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| **Council policy sponsor:** | Bryce Craggs, Director Community and Customer Experience |
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# 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 Council to keep children and young people safe in our care
* We recognise the diverse needs and challenges of safeguarding children and young people with disabilities and those from Aboriginal and Torres Strait Islander Communities
* 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 behaviors
* 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

This policy forms part of Bayside City Council’s (Council) zero-tolerance towards abuse and neglect of children and young people.

The purpose of the Safeguarding Children and Young People Reporting Policy (Policy) is to ensure all incidents, allegations, disclosures or reasonable belief of abuse or neglect involving children and young people, are accurately reported, and responded to in a consistent, timely and sensitive manner.

This Policy also outlines the responsibility of all Council Members to report any concern with breaches or actions of other Council Members that contravene our Safeguarding Children and Young People Policy, Safeguarding Children and Young People Code of Conduct, and other Council policies, procedures or Codes of Conduct related to safeguarding children.

Compliance with this Policy ensures all incidents are reported and managed in a way that is responsive to the immediate circumstances of the incident, the rights of those involved, and wherever possible, any risks of recurrence are minimised.

Our policies and procedures reflect child safe legislation and promote best practice and care for the children and young people within Council. Bayside City Councillors approve and endorse the Council Safeguarding Children and Young People Reporting Policy.

**This policy assists Council Members to:**

* recognise the different types of abuse and neglect
* respond to the immediate needs of individuals involved in an incident (including Council Members)
* guide responses to allegations and matters of concern, including breaches of Council’s Safeguarding Children and Young People Code of Conduct and Safeguarding Children and Young People Policy
* follow Council’s reporting procedures
* ensure their legal responsibilities when working with children and young people are upheld

# Scope

The Policy applies to Councillors, Council employees (permanent, casual, and fixed term), volunteers (inclusive of student placements), agency staff members and contractors involved with Council including partner agencies. For 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.

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, events, programs, services and/or facilities.

# 3. Responsibilities

All Council Members have a duty of care, and at times a legal obligation, to ensure that ‘reasonable steps’ are taken to prevent harm to children and young people. All Council Members are responsible for supporting a transparent culture, whereby any actions by Members that go against our Codes of Conduct and Safeguarding Children and Young People Policy, however minor, are reported, actioned, and documented.

## 3.1 Our expectations

All Council Members are provided with access to the following documents:

* Safeguarding Children and Young People Policy
* Safeguarding Children and Young People Code of Conduct

Council Members will also be provided with the appropriate Code of Conduct that applies to their role including the following:

* Staff Code of Conduct
* Volunteer Handbook
* Councillor Code of Conduct

These documents clearly detail the behavioural expectations of Council Members around children and young people. Council members are advised that any breaches, including minor breaches, to these policies are required to be reported.

All Council Members have a responsibility to identify and assess potential risks in ongoing programs and one-off activities. Council Members need to consider the online, physical, or psychological risks associated with activities, and apply and implement risk mitigation strategies to address those risks, in line with Council’s Risk Management Policy and Risk Management Framework.

Council creates a safe environment for children and young people. Our Members use strategies to support and encourage children and young people to practice safe behaviours amongst all Members and their peers and speak up if they feel unsafe.

## 3.2 Consequences of breaching policy

Council Members are required to report incidents, allegations, disclosures, or concerns in relation to abuse or neglect of a child or young person by Council Members or by others. Any failure to report these matters is treated as misconduct and, depending on the circumstances, may result in disciplinary action up to and including dismissal, or in the termination of services.

Failure to report incidents of abuse, allegations, disclosures or concerns in relation to abuse or neglect of a child or young person may be classed as a criminal offence under state law.

Council Members are obligated to report any information relating to:

* incidents, allegations, disclosures, or reasonable belief in relation to abuse or neglect of a child or young person, either by Members or by others
* any breaches or actions of other Council Members that contravene our policies and procedures, outlined in Council’s Safeguarding Children and Young People Code of Conduct and Staff Code of Conduct

**This policy prohibits all Council Members from:**

* discussing any concerns or allegations with unauthorised Members, within or outside Council. This prohibition is not designed to limit, in any way, Council Members’ rights and responsibilities to report concerns or allegations, but rather as part of Council’s commitment to ensuring privacy, confidentiality and natural justice
* making deliberately false, misleading, or vexatious allegations

## 3.3 Communications:

Council will ensure that all children and young people involved in our programs and services will have access to this policy, in accessible formats and provided with the support and mechanisms to feel empowered to speak up if they feel unsafe, hear something, or see something that does not feel right. Council upholds a child’s rights to be heard, protected, and supported.

In adhering to this Policy, Council Members will promote equity and respect diversity of the children and young people and their parents/care givers who access our services. This includes Aboriginal and Torres Strait Islander children, children from culturally and linguistically diverse backgrounds and children, young people with a disability, LGBTQI+ children, and children who cannot live at home. Council upholds a family’s right to have their concerns or issues raised, resolved, and done so in a culturally respectful and safe way.

The responsibility of each Council Member’s role in relation to the development and compliance of the Policy is detailed in section 10 of this policy.

# 4. Procedure

Council is committed to creating and maintaining a child safe organisation, where protecting children and reporting on child abuse is embedded in everyday thinking and practice.

There are four critical steps that Council Members must follow for all incidents, allegations, disclosures or reasonable belief of abuse or neglect, or breaches of policy where appropriate:

1. Responding
2. Reporting
3. Sharing of Information
4. Supporting

*Councils Safeguarding Children and Young People Incident Management Procedure* provides a Reporting Summary of the process regarding responding to and reporting on all incidents, allegations, disclosures or reasonable belief of abuse or neglect, or breaches of policy where appropriate. This procedure applies in all environments (physical and online) and wherever children and young people are participating in Council’s activities, programs, events, services and / or facilities.

### 4.2.1 Internal reporting requirements

The Child Safe Incident Report Form (IRF) is accessible to all Council Members for reporting an incident, a disclosure/allegation or a breach of policy or procedure by Council Members. Training in the reporting requirements, location and completion of forms, notification requirements and support is available through the Child Safe Contact Officer roles. All incidents including minor incidents must be recorded through an IRF, and once submitted will be forwarded to and responded by a Child Safe Contact Officer. All incidents are entered into the Child Safe Incident Register.

As part of the process to report, Council Members must report any safety or wellbeing concerns for a child or young person, and/or breach of policy and procedures initially to a Child Safe Contact Officer.

If a Council Member is unable to make a report to a Child Safe Contact Officer, or the report is about that person, they must report their concern directly to the Manager Community Services and People & Capability Business Partner for their client group.

An IRF should be completed as soon as possible following an incident by the attending Council Member and signed off by a Child Safe Contact Officer.

Reports must include:

* details of the person/s involved
* date, time, location of the incident/disclosure/allegation
* incident type and how incurred
* what was said, and relevant factual information without assumptions (where possible, noting the exact words used by the person making the allegation / disclosure)
* actions taken including treatment

**The Child Safe Contact Officer (role) is responsible for:**

* ensuring the immediate response was sufficient and take any further action needed
* assessing and categorising the situation as Minor, Moderate or Critical. Definitions to be found in Appendix 2
* ensuring the IRF has the relevant information and is logged on the Child Safe Incident Register.
* Depending on the category, notifying the CEO where required \* CEO is obliged to notify of incidents within a timeframe (48 hours) under “Reportable Conduct” Scheme.
* providing confirmation to the Council Member that all required steps have been completed to manage the incident, as necessary. Where appropriate, the Council Member should continue to be updated as the incident is further managed, until closed off, whilst maintaining privacy and confidentiality obligations.
* moderate and critical incidents must be reported to the Director Community and Customer Experience and the CEO immediately.

**Critical Incident Response Team (CIRT)**

In the case of moderate and critical incidents, the CEO has appointed Councils Crisis Leader who may establish a Critical Incident Response Team (CIRT) and activate Councils Crisis Management Plan (CMP). The CMP will outline who will be part of the CIRT, including identifying the necessary external authorities such as Police/Child Protection Liaison. The Critical Incident Response Team’s role is to ensure that immediate responses are coordinated and effective and to deploy resources to support this end. The CIRT is a central point for supporting responses to incidents and in managing and collecting information on incidents.

### 4.2.2 External reporting requirements

In addition to our internal reporting process, all incidents that require external authority notification must be reported to the CEO. External notifications required by organisational policy and governing legislation must be initiated by a Child Safe Contact Officer.

#### Mandatory Reporting

Mandatory reporting laws require specified professionals to report child abuse and /or neglect where they have reasonable belief that abuse has or is likely to occur.

Within Council, the following roles are Mandatory Reporters:

* Maternal & Child Health Nurses (Immunisation/other Registered Nurses within Council)
* Early Childhood Educators – inclusive of playgroup facilitators

Council Members, who are Mandatory Reporters, must follow Council’s Safeguarding Children and Young People Incident Management Procedure and, as soon as practicable and before the end of the shift, notify the prescribed child protection authority of any abuse or neglect or their reasonable belief and its basis. This approach is coordinated through the Child Safe Contact Officers and aligned to the Safeguarding Children and Young People Incident Management Procedure.

The above does not preclude other non-mandated individuals from making a report to the child protection authority or the police if they have reasonable concern for the safety and wellbeing of a child.

It is a criminal offence for a mandated reporter to fail to report abuse where they have a reasonable belief that abuse has, or is likely to, occur.

### Reportable Conduct

Council is covered by a Reportable Conduct Scheme which requires Council to notify the Victorian Commission for Children and Young Peopleif there is an allegation of ‘Reportable Conduct’ made against a Council Member.

Reportable conduct is defined as;

* 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.

Under legislation, the CEO is primarily responsible for Council’s compliance with the Reportable Conduct Scheme. Where there is an allegation involving a Council member, the CEO will consider if such conduct contravenes the Safeguarding Children and Young People Policy and / or Code of Conduct and act in accordance with the Scheme, this Policy and Council’s Incident Management Procedure.

**Reporting to Working with Children Check (WWWC)**

The purpose of the Worker Screening Act 2020 (the Act) and the Worker Screening Regulations 2021 (the Regulations) is to assist in protecting children and young people from sexual or physical harm by ensuring that relevant Council Members have their suitability to do so checked by a government body. The Act defines child-related work, outlines occupations that apply and explains relevant offences and findings that are relevant to the WWCC. The check involves an examination of a person’s criminal history and relevant professional conduct. It sets out the obligations of individuals and organisations, and how personal information is stored and disposed of.

Should there be reasonable belief that a Council Member has acted in a way and or / been charged with or convicted of an offence which makes it inappropriate for them to engage in child-related work, WWCC authorities may need to be notified.

To ensure that all Council Members involved in activities and contact with children and young people are responsible and of sound character, Council must comply with the requirements of the Worker Screening Act 2020. It is an offence for an employer to knowingly engage a child-related worker who does not hold a WWCC (or equivalent).

It is an offence for Council Member to engage in child related work when they do not have clearance or if they are subject to a bar.

#### Failure to report

In Victoria, it is a criminal offence for a member of an organisation to fail to protect children under the age of 16, from sexual abuse by other members from that organisation. Allegations of this type would be referred to Victoria Police.

## 4.3 Sharing of Information

**4**.3.1 Confidentiality and Privacy

Council maintains the confidentiality and privacy of all concerned (including the alleged perpetrator), except if doing so would compromise the safety or wellbeing of the child or young person and/or investigation of the allegation.

After an incident has been reported and where appropriate, the information sharing process with child/ young person, their families and Council Member will begin as soon as reasonably possible. The process will be adapted to fit the child/ young person, family and member needs and the requirements of any investigation processes.

Where police and/or child protection are involved, Council will provide the authorities with information about the incident to assist them in their investigations, as per any contract or legislative requirements.

Where Council Members are involved in breaches of the Safeguarding Children and Young People Code of Conduct or Safeguarding Children and Young People Policy, the CEO in consultation with People and Capability and, if appropriate, Governance will determine what information can be communicated and how this can occur.

If the incident has reached the threshold to report to external agencies, Council will consult with the relevant child protection authority / police to determine what information can be shared with parents / care givers, and/or disclosed to Council Members.

This can include:

* not contacting the parents / care givers in circumstances where it is alleged that they have been engaged in the abuse, or the child is a mature minor and does not wish their parent/care giver to be contacted
* contacting the parents / care givers and providing agreed information as soon as possible

The decision to share information will consider:

* whether the ongoing safety of those involved in or impacted by the incident is compromised by the sharing or non-sharing of information
* the advice of police and child protection (care will be taken not to compromise their investigations)
* the rights of those impacted by the incident to privacy, confidentiality, procedural fairness, and a presumption of innocence in accordance with organisational policies and employment law, and
* the need (of those potentially impacted by the incident) to know of the incident

## 4.3.2 Supporting

Support can be provided to those impacted by the incident giving consideration to the cultural safety for:

* the child/young person and their family (this includes any specific support needs for those from an Aboriginal and Torres Strait Islander; Culturally and Linguistically Diverse; or person with a disability; a person identifying as LGBTQI+, or a child or young person who is unable to live at home);
* other children or young people as witnesses to the incident
* any Council Member who witnesses and/or reported the incident
* any Council Member against whom a complaint is made, for example, offering professional counselling
* other Council Members impacted by the incident.

For other Council Members who are aware of the incident, they would be advised that:

* any allegation does not mean the person is guilty, and that the allegation/s will be properly investigated and will include the right to ‘procedural fairness’
* they are not permitted to discuss the matter with any person, except as directed by police, child protection authorities and/or our Child Safe Contact Officer / Manager Community Services and only in direct relation to investigation of the allegation.

**5. Records and Documentation**

All Incident Report Forms (the incident) will be recorded on the Child Safe Incident Register and are reviewed by the Executive Team on a quarterly basis to ensure the effectiveness of actions taken and to identify areas for improvement.

The Child Safe Contact Officer will oversee the administration of completed Incident Report Forms and any other documentation relating to the allegation and subsequent action.

Council stores any documentation associated with this policy in line with our Records Management Policy.

We maintain and regularly monitor the Child Safe Incident Register as part of our Incident Management processes to ensure that they are responded to effectively in accordance with this policy and that both internal and external reporting requirements are fulfilled.

# 6. Communication and Training

We communicate and ensure accessibility of this Policy and its requirements to children, young people and their families and our Council Members.

Council ensures all existing and new members are informed and supported to understand Council’s safeguarding children and young people policies and procedures, including the practices detailed in this Policy.

Council Members are provided with this Policy and Council’s Safeguarding Children and Young People Policy and Safeguarding Children and Young People Code of Conduct. They are also publicly available in child-friendly versions.

Council provides training and guidance relating to:

* the expectations set out in our safeguarding policies and our Safeguarding Children and Young People Code of Conduct.
* children and young people’s rights, voices and participation, cultural safety, and humility.

# 7. Monitoring and Review

This document will be reviewed every three years, in consultation with stakeholders. 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 Council.

**8. Supporting Resources**

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| Appendix 1 Key Indicators of Abuse |
| Appendix 2 Categories of Incidents |
| Appendix 3 Incident Report Form |

# 9. Related Policies and documents

|  |  |
| --- | --- |
| **Legislation** | Child and Wellbeing and Safety Act 2005  Child and Wellbeing Safety Amendment Act 2015  Commission for Children and Young People Act 2012  Australian Human Rights Commission Act 1986 (Cth.)  Charter of Human Rights and Responsibilities Act 2006 (Vic)  Children, Youth and Families Act 2005 (Vic.)  Worker Screening Act 2020 (Vic.)  Equal Opportunity Act 2010 (Vic.)  Privacy Act 1988 (Cth)  Crimes Act 1958 (Vic.)  Adoption Act 1984 (Vic.)  Child Employment Act 2003 (Vic.)  Children and Justice Legislation Amendment (Youth Justice Reform) Act 2017 (Vic.)  Family Violence Protection Act 2008 (Vic.)  Sex Offenders Registration Act 2004 (Vic.) |
| **International/National Frameworks and agreements** | United Nations Convention on the Rights of the Child  National Framework for Protecting Australia’s Children 2009-2020  Australian Human Rights Commission National Principles for Child Safe Organisations |
| **Policies** | Safeguarding Children and Young People Policy  Safeguarding Children and Young People Code of Conduct  Staff Code of Conduct  Councillor Code of Conduct  Incident Management Policy  Equal Employment Opportunity Policy |
| **Procedures/**  **Processes** | People and Position Delegations  Incident Management Form  Volunteer Handbook |

# 10. Roles and Responsibilities

| Role | Responsibility |
| --- | --- |
| **Council** | * Provide oversight and adoption of this Policy * Receiving incident reports for specified categories of incidents, provide support and advice as appropriate, and utilise data to inform organisation incident and risk management strategies |
| **Chief Executive Officer** | * Ensure all managers/supervisors have access to support, advice, and resource to understand and implement this policy and related procedures * Reportable Conduct responsibility * Establish CIRT in response to Moderate and Critical Incidents * Initiates external reporting |
| **Mandatory Reporters** | * Covered by sections 182(1), 184 and 162(1)(c) -(d) of the *Children, Youth and Families Act 2005* (Vic.) * Includes: MCH nurses, Early Childhood Educators/Playgroup Facilitators * Belief on reasonable grounds that a child is in need of protection on a ground referred to in section 162(1)(c) or 162(1)(d), formed in the course of practicing his or her profession or carrying out the duties of his or her office, position, or employment as soon as practicable after forming the belief and after each occasion on which he or she becomes aware of any further reasonable grounds for the belief |
| **Councils Crisis Leader** | * Lead the organisation Crisis Management Plan response in the development and activation of the Critical Response Team (CIRT). |
| **Community & Customer Experience** | * Review and update of this document and supporting resources in consultation with relevant stakeholders to ensure the Policy meets its intent and learnings are integrated into our practices * Manager Community Services and Director Community and Customer Experience participate in the escalations and investigation on the categories identified as Moderate and critical instance. * Coordination of Child Safe Contact Officer Roles, reporting process and collation of reports where required |
| **People and Strategy** | * Implement Safeguarding Children and Young People policies and procedures across the organisation * Ensure Council Members have access to and understand this policy and related procedures * Support Community & Customer Experience with the review and update of this document and supporting resources in consultation with relevant stakeholders to ensure the Policy meets its intent and learnings are integrated into our practices * Provide training and advice in the application of policy and procedures * Assist with messaging across organisation if required |
| **Child Safe Lead Officer /Child Safe Contact Officers** | * Ensure this policy and related procedure is followed and implemented * Receive and manage incident reports * Assess each situation reported and notify appropriate Council Members of the incident as indicated on this policy * Responsible for the response and recovery coordination of an incident * Report to the Critical Incident Response Team where required * Provide support and advice in the application of this policy |
| **Council Members** | * Awareness of and compliance with this policy and related procedure * Immediately control the situation including liaising with key stakeholders, obtaining and documenting details of the incident * Complete incident report form and escalate to Child Safe Contact Officer(s) |
| **Governance** | * Where required provide advice and determine what information can be communicated and how this can occur, to ensure privacy and confidentiality is upheld. |
| **Executive Team** | * Review incidents on a quarterly basis to ensure the effectiveness of actions taken and to identify areas for improvement. |

# 11. Definitions

|  |  |
| --- | --- |
| Term | Definition |
| **Child or young person** | A person under the age of eighteen years. |
| **Emotional or psychological abuse** | Emotional or psychological abuse occurs when a child does not receive the love, affection, or attention they need for healthy emotional, psychological, and social development. Such abuse may involve repeated rejection or threats to a child. Constant criticism, teasing, ignoring, threatening, yelling, scapegoating, ridicule and rejection or continual coldness are all examples of emotional abuse. These behaviors continue to an extent that results in significant damage to the child’s physical, intellectual, or emotional wellbeing and development. |
| **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. |
| **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. |
| **National criminal history record check** | Involves identifying and releasing any relevant Criminal History Information (CHI) subject to relevant spent convictions/non-disclosure legislation and/or information release policies. |
| **Neglect** | Neglect is the persistent failure or deliberate denial to provide the child with the basic necessities of life. Such neglect includes the failure to provide adequate food, clothing, shelter, adequate supervision, clean water, medical attention, or supervision to the extent that the child’s health and development is, or is likely to be, significantly harmed. Categories of neglect include physical neglect, medical neglect, abandonment or desertion, emotional neglect, and educational neglect. The issue of neglect must be considered within the context of resources reasonably available. |
| **Council Members** | All who work for and represent Council, whether in a paid or unpaid capacity, including Councillors, employees (permanent, fixed term and casual), volunteers (Inc of student placements), agency staff and contractors. |
| **Physical abuse** | Physical abuse occurs when a person subjects a child to non-accidental physically aggressive acts. The abuser may inflict an injury intentionally or inadvertently because of physical punishment or the aggressive treatment of a child. Physically abusive behavior includes (but is not limited to) shoving, hitting, slapping, shaking, throwing, punching, biting, burning, excessive and physically harmful over training, and kicking. It also includes giving children harmful substances such as drugs, alcohol, or poison. Certain types of punishment, whilst not causing injury can also be considered physical abuse if they place a child are risk of being hurt. Physical abuse also includes threats to physically harm. |
| **Reasonable belief** | A reasonable belief is more than suspicion. There must be some objective basis for the belief. However, it is not the same as having proof and does not require certainty.  For example, a person is likely to have a reasonable belief if they; observed the conduct themselves, heard directly from a child that the conduct occurred, received information from another credible source (including another witness). |
| **Reasonable steps** | Council Members may breach duty of care towards a child or young person if they fail to act in the way a reasonable or diligent professional would have acted in the same situation.  In relation to suspected child abuse, reasonable steps may include (but are not necessarily limited to): acting on concerns and suspicions of abuse as soon as practicable.  Seeking appropriate advice or consulting with other professionals or agencies when the unsure of what steps to take, reporting the suspected child abuse to appropriate authorities such as Police or Child Protection, arranging counselling and/or other appropriate support for the child, providing ongoing support to the child and sharing information with other Members who will also be responsible for monitoring and providing ongoing support to the child or young person. |
| **Sexual abuse** | Sexual abuse occurs when an adult or a person of authority (e.g., older) involves a child 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 exploitation** | Sexual exploitation is a form of sexual abuse where offenders use their power, (physical, financial, or emotional) over a child or young person, or a false identity, to abuse them sexually or emotionally. It often involves situations and relationships where children and young people receive something (food, accommodation, drugs, alcohol, cigarettes, affection, gifts, money etc.) in return for participating in sexual activities. Sexual exploitation can occur in person or online, and sometimes the child or young person may not even realise they are a victim. |

Please note: This Policy is current as at the date of approval. Refer to Council’s Intranet to ensure this is the latest version.

# Appendix 1 - Key Indicators of Abuse

| **Abuse** | **Physical Indicators** | **Behavioural Indicators** |
| --- | --- | --- |
| **Physical** | * unexplained cuts, abrasions, bruising or swelling * unexplained burns or scalds, cigarette burns * rope burns or marks on arms, legs, neck, torso * unexplained fractures, strains, or sprains; dislocation of limbs * recurrent injuries * bite marks * mouth and dental injuries * ear or eye injuries * disclosure of physical threats being made * consistent sickness/nausea from potential poisons * covering themselves with clothes inappropriate to weather conditions | * avoidance of particular staff, fear of a particular person * sleep disturbances * changes in behaviour (e.g., unusual mood swings, uncharacteristic aggression) * changes in daily routine, changes in appetite * unusual passivity, withdrawal * self-harm, suicide attempts * inappropriate explanations of how injuries occurred * excessive compliance to staff * Rough handling |
| **Sexual** | * direct or indirect disclosure of abuse or assault * trauma to the breasts, buttocks, lower abdomen, or thighs * difficulty walking or sitting * pain or itching in genital and/or anal area; bruising, bleeding, or discharge * self-harm, abuse, suicide attempts * torn, stained or blood-stained underwear or bedclothes * sexually transmitted diseases, pregnancy * unexplained money or gifts * recurrent pain on passing urine or faeces | * sleep disturbances * changes in eating patterns * inappropriate or unusual sexual behaviour or knowledge * changes in social patterns * sudden or marked changes in behaviour or temperament * anxiety attacks, panic attacks, clinical depression * refusal to attend usual places (e.g., work, school, respite) * going to bed fully clothed * excessive compliance to staff * inappropriate or excessive masturbation |
| **Psychological** | * speech disorders * in the case of a child, lags in physical development, failure to thrive * injuries sustained from self-harm or abuse * suicide attempts * anxiety attacks | * self-harm or self-abusive behaviours * challenging/extreme behaviours * excessive compliance to staff * very low self-esteem, feelings of worthlessness * clinical depression * marked decrease in interpersonal skills * extreme attention-seeking behaviour |
| **Neglect** | * physical wasting, unhealthy weight levels * poor dental health * food from meals left on face and/or clothes throughout the day * dirty, unwashed body and/or face, body odour * person always wearing the same clothes * ill-fitting and/or unwashed clothes * person is always over- or underdressed for the weather conditions * food is consistently poor quality, insufficient, inedible and/or unappetising * persistent illnesses without appropriate medical treatment * suffering persistent infestations such as scabies or headlice * disclosure of being left alone for long periods of time that are inappropriate to age or maturity | * constant tiredness * persistent hunger * unexpectedly poor social/interpersonal skills * signs of loss of communication and other skills * staff member, service provider, carer or support person consistently fails to bring the person to appointments, events, activities * person is persistently denied opportunities to socialise with others in the community * excessively clingy or fearful |
| **Family Violence** | * eating and sleeping * difficulties * concentration problems * inability to play * constructively * clinginess * defiant behaviour * rebelliousness * temper tantrums * cruelty to pets * physical abuse of others * avoidance of peers * dropping out of school * academic failure * delinquency/offending * eating disorders * substance misuse * depression * suicide ideation | * fearfulness * numbing * increased arousal * adjustment problems * developmental delay * physical complaints * overly compliant behaviour * withdrawal * loss of interest in social activities * self-harm * poor school performance * use of controlling behaviours * distrust of adults * violent behaviours * violence toward a parent/care giver (particularly their mother) * early pregnancy |

# Appendix 2 - Categories of Incidents

|  |  |  |
| --- | --- | --- |
| Incident Type | Description | Managed/escalated to |
| **Minor Incident** | Events which cause or may cause minor physical stress and or emotional stress to Members or clients/service users.  Near misses and minor breaches of professional standards or Code of Conduct/policy that do not compromise the health and safety of clients/service users, including children and young people and Members. | Child Safe Contact Officer(s)/Manager Community Services & People and Capability Business Partner |
| **Moderate Incident** | Events which cause or are likely to cause physical stress or emotional distress to Members or clients/service users.  Near misses and criminal behaviour or breaches of professional standards or Code of Conduct/policy by Members that may compromise the health and safety of clients / service users, including children and young people and Members. | Child Safe Contact Officer(s)/Manager Community Services/People & Capability Business Partner  \*NOTE: All Moderate/Critical incidents are escalated to Director Community and Customer Experience and the CEO immediately  \*May activate **CIRT** |
| **Critical Incident** | Criminal behaviour, breaches of professional standards or Code of Conduct/policy by a Council member that cause harm to or significantly compromise the health and safety of including client / service users, including children and young people and Members. | Child Safe Contact Officer(s)/Manager Community Services & People and Capability Business Partner,  Executive Team  \***Activate CIRT** |

# Appendix 3 Incident Report Form

This form must be used to record details of any:

* Incidents, allegations, disclosures, or reasonable concerns in relation to abuse or neglect of a child or young person, either by a Council Member or by others
* breaches or actions of other Council Members that contravene our policies and procedures, such as outlined in our Codes of Conduct

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Child / Young Person’s Name: | | | | | | |
| Program: | |  | | | | |
| Date of incident: | |  | Site/location where incident occurred: | | |  |
| Person making Report: | |  | Role & relationship to child: | | |  |
| Type of incident (tick all that apply): | | |  | | | |
|  | Suspicion or allegation of abuse or neglect of child/young person | | |  | Breaches of Code of Conduct | |
|  | Suspicion of potential harm to a child/young person | | |  | Breach of Safeguarding Children or reporting policy | |
|  | A critical incident as defined in the Incident Management policy | | |  | Potential abuse by or criminal matters involving an employee | |

Details of the child / young person affected by the incident

[A Separate Incident Report Form should be completed for each child]

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Full name |  | | | |
| Date of birth |  | Gender | |  |
| Any accessibility, communication, medical or cultural requirements |  | | | |
| Parent/care giver name |  | | | |
| Parent/care giver contact/s phone | (Home)  (Mobile) | | (Work) | |
| parent/care giver address |  | | | |
| Any known parent / care giver accessibility, communication, medical or cultural requirements |  | | | |

Details of other persons involved

|  |  |
| --- | --- |
| **Other Children and Young People** | |
| Were there other children and young people present? Yes  No  If yes, please provide their details below: | |
| Name |  |
| Has a separate incident report form been completed for this child/young person? Yes  No  If no, please provide a reason as to why: | |

|  |  |
| --- | --- |
| **Alleged perpetrator(s) details:** | |
| Name – if known. |  |
| Connection with the child – if known |  |
| Any other relevant factors: |  |

|  |  |
| --- | --- |
| **Witness Details** | |
| Were there any other witnesses to the incident? Yes  No  If yes, please provide their details below: | |
| Full name |  |
| Involvement as witness |  |
| Contact phone number |  |
| Full name |  |
| Involvement as witness |  |
| Contact phone number |  |
| Any accessibility, communication, medical or cultural requirements | |

Details of incident

|  |
| --- |
| (Please describe in as much factual details as possible the incident including the events which lead up to the incident, sighted injury or other indicators of abuse, conversations with the child, alleged perpetrator/s behaviour) |

Action undertaken (if any):

|  |  |
| --- | --- |
| To ensure the safety of child/young person: |  |
| To address the support needs of the child / young person and their family: |  |
| To address the support needs of the alleged perpetrator: |  |
| To address the support needs of other personnel involved: |  |
| Other children/young people involved |  |
| Any others involved? |  |

Incident response

|  |  |
| --- | --- |
| Please tick who of the following have been informed of this incident: | |
| Externally | Police  Child Protection  Ambulance  Doctor  Family / Care Giver  Reportable Conduct Authority  Working with Children Check Authority  Other (please specify)  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| Internally | Full Name of Incident Reporter:  Position / title:  Contact details of Reporter:  Date and time of Report: |

Police

|  |  |  |  |
| --- | --- | --- | --- |
| Date: |  | Time: |  |
| Name of person notified: |  | Position: |  |
| Department / region: |  | Contact detail/s: |  |
| Advice provided:  Engagement Number: | | | |

Child Protection authorities

|  |  |  |  |
| --- | --- | --- | --- |
| Date: |  | Time: |  |
| Name of person notified: |  | Position: |  |
| Department / region: |  | Contact detail/s: |  |
| Advice provided:  Engagement Number: | | | |

Reportable Conduct authorities

|  |  |  |  |
| --- | --- | --- | --- |
| Date: |  | Time: |  |
| Name of person notified: |  | Position: |  |
| Department / region: |  | Contact detail/s: |  |
| Advice provided:  Engagement Number: | | | |

Parent / Care Giver

|  |  |
| --- | --- |
| Has the [x insert parent/care giver x] been informed of the incident: Yes  No  (If appropriate) has the [x insert parent/care giver x] been informed the authorities being notified: Yes  No | |
| If yes, please provide relevant details of conversations: | *E.g. (information provided, reactions, concerns and admissions)* |
| If no, please explain why: |  |

|  |  |
| --- | --- |
| Please provide details of which manager/s or other personnel have been informed of the incident? | |
| Full name: |  |
| Position / title: |  |
| Date and time informed: |  |
| Full name |  |
| Position / title: |  |
| Date and time informed: |  |

Additional comments / including other Reporting bodies, (e.g., ACF, ACECQA, Education authorities, Case Worker)

|  |
| --- |
|  |

Acknowledgement of form completion

|  |  |  |  |
| --- | --- | --- | --- |
| I have completed this form to the best of my knowledge and ability | | | |
| Name |  | Position |  |
| Signed |  | Date |  |

Supervisor

|  |  |  |  |
| --- | --- | --- | --- |
| I have checked that all sections of this form are complete | | | |
| Name |  | Position |  |
| Signed |  | Date |  |

Privacy Disclaimer:

Bayside City Council acknowledges and respects the privacy of all its personnel. The information being collected is for the purposes of obtaining details of and assessing the incident in question. Information disclosed on this form may be passed on to the appropriate authorities, as required. By signing this form, you have consented to this information being collected, used, and disclosed for the purposes it intended. You have the right to access and alter personal information concerning yourself in accordance with the Commonwealth Privacy Act (amended 2001) and [x insert Bayside City Council’s Privacy Policy name x].

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