

1.0 AUTHORITY

- *Child Wellbeing and Safety Act 2005*
- *Child Wellbeing and Safety Amendment (Child Safe Standards) 2015*
- *Children, Youth and Families Act 2005*
- *Family Violence Protection Act 2018*
- *Crimes Act 1958 (including Failure to Protect and Failure to Disclose offences)*
- *Wrongs Act 1958 (including Part XIII – Organisational liability for child abuse)*
- *Worker Screening Act 2020*
- *Health Records Act 2001*
- *Human Rights and Equal Opportunity Act 1986 (Commonwealth)*
- *Privacy and Data Protection Act 2014*
- *United Nations Convention on the Rights of the Child*
- *Charter of Human Rights and Responsibilities Act 2006*

2.0 INTENT

The Child Safety and Wellbeing Policy ('Policy') communicates Mornington Peninsula Shire Council's (the Shire) commitment to the safety, participation and empowerment of all children and young people.

It is the overarching document to our Child Safety Framework and outlines:

- our zero tolerance of child abuse
- the steps we take to achieve a child safe environment
- expectations, roles and responsibilities
- related policies and procedures
- underpinning legislative frameworks.

3.0 SCOPE

This Policy applies to all Shire Workers.

4.0 GOVERNANCE PRINCIPLES

Under the *Local Government Act 2020*, Council must give effect to the following overarching governance principles:

- Council decisions are to be made and actions taken in accordance with the relevant law
- priority is to be given to achieving the best outcomes for the municipal community, including future generations
- the municipal community is to be engaged in strategic planning and strategic decision making
- innovation and continuous improvement is to be pursued
- the ongoing financial viability of the Council is to be ensured.



5.0 POLICY STATEMENT

Mornington Peninsula Shire is committed to the safety and wellbeing of children and young people. We have zero tolerance of child abuse and robust training, policies and procedures in place to protect children from abuse and respond to any risks, allegations or safety concerns.

We want all children and young people to be and feel safe, welcome and included in our services and empowered to achieve their dreams, goals and aspirations for a bright future.

We take steps to ensure the voices of our children, young people and families are heard and we are proud to celebrate the diversity of our community.

We are unapologetically proactive in closing the gap for Aboriginal and Torres Strait Islander children and young people and supporting them to express their culture and enjoy their cultural rights.

We welcome and value the participation of all children and young people, including Aboriginal and Torres Strait Islander children, children with disabilities, children from culturally and linguistically diverse backgrounds, those that are unable to live at home and our LGBTIQ+ community.

We are proud to be a Child Safe Organisation.

5.1 Context

All organisations working with children and young people must take steps to prevent child abuse. They cannot assume that abuse does not, and cannot, happen within their organisation.

In April 2012, the Victorian Parliament conducted an inquiry into the handling of child abuse by religious and other non-government organisations. Its report, [Betrayal of Trust](#), highlighted poor and inconsistent practices for keeping children safe.

It found some organisations' cultures did not focus on children's safety and many failed to report or act on child abuse allegations. Recommendations were made to Victorian governments and included:

- new laws in relation to [grooming](#), [failure to disclose](#) and [failure to protect](#) offences
- introduction of a Reportable Conduct Scheme and mandatory Child Safe Standards.

Grooming

Grooming is a criminal offence that involves predatory behaviour designed to prepare a child for sexual abuse, including online communication. Many perpetrators purposefully create relationships with children, their families, and carers in order to establish the conditions necessary for them to abuse the child.

Failure to Disclose

The failure to disclose offence applies to adults that have information that leads them to form a 'reasonable belief' that another adult has sexually offended against a child under 16 in Victoria. Such adults must report the information to Police as soon as possible, unless they have a 'reasonable excuse' for not reporting the information or are exempt from the offence.

If they fail to report the information, they may be charged with a criminal offence. The maximum penalty is three years imprisonment. The failure to disclose offence helps to ensure that protecting children from sexual abuse is the responsibility of the whole community.

Failure to Protect

An offence applies where there is a substantial risk that a child under the age of 16 under the care, supervision or authority of a relevant organisation will become a victim of a sexual offence committed by an adult associated with that organisation.

A person in a position of authority in the organisation will commit an offence if they know of the risk of abuse and have the power or responsibility to reduce or remove the risk, but negligently fail to do so.

5.2 Reportable Conduct Scheme

The [Reportable Conduct Scheme](#) requires the Chief Executive Officer (CEO) to report to the Commission for Children and Young People (CCYP) if they become aware of an allegation of child abuse, child harm, risk of harm, serious neglect, or child related misconduct being made against a Shire Worker member.

- While the CEO is legally responsible to report to the external authority, there is also an expectation that any person within an organisation can notify the CCYP of a reportable allegation.
- Reportable conduct cases will then be investigated by the Shire, with oversight from the external authority including the Police and Department Families, Fairness and Housing (DFFH) Child Protection. The Shire will also seek advice from the Police, CCYP and DFFH Child Protection regarding appointing an external investigator.
- Reportable Conduct Schemes and their prescribed processes do not replace the need to report concerns, allegations, and disclosures to the Police when there are indicators that a crime may have been committed, and/or to child protection authorities where there are protective concerns for children and young people. It is however essential that the individual reporting the concern, allegation, and/or disclosure, consults with the Child Safety Coordinator and keeps them informed through this process.

5.3 Victorian Child Safe Standards 1 July 2022

The [Victorian 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. Under the *Child Wellbeing and Safety Act 2005*, the Commission for Children and Young People holds regulatory powers to oversee and enforce organisations' compliance and there can be legal and financial consequences for non-compliance.

The new set of Standards are as follows.

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.

The Shire has an established framework of policies, guidelines and procedures to embed the Standards into our culture and everyday practice. All Shire Workers play a role in meeting our obligations.

5.4 Recruitment and Selection

The Shire strives to be an employer of choice, attracting and retaining quality employees and volunteers. The Shire takes the following steps to ensure suitable and appropriately qualified people are engaged to work in our organisation and in child and young people related positions:

- implementation of our *Recruitment and Selection Policy*

- advertisements that demonstrate our commitment and responsibilities to child safety
- child safe questions in our pre-screening and interview processes
- reference, qualification, and police record checks in line with our *Employment Checks Policy*.

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.

5.5 Code of Conduct

All Shire Workers must act ethically towards children and young people to promote their safety and wellbeing and take steps to protect them from abuse.

The *Shire Employee Code of Conduct* and [Child Safety Guidelines](#) outline expected standards of behaviour in relation to applicable laws, regulations, organisational values and policies.

It is mandatory for all Shire Workers to sign they have read and understand the *Shire Employee Code of Conduct* and *Child Safety and Wellbeing Policy* and have completed the online Child Safe training module as part of induction processes.

Breaches of the *Code of Conduct* will result in appropriate action being taken under the *Employee Disciplinary Policy and Procedures*, associated policies, and relevant employment or criminal law.

In the event of a breach or suspected breach of the law, the Shire reports to relevant external authorities. If Shire Workers suspect other workers are breaching the *Code of Conduct*, they must refer the matter to their Line Manager, Child Safety Coordinator or the People and Culture team.

5.6 Supervision, Training and Development

The *Child Safety Training Plan* is reviewed and updated annually to ensure workers are equipped with the knowledge, skills and awareness to keep children and young people safe and to meet our obligations under the Standards. The plan ensures Shire Workers:

- can identify, assess and minimise risks of child abuse and detect potential signs of abuse
- understand how the Standards apply to their role



- feel comfortable to discuss any child safety risks or concerns
- know who to talk to and how to report child safety concerns
- are provided ongoing supervision and training to implement the Child Safety Framework
- are supported to maintain a culture of child safety.

Additional training and workshops are provided to Shire Workers who undertake work in higher risk settings and for those who engage directly with children in the course of their regular work.

Ongoing supervision and support is also provided to Shire Workers to ensure compliance with the Child Safety & Wellbeing Policy, Child Safe Standards and to increase their capacity to establish and maintain a culture of child safety.

5.7 Community Participation and Empowerment

The Shire strives for a healthy and self-determined community where everyone feels valued, supported, connected and safe.

We are committed to providing facilities and services that promote safety and wellbeing for children and young people and support social inclusion. We actively seek feedback from community about what is important to them and include their views and ideas in our planning and review processes.

We respect the rights of children and young people and provide them with information about their rights and what to do if they feel unsafe or have concerns when attending our events, programs and facilities.

5.8 Safety for Aboriginal and Torres Strait Islander Children

In a child safe and culturally safe organisation, children, young people and families feel that their culture and identity are acknowledged, valued and respected. The steps we take to promote cultural safety within our organisation include:

- conduct an Acknowledgement of Country at the commencement of meetings and events
- work progressively toward the aims of Council's [Reconciliation Action Plan](#)
- seek feedback from communities about their experience of Council and what is important in the development of our policies, services and facilities
- create empowering environments for children and young people and encourage them to express their culture and enjoy their cultural rights
- actively support and facilitate participation and inclusion of Aboriginal children and their families
- promote access to services and connection to Local Aboriginal Gathering Places
- support other organisations to acknowledge and celebrate First Nations perspectives and embed culturally safe practices
- celebrate the diversity of Aboriginal and Torres Strait Islander heritages, arts and cultures
- provide training for Shire Workers on the strengths of Aboriginal and Torres Strait Islander cultures and their importance to the wellbeing and safety of Aboriginal children and young people
- celebrate NAIDOC Week and Aboriginal and Torres Strait Islander Children's Day and acknowledging significant events including Reconciliation Week and National Sorry Day.

5.9 Respecting Equity and Diversity

Children accessing our services, programs and facilities come from a range of backgrounds and cultures. We value diversity and equity for all children and young people. To achieve this, we:

- provide information to our community in a culturally sensitive and accessible manner
- have zero tolerance of racism and discrimination and take action when it's identified
- provide training to Shire Workers on understanding and supporting diversity and inclusion
- welcome and support 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 Torres Strait Islander children and their families
- ask children, young people and families about any specific needs they may have to enable them to participate fully in our programs
- deliver programs that reflect the diversity of our children and young people and their interests
- strive to reflect the diversity of our community through representation in our Shire Workers
- acknowledge and celebrate important dates in our workplace and community
- commit to ensuring our facilities and programs promote diversity and inclusion

5.10 Complaints and Concerns

The Shire takes all complaints and concerns for the health, safety and wellbeing of children and young people seriously. We ensure:

- child safety complaints are investigated thoroughly and quickly
- complaints processes are accessible and easy to understand for children and young people
- Shire Workers understand reporting obligations and procedures relevant to their role.

Shire Workers who have concerns for a child or young person must immediately notify a Child Safety Officer or their Line Manager who will provide support.

If you believe a child or young person is at immediate risk of abuse phone 000

The Internal Response Team ensures that reportable incidents are managed effectively and in compliance with the *Reportable Conduct Scheme* and all organisational and legislative requirements.

The Shire will respond promptly to any allegations of child abuse made against Shire Workers, either inside or outside of work, and the Chief Executive Officer (CEO) will notify relevant authorities. If a reportable allegation involves suspected criminal behaviour, Victoria Police will be notified.

Information is made available to community on our website and from services and facilities.

5.11 Risk Management

The Shire ensures that child safety and wellbeing is part of our overall risk management approach and proactively manages risks of child abuse. We have a robust risk management framework in place and strategies to identify, assess and take steps to minimise child abuse risks.

5.12 Children in the Workplace

Shire Workers must not bring children into the workplace on a regular and systematic basis. The Shire does recognise that from time to time, circumstances may arise where it is unavoidable to bring a child into the workplace, however this is not an alternative to childcare arrangements.

To meet our safety obligations parents/guardians must ensure the workplace is suitable and safe for the child and the child has adequate supervision. Shire Workers wishing to bring children into the workplace for reasons other than a brief visit must seek advance approval from their Line Manager. The request for approval should include the length of time of the visit and the suitability of the workplace.

5.13 Privacy and Information Sharing

The Shire is committed to protecting an individual's right to privacy. Personal, health and sensitive information will only be used for the purpose it was collected unless there is a legal responsibility to disclose as informed by our *Privacy Policy*, the *Child Wellbeing and Safety Act 2005 (Vic)* and legislated *Mandatory Reporting* and *Child Information Sharing Scheme* requirements.

5.14 Continuous Improvement

The Shire is committed to strengthening our *Child Safety Framework*. The following steps form part of our overall approach to continuous improvement:

- periodic review of the Child Safety Framework and associated policies and documents
- seeking ongoing feedback from our community and within the organisation
- analysing the nature of child safety complaints, concerns, risks, and incidents
- review and improvement of child safety practices in response to findings.

Policy and process changes are communicated internally via people and service managers and externally via our communications team and website.

5.15 Accountability and Responsibilities

Shire Workers	<p>All Shire Workers are responsible for supporting the safety, participation, wellbeing, and empowerment of children by:</p> <ul style="list-style-type: none"> • upholding our commitment to child safety and adhering to the <i>Child Safety and Wellbeing Policy and Guidelines, Employee Code of Conduct</i> and related organisational policies and procedures • immediately informing the Shire if their WWCC is suspended • participating in reportable conduct and mandatory reporting processes where required • Contributing to a workplace culture that supports transparency and continuous improvement in relation to child safety and wellbeing • 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.
Team Leaders Managers Executive	<ul style="list-style-type: none"> • Demonstrate leadership in child safe practices • Implement the child safe framework and related policies and documents • Implement child safe practices in recruitment and selection • Ensure relevant workers are conducting risk assessments and taking action to manage risks in accordance with this policy • Ensure workers access related policies, procedures, and training • Participate in reportable conduct reporting process where required • Support Shire Workers involved in reportable conduct processes • Ensure a workplace culture that supports transparency and continuous improvement in relation to child safety and wellbeing.
Child Safety Coordinator	<ul style="list-style-type: none"> • Oversight of the Child Safe Framework and implementation action plan • Lead the Child Safe Working Group • Ensure processes are in place to investigate child safety matters • Coordinate and lead the Internal Response Team and investigations as required • Provide support to Shire Workers and the community about what to do if they are concerned for a child's safety • Provide guidance on processes for child safety reporting and reportable conduct • Record all incidences on the child safety reporting system • Assist in the development and delivery of training and information sessions to increase understanding of the Standards and obligations • Support implementation of the Standards across the organisation.
Internal Response Team	<ul style="list-style-type: none"> • Central contact point for all matters relating to Reportable Conduct • Have processes in place to investigate child safety and wellbeing • Oversee the Reportable Conduct process and ensure ongoing organisational compliance • Ensure that reportable incidents are managed effectively, efficiently and in compliance with all legislative obligations

	<ul style="list-style-type: none"> Analyse the nature of child safety complaints, risks, and incidents Regularly undertake assessments of higher risk practices and how these are mitigated Report on child safety data and trends.
Child Safe Working Group	<ul style="list-style-type: none"> Contribute to a workplace culture that supports a transparent, continually improving environment in relation to child safety and wellbeing through communication, education and advocacy Undertake and Review stakeholder consultation and feedback Implement, support and review the Child Safety Action Plan and provide strategic oversight to ensure requirements are met within agreed timeframes Terms of Reference govern the Child Safe Working Group and regular reports are provided to the executive management team and Risk and Audit Committee to track progress and implementation. Review the organisational practice and develop recommendations arising out of any breaches to the Child Safe and Wellbeing Policy and procedures Strategic guidance to the Child Safe Coordinator Review child safety documentation when required Remain aware of internal and external child safety issues and review quarterly reports that examine data, trends, and new and emerging risks Advocate and educate the broader leadership team on the standards to embed child safeguarding practices across all departments. Demonstrate leadership in child safety and wellbeing
People and Culture Team	<ul style="list-style-type: none"> Risk and safety policy and procedure requirements Maintain Working with Children Check processes and systems Implement training and information sessions to increase understanding of the Standards and the Shire's obligations/processes Alongside Internal Response Team, oversee the implementation of the Reportable Conduct Scheme Ensure investigations of child abuse allegations are undertaken with procedural fairness and support for all parties Alongside Internal Response Team, oversee development of systems and processes to ensure organisational compliance.
Risk and Audit Committee	<ul style="list-style-type: none"> Review child safety practices aligned with our risk management framework to ensure all legislative requirements are met.
CEO	<ul style="list-style-type: none"> Ensure the Commission for Children and Young People is notified within three days of knowing that a Reportable Conduct allegation has been made within the organisation Inform the Commission for Children and Young People of the investigation and outcomes as per the Commission's reporting criteria. Support staff 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,



	<p>and review of child safe strategies</p> <ul style="list-style-type: none">• Governance level policies are appropriate, relevant, understood and regularly reviewed, in line with organisational processes and ensure they are implemented across the Shire• Championing child safe practices both internally and externally, that ensure the Shire is safe for all children.
Councillors	<ul style="list-style-type: none">• Providing leadership for the good governance of the Shire by acting as a responsible partner in fostering and developing an organisational culture that has zero tolerance for child abuse• Will advocate in the best interests of children to create and sustain a community in which children are safe and protected from child abuse.

6.0 HUMAN RIGHTS CHARTER COMPATIBILITY

This policy has been assessed as being compatible with the following legislation:

Charter of Human Rights and Responsibilities Act 2006 (Vic).

7.0 ASSOCIATED DOCUMENTS

The following policies, procedures and guidelines support the implementation of the *Child Safety and Wellbeing Policy* and together form the Child Safety Framework:

- Council and Wellbeing Plan
- Employee Code of Conduct
- Internal Response Team Guidelines
- Child Safety Staff Reporting Process and Flowchart
- Child Safe Working Group - Terms of Reference
- MCH Child Protection Reporting Guide
- Reconciliation Action Plan
- Recruitment and Selection Policy
- Employment Checks Policy
- Performance Development and Review Process
- Employee Assistance Program
- Disciplinary Policy and Procedures
- Complaints Policy
- Risk Management Policy and Framework
- Safety Policy
- Procurement Policy
- Learning and Development Policy
- Community Engagement Policy
- Digital Communications Policy
- Universal Design Policy
- Disability Inclusion Plan
- Gender Equity Policy

- Events Policy
- Privacy Policy
- Information Management Policy

8.0 DEFINITIONS

Child or children	Any child or young person up to the age of 18 years.
Child Abuse	Any act committed against a child involving: <ul style="list-style-type: none"> • a sexual offence • grooming • physical violence • serious emotional or psychological harm • serious neglect.
Failure to Disclose	As defined in the <i>Crimes Act 1958</i> (Vic), a failure to act on the legal obligation upon all adults to report to Victoria Police where they form a reasonable belief that a sexual offence has been committed by an adult (18 years and over) against a child under the age of 16 (16 being the legal age of consent).
Failure to Protect	As defined in the <i>Crimes Act 1958</i> (Vic), a person with power and authority who fails to protect a child from criminal sexual abuse, they know of the risk of abuse, and are able to reduce or remove the risk but fail to do so.
Grooming	As defined in the <i>Crimes Act 1958</i> (Vic), the act of communication, including online communication, with a child under the age of 16 or their parents with the intent of committing child sexual abuse. This includes predatory conduct undertaken to prepare a child for sexual abuse at a later time with the groomer (aged 18 years old or over) or another adult.
LGBTIQA+	Lesbian, gay, bisexual, transgender, intersex, queer, asexual and gender diverse people.
Mandatory Reporting	The legal obligation under the Children Youth and Families Act 2005, of certain professionals to report when a child is in need of protection. Mandatory reporters include: <ul style="list-style-type: none"> • Medical Practitioners • Nurses • Midwives • School Principals • Police Officers • Teachers (including early childhood teachers) • Early Childhood Workers
Reasonable Belief	A reasonable belief is a belief based on facts that would lead a reasonable person to think that reportable conduct may have occurred. A reasonable belief is more than

	suspicion. There must be some objective basis for the belief. However, it does not require certainty.
Reasonable Excuse	A 'reasonable excuse' for not reporting information about child sexual abuse to police may include a fear for your or another person's safety or if you believe the information has already been reported to police. If you are charged with the failure to disclose offence, a court may consider whether it was reasonable for you not to report in the circumstances.
Shire Workers	Employees, volunteers, consultants, contractors, trainees, graduates, apprentices and students.

9.0 POLICY SPONSOR

The Director, Community Strengthening is responsible for overseeing the application and review of the Child Safety and Wellbeing Policy.

10.0 DOCUMENT CONTROLS

This Policy is reviewed within a four-year cycle to ensure consistency with related policies and procedures.

Administrative Updates

It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter this document, such a change may be made administratively. Examples include a change to the name of a Shire department, the change to an existing policy or document referred to in this policy, and minor updates to legislation and the like which does not have a material impact. However, any change or update which materially alters the document must be by endorsement of the Executive Team.

