

## CHILD SAFETY AND WELLBEING POLICY V3 2022

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Report Author: Child Safety Business Partner  
Responsible Officer: Director Corporate Services  
Ward(s) affected: (All Wards);

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*The author(s) of this report and the Responsible Officer consider that the report complies with the overarching governance principles and supporting principles set out in the Local Government Act 2020.*

### CONFIDENTIALITY

This item is to be considered at Council meeting that is open to the public.

### SUMMARY

A review and changes by the Department of Families, Fairness and Housing (DFFH) in 2019 to the Victorian Child Wellbeing and Safety Act (2005), come into effect during the 6-months from 1 July 2022 to 1 January 2023. New changes to Council's existing Child Safety and Wellbeing Policy are now required to ensure alignment with what is now, the eleven Victorian Child Safe Standards.

The legislation amendments introduce additional standards, compliance requirements and enforcement related to Child Safe Organisations, that will ensure national harmonisation with the National Child Safe Framework and a stronger legislative and compliance platform for safeguarding children across Victoria.

Numerous factors reinforce the ongoing, essential need for Council's child safety efforts for children, young people, as well as families, carers, and the general community. Child abuse and neglect is not a historic issue. Organisations and the community continue to fail in their responsibility to protect children and young people. Evidence on the significant increase in child safe incidents during the covid pandemic, particularly the increased reports of on-line abuse, peer on peer abuse, family violence and mental health, as well as reduced access to service supports highlights this need. Awareness and practice related to child safety and embedding a culture of "Child Safety is Everyone's Business" requires ongoing work to minimize risks within the organisation and community.

### RECOMMENDATION

***That Council endorse the revised Yarra Ranges Council Child Safety and Wellbeing Policy 2022.***

## RELATED COUNCIL DECISIONS

The current version (2) of the Yarra Ranges Council Child Safety and Wellbeing Policy was endorsed by Council on March 24, 2020.

The following policies (and the dates they were endorsed by Council) link to and support this policy:

- Councillors' Code of Conduct Policy (February 2021); and
- Council's Customer Complaints Policy (December 2021).

## DISCUSSION

### *Purpose and Background*

The Victorian Child Wellbeing and Safety - Child Safe Standards Act (2021) was originally initiated from recommendations in the Royal Commission into Institutional Child Sexual Abuse (2013-17). A review by the Department of Families, Fairness and Housing has led to it being updated, and changes introduced from July 1st, 2022. This has triggered the necessity for Council to update its own Child Safety and Wellbeing Policy and related procedures, aimed at preventing abuse and ensuring timely and comprehensive responses to child safety concerns. Becoming a fully compliant Child Safe Organisation is crucial to ensure Council meets the requirements of the legislative changes and the new 11 Victorian Child Safe Standards (CSS).

This is Council's third policy aimed at achieving a zero-tolerance approach to abuse and harm and a strong commitment to promoting the safety of all children and young people.

The key compulsory changes relate to the following new legislative requirements: -

- Greater focus on safety for Aboriginal children and young people;
- More clarity on the governance, systems, documentation, and processes needed to keep children and young people safe;
- Greater involvement of families and communities in organisations' efforts to keep children and young people safe; and
- More risk management for mitigating child abuse in online and physical environments.

The COVID pandemic has resulted in an increase in mental health concerns, online and peer-on peer abuse as well as family violence for children and young people <sup>1</sup> – causing an exacerbated need for more support services and a reinforcing message regarding the importance of child safe awareness initiatives.

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<sup>1</sup> Australian Statistics (National Child Protection Framework) showed that during 2020-21, there was a 21% increase in sexual assault reports and a 122% increase in on-line child-sex abuse related material.

### ***Background and context: what have we done to date?***

Council's approach to addressing the CSS has focused on a shared cross-council responsibility. In addition to this broad representative governance structure, in 2022 a strategic decision to resource a permanent role within the Corporate Services, rather than Communities Directorate would ensure whole of organisation accountability, support and awareness. This decision would also ensure Council is best placed to be a fully compliant child safe organisation with the requirements and new enforcement measures.

Since the last Child Safety and Wellbeing policy was endorsed in 2020, the Implementation Action Plan has progressed work in the following areas: -

- Introduction of new child safety governance structure including the Child Safe Executive Group, Action Group, and Improvement Teams;
- Updating existing policies to reflect CSS (e.g., Customer Complaints Policy and Councillor Code of Conduct);
- Rolling out of revised Refresher training for all staff;
- Launch of the Children and Young People's Participation Guide to accompany Council's engagement framework;
- Strengthening the CSS communications plan, including resources and messaging on Council's website and promoting events such as National Child Protection Week;
- Development of secure on-line Child Safe incident report form;
- Development of child safe recruitment resources including job descriptions, interview, and screening guidelines;
- Review and compliance monitoring processes of contractors, partners, and grant recipients regarding their responsibilities to CSS;
- Ongoing compliance and review of reportable conduct processes to ensure requirements are met, incidents are reported, investigated, and monitored;
- Building the child safety capacity of partner and community organisations through training and other resources; and
- Development of data dashboard to measure the efficacy of Council's approach to child safe staff awareness and practice, as well as identify areas for improvement.

Metrics have been developed to measure the efficacy of Council's implementation action plan. A child safety awareness survey of staff in 2021 showed a reduced level of engagement and capacity in child safety, compared to the previous survey in 2019<sup>2</sup>.

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<sup>2</sup> The 2019 Staff Awareness Survey only included staff with direct/ incidental child service delivery roles, including those with Mandatory Reporting responsibilities.

Results indicated that of responding officers, 80% understood that child safety is their responsibility and 69% had a strong understanding of the child safe standards, 60% believed information was easy to find and 29% were making changes to their work practices.

Alongside this quantitative data, there were multiple qualitative responses that indicated positive staff confidence that progress is being made, particularly in the areas of child safe processes including procurement processes, practice improvements such as operational changes to programs in venues/ facilities and organisational cultural changes including staff awareness.

The inclusion of staff, partnerships and young people's voices as well as involvement of governance groups has influenced the development of the new Child Safety and Wellbeing Policy and reinforced the need for ongoing multi-level promotional messaging, information, resources and improved processes will ensure Yarra Ranges Council continues to be a strong and fully compliant child safe organisation.

### ***Options considered***

Implementing the Child Safe legislation and Victorian Child Safe Standards is mandatory for Council.

### ***Recommended option and justification***

Endorsement of the Yarra Ranges Child Safety and Wellbeing Policy (V3 2022) is essential for compliance with the 2021 Victorian Child Safe Standards legislation.

## **FINANCIAL ANALYSIS**

There are no related budget implications. Compliance with the CSS, and ongoing implementation of this policy can be achieved with existing budgeted resources.

## **APPLICABLE PLANS AND POLICIES**

This report contributes to the following strategic objective(s) in the:

### 1. Council Plan:

- a. Communities are safe, resilient, healthy, inclusive, and socially well connected. Quality services are accessible to everyone; and
- b. Women and children in Yarra Ranges live free from abuse and violence through a culture of gender equity and respect.

### 2. Health and Wellbeing Strategy 2022-25.

- a. The safety of children and young people is highlighted because of the impact of early childhood experiences on the foundations for health and wellbeing. Council takes a zero-tolerance approach to child abuse and commits to:

- i. Safety, wellbeing and positive social outcomes of children and young people; and
  - ii. Prevention of abuse and neglect to avoid devastating lifelong impacts on health.
- 3. Commission for Children and Young People: Guide to Creating a Child Safe Organisation 2022
  - a. This implementation and compliance guide supports organisations to create a culture where the safety of children is promoted, child abuse is prevented, and allegations of child abuse taken seriously and acted on: and
  - b. It aims to help organisations comply with the Child Safe Standards (the Standards) under the Child Wellbeing and Safety Act 2005 (Vic).

## RELEVANT LAW

Council has a legislative requirement to comply with: -

- Children, Youth and Families Act (CYFA), 2005

Governs and guides the process of child protection in Victoria. Under this Act a person can make a report to Child Protection Services if they have: A significant concern for a child's wellbeing; belief the child needs protection; significant concern before the birth of a child about their wellbeing after their birth.

This includes Mandatory Reporting which describes the legal obligation of certain professionals and community members in Victoria to report incidences of child sexual abuse and/or child physical abuse;

- Child Wellbeing and Safety Act 2005 (Vic)

Legislation governing the Child Safe Standards. A compulsory framework that supports organisations to promote the safety of children by requiring them to implement policies to prevent, respond to and report allegations of child abuse. Including the establishment of the Victorian Commission for Child and Young People (CCYP);

- Child Wellbeing and Safety (Child Safe Standards Compliance and Enforcement) Amendment Bill 2021 (Vic)

Amendment introduced the 11 new Child Safe Standards and new powers for the CCYP and other regulators to act on non-compliance with the Standards;

- Crimes Amendment (Grooming) Act 2014

Refers to the offence of grooming. A grooming offence is committed if the offender communicates by works or conduct with a child under the age of 16 years or their carer or supervisor and intends to commit a sexual offence involving the child;

- Crimes Amendment (Protection of Children) Act 2014, s.49c

Refers to the failure to protect children from sexual offences. If any individual or organisation could have reasonably protected a child from sexual abuse and fails to do so it may be considered a criminal offence;

- Crimes Amendment (Protection of Children) Act 2014, s.327

Refers to the responsibility of all individuals to disclose to authorities if they have a reasonable belief that a child under the age of 16 years has been sexually abused. Failure to do so is a criminal offence;

- Working with Children Check (WWCC) Act 2005

Outlines the purpose of the WWCC and what constitutes child-related work; outlines occupations that apply and explains relevant offences and findings that are relevant to the WWCC. It sets out obligations of individuals and organisations and how personal information is stored and disposed; and

- Reportable Conduct Scheme

The scheme guides organisations' response to allegations of child abuse and child-related misconduct by workers and volunteers. Under the scheme, the Commission for Children and Young People have the power to: Monitor organisation's investigations of abuse or misconduct and report on trends; share information with key organisations, such as the Working with Children Check Unit and certain professional registration bodies to improve child safety; inquire into the safety systems of organisations engaged in child-related work; and share relevant information to better protect children from the risks of abuse.

## **SUSTAINABILITY IMPLICATIONS**

### ***Environmental Impacts***

There are no anticipated environmental impacts related to this report.

### ***Social Impacts***

There are significant social benefits to ensuring that children and young people are safe from abuse and harm. One in four females and one in five males have been impacted by child abuse during their childhood. The long-term consequences of child sexual abuse result in major impacts on health and wellbeing outcomes, including poor social and emotional development, mental ill-health, educational attainment and employment prospects.

### ***Economic Impacts***

There are no short or medium term anticipated economic impacts related to this report. There are potential long-term benefits to the local economy from preventing the social impacts above leading to greater levels of educational attainment and economic participation among future workforces.

### ***Risk Assessment***

The actions recommended by this report are an important step in managing Council's child-related risk exposure.

## **COMMUNITY ENGAGEMENT**

As the policy changes are related to new legislation, internal and external involvement in its development was in accordance with IAP2<sup>3</sup> guidelines and involved only information and engagement sessions.

There were several approaches used including: -

- Internal lunchbox sessions for staff;
- Feedback from cross Council staff /volunteers; and
- Workplace Consultative Committee.

External Stakeholders invited to provide feedback including -

- Youth Advisory Group and Youth Ambassadors;
- Reconciliation Action Group;
- Information Session for community organisations; and
- Council's Website, after initial Council Forum Endorsement.

## **COLLABORATION, INNOVATION AND CONTINUOUS IMPROVEMENT**

Yarra Ranges Council participates in the Victorian Child Safe Local Government Network, including the State-wide Coordination Group. This ensures Council is aware and involved in new developments in innovation, evidence-based research, and professional development regarding the practical application of the Standards and legislation.

## **RISK ASSESSMENT**

1. The key purpose of this policy is building organisational awareness and capacity, so child safe risks can be identified and minimised/ eliminated in a timely way, so children/ young people are safe from harm and abuse.
2. The key threat to this occurring is lack of awareness and ability to implement the legislation and essential child safe measures amongst leadership, staff, and volunteers.
3. A risk assessment is regularly reviewed, and work undertaken to identify new/ emerging risks across the 11 Child Safe Standards. Data is collected and considered that tracks progress and risks. This includes staff awareness surveys, data monitoring of key indicators including training completion, participation in governance mechanisms and monitoring the instances of child safe incidents.
4. Criminal offences and penalties apply for failure to identify, report, and mitigate risk, across most relevant legislation requirements. Apart from the catastrophic impact of harm/ abuse on the lives of children and young people and their families, this in turn can impact staff/ volunteer health and wellbeing, organisational reputation and morale, and potential loss of Government contracts.

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<sup>3</sup> International Association of Public Participation

5. Efforts to support third party organisations to comply with the Child Safe legislation through grant/ partnering/ contract assessments and agreements, will be measured and balanced. This means weighing up child safe risks with positive community program outcomes and the risk of negatively impacting on community relationships. This policy strikes that balance by supporting third parties to have access to training and resources, to ensure a shared commitment to child safety.

## **CONFLICTS OF INTEREST**

No officers and/or delegates acting on behalf of the Council through the Instrument of Delegation and involved in the preparation and/or authorisation of this report have any general or material conflict of interest as defined within the *Local Government Act 2020*.

## **ATTACHMENTS TO THE REPORT**

1. Child Safety and Wellbeing Policy 2022