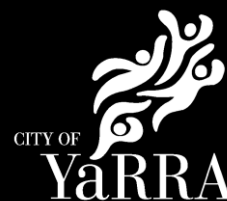


Child Safe Policy



Title	Child Safe Policy
Description	This policy outlines Council's approach to safeguarding children and young people in physical and online environments and details staff reporting obligations and process.
Category	Staff
Type	Policy
Approval Authority	Executive Leadership Team
Responsible Officer	Manager People and Culture
Approval Date	03 June 2024
Review Cycle	Every two years This policy may be reviewed more frequently if there are significant changes to legislation, or if a review of the management of a child safe incident identifies systemic failings that need to be addressed.
Review Date	25 May 2026
Document Reference (Content Manager)	D17/22908
Human Rights Compatibility	This policy has been assessed and is compatible with the Victorian Charter of Human Rights of Responsibilities. The United Nations Convention on the Rights of the Child (CROC) has also been considered in developing this policy.
Staff Consultative Committee Consulted	Yes

1. Definitions

Aboriginal child/young person or children/young people refers to anyone under the age of 18 who is of Aboriginal or Torres Strait Islander descent, identifies as Aboriginal and or Torres Strait Islander, and/or is accepted as Aboriginal or Torres Strait Islander by an Aboriginal or Torres Strait Islander community.

Child abuse is inclusive of all forms of abuse, harm and neglect (specific forms of abuse are identified where relevant or as required).

Child/young person or children/young people refers to any person under 18 years of age, including the unborn child. Where the law only applies to a particular age cohort, this is specified.

Child/young person or children/young people with a disability refers to any child/young person with physical, sensory, neurological disability, acquired brain injury, intellectual disability or developmental delay that affects their ability to undertake everyday activities.

Child in need of protection refers to the legal definition of a child in need of protection as defined in Section 162(1) of the *Children Youth and Families Act 2005*.

Child safety in the context of this policy means measures to protect a child/young person from abuse.

Child Safe Contact Officers are internal subject matter experts who can provide advice on child safety concerns and refers to the Senior Advisor Workforce Equity and Inclusion (Child Safety), Coordinator Youth

and Middle Years, Team Leader Maternal and Child Health, Team Leader Family Services, Team Leader Operations Children's Services, and any other position deemed appropriate.

Child safe organisation is defined by the Commission for Children and Young People as one that recognises cultural differences and does not reduce a child's right to be safe, or the organisation's responsibility to protect the child from harm.

Child sexual abuse is used to delineate this type of abuse from others and is used in the context of criminal offences and reporting duties specifically related to child sexual abuse.

Contractor (Relevant) in the scope of this policy means a person or company used by Council to provide Services directly to children and young people, or where the contract's activities will, or are likely to involve contact with children and young people that is a usual part of, and more than incidental to, the Services.

Culturally and/or linguistically diverse child/young person or children/young people refers to children and young people who identify as having particular cultural or linguistic affiliations by virtue of their place of birth, ancestry or ethnic origin, religion, preferred language, language spoken at home, or because their parents' identification on a similar basis.

Direct contact refers to either physical contact, face-to-face-contact, written, oral and/or electronic communication with children and young people.

Mandatory reporters refer to certain professional groups who have a legal duty to report a reasonable belief of physical or sexual abuse to Child Protection within the Department of Families, Fairness and Housing (DFFH) under the *Children Youth and Families Act 2005* and at Council includes Maternal and Child Health Nurses/Midwives, Immunisation Nurses, Registered Teachers and Early Childhood Teachers.

Reasonable belief is not the same as having proof, but is formed if a reasonable person in the same position would have formed a belief on the same grounds, for example:

- A child or young person states that they have been abused;
- A child or young person states that they know someone who has been abused (i.e., a friend);
- Someone who knows a child or young person states that the child/young person has been abused;
- Professional observations of a child/young person's behaviour or development leads that person to form the belief that the child/young person has been or is at risk of being abused; and/or
- Signs or indicators of abuse leads to a belief that the child/young person has been abused.

People Manager refers to an employee's direct line manager within the organisational structure.

2. Scope

This policy applies to all Council employees and representatives 16 years and over including:

- Full-time, part-time, and casual employees;
- Permanent and temporary employees performing work for Council, inc. work experience students, apprentices, interns and trainees;
- Relevant contractors/suppliers directly engaged/renumerated by Council (see 'Contractor' in Definitions);
- Labour hire workers (temporary and casual individuals engaged through an agency);
- Secondees;
- Volunteers; and
- Councillors.

3. Purpose

The purpose of this policy is to provide clarification and direction as to Yarra City Council's position and legal responsibilities in relation to the safeguarding of children and young people in our physical and online environments. It also demonstrates our commitment to child safe practices.

The policy consolidates existing mandatory reporting (child protection) obligations with additional reporting requirements imposed through the introduction of additional criminal offences, the Child Safe Standards, and the Reportable Conduct Scheme in Victoria.

4. Policy Objectives

The objectives of this policy are to:

1. Protect children and young people from abuse by having practices in place to prevent, remove or reduce potential risk of child abuse in our physical and online environments.
2. Provide a clear statement to staff prohibiting any such abuse.
3. Address allegations or suspicions of child abuse when they do occur in a timely and appropriate manner, and uphold consistency, transparency and accountability in Yarra's response to and management of allegations of child abuse.
4. Ensure all staff work together to protect children and young people from abuse and understand their ethical, legal and organisational obligations to report their child safety concerns.
5. Meet Yarra's legal responsibilities and achieve its organisational commitment to child safety.
6. Foster a culture of openness and transparency where all persons (including children and young people) feel they can safely disclose child abuse and harm.

Council employees are not expected to become child safe experts if it is not their field of work, or to have all the answers to the child safety issues they may encounter. However, they are expected to have an awareness of child abuse, to understand their own reporting obligations, and to seek advice as required when determining whether to report an allegation or suspicion of child abuse.

5. Yarra City Council Commitments

5.1 Child Safe Statement of Commitment

We are committed to being a child safe organisation and have a zero tolerance to child abuse.

We support and value all children and are committed to promoting and prioritising child safety throughout the City of Yarra.

We recognise our legal and moral responsibilities in keeping children and young people safe and have robust policies and procedures in place in order to meet this commitment.

We want children to thrive, be safe, happy and empowered, and are dedicated to ensuring children have a voice, their views are listened to and respected, and they are given opportunities to contribute to how we plan and deliver our services.

5.2 Commitment to Cultural Safety for Aboriginal and Torres Strait Islander Children

The Standards, places first, the importance of cultural safety of Aboriginal and Torres Strait Islander children and young people. We recognise that cultural immersion is fundamental to wellbeing and that every child has the right to connect with their history, community, cultural practices, and identity.

Yarra City Council has committed to developing continuing connections with Wurundjeri Woi Wurrung, Aboriginal and Torres Strait Islander people, communities and organisations through the [Yana Ngargna Plan](#).

The Yana Ngargna Plan provides a clear framework for employees and volunteers to enhance culturally safe environments for all Aboriginal and Torres Strait Islander children and young people to be themselves.

5.3 Yarra City Council Zero Tolerance Against Racism and Discrimination

Yarra City Council has zero tolerance against racism and discrimination. Council will make a stand against any form of racism in the City of Yarra by continuing to educate our community on ways to eradicate racism, whilst partnering with our cultural groups to ensure greater community knowledge about, and celebration of, our multicultural heritage.

Yarra has a longstanding commitment to welcoming and supporting culturally diverse communities. Numerous waves of migrant communities have settled in Yarra and contributed to the diverse characters of our municipality. Council continues to recognise the important contributions that newly arrived communities make to our local community. Through inclusive spaces, tailored programs, and responsive services, we empower diverse groups to participate fully in our community and celebrate their invaluable contributions.

Yarra's Multicultural Partnership Policy outlines our commitment to diversity and standing up against racism.

All instances of the cultural and/or religious abuse of children/young people must be reported in a Child Safe Incident Report. Other instances of racism or intercultural conflict in the community can be made directly to the Victorian Equal Opportunity and Human Rights Commission via the [Community Reporting Tool](#).

6. Background

Additional laws have been introduced in Victoria to make communities safer for children, strengthen how organisations prevent and respond to child abuse, and to improve access to justice for survivors.

These laws apply to all employees even if their work does not directly relate to children/young people.

6.1 Criminal Law Reform

Three criminal offences, as outlined below, have been introduced to improve responses to child sexual abuse within organisations and the community.

These laws impose a clear legal duty upon all Victorian adults to protect children from sexual abuse and to report their concerns to police.

These offences apply to the sexual abuse of children aged below 16. They do not extend to the sexual abuse of children aged 16 or 17. The distinction between children aged below 16 and those aged 16 or 17 reflects the 'general' age of consent (16 years) recognised by criminal law in relation to sexual offences.

These offences do not relate to other forms of abuse, harm or neglect which are reported under existing mandatory reporting (child protection) laws, and the Victorian Reportable Conduct Scheme.

6.1.1 Grooming Offence

The [grooming offence](#) targets predatory conduct undertaken by someone aged 18 years and over to prepare a child/young person under 16 years of age for later sexual activity.

The offence applies where an adult communicates, by words or conduct, with a child/young person, or with a person who has care, supervision, or authority for the child/young person, with the intention of facilitating a child/young person's involvement in sexual conduct, either with the groomer or another adult.

Grooming does not necessarily involve any sexual activity or even discussion of sexual activity – for example, it may only involve establishing a relationship with the child/young person, parent, or carer for the purpose of facilitating sexual activity at a later time.

The maximum penalty for this offence is ten years imprisonment.

6.1.2 Failure to Disclose Offence

The [failure to disclose offence](#) applies to any adult (18 years and over) who has information that leads them to form a 'reasonable belief' that another adult has sexually offended against a child under 16 in Victoria. If you fail to report the information, you may be charged with a criminal offence.

You will not be guilty of the offence if you have a 'reasonable excuse' for not disclosing the information. A reasonable excuse includes where a person:

- Has a subjectively reasonable fear for their own safety or the safety of another person, such as a child or family member; and/or
- Believes on reasonable grounds that the information has already been disclosed to police and they have no further information to add, i.e., a report has already been made to Child Protection who are then required to report this information to police.

You do not have a reasonable excuse for failing to disclose sexual abuse if you are only concerned for the perceived interests (reputation, legal liability, or financial status) of the perpetrator, yourself and/or Council.

Several exemptions apply to this offence however these should be carefully considered on a case-by-case basis in consultation with your People Manager and/or the Senior Advisor Workforce Equity and Inclusion (Child Safety) within the People and Culture Division:

- Victim aged 16 or over has provided the information and requests confidentiality;
- You were under the age of 18 when you received the information;
- Information would be privileged, inc. information obtained under client legal or journalist privilege;
- You are a medical practitioner or counsellor, and the information is a confidential communication obtained whilst you were treating the person; and/or
- You received the information or formed a reasonable belief only through the public domain – i.e., television, radio, newspaper, internet.

The maximum penalty for this offence is three years imprisonment.

6.1.3 Failure to Protect Offence

The [failure to protect offence](#) applies where there is a substantial risk that a child/young person under our care, supervision or authority will become a victim of a sexual offence by an adult associated with Council.

A person associated with Council includes, but is not limited to:

- Council employees (as defined in this policy); and
- Service users (if engaged as a volunteer/placement student).

As soon as a Council employee becomes aware of a risk of child sexual abuse, they have a legal duty to take steps to remove or reduce that risk, or to inform someone else who has the authority to do so.

A person in a position of authority within Council:

- Is not restricted to managers and leaders; but
- Applies to any Yarra employee who by reason of the position they occupy within Council has the power, responsibility, or extent of authority to identify, reduce or remove a risk posed.

Any Yarra employee who falls short of the standard of care that a reasonable person would exercise in those circumstances may be found guilty if they:

- Knew of a substantial risk that a person associated with Yarra may commit a sexual offence against a child/young person within Council's care; and
- Had the capacity to remove or reduce that risk; but
- Negligently failed to do so.

The maximum penalty is five years imprisonment.

It should be noted that under Sections 49C and 49E of the *Crimes Act* it is an offence for a person in a position of authority (i.e., parent, teacher, employer, coach, out-of-home carer, religious leader, counsellor, health professional, or on duty police officer) to engage in certain sexual acts with a child aged 16 or 17. Under the law, a child aged 16 or 17 cannot validly consent to sex with a person who has care, supervision or authority over them. As such, irrespective of the age threshold applied to the specific offences detailed above, where this is the case, the matter must be reported to police.

6.2 Creating and Maintaining Child Safe Organisations

The Victorian Government has introduced minimum Child Safe Standards and a Reportable Conduct Scheme for organisations regulated or funded by government. Both schemes apply to the whole organisation even though some areas of Council do not provide services for children and young people.

These complementary schemes are established by the *Child Wellbeing and Safety Act 2005* (the Act) and are administered by the Commission for Children and Young People (the Commission) who oversee and monitor compliance with the schemes. Both schemes consider the sexual, physical, emotional, and psychological abuse, as well as serious neglect of children under the age of 18.

These initiatives complement, but do not replace, existing mandatory reporting (child protection) obligations established under the *Children Youth and Families Act 2005*.

6.2.1 Child Safe Standards

The Victorian Child Safe Standards (Standards) aim to create and maintain child safe environments. On 1 July 2022, eleven standards replaced the previous seven to ensure families and communities are involved in organisation's efforts to keep children and young people safe; provide greater focus on safety for Aboriginal children and young people; and to better manage the risk of child abuse in online environments.

The Standards recognise that all children are vulnerable, however some groups are at greater risk of abuse or harm than others and can also experience additional barriers to reporting abuse. As such, in implementing the Standards, specific measures must be considered for: Aboriginal children/young people; children and young people from culturally and/or linguistically diverse backgrounds; children/young people with a disability; same sex attracted, intersex, non-binary and gender diverse children; infants and preschool children (who are at a higher risk of abuse than older children); and those experiencing additional educational needs, mental health issues or family vulnerability.

As a prescribed entity, Yarra is required to implement and comply with the eleven Standards:

Standard 1	Organisations establish a culturally safe environment in which the diverse and unique identities and experiences of Aboriginal children and young people are respected and valued.
Standard 2	Child safety and wellbeing is embedded in organisational leadership, governance and culture.
Standard 3	Children and young people are empowered about their rights, participate in decisions affecting them and are taken seriously
Standard 4	Families and communities are informed and involved in promoting child safety and wellbeing.
Standard 5	Equity is upheld and diverse needs respected in policy and practice.
Standard 6	People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice.
Standard 7	Processes for complaints and concerns are child focused.
Standard 8	Staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training
Standard 9	Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed
Standard 10	Implementation of the Child Safe Standards is regularly reviewed and improved.
Standard 11	Policies and procedures document how the organisation is safe for children and young people.

6.2.2 Reportable Conduct Scheme

The Victorian [Reportable Conduct Scheme](#) aims to improve how organisations respond to allegations of certain types of misconduct involving children/young people committed by their workers and volunteers.

It imposes legal obligations on heads of organisations to have systems in place to prevent child abuse, and if child abuse is alleged, to ensure allegations are brought to the attention of appropriate persons for investigation and response.

The Commission must be notified and given periodic updates on Yarra's investigations of alleged reportable conduct. The legislation also gives powers to the Commission to appropriately share information regarding substantiated findings with the Working with Children Check Unit, relevant regulators, and Victoria Police to better prevent and protect children from abuse, and to trigger an assessment of whether that person is suitable to continue to work or volunteer with children and young people.

Refer to Yarra's [Child-Related Reportable Conduct Policy](#) for further information.

7. Mandatory Reporting (Child Protection)

[Mandatory reporting](#) is the legal requirement for certain professional groups to report a reasonable belief of child physical or sexual abuse to child protection authorities.

In Victoria, under the *Children, Youth and Families Act 2005*, mandatory reporters must make a report to Child Protection if, in the course of practising their profession or carrying out their duties, they form a belief on reasonable grounds that a child or young person is in need of protection and their parents are unable or unwilling to protect the child/young person.

[Mandatory reporters](#) are required to report in relation to significant harm as a result of physical injury or sexual abuse. They may also choose, as can anyone, to report in relation to other types of significant harm.

The penalty for failing to make a mandatory report is 10 penalty points. This equates to a personal fine based on a [set value for a penalty unit](#).

7.1 Mandated Reporters

Under Section 182 (1) of the *Children Youth and Families Act 2005*, mandatory reporters at Yarra include:

- Maternal and Child Health Nurses and Midwives
- Immunisation Nurses
- Early Childhood Educators
- Registered Teachers and Early Childhood Teachers

7.2 Non-Mandated Reporters

Although a legal duty does not apply, all other Council employees who form a reasonable belief that a child is in need of protection have a moral and organisational duty to report their concerns to Child Protection.

8. Reporting Procedures

The reporting process adopted by Yarra has been developed based on the following principles:

- The right of the child/young person to be listened to, protected and supported remains paramount;
- The trust of the victim-survivor or person making the allegation is maintained;
- The privacy and confidentiality of all parties involved is respected;
- Concerns are dealt with promptly and in a transparent and consistent manner;
- The right of the alleged perpetrator to a fair process is adhered to;
- Reporters are provided with appropriate supports to assess their concerns objectively, report appropriately, address any feelings of discomfort/other emotional responses; and to
- Further support the alleged victim-survivor as required.

8.1 Reporting Child Sexual Abuse to Police

Council employees must make a report to Police in any of the following circumstances:

- A child/young person is in immediate danger/requires immediate protection from child abuse;
- They form a reasonable belief that an adult (18 years and over) has committed a sexual offence against a child/young person under 16 years of age.

Council employees must report allegations or suspicions of child sexual abuse to police regardless of how much information they have about the alleged offender or the alleged crime.

Where the concern relates to a young person aged 16 or 17 years, employees should speak with a Child Safe Contact Officer as there are complex issues around consent and the law that must be considered.

If a child is at immediate risk of sexual abuse, call **Triple Zero (000)** without delay.

If there is no immediate risk but you have concerns about child sexual abuse, contact the local police station or the **Melbourne Sexual Offences and Child Abuse Investigation Team (S.O.C.I.T)**: (03) 8690 4056 between 7am – 11pm (7 days a week).

If you wish to report historical sexual abuse involving institutional or religious organisations, please contact the **SANO Taskforce** on 1800 110 007 or email sanotaskforce@police.vic.gov.au

8.2 Reporting Harmful Sexualised Behaviours by Children and Young People

The harmful sexualised behaviours of children and young people is a serious and complex issue that may require police or Child Protection (DFFH) intervention, and/or other additional support services for all children/young people involved.

Children and young people who display harmful sexual behaviours are different to adults who commit child sexual abuse. They require specific responses and supports that carefully examine the nature of their behaviours, developmental considerations, the particular circumstances of the children/young people involved, and any other contextual and contributing factors.

Where the harmful sexualised behaviours of children and young people should be reported or referred to will depend on the particular circumstances of the event and the children and/or young people involved.

In these cases, Council employees are strongly encouraged to speak to their People Manager, the Senior Advisor Workforce Equity and Inclusion (Child Safety) and/or a Child Safe Contact Officer to determine if there is a case for reportable abuse, and if so, where to direct the Report.

8.3 Reporting Child Abuse, Harm and Neglect to Child Protection

A report to Child Protection must be made when a child or young person has, or is at risk of experiencing significant harm, and their parents/guardians have not, or are unlikely to protect them from that harm.

Significant harm may relate to:

- Physical injury
- Sexual abuse
- Emotional or intellectual development
- Physical development or health
- Abandonment or parental incapacity

When making a child protection notification, the initial information the intake worker will require is:

- The name, age and address of the child/young person;
- The reasons you suspect the child/young person has/is at risk of abuse or harm;
- Assessment of the immediate danger to the child/young person, i.e., whereabouts of alleged abuser;
- Knowledge of other services involved with the family;
- Any other relevant information about the family, including specific cultural details; and
- Your contact details (which will remain confidential).

Even if you are unsure, or do not have all the required information detailed above, if you believe that abuse, harm, or neglect is occurring, you must report your concerns to Child Protection.

If a child/young person requires immediate protection, call **Triple Zero (000)** without delay.

If there is no immediate risk, but you believe a child or young person may require protection from abuse, harm or neglect, contact:

Child Protection North Division Intake

Phone: 1300 664 977
8.45am – 5.00pm, Mon – Fri

After Hours Child Protection Emergency Services

Phone: 131 278
5.00pm – 9.00am (Mon – Fri) and 24hrs weekends/public holidays

Note: Child Protection Emergency Services receive new reports and reports concerning existing child protection clients who are at immediate risk and require urgent intervention. Non-urgent cases are referred to the relevant region the next working day for follow-up.

8.4 The Orange Door Referrals

The Orange Door is a free and voluntary service for adults, children and young people who are experiencing or have experienced family violence, and the new access point for families who may need extra support with the care of their children.

Council employees can make a referral to [The Orange Door](#) in matters where they:

- Do not believe the immediate safety of the child or young person is compromised; and
- Notifying Child Protection is not warranted (i.e., the child/young person is not in need of protection).

8.5 Specialist Support Services and Referrals

Not all Council employees will have an ongoing support role to play with the child, young person, or their family, but for those that do, additional support needs and referrals should be considered on a case-by-case basis in consultation with your People Manager and/or a Child Safe Contact Officer.

When allegations or suspicions of abuse involve children and young people from vulnerable groups, it may also be necessary to consult with specialist services to ensure that appropriate supports are put in place that are sensitive to their diverse needs. This may include services such as:

- Aboriginal child and family welfare organisations
- Multicultural counselling and support services
- Disability support services
- Lesbian, Gay, Bisexual, Trans, Intersex and Queer (LGBTIQA+) counselling and support services
- Specialist family violence services
- Specialist sexual assault counselling and support services

A comprehensive list of local specialist service providers and helplines can be found on the [Child Safe Hub](#).

9. Child Safe Incident Reporting Process

All Yarra employees have a legal and moral obligation to do the best they can to protect children and young people from abuse and harm.

The Child Safe Incident Reporting Process can be accessed in [Promapp](#), on the [Child Safe Hub](#) on the intranet, and [posters](#) are downloadable and clearly displayed in all staff common areas.

10. Documenting Allegations and Suspicions of Child Abuse

All Yarra employees must document their child safety concerns in a [Child Safe Incident Report](#), located on the [Child Safe Hub](#) on the intranet.

As required by law, MCH Nurses/Midwives and Family Support Workers must also record their child safety concerns in the relevant State Government client and service data systems (i.e., CDIS or IRIS).

Children's Services staff will also be required to also complete a Department of Education 'Notification of Incident' report (as per regulations).

Where an incident involves an allegation of misconduct or reportable conduct involving a Council employee or volunteer, you must notify your People Manager and the Senior Advisor Workforce Equity and Inclusion (Child Safety) within the People and Culture Branch immediately.

Incident reports must be completed by the person who identified the child safety concern – this duty cannot be outsourced to someone else to do, except in exceptional circumstances.

Incident reports must be completed within 48hrs after the incident, and preferably no later than close of business on the same day the incident was identified.

Once completed, incident reports must be emailed to childsafeyarra@yarracity.vic.gov.au

All child safe records will be retained by People and Culture in accordance with Council's Privacy Policy. To prevent privacy and confidentiality breaches, employees should not save or share a copy of the incident report with any other colleague unless appropriate physical and/or digital security procedures are in place (i.e., lockable filing cabinet, password protected folder). Refer to the [Guidelines for Writing an Incident Report](#) on the Child Safe Hub on the intranet for further information.

Records relating to child abuse that has occurred or is alleged to have occurred will be retained for a minimum of 45 years. This is to allow for delayed disclosures by victims, bearing in mind limitation periods

for civil actions, and aligns with the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse regarding appropriate retention periods for such records.

10.1 Privacy, Confidentiality, and Information Sharing

Council employees have a duty to uphold the privacy and confidentiality of all parties involved in a child safe matter, however limits to confidentiality apply where:

- A reasonable belief is that a child is experiencing or at risk of experiencing abuse is formed;
- There is an unacceptable or significant ongoing risk to the child, family, employee or organisation;
- The incident involves an allegation of employee misconduct (breach of Yarra's Child Safe Code of Conduct or Staff Code of Conduct), reportable conduct, or a criminal offence and is subject to either a criminal, regulatory or internal investigation; and
- Child safe records are subpoenaed by the court, requested by a relevant authority (i.e., police, child protection, regulator), or are requested by a prescribed information sharing entity under the Victorian Family Violence Information Sharing (FVISS) and Child Information Sharing Scheme (CISS).

To achieve the best outcomes for children, young people, and families, it will sometimes be necessary for a Council employee to share certain information with other external professionals. In such cases staff should:

- Consult with their People Manager, the Senior Advisor Workforce Equity and Inclusion (Child Safety) or a Child Safe Contact Officer to assess what information can be shared and with whom;
- Inform the child, young person and/or their parent or guardian about who you would like to share certain information with and for what purpose (where reasonable and appropriate to do so);
- Gain informed consent from the child, young person and/or their parent/guardian (where reasonable and appropriate to do so); and
- Document the details of the information shared, who the information was shared with and when, and if consent was gained.

The appropriate use and sharing of personal and health information amongst relevant internal employees is permissible without consent from the child, young person or their family as it falls within a permissible secondary purpose under privacy law, and the limits to confidentiality detailed above.

It should be noted that relevant authorities such as Child Protection and Police can contact any person they believe holds information relevant to the protection and development of a child or young person to share information about a child, young person or family without their consent.

This means that at times, a Council employee may be requested to provide certain information to the relevant authorities without being able to notify or obtain the consent from the child, young person and/or their parent/guardian. In fact, in some cases, you may be specifically directed not to alert them. Staff cannot refuse this request for information, however where this does occur, it is always advisable to speak with your People Manager before providing any information or documentation.

If requested by a relevant authority or prescribed information sharing entity, and relevant to the matter they are investigating, copies of any Child Safe Incident Reports pertaining to the child/young person can be provided by the Senior Advisor Workforce Equity and Inclusion (Child Safety).

Child Safe Incident Reports are treated as a client record. In line with the *Freedom of Information Act 1982*, families can request to view their client records, including child safe incident reports by submitting an online request or Freedom of Information Application form. For further information go to <https://www.yarracity.vic.gov.au/about-us/governance/freedom-of-information>

10.2 Disciplinary Procedures

Council employees who make a child safe report in good faith cannot be held legally liable and will not face disciplinary action, even if the allegation or suspicion proves to be unfounded on investigation.

Council employees who make false and/or malicious accusations however can be held legally liable and may also face internal disciplinary action.

At Yarra we are proud of our commitment to child safety and staff who intentionally or negligently fail to meet their reporting obligations will be investigated in accordance with Council's Staff Disciplinary Policy and Procedure. Any substantiated breaches may result in a range of actions up to and including:

- Training and education;
- Restricted duties, suspension, or termination of employment;
- Termination of a contract or agreement with a contractor that provides goods or services;
- Internal investigation;
- Other legal action; and/or
- Criminal investigation and prosecution.

11. Responsibilities

All Council employees have a duty of care to protect children and young people from abuse. They must adhere to the reporting obligations, procedures and responsibilities set out in this policy to ensure all allegations or suspicions of child abuse are responded to effectively, responsibly, and consistently.

11.1 Employee Responsibilities

Council employees must complete Yarra's child safe training during the onboarding process as required.

Council employees must treat any allegation or suspicion of child abuse seriously and respond consistently with this policy. It is the express role of Council employees to identify, report and document child abuse, not to establish proof or investigate the matter.

Council employees must fully cooperate with misconduct/reportable conduct investigations where required.

We acknowledge that it may be difficult for employees to respond to concerns about a child or young person who has or is at risk of being abused. Employees should seek advice and support (as needed) throughout the reporting process from their People Manager, the Senior Advisor Workforce Equity and Inclusion (Child Safety), or a Child Safe Contact Officer.

Employees impacted by a child safe incident are also encouraged to access Council's [Employee Assistance Program](#) on **1300 687 327** and an extensive list of other information, support and counselling services is available on the [Child Safe Hub](#) on the intranet.

11.2 People Manager Responsibilities

Assessing, monitoring and reviewing employees understanding of the main duties and responsibilities outlined in this policy is the responsibility of People Managers.

In circumstances where the child/young person is not in immediate risk, the People Manager will help the employee to decide to report/not report, who to report to, and will support the employee through the process of making the report (if required).

Where required, the People Manager may discuss the allegation or suspicion of child abuse with a Child Safe Contact Officer, who will assist them in determining if there is a case for reportable child abuse.

Where appropriate, the People Manager will support the employee to discuss their protective concerns with a parent/guardian(s), unless they suspect that doing so may place the child/young person at further risk, or the employee or another person at risk.

Where a response or outcome from the relevant authority is unsatisfactory, the People Manager may contact them to discuss their concerns further, and/or to lodge a formal complaint.

The People Manager will support the employee through the reporting process, offer the employee the opportunity to debrief about the incident and/or reporting process, and provide additional supervision or coaching (as required). Support will also be offered through Council's Employee Assistance Program.

The People Manager may initiate a review or investigation after a report has been made, or where an employee failed to make a report, to determine if there were any practice related, risk management or systemic issues that need to be addressed.

Where a dispute or difference of professional opinion occurs, the People Manager will refer the case to the Senior Advisor Workforce Equity and Inclusion (Child Safety) within the People and Culture Branch who, in consultation with the relevant parties, will determine the best course of action.

Where a child safe incident involves the alleged misconduct or reportable conduct of a Yarra employee or volunteer, the People Manager will notify the Senior Advisor Workforce Equity and Inclusion (Child Safety) within the People and Culture Branch immediately; and will actively support the Reportable Conduct Internal Response Team (IRT) process as required (refer to the Child-Related Reportable Conduct Policy).

In the case that the police and/or a relevant regulator conduct their own investigation into allegations of child abuse made against an employee or volunteer, the People Manager will work closely with the People and Culture Branch, and act as the key liaison with those institutions.

People Managers are responsible for enforcing and monitoring child safe training compliance for their employees in accordance with the format and timeframes specified in the [Child Safe Training Requirements Guidelines for Direct Supervisors](#) located on the Child Safe Hub on the intranet.

11.3 People and Culture Responsibilities

People and Culture are responsible for providing training, capacity building and awareness-raising initiatives to ensure employees are appropriately equipped to recognise, respond to and report child abuse.

People and Culture review all Child Safe Incident Reports received and will follow up with the reporter and/or the People Manager as required.

People and Culture will take the lead in investigating any breaches of the Child Safe Policy or Child Safe Code of Conduct.

People and Culture will convene the Reportable Conduct Internal Response Team (IRT) as required to assess if an allegation of child abuse made against an employee or volunteer is reportable under the Scheme, and if so, will take the lead in overseeing an internal investigation into the matter, including acting as the key liaison and submitting reports to the CCYP at specified intervals.

In the case that the police and/or a relevant regulator conduct an independent investigation into an allegation of child abuse made against an employee or volunteer, People and Culture will work closely with the People Manager (as the key liaison with those bodies) to support those investigations.

People and Culture Branch will support People Managers to ensure they provide appropriate information and support to all parties involved in an allegation of misconduct or reportable conduct.

People and Culture will provide information and expert advice to business units on matters related to the safeguarding of children and young people, including awareness, prevention, reporting and responding.

11.4 General Manager Responsibilities

As senior leaders, General Managers (Executive Management Team) are responsible for setting clear expectations around child safety and enforcing a culture of safety and reporting within their Divisions.

General Managers will champion and model a child safe culture and demonstrate through their actions and words that child abuse and harm is a significant community issue and will not be tolerated.

General Managers are responsible for escalating any non-compliance with mandatory child safe training requirements to their Senior Leadership Team (SLT) for immediate action.

The Executive Management Team collectively will ensure governance arrangements facilitate the effective implementation of this policy at all levels of the organisation; and will regularly review the child safe incident data and Council's overall performance in delivering its child safety and wellbeing strategic objectives.

12. Further Information, Useful Links & Practice Resources

Further information, links and practice resources for employees who engage in direct child-related work and/or who exercise a high degree of care for children, are available on the [Child Safe Hub](#) on the intranet.

13. Legislative Framework

Child Wellbeing and Safety Act 2005

Children Youth and Families Act 2005
 Children’s Services Act 1996
 Crimes Act 1958
 Privacy and Data Protection Act 2014

14. Related Documents

This policy forms part of Council’s safeguarding framework and should be read in conjunction with:

- Child-Related Reportable Conduct Policy
- Child Safe Code of Conduct
- Multicultural Partnership Policy
- Privacy Policy
- Protected Disclosures Policy
- Recruitment Policy
- Staff Code of Conduct
- Staff Disciplinary Policy and Procedure
- Yana Ngargna Plan
- Working with Children Check Policy

15. Version History

Version	Change	Approved By	Approval Date
1	New Policy	Executive	06 June 2018
2	Major updates to all content, new legislation, updated reporting process and position titles, removal of appendices	Executive	25 May 2022
3	Updated scope and mandated reporters; added commitments to cultural safety and zero tolerance to racism; added general manager responsibilities; removed process graphic; minor updates to terminology, titles, hyperlinks, related documents.	Executive	03 June 2024