|  |  |
| --- | --- |
| **Council policy title:** | Safeguarding Children and Young People Policy |
| **Council policy sponsor:** | Bryce Craggs, Director Community and Customer Experience |
| **Adopted by:** | Bayside City Council |
| **Date adopted:** | 21 September 2021  |
| **Scheduled review:** | September 2024 |
| **Document Reference:** | DOC/21/250695 |

Table of Contents

[Guiding Values 2](#_Toc82451830)

[1. Purpose 2](#_Toc82451831)

[2. Scope 3](#_Toc82451832)

[3. Responsibilities 3](#_Toc82451833)

[4. Safeguarding Governance 4](#_Toc82451834)

[5. Our Commitment 4](#_Toc82451835)

[6. Monitoring and review 8](#_Toc82451836)

[7. Records and Documentation 8](#_Toc82451837)

[8. Roles and Responsibilities 9](#_Toc82451838)

[9. Glossary - Definitions and Abbreviations 11](#_Toc82451839)

[10. Related documents 14](#_Toc82451840)

## Guiding Values

In keeping children and young people safe the following values are a mechanism for guiding our actions and assisting in decision-making, they are a reference to which Council members can refer, to ensure their responsibilities to children and young people are upheld.

* Safeguarding children and young people is a shared responsibility, it is reliant on all individuals within our organisation to keep children and young people safe in our care.
* We recognise the diverse and unique identities of Aboriginal children and young people and support Aboriginal and young people to express their culture and enjoy their cultural rights.
* Any form of abuse, neglect, or racism towards children and young people will not be tolerated and immediate action will be taken upon report of any suspected harmful or abusive behaviours.
* The best interest of the child will be the primary consideration in all actions and decisions concerning the safety or wellbeing of a child or young person.
* We are accountable to the children and young people we work with by fostering high ethical standards in a culture of openness and transparency.
* We empower children by informing them of their rights and responsibilities and support them to speak up about any matters of importance to them, including if something goes wrong.  We work to include the participation of children and young people in decision making regarding any services or other matters affecting them.

# Purpose

Bayside City Council 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 our organisation’s activities, services and programs.

The purpose of this policy is to outline the responsibilities, procedures and practices required by Council members within Bayside City Council in relation to keeping children and young people free from abuse and neglect. This policy will demonstrate Council’s commitment to the safety and wellbeing of children in our community, and the approach to the implementation and maintenance of the Victorian *Child Safe Standards.*

This policy supports our international obligations under the *United Nations Convention on the Rights of the Child,* the Child Safe Standards recommended by the *Royal Commission into Institutional Responses to Child Sexual Abuse* and is aligned with the *Australian Human Rights Commission National Principles for Child Safe Organisatons.*

As such, our policies and procedures reflect child safe legislation and promote best practice. Our Council and Executive Team approves and endorses the Bayside City Council Safeguarding Children and Young People Policy.

We are committed to taking action in advancing the safety and wellbeing of children and young people and ensuring compliance with all requirements set out in this policy. The commitment to child safety is supported by Councillors, Council’s CEO, Executive Team, people leaders, staff, volunteers, agency staff and contractors.

# Scope

The Safeguarding of Children and Young People Policy applies to; Councillors, Council employees (permanent, casual, and fixed term), volunteers, agency staff members and contractors involved with Bayside City Council. For the purpose of this policy these people will be referred to as Council members.

This policy applies to all forms of abuse and neglect against a child or young person including sexual abuse, physical abuse, emotional or psychological abuse, neglect, and experiencing or witnessing family violence. (See 9. Glossary and Definitions)

This Policy applies in all physical and online operational environments, and without fail wherever children and young people are participating in our organisation’s activities, programs, services and/or facilities. In addition, this policy also considers the external environment, whereby Council members are alert to incidents of child abuse and neglect occurring outside the scope of our operations and services.

This policy is to be read in conjunction with Council’s practices, procedures and guidelines which support Councillors, Council employees, volunteers, agency staff members and contractors to meet the Victorian Child Safe Standards.

# Responsibilities

Safeguarding children and young people is a shared responsibility within our organisation. It is the responsibility of all Council members to;

* protect children and young people from all forms of abuse and neglect by our people;
* be alert to incidents of child abuse and neglect occurring outside the scope of our operations and services that may have an impact on the children and young people to whom we provide a service; and
* create and maintain a child safe culture that is understood, endorsed, and put into action by all the individuals who work for, volunteer, support or access our programs and services.

We require all Council members, regardless of their role or level of responsibility, to act to safeguard children and young people from such harm by:

* adopting appropriate safeguarding practice and behaviour set within our policy and procedural guidelines, when carrying out their roles, and
* reporting any abuse and neglect of which they become aware to our management and/or to external authorities responsible for safeguarding children and young people or to police, regardless of whether that abuse is being perpetrated by employees within our organisation, or by those outside our organisation including those from the child’s family, extended family, their family’s extended network or strangers.

We expect all within our organisation to promote equity and respect diversity by:

* actively anticipating children and young people’s diverse circumstances and responding effectively to those with additional vulnerabilities
* informing children and young people of their rights and giving all children and young people access to information, support, and complaints processes
* respecting the rights of children and young people to participate in decision making, paying appropriate attention to the needs of the following groups:
	+ Aboriginal and Torres Strait Islanders
	+ Children and young people with a disability
	+ Children and young people from culturally and linguistically diverse backgrounds
	+ LGBTQI+ (Lesbian, gay, bisexual, transgender, queer, and intersex)
	+ Children and young people who are unable to live at home

The responsibility of each role in relation to the development and compliance of the Bayside City Council Safeguarding Children and Young People Policyis detailed in Section 8 of this policy.

# Safeguarding Governance

Our organisation has a safeguarding children and young people governance structure with systems in place which support Council members and service users to report safeguarding concerns and facilitate effective risk-based and informed decisions that ensure accountability to children and young people.

Our governance structure, including the Senior Child Safe Advisory Group, defines the roles and responsibilities associated with providing oversight, management, and implementation of our commitment to safeguarding children and young people *(Ref to Section 8. Roles and Responsibilities).*

# Our Commitment

**We are committed to safeguarding children and young people**

Through our *Safeguard Children and Young People Policy* we document our clear commitment to safeguarding children and young people from abuse and neglect. We communicate our commitment to all Council members and ensure that our *Safeguard Children and Young People Policy*is available in child-friendly versions that reflects the ages, developmental stage, diversity and abilities of the children and young people whom we deliver services. We have a zero-tolerance approach towards child abuse and neglect and take seriously any raised concerns/incidents.

Our approach to risk management recognises the potential risks to children and young people associated with our organisation’s service delivery and considers online, physical, or psychological environments, and any vulnerable or diverse circumstances of children or young people utilising our services.

We want children to be safe, happy, empowered, and engaged members of our community. As an organisation we are committed to:

* supporting a zero-tolerance position for child abuse within our community
* actively taking steps to prevent abuse from occurring within our services, programs, and facilities
* introducing programs and approaches to encourage, and empower children to speak up and be listened to
* providing opportunities for children to contribute to how we plan, design, and develop our services and activities
* promoting cultural safety and awareness for Aboriginal and Torres Strait Islander children, children and young people with disabilities, children, and young people from culturally and/or linguistically diverse backgrounds, and for LGBTQI (Lesbian, gay, bisexual, transgender, queer, and intersex) and children and young people who are unable to live at home.

 We will ensure that all Council members are supported by policies, procedures, and training to achieve these commitments including but not limited to the Child Safe Standards:

We will:

* embed strategies as an organisation to actively promote a culture of child safety through effective leadership
* have a safeguarding code of conduct, which establishes the expectations for appropriate behaviour with children and young people for all Council members
* ensure that our human resource practices including, but not limited to recruitment and selection practices are effective in reducing the risk of child abuse occurring
* have a procedure and process on responding to and reporting suspected child abuse
* develop and improve strategies to identify and reduce or remove the risk of child abuse
* develop strategies to promote the participation and empowerment of children
* ensure all possible steps are taken to minimise the opportunity for “grooming” to take place through the accumulation of personal information from computer/data access and storage, technology, and call recording systems.

**Our safeguarding policies and procedures are:**

* publicly accessible, online and in forms that are easy to understand.
* informed by stakeholder consultation; and
* communicated to children, young people and their families, our employees, our partners, volunteers and contractors and the public.

To inform and review our safeguarding policies, we seek feedback from our service users and providers. We gain endorsement and advise stakeholders of any changes.

**Our Council members know the behaviour we expect**

We ensure that each person involved in the delivery of our services understands their role and the behaviour we expect in relation to safeguarding children and young people from abuse and neglect. Position descriptions clearly state relevant responsibilities and safeguarding requirements.

Our organisation requires all employees to acknowledge, in writing (electronic), their commitment and adherence to our *Safeguard Children and Young People Policy*.

We have a Safeguarding Children and Young People Code of Conduct which is approved and endorsed from the highest levels of our organisation that outlines our expectations for behaviour towards children and young people.

We monitor and supervise all employees, including contractors, volunteers, and partner organisations, for appropriate practice and behaviour in the delivery or support to the delivery of services to children and young people.

Any failure to observe our behavioural guidelines, including processes and procedures is taken seriously, and we are committed to taking appropriate disciplinary and legal action wherever necessary.

**We minimise the likelihood of recruiting a person who is unsuitable**

We have appropriate measures in place and require applicants to undergo extensive screening processes prior to appointment to minimise the likelihood that we, or an external recruitment agency or contractor, will recruit a person who is unsuitable to work / volunteer with children or young people. We have recruitment procedures that ensure:

* our safeguarding commitment is communicated to potential applicants for all positions
* Interviews are held which include safeguarding-related questions
* two professional reference checks are undertaken which include safeguarding-related questions
* screening checks are undertaken, including police checks, andwhere applicable, International criminal history checks, working with children checks and qualification checks.

We require our employees to disclose criminal convictions or charges affecting their suitability to work with children and young people both prior and subsequent to their employment, and we review police records on commencement and Working with Children Checks periodically.

We ensure that there will be no discrimination as part of the recruitment process, with respect to inclusion and equal opportunity and where possible, hire appropriate employees that represent the diverse range of children and young people and their families involved in our organisation.

**Induction and training are part of our commitment**

We have an induction process ensuring all new employees are informed and supported to understand our organisation’s safeguarding children and young people policies, procedures, and practices. Our employees are provided with copies of our organisation’s, *Safeguarding Children and Young People Policy**,* *Code of Conduct,* *Reporting Policy, Incident Management Procedure* and where applicable *Recruitment and Selection Policy.*

Our induction process provides guidance relating to an individual’s safeguarding responsibilities and offers opportunities to seek clarity in relation to the commitments and behavioural expectations set out in our safeguarding policies.

We have a training plan that outlines how and when we support ongoing education for all our employees in relation to how keeping children and young people safe will be fulfilled. Our organisation’s plan includes training regarding children’s rights, voices and participation, cultural safety, and humility.

**We encourage the involvement of children, young people, and their families**

We have processes for seeking and incorporating input and feedback with children, young people, and their families. We respect diversity and seek to facilitate effective communication and engagement.

We promote participation and empowerment of young people and provide opportunity for their voice and ideas to be heard, and space to express their needs and concerns. We actively encourage children and young people to take part in the decision-making process, particularly on matters affecting them. We create opportunities for involvement and seek input and feedback to inform our policies, procedures, and practices.

We involve children, young people, and their families in developing a safe, inclusive, and supportive environment. We provide information to children, young people, and their families (such as brochures, posters, handbooks, guidelines) about:

* our commitment and approach to upholding and safeguarding the rights of children and young people
* the behaviour we expect of our Council members
* the behaviour we expect from the children, young people and their families who access our services
* our policy and mechanism for reporting abuse or concerns.

**Our Council members understand their responsibility for reporting child abuse**

Our policy for reporting and responding to child abuse is approved and endorsed from the highest levels of our organisation and applies to all our employees. The policy states that:

* Council members must immediately report abuse, neglect or racism and any concerns with policies, practices, or the behaviour of Council members
* Council members must meet any legislated mandatory reporting requirements
* Council members must follow a specified process when reporting abuse, neglect or racism including who will receive reports
* Failure to report is serious misconduct

Council members have access to the Reporting policy and understand the implications of the policy for their role. We document any allegation, disclosure or concern regarding child abuse and monitor responses to all allegations, disclosures, or concerns.

**We maintain and improve our policies and practices**

Our organisation seeks to continuously review and improve our policies, procedures, and practices to safeguard children and young people from abuse and neglect. The responsibility for implementing and reviewing our safeguarding children and young people approach is led by the People and Strategy, Senior Child Safe Advisory Group, and Senior Leadership Team on an annual basis.

To identify any key improvements needed, our organisation incorporates findings from; internal audit reviews that assess our ongoing compliance with our responsibilities to keep children and young people safe. Improvements also include input and feedback received by children and young people and their families, feedback gained from communication with our Council members and feedback gained from ‘complaints and compliments’ received.

# Monitoring and review

This document will be reviewed by People and Strategy at least every 3 years, after consultation. Some circumstances may trigger an early review, this includes but is not limited to legislative changes, organisational changes, incident outcomes and other matters deemed appropriate by the Policy owner, People and Capability, Senior Child Safe Advisory Group and/or the Chief Executive Officer.

When there are any updates or changes to this Policy, they will be communicated to all Council members and stakeholders.

# Records and Documentation

We retain records that document each review undertaken. Records may include minutes of meetings and documentation of changes to policies and procedures that result from a review.

# Roles and Responsibilities

Protecting children is everyone’s responsibility. All Councillors, employees, volunteers, agency staff and contractors have a role to play and must be clear of their responsibilities in keeping children safe.

|  |  |
| --- | --- |
| Councillors | * lead by example and promote a Safeguarding Children and Young People Culture
* endorse the Safeguarding Children and Young People Policy and Safeguarding Children and Young People Code of Conduct.
* monitor the performance of safeguarding within Bayside City Council
* ensure compliance with all relevant safeguarding legislation
 |
| CEO | * demonstrate leadership in child safe practices
* plan organisational resources and requirements for implementation of the framework and related policies
* take measures to ensure all staff know of and comply with Council’s Safeguarding Children and Young People Code of Conduct.
* review safeguarding policies and procedures and develop continuous improvement strategies
 |
| Executive Team (ET)  | * ensure all staff understand and are supported in meeting their obligations under this policy
* provide visible commitment and support to this policy and the initiatives under it
* foster a culture of openness that supports all persons (including children) to safely disclose risks of harm to children.
* implement and monitor the results of Safeguarding continuous improvement strategies in their service area
 |
| Safeguarding Children and Young People Advisory Committee | * ensure oversight of the implementation of the Victorian Child Safe Standards via the Child Safeguarding Framework (Action Plan)
* champion and lead a Child Safeguarding culture across the organisation
* provide specific expertise and guidance to the Child Safe Senior Officer in driving a change process across the organistion.
 |
| People and Strategy Department | * lead the development, maintenance and application of relevant recruitment and pre-employment screening processes to ensure the selection of appropriate staff and volunteers to work with children
* manage Council’s Disciplinary Procedure as it applies to the *Child Safe Standards* and this policy
* support staff to cope with child abuse incidences through support, training, and counselling through Council’s Employee Assistance Program (EAP).
 |
| People Leaders  | * ensure Reporting Policy and Working with children check (WWCC) procedures are implemented in relevant work areas and all employees have access to them
* ensure all employees, agency staff, volunteers and contractors have accessed child safe training and induction
* ensure a workplace culture that supports a transparent, continually improving environment in relation to child safety.
 |
| Child Safety Officer | * provide advice and support to People leaders and employees about what to do if they need to report suspected abuse
* retain the completed Safeguarding Children and Young People record form for reporting purposes.
 |
| All employees, agency staff and volunteers | * understand the legislation and legal obligations to report
* participate in training and education programs
* obtain and maintain a valid WWCC as required for your role.
 |
| Contractors | * contribute to the safety and protection of children
* work within the provisions of the related policies and procedures.
 |

# Glossary - Definitions and Abbreviations

| **Term** | **Meaning** |
| --- | --- |
| Aboriginal & Torres Strait Islander Children | Persons under the age of 18 who identify as Aboriginal and/or Torres Strait Islander.  |
| Child | A person who is under the age of 18. |
| Child abuse | Includes:* sexual offences (against, with or in the presence of, a child)
* sexual misconduct (against, with or in the presence of, a child)
* physical violence (against, with or in the presence of, a child)
* behaviour that is likely to cause significant emotional or psychological harm
* significant neglect
* experience or witnessing family violence
 |
| Child safety | In the context of the Child Safe Standards, child safety means measures to protect a child from abuse.  |
| Safeguarding Children and Young People Code of Conduct | The Safeguarding Children and Young People Code of Conduct aims to identify and prevent behaviour that may be harmful to children and young people in our communities. The Safeguarding Children and Young People Code of Conduct outlines what is, and what is not acceptable behaviour or practice when working with or engaging with children and young people. |
| Emotional or Psychological abuse | Serious emotional or psychological abuse occurs when harm is inflicted on a child through repeated rejection, isolation, or by threats or violence. It can include derogatory name-calling and put-downs, or persistent and deliberate coldness from a person, to the extent where the behaviour of the child is disturbed, or their emotional development is at serious risk of being impaired. Serious emotional or psychological abuse could also result from conduct that exploits a child without necessarily being criminal, such as encouraging a child to engage in inappropriate or risk behaviours. |
| Failure to Disclose | Requires any adult who holds a reasonable belief that a sexual offence has been committed in Victoria by an adult against a child (aged under 16) must disclose that information to police. Applies to everyone in the community, not just mandated professionals. |
| Failure to Protect | Applies to people who hold a position of authority within organisations who know of a risk of child sexual abuse by someone in the organisation and have the authority to reduce or remove the risk, but negligently fail to do so. |
| Family Violence | Family violence is:(a) behaviour by a person towards a family member of that person if that behaviour— (i) is physically or sexually abusive; or (ii) is emotionally or psychologically abusive; or (iii) is economically abusive; or (iv) is threatening; or (v) is coercive; or (vi) in any other way controls or dominates the family member and causes that family member to feel fear for the safety or wellbeing of that family member or another person; or(b) behaviour by a person that causes a child to hear or witness, or otherwise be exposed to the effects of, behaviour referred to in paragraph (a). |
| Grooming | Grooming is an offence which targets communication by an adult, including online communication, with a child or their parents with the intent of committing child sexual abuse. There is no set pattern in relation to the grooming of children. For some perpetrators, there will be a lengthy period before the abuse begins. Grooming can take place in any setting where a relationship is formed, such as leisure, sport, music, or in internet chatrooms, in social media or by other technological channels. |
| LGBTQI+ | Lesbian, gay, bisexual, transgender, queer, and intersexThe plus sign ‘+’sign is generally used to represent genders and sexualities outside of the letters LGBTIQ, including people who are questioning their gender or sexuality. This includes, but not limited to non- binary, same sex attracted, intersex and gender diverse individuals. |
| Mandatory Reporters | Professionals required under the *Children, Youth and Families Act 2005 (Vic.)* to protect children from harm relating to physical and sexual abuse.* A registered medical practitioner
* A person registered under the Nurses Act 1993
* A person who is registered as a teacher under the Victorian Institute of Teaching Act 2001
* On and from the relevant date, the proprietor of, or a person with a post-secondary qualification in the care, education or minding of children who is employed by, a children’s service to which the Children Services Act 1996 applies.
 |
| Neglect | Serious neglect is the continued failure to provide a child with the basic necessities of life, such as food, clothing, shelter, hygiene, medical attention, or adequate supervision, to the extent that the child’s health, safety and/or development is, or likely to be, jeopardised. Serious neglect can also occur if an adult fails to adequately ensure the safety of a child where the child is exposed to extremely dangerous or life-threatening situations. |
| Online Environment | Anywhere online that allows digital communication, such as: social networks, text messages and messaging apps, email and private messaging, online chats, comments on live streaming sites and voice chat in games. |
| Physical | Physical violence occurs when a child suffers or is likely to suffer significant harm from a non-accidental injury or injuries inflicted by another person. Physical violence can be inflicted in many ways including beating, shaking, burning or use or weapons (such as, belts and paddles). |
| Racism | Prejudice, discrimination, or antagonism by an individual, community, or institution against a person or people based on their membership of a particular racial or ethnic group, typically one that is a minority or marginalised. |
| Reasonable belief | If an adult has a reasonable belief that an incident has occurred, then they must report the incident. Factors contributing to reasonable belief may be:* A child states they or someone they know has been abused (noting the sometimes the child may in fact be referring to themselves)
* Behaviour consistent with that of an abuse victim is observed
* Someone else has raised a suspicion of abuse but is unwilling to report it
* Observing suspicious behaviour.
 |
| Sexual Abuse | Sexual abuse occurs when an adult or a person of authority (e.g. older) involves a child or young person in any sexual activity. Perpetrators of sexual abuse take advantage of their power, authority or position over the child or young person for their own benefit. It can include making sexual comments to a child, engaging children to participate in sexual conversations over the internet or on social media, kissing, touching a child’s genitals or breasts, oral sex, or intercourse with a child. Encouraging a child to view pornographic magazines, websites and videos is also sexual abuse. Engaging children to participate in sexual conversations over the internet is also considered sexual abuse. |
| Sexual offences | Sexual offences occur when a person involves a child in sexual activity, or deliberately puts the child in the presence of sexual behaviours that are exploitative or inappropriate to their age and development.  |

# Related documents

|  |  |
| --- | --- |
| **Legislation** | Child and Wellbeing and Safety Act 2005Child and Wellbeing Safety Amendment Act 2015Commission for Children and Young People Act 2012Australian Human Rights Commission Act 1986 (Cth.)Charter of Human Rights and Responsibilities Act 2006 (Vic)Children, Youth and Families Act 2005 (Vic.) Working with Children Act 2005 (Vic.) Equal Opportunity Act 2010 (Vic.) Privacy Act 1988 (Cth) Crimes Act 1958 (Vic.) |
| **Policies** | Safeguarding Children and Young People Policy Recruitment and Selection PolicyStaff Code of ConductSafeguarding Children and Young People Code of Conduct Councillor Code of ConductReporting PolicyIncident Management ProcedureDisciplinary PolicyRisk Management Policy |
| **Procedures/Processes** | Reportable Conduct Scheme ProcedureRecruitment and Selection Procedure Disciplinary ProcedureVolunteer HandbookRisk Assessment ProcedureMaternal and Child Health Mandatory Reporting Procedure |
| **Other** | Human Rights Charter GuidelineA guide for creating a Child Safe Organisation – Commission for Children and Young PeopleNational Principles for Child Safe Organisations |