedures.
- ensure that new employees complete compulsory Induction on commencement with Council.
- manage Council's disciplinary procedures as they apply to the Child Safe Policy.

## **Training**

- provide information (including Code of Conduct) relating to the Child Safe Standards and Policy via training / induction material and make available to managers, team leaders and coordinators for dissemination.
- support staff to build resilience and cope with child abuse incidences, for example through resilience training, and Council's Employee Assistance Program (EAP) counselling service.
- reflect a culture of child safety in Organisational Development activities.

## **Child Safety Officer**

Additionally:

- act as the first point of contact for receiving reports of child safety concerns or allegations of abuse.
- support the notification of child safety concerns or allegations to relevant authorities.
- assist alleged victims and their families to access counselling and support services.
- provide support to affected councillors, Council staff, volunteers, contractors and/or community members through
- Council's Employee Assistance Program or other appropriate organisations.
- Labour hire, agency employees and contractors agency/labour hire workers and contractors share responsibility for the prevention and reporting of child abuse or suspected child abuse.
- Council will ensure that the same standards that apply to Council also apply to agency/labour hire workers and contractors under their contractual obligations and reflect this with standard clauses in our procurement processes.

## **Licence/ lease holders**

Lessees / licensees of Council facilities will be obligated under the lease / licence to conduct their activities at Council venues in accordance with the Child Safe Standards and Reportable Conduct Scheme.

## **Council grant recipients**

Council expects staff, volunteers, and contractors to observe child safe principles and expectations for appropriate behaviour towards and in the company of children and young people. Council expects the Funded Party to abide by the legislation and principles.

If children participate in the funded activities, Council strongly encourages organisations to implement safeguarding policies and procedures. If the activities take place in Council operated facilities, Council may request for users to provide a current Working With Children Clearance card.

## **4.6 Child Safe Standards of Behaviour**

We expect all within our organisation, regardless of their role or level of responsibility, to act to safeguard children and young people from abuse and neglect.

This Policy addresses the major areas where interactions take place with the children and young people who participate in our organisation's activities, programs, services and / or facilities.

### **Councillors**

Expectations of Councillors in relation to Child Safe Standards are outlined in the Councillor Code of Conduct section 6.9, which supports a zero tolerance approach to child abuse and highlights the importance of protecting the safety of children while encouraging their participation and empowerment.

Councillors must report any child safety concerns or allegations of abuse to the CEO. If it is reasonably believed a child or young person is at immediate risk of abuse this should be reported to police immediately.

### **Contractors**

A supplier code of conduct also exists to make it clear all contractors engaged by Boroondara are required to comply with the Victorian Child Safe Standards.

### **Council staff and volunteers**

In relation to our staff, we consider a failure to observe these guidelines as misconduct and disciplinary processes will be enacted in accordance with our Performance Improvement and Disciplinary Action Policy. Disciplinary action may, depending on the seriousness of the misconduct, include suspension while matters are investigated and/or dismissal. In addition to any internal disciplinary action, we will report to the police all instances in which a breach of the law has or may have occurred.

Volunteers who fail to observe the guidelines will be dealt with under Council's Volunteer Policy and Procedure. This can include cessation of the volunteer role immediately and a report to the police of instances in which a breach of the law has or may have occurred.

### **Acceptable Behaviours**

- Adherence to Council's Child Safe Policy and Child Safe Reporting Process at all times as well as the staff Code of Conduct
- Take all reasonable steps to protect children from child abuse
- Treat all children with respect and in the context of their age and development
- Listen and respond to the views and concerns of children, particularly if they are disclosing child abuse or are concerned with their own safety or that of another
- Promote the cultural safety, participation and empowerment of Aboriginal children
- Promote the cultural safety, participation and empowerment of children with culturally and/or linguistically diverse backgrounds

- Promote the safety, participation and empowerment of children with a disability
- Ensure as far as practicable that Council staff and volunteers are not left alone with a child or young person
- Report any child safety concerns or allegations of abuse to a Child Safety Officer and if it is reasonably believed a child or young person is at immediate risk of abuse this should be reported to police immediately
- Encourage children to contribute in relevant organisational consultations where appropriate and possible, especially on issues that are important to them as members of their community

The following sections outlines expectations of behaviour relating to specific areas of child safety.

### **Sexual misconduct**

Under no circumstances is any form of sexual behaviour to occur between, with, or in the presence of children or young people participating in any of our activities, programs, services and/or facilities. Engaging in sexual behaviour with children and young people participating (or former clients/members) in our organisation is prohibited even if the young persons involved may be above the legal age of consent.

Sexual behaviour needs to be interpreted widely, to encompass the entire range of actions that would reasonably be considered to be sexual in nature, including but not limited to:

- **contact behaviour** - such as sexual intercourse, kissing, fondling, sexual penetration or exploiting a child through prostitution
- **non-contact behaviour** - such as flirting, sexual innuendo, inappropriate text messaging, inappropriate photography or exposure to pornography or nudity.

### **Physical contact**

Any physical contact with children and young people must be appropriate to the delivery of our activities, programs and services such as when fitting a bike helmet at the Kew Traffic School and based on the needs of the child or young person, such as to assist or comfort a distressed child, rather than on the needs of our Council staff and volunteers.

Under no circumstances should Council staff and volunteers have contact with children or young people participating in our activities, programs and services that:

- Involves touching
  - of genitals,
  - of buttocks,
  - of the breast area (female children and young people). That is other than as part of delivering maternal and child health services
- is intended to cause pain or distress to the child or young person – for example corporal punishment

- is overly physical – as is, for example, wrestling, horseplay, tickling or other roughhousing
- is unnecessary – as is, for example, assisting with toileting when a child does not require assistance
- is initiated against the wishes of the child or young person, except if such contact may be necessary to prevent injury to the child/young person or to others, in which case:
  - physical restraint should be a last resort
  - the level of force used must be appropriate to the specific circumstances, and aimed solely at restraining the child or young person to prevent harm to themselves or others

Such incidents must be reported to the staff member's line management as soon as possible.

Our staff and volunteers are required to report to the Child Safety Officer any physical contact initiated by a child or young person that is sexual and/or inappropriate, for example, acts of physical aggression, as soon as possible, to enable the situation to be managed in the interests of the safety of the child or young person, our staff and volunteers and any other participants.

### **Adhering to professional role boundaries**

Our staff and volunteers should not, of their own volition or at the request of a service user, act outside the confines of their duties (as specified in their position description) when helping to deliver our programs and services.

### **Staff and volunteers**

- must not provide unauthorised transportation to children and young people engaged in our organisation, for example, staff must not use their own vehicles to transport children or young people who are participants in our services or programs.
- must not engage in activities with children or young people who are engaged in our organisation outside authorised programs and services, such as attending a child's sporting game together outside of work hours, unless it is within the scope of provision of authorised programs, services or activities.
- must not provide any form of support to a child or young person or their family, unrelated to our programs and services for example, offering overnight / weekend / holiday care to children who participate in our programs and services as respite for parents / care givers.
- must not seek contact (in an online or physical environment) with children or young people (or to former participants) outside our programs and services such as friending on social media platforms or arranging a meeting outside work hours.
- must not accept an invitation to attend any private social function at the request of a

child or young person who is participating, or has participated, in our programs and services or at the request of their family. Social is defined as a get-together, meeting, party or gathering that is non-work related, this can be in the physical or online environment.

- must not develop any special relationships with children and young people that could be seen as favouritism, for example offering gifts or special treatment for specific children and young people.
- must not engage in open discussions of a mature or adult nature in the presence of children and young people, for example discussing personal social activities/affairs.

### **Supervision**

- Staff are responsible for actively supervising the children and young people which our organisation provides programs and services for, to ensure all children and young people:
- engage positively with our programs and services, for example, participants feel comfortable and able to engage and participate in activities regardless of their ability through the provision of appropriate supervision.
- behave appropriately toward one another, for example, in our youth services programs, children and young people will not be left alone or permitted to be alone outside of the line of sight of personnel. Our libraries have a policy that children 12 years and younger must be accompanied by a parent or caregiver.
- are in a safe environment and are protected from external threats, for example, staff conduct venue risk assessments and ensure unauthorised participants and adults are unable to make contact with or access participating children and young people during programs.
- volunteers working directly with children and young people should be supervised by Council staff.

### **One-to-one supervision**

Our staff and volunteers are required to avoid one-to-one unsupervised situations (including unsupervised online activities, such as one-to-one online tutorials or meetings) with children and young people to whom we provide services. Where possible, staff and volunteers should conduct all activities and/or discussions with children and young people in view of other staff. Specially designed one-to-one children and young people support programs are conducted by appropriately qualified personnel and all interactions with children are documented according to program policies and procedures.

### **Transport**

Children and young people are to be transported only in circumstances that are directly related to the delivery of our programs and services, for example, planned excursions.

Children and young people are to be transported only with prior authorisation from the



child/young person's parent/care giver and the staff member's direct line manager. Gaining approval involves providing information about the proposed journey in a written format and receiving written authorisation. Information to be provided includes:

- the form of transport proposed, such as private car, taxi, self-drive bus, bus with driver or train
- the reason for the journey
- the route to be followed, including any stops or side trips
- details of anyone who will be present during the journey other than our staff who are involved in delivering the program or service.

### **Positive guidance**

We strive to ensure that children and young people participating in our activities, programs, services and/or facilities are aware of the acceptable limits of their behaviour so that we can provide a positive experience for all participants. Children and young people are encouraged to feel safe and be safe and have positive relationships and friendships with their peers.

Children and young people are informed of their rights and are encouraged to have their say and participate in all relevant organisational activities and decisions, particularly in relation to matters affecting them. Children and young people are given information about the behaviour our organisation expects from them, the behaviour they can expect from our staff and volunteers across the organisation and their right to safe participation in activities and access to information about child abuse prevention programs.

However, there are times when staff and volunteers may be required to use appropriate techniques and behaviour management strategies to ensure:

- an effective and positive environment
- the safety and/or wellbeing of children, young people or staff and volunteers participating in our activities, programs, services and/or facilities.

We require our staff and volunteers to use strategies that are fair, respectful and appropriate to the developmental stage of the children or young people involved. The child or young person needs to be provided with clear directions and given an opportunity to redirect their misbehaviour in a positive manner.

Under no circumstances are our staff and volunteers to take disciplinary action involving physical punishment or any form of treatment that could reasonably be considered as degrading, cruel, frightening or humiliating.

### **Promoting equity and diversity**

Staff and volunteers must ensure that their approach and interactions with children and young people are sensitive, respectful and inclusive of all backgrounds and abilities. Our staff and volunteers must actively anticipate children and young people's diverse circumstances and respond effectively to those with additional vulnerabilities.

Where our organisation has involvement with children and young people who are Aboriginal or Torres Strait Islander, from culturally and/or linguistically diverse backgrounds, have a disability, LGBTQI+ and those who are unable to live at home, our staff and volunteers will promote their safety (including cultural safety), participation and empowerment.

Our organisational culture is inclusive and respectful of the different ways that families are formed and structured. Our staff and volunteers are to respect decisions that people make about their gender identity and consult and support children and young people to feel, and to be, safe.

### **Discrimination**

We expect our staff and volunteers to treat all children and young people fairly, equally and with dignity. Our organisation abides by the United Nations Convention on the Rights of a Child. All actions and behaviours from our staff and volunteers must be non-discriminatory and always in the best interests of the child or young person.

Everyone has the right to feel safe and be free from discrimination. No one within our organisation will be discriminated against based on age, gender, race, colour, language, disability, religion, political or other opinion, sexual orientation, national or social origin or their ability to live at home.

Our organisation does not tolerate discriminatory behaviours, and prejudiced attitudes will be challenged. Our staff and volunteers must have working knowledge of our complaints handling processes to provide support and access to information should any child, young person or family in our service require it.

### **Language and tone of voice**

Language and tone of voice used in the presence of children and young people should:

- provide clear direction, boost their confidence, encourage or affirm them
- not be harmful to children and young people – in this respect, avoid language that is:
  - discriminatory, racist or sexist
  - derogatory, belittling or negative, for example, by calling a child a loser or telling them they are too fat
  - intended to threaten or frighten
  - profane or sexual.

### **Electronic and online communication**

Staff and volunteers may communicate digitally with children and young people using Council's equipment or, where necessary or appropriate, personal devices (e.g. cameras or mobile phones), for the purpose of organisation related activities. In doing so, staff and volunteers must comply with Council's Privacy Policy, Acceptable Use Policy and Risk Management Framework and must ensure that:

- Parents or caregivers give written permission for staff and volunteers to have the child or young person's phone number and young people over 18 must give written permission to be contacted by telephone
- The content of communication is relevant to the organisation's activity and does not contain any inappropriate or offensive comments or images. In particular, do not communicate anything that a reasonable observer could view as being of a sexual nature;
- A plan for moderating and removing any inappropriate or offensive content has been developed and documented;
- All users are educated that what they share is on a public platform and can be seen and screen shot by people unknown to them. All users are educated in identifying and reporting harmful or inappropriate content.
- No unnecessary identifying details about or images of individuals are shared;
- Only engage through organisational or approved accounts, not personal or unapproved ones;
- Any usage is within the restrictions and rules imposed by the application itself (such as age limitations).

All our staff and volunteers are required to follow our Social Media Policy.

All our staff, volunteers and the children and young people to whom we deliver our programs and services are required to follow our Acceptable Use Policy in relation to browsing websites on our organisation's computers.

Our staff and volunteers are required to ensure, where practical, appropriate monitoring of children and young people who use our organisation's online and electronic communication equipment. The purpose of monitoring is to prevent exposure to pornographic material and to ensure children and young people do not inadvertently place themselves at risk of abuse or exploitation via social networking sites, gaming sites, web searches or inappropriate email communication. Council uses firewalls and content blocking on our networks to prevent access to inappropriate and potentially harmful material.

### **Photography**

- Any photos of children under the age of 18 must have written and signed permission from their parent/legal guardian. The photo permission form must be completed.
- Images are stored in Council's secure image library, Thirdlight, which only specific people in Council have access to with individual user names and passwords.
- All images have their permission form uploaded before it can be used. No permission form, no photo use.
- All images have an expiry date of 5 years - after expiration they are no longer used.
- Before downloading an image for use, Terms and Conditions appear which the user needs to consent to.

## **Overnight stays and sleeping arrangements**

Staff are not permitted to stay overnight with children and young people during any of our programs or services.

## **Bathroom change room arrangements**

- Youth Services staff are required to monitor bathrooms at the Youth Hub while balancing the young person's right to privacy.
- Youth Services staff need to provide the level of supervision required for preventing abuse by members of the public, adult service users, peer service users, or general misbehaviour, while also respecting a child's or young person's privacy.
- when monitoring bathroom and/or change room area, staff are to knock loudly / identify themselves prior to entering the area and where possible take another supervising adult.
- female staff and volunteers are not to enter male bathroom/change room and male staff and volunteers are not to enter female bathrooms/change rooms.
- staff are to use bathrooms and change rooms specific to their identified gender.

In addition:

- Staff and volunteers should avoid one-to-one situations with a child or young person in a bathroom and/or change room area.
- staff and volunteers are not permitted to use the change room area to, for example, undress, while children and young people are present.

## **Gift giving**

We prohibit our staff and volunteers from all giving of gifts to children and young people to whom we provide service, except in the case of formal awards which come in the form of gifts.

Use, possession and supply of alcohol and drugs

- While on duty, staff and volunteers must not:
- use, possess or be under the influence of an illegal drug
- use, possess or be under the influence of alcohol
- supply or purchase alcohol or drugs (including tobacco and tobacco related products) or restricted substances to children or young person within our organisation.
- be incapacitated by any other legal drug such as prescription or over-the-counter drugs

Use of legal drugs other than alcohol is permitted, provided such use does not interfere with your ability to care for children and young people involved in our service.

## **Reporting obligations**

All staff and volunteers are expected to make a report immediately to the Child Safety Officer (i.e., before the end of the person's session of work) if:

- they become aware of any allegations of child abuse
- they have a concern for the safety of a child or young person in our services
- they notice any member of staff or a volunteer whose practice or behaviour is contrary to the expectations of behaviour set out in the Code of Conduct and above.

Staff and volunteers are to refer to the Child Safe Incident Reporting Policy for detailed guidance when making a report.

## **5. Governance**

A Management Steering Group (MSG) will oversee the implementation and monitoring of the Child Safe Policy as set out in section 4.5. This group will include relevant positions as determined by the Chief Executive Officer. Terms of Reference will govern the operation of the MSG.

## **6. Regular review**

This policy will be reviewed and updated annually and following significant incidents if they occur. Feedback received from families and children will be considered as part of the review process. Where possible we will do our best to work with local Aboriginal communities, culturally and/or linguistically diverse communities, LGBT communities, children who can't live at home and people with a disability when reviewing this policy.

When there are updates or changes to this Policy, they will be communicated to all staff, volunteers, councillors and other stakeholders.

## **7. References**

### **7.1 Related documents**

- Child Wellbeing and Safety Act 2005
- Children, Youth and Families Act 2005
- Commission for Children and Young People Act 2012
- Victorian Working with Children Act 2005 and Amendment 2014
- Charter of Human Rights and Responsibilities Act 2006
- Victorian Child Safe Standards

- National Principles for Child Safe Organisations
- Victorian Reportable Conduct Scheme
- United Nations Convention on the Rights of the Child
- Early Childhood Australia – Code of Ethics
- Charter of Human Rights and Responsibilities Act 2006
- Privacy & Data Protection Act 2014
- Commonwealth Privacy Act 1988
- Public Records Act 1973
- Disability Act 2006
- Boroondara Child Safe Reporting Policy
- Boroondara Code of Conduct
- Boroondara Councillor Code of Conduct
- Boroondara Reportable Conduct Guidelines
- Boroondara Performance Improvement and Disciplinary Policy

## **7.2 Definitions**

### **Aboriginal/Torres Strait Islander Child**

A person under the age of 18 who:

- is of Aboriginal or Torres Strait Islander descent
- identifies as being of Aboriginal or Torres Strait Islander origin, and is accepted as Aboriginal or Torres Strait Islander by an Aboriginal or Torres Strait Islander Community.

### **Adult**

Any person aged 18 years of age and above

### **Child/Young Person**

Any person aged below 18 years of age

### **Child Abuse**

Types of child abuse can include:

- physical abuse – occurs when a child suffers or is likely to suffer significant harm from an injury inflicted either intentionally or through the inadvertent consequence of physical punishment or physically aggressive treatment of a child
- sexual abuse – occurs when an adult uses their authority to involve a child in sexual activity. This activity could be fondling genitals, masturbation, vaginal or anal penetration by a finger, penis or any other object, voyeurism or exhibitionism

- emotional or psychological abuse – occurs when a child is repeatedly rejected, isolated, humiliated or threatened or through witnessing family violence. This may include continued name calling, put downs etc.
- neglect – is the failure to provide a child with the basic necessities of life, which may include nutrition, clothing, shelter, supervision and medical attention to the extent
- the child’s health and development is or is likely to be significantly harmed
- family violence – is any violent or threatening behaviour including physical, verbal, emotional, psychological, sexual, financial or social abuse that occurs in any current or previous family, domestic or intimate relationship
- grooming – targets communication including online communication with a child under the age of 16 or their parents with the intent of committing child sexual abuse. Grooming does not necessarily involve sexual activity or discussion. It is the establishment of a relationship with the child, parent or carer for the purpose of facilitating sexual activity at a later time
- racial, cultural and religious abuse – is behaviour that demonstrates contempt, ridicule, hatred or negativity towards a child because of their race, culture or religion. It may be direct or indirect by demonstrating a lack of cultural respect and awareness or failing to
- provide positive images about another culture

### **Children from culturally and/or linguistically diverse backgrounds**

A child or young person who identifies 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

### **Child Safe Standards**

The Child Safe Standards are a central feature of the Victorian Government’s response to the Betrayal of Trust Inquiry and aim to improve the way organisations that provide services for children and young people, prevent and respond to child abuse that may occur within their organisations.

The eleven Standards are:

- 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

### **Child Safety**

In the context of the Child Safe Standards, child safety means measures to protect children and young people from abuse

### **Children with a Disability**

A disability can be any physical, sensory, neurological disability, acquired brain injury or intellectual disability or developmental delay that affects a child or young person's ability to undertake everyday activities. A disability can occur at any time in life. Children and young people can be born with a disability or acquire a disability suddenly through an injury or illness. Some disabilities may be obvious while others are hidden.

### **Code of Conduct**

Framework that outlines the standards, values and behaviours expected at CoB to deliver the best possible outcomes for the community

### **Contractor**

Any contractor or agency/labour hire worker who provides services or undertakes work on behalf of the City of Boroondara.

### **Council**

City of Boroondara Council, whether constituted before or after the commencement of this Policy

### **Councillor**

Elected representative of the City of Boroondara



## **Harm**

Harm to a child, is any detrimental effect of a significant nature on the child's physical, psychological or emotional wellbeing. It is immaterial how the harm is caused. Harm can be caused by:

- physical, psychological or emotional abuse or neglect;
- sexual abuse or exploitation;
- a single act, omission or circumstance; and
- a series or combination of acts, omissions or circumstances.

## **Indicators of Abuse**

- Physical abuse
  - physical signs – unexplained bruises, cuts, burns, broken or fractured bones
  - behavioural signs – showing wariness or distrust of adults, wearing long-sleeved clothes on hot days (to hide injury), fear of specific people, change in academic performance
- Sexual abuse
  - physical signs – presence of sexually transmitted diseases, pregnancy, vaginal or anal bleeding or discharge, excessive or sudden increase in bed wetting or soiling
  - behavioural signs – displaying sexual behaviour or knowledge that is unusual for the child's age, difficulty sleeping, nightmares, being withdrawn, clinginess, complaining of headaches or stomach pains, fear of specific people, showing wariness or distrust of adults, displaying aggressive behaviour
- Emotional abuse
  - physical signs – delays in emotional, mental or even physical development
  - behavioural signs – low self-esteem, high anxiety, aggressive or demanding behaviour, being withdrawn, passive or tearful, self-harming
- Neglect
  - physical signs – frequent hunger, malnutrition, poor hygiene, inappropriate clothing
  - behavioural signs – stealing food, staying at school outside of school hours, aggressive behaviour, misusing alcohol or drugs, academic issues
- Family Violence
  - physical signs – speech disorders, delays in physical development, bruises, cuts, welts, internal injuries
  - behavioural signs – aggressive language and behaviour, nervous and

withdrawn, adjustment problems, passive and compliant behaviour, low tolerance and frustration, wariness or distrust of adults, demonstrated fear of parents/carers or of going home, anxiety and/or depression

### **National Principles for Child Safe Organisations (National Principles)**

The National Principles are designed to build capacity and deliver child safety and wellbeing in organisations, families and communities and prevent future harm. The Principles have been endorsed by all Commonwealth, State and Territory governments. To find out more, visit the [Child Safe Organisations website](#)<sup>2</sup>.

### **Position/Person of Authority**

Is dependent on the degree of supervision, power or responsibility to remove or reduce substantial risk posed by an adult associated with Council. A position of authority can include:

- councillors;
- executive management;
- managers;
- staff;
- volunteers and;
- contractors

### **Reasonable Belief**

A reasonable belief is not the same as having proof. The test for whether a belief is reasonable is whether a reasonable person in the same position would have formed the belief on the same grounds. This may include but not limited by:

- a child or young person stating they have been sexually abused
- a child or young person stating they know someone who has been abused
- someone who knows a child or young person stating that the child or young person has been sexually abused
- professional observations of a child or young person's behaviour or development leading a professional to form a belief that the child or young person has been sexually abused
- signs of sexual abuse leading to a belief that the child or young person has been sexually abused

### **Staff**

Any permanent, part-time, temporary or casual employee of City of Boroondara

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<sup>2</sup> <https://childsafe.humanrights.gov.au/national-principles>

## **Substantial Risk**

In the context of this policy a 'substantial risk' relates to the likelihood that a child or young person will become a victim of sexual abuse by a person associated with Council.

A risk will be a substantial risk if a person forms the reasonable belief there is a significant likelihood or probability that a child or young person will become a victim of sexual abuse.

There are a number of factors that may assist in determining whether a risk is a substantial risk. These include:

- the likelihood or probability that the child or young person will become the victim of a sexual offence
- the nature of the relationship between a child or young person and the adult who may pose a risk to the child
- or young person
- the background of the adult who may pose a risk to the child or young person, including any past or alleged misconduct
- any vulnerabilities particular to a child or young person which may increase the likelihood that they may become the victim of a sexual offence
- any other relevant fact which may indicate a substantial risk of a sexual offence being committed against a child or young person.

When determining whether a risk is substantial, the courts will consider a variety of factors, which may include those listed above. The courts will consider all the facts and circumstances of the case objectively and will consider whether a reasonable person would have judged the risk of a sexual offence being committed against the child or young person as substantial. It is not necessary to prove that a sexual offence, such as indecent assault or rape, was committed.

## **Volunteer**

- A member of the public when contributing directly to a Council program/service/event who:
  - is registered as a Council volunteer; or
  - is part of any count with regard to volunteer hours contributed to Council programs/services/events.

For the purposes of this Policy, the definition of a volunteer also includes students on work/student placement from an educational institution.