

POLICY NO CB09 INTERIM SAFEGUARDING CHILDREN AND YOUNG PEOPLE POLICY

DEPARTMENT:	Community Services
RESPONSIBLE OFFICER:	Manager Community Services
LINK TO STRATEGIC PLAN:	To strengthen our sense of community and lifestyle through opportunities for people to connect and feel valued
STATUTORY AUTHORITY:	Child and Youth Safe Organisations Act 2023 (Tas)
OBJECTIVE:	This policy outlines Break O'Day Council's position and responsibilities toward the safeguarding of children and young people in our physical and online environments.
POLICY INFORMATION:	Adopted 18 December, 2023 – Minute No. 12/23.4.1.275

POLICY

1. PURPOSE

The purpose of the policy is to define Council's responsibility to creating and maintaining a Child Safe Organisation. This policy outlines Break O'Day Council's position and responsibilities toward the safeguarding of children and young people in our physical and online environments.

2. SCOPE

This policy applies to all Council employees and representatives including:

- Mayor and Councillors.
- Full-time, part-time, and casual employees.
- Permanent and temporary employees performing work for Council, including work experience students, apprentices, interns, and trainees.
- Temporary and casual individuals engaged through an agency.
- Staff on secondment from another role or another council.
- Volunteers; and
- Contractors, or consultants directly engaged/renumerated by Council.

This is irrespective of their involvement in child related work. There are no exclusions to the application of this policy.

3. DEFINITIONS

The definitions of terms used in this policy are set out below.

Abuse

Abuse is an act, or a failure to act, towards or on behalf of a child that may result in harm. It can occur on one occasion or multiple occasions. Sometimes the impact of multiple events leads to harm that becomes cumulative in nature. Types of abuse include physical, emotional, sexual abuse, and neglect.

Child/Children/Young Person	Any person under 18 years of age as defined by Children, Young Persons and their Families Act 1997 (TAS).
Child Safe	For this policy, child safe means protecting the rights of children and young people to be safe by taking actions that can help prevent harm and abuse.
Child Safe Organisation	<p>Defined in the Royal Commission Final Report as an organisation that:</p> <ul style="list-style-type: none"> • creates an environment where children's safety and wellbeing are at the centre of thought, values, and actions. • places emphasis on genuine engagement with and valuing of children and young people. • creates conditions that reduce the likelihood of harm to children and young people. • creates conditions that increase the likelihood of identifying any harm, and • responds to any concerns, disclosures, allegations, or suspicions of harm. <p>Note: in the context of local governments, this would involve referring concerns to Independent Regulator and in the case of suspected criminal behaviour then to TAS Police to respond as appropriate.</p>
Child and Youth Safe Standards	<p>Implementation of the Child and Youth Safe Standards (which mirror the National Principles for Child Safe Organisations) give effect to the above.</p> <p>10 standards that specific organisations in Tasmania (including councils) must put into practice in an ongoing and simultaneous manner. These are defined under the legislation and mirror the National Principles for Child Safe Organisations.</p>
Contractor	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.
Council facilities	Properties, buildings, and facilities including parks and sporting facilities owned and managed by Council including those used by the public or available for hire.
Council Staff	Includes Break O'Day Council employees, contractor managers, volunteers, students on placement, contractors, consultants, elected representatives, and visitors, and anyone else who undertakes work on behalf of the Break

Harm	O'Day Council. This is regardless of their work related to children or young people. Any detrimental effect of a significant nature on the child's wellbeing, whether caused by a single act, omission or circumstance, or a series or combination of acts, omissions, or circumstances.
Independent Regulator	An independent oversight body that exists to help organisations understand how to comply with Tasmania's Child and Youth Safe Framework, provide guidance and advice, and monitor compliance.
Reportable Conduct Scheme	Requires leaders of specific organisations to notify the Independent Regulator when concerns are raised about conduct related to child abuse.
Safeguarding	Taking the actions necessary to ensure children and young people feel safe and are safe. This also means that if children or young people don't feel safe, steps are taken to restore their safety.
Universal Principle for Aboriginal Cultural Safety	This applies across all 10 Child and Youth Safe Standards and means the right of Aboriginal and Torres Strait Islander children and young people to Cultural Safety must be respected.
Wellbeing	Wellbeing of children and young people includes the care, development, education, health and safety of children and young people.

4. POLICY

4.1 BREAK O'DAY COUNCIL CHILD SAFE STATEMENT OF COMMITMENT

- We are committed to the safety and wellbeing of children and young people while enabling their participation as valued members of our community.
- We have zero tolerance to child abuse and harm. Our people are obligated to prioritise the safety of the children they interact with in the performance of their role and to report conduct of concern.
- We recognise the importance of child safety in the provision of quality community services. All children who attend services, programs, events, and community spaces (including online environments) that are delivered, owned, contracted, or managed by Council, have the right to feel safe, be safe, and be heard.
- We recognise our legal and moral responsibilities in keeping children and young people safe and have robust policies and procedures in place to meet this commitment that are aligned with the National Principles for Child Safe Organisations.
- We want children to thrive, be safe, happy, and empowered, and are dedicated to ensuring their views are listened to and respected, and they are given opportunities to contribute to how we plan and deliver our services that affect them.
- We are committed to being a Child Safe Organisation.

4.2 BREAK O'DAY COUNCIL CHILD SAFE STATEMENT OF COMMITMENT

- Break O'Day Council ("the Council") is committed to the safety and wellbeing of children and young people while enabling their participation as valued members of our community.
- The Council has zero tolerance to child abuse and harm. Our Council staff are obligated to prioritise the safety of the children they interact with in the performance of their role and to report conduct of concern.
- The Council recognises the importance of child safety in the provision of quality community services. All children who attend services, programs, events, and community spaces (including online environments) that are delivered, owned, contracted, or managed by the Council, have the right to feel safe, be safe, and be heard.
- The Council recognises our legal and moral responsibilities in keeping children and young people safe.
- The Council wants children to thrive, be safe, happy, and empowered, and are dedicated to ensuring their views are listened to and respected, and they are given opportunities to contribute to how we plan and deliver our services that affect them.
- The Council is committed to being a Child Safe Organisation.

4.3 POLICY CONTEXT

Council is committed to the safety of Child and Young People. We are legally required to comply with the Child and Youth Safe Organisations Framework, which aims to protect children from abuse and harm.

4.3.1 CHILD SAFE STANDARDS

The Tasmanian Child and Youth Safe Standards (the Standards) outline how an organisation can develop a culture with child safety and wellbeing at its centre. The Standards contribute to preventing abuse and harm. They require organisations to meet a benchmark that ensures children and young people's rights to safety and wellbeing are respected and upheld.

All 10 Child and Youth Safe Standards must be put into practice in accordance with a Universal principle for Aboriginal Cultural Safety. The Universal Principal says organisations must provide an environment that ensures that the right to Cultural Safety of Aboriginal and Torres Strait Islander children is respected.

Tasmania's 10 Child and Youth Safe Standards mirror the National Principles for Child Safe Organisations which emerged from the work of the Royal Commission into Institutional Responses to Child Sexual Abuse.

The Standards are as follows:

Standard	This means
<p>Standard 1: Child safety and wellbeing is embedded in organisational leadership, governance, and culture.</p>	<p>All people in the organisation care about children and young people's safety and wellbeing above everything else, and make sure they act that way and lead others to act that way.</p>
<p>Standard 2: Children and young people are informed about their rights, participate in decisions affecting them and are taken seriously.</p>	<p>Children and young people are told about their human rights, have a say in decisions and are taken seriously.</p>
<p>Standard 3: Families and communities are informed and involved in promoting child safety and wellbeing.</p>	<p>Families, carers, and communities know about and are involved in the organisation's child and safety and wellbeing activities.</p>
<p>Standard 4: Equity is upheld and diverse needs respected in policy and practice.</p>	<p>The rights of every child and young person are being met, and children and young people are treated with dignity, respect, and fairness</p>
<p>Standard 5: People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice.</p>	<p>People working with children and young people are safe to work with children and young people and are respectful of them. They are taught how to keep children safe and well.</p>
<p>Standard 6: Processes to respond to complaints and concerns are child focused.</p>	<p>Children, young people, families, carers, staff, and volunteers are listened to and can share problems and concerns.</p>
<p>Standard 7: Staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training.</p>	<p>Staff and volunteers keep learning all the time so they know how to keep children and young people safe and well.</p>
<p>Standard 8: Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed.</p>	<p>Children and young people are safe in online and physical spaces.</p>
<p>Standard 9: Implementation of the Child and Youth Safe Standards is regularly reviewed and improved.</p>	<p>The organisation keeps reviewing and improving its child safety and wellbeing practices.</p>
<p>Standard 10: Policies and procedures document how the organisation is safe for children and young people.</p>	<p>The organisation writes down how it keeps children and young people safe and well, and makes sure that everyone can see these documents</p>

4.3.2 REPORTABLE CONDUCT SCHEME

The Reportable Conduct Scheme (the Scheme) aligns closely with the Standards. The Scheme aims to improve how organisations respond to allegations of certain types of misconduct involving children/young people, committed by their workers and volunteers.

The Scheme imposes legal obligations on the General Manager as head of the organisation to have systems in place to prevent child abuse, and if child abuse is alleged, to ensure allegations are brought to the attention of the appropriate persons for investigation and response.

Under the Scheme, reportable conduct is broader than suspected criminal behaviour, and includes:

- Sexual offences (against, with or in the presence of, a child)
- Sexual misconduct (against, with or in the presence of, a child)
- Physical violence (against, with or in the presence of, a child)
- Grooming of a child
- Behaviour that causes significant emotional or psychological harm; and
- Significant neglect
- Relevant offences such as failing to report child abuse.

4.4 POLICY FUNCTIONS

Break O'Day Council will ensure the following functions of this policy are resourced and assigned to the relevant officers for implementation:

- Establishment an internal Child Safe Organisation working group to collectively implement the Child Safe Standards across the organisation and continue to monitor where improvements can be made.
- Providing the necessary resource to prepare and implement policy and procedural changes required to comply with the Child Safe Standards. This work includes:
 - Developing a child safe code of conduct,
 - Conducting risk assessments for Council services, programs, or facilities used by children and young people,
 - Developing allegation and complaints handling procedures,
 - Updating relevant HR policies and procedures,
 - Updates to contractor/supplier/procurement policy and procedures
 - Documenting reporting and record keeping procedures related to this policy.
- Provide resources for staff awareness and training in relation to this policy.
- Developing a process to deliver child safe messages at Council venues, grounds, facilities, and events.
- Connecting and supporting local community groups, organisations, and stakeholders to child safe resources (including culturally safe and inclusive resources).

4.5 ROLES AND RESPONSIBILITIES

Safeguarding children and young people is a shared responsibility across Council.

The implementation of this policy and the Break O'Day Council Child and Youth Safe Standards Action Plan will be overseen by the Child Safe Organisation Working Group.

4.5.1 CHILD SAFE ORGANISATION WORKING GROUP

This Working Group will meet as per the working group Terms of Reference to provide overall governance and leadership related to the development and implementation of the Break O'Day Council Child and Youth Safe Standards Action Plan

- The Working Group is led by the Manager Community Services. The working group consists of staff from across the organisation.

Key functions of the group are to:

- Review implementation of the Safeguarding Children and Young People Policy.
- Develop and implement the Break O'Day Council Child Safe Standards Action Plan and monitor the implementation of this policy across departments.
- Advocate and educate management and colleagues on the Standards and encourage implementation of the standards across all departments.

4.5.2 ROLES AND RESPONSIBILITIES ACROSS COUNCIL

The following staff have specific responsibilities in relation to this policy:

Role	Responsibility
Elected Members	<ul style="list-style-type: none"> • Model a culture of child safety and wellbeing. • Understand and comply with their obligations in relation to child safety and wellbeing. • Participate in training/education to identify, prevent, and report child abuse and harm. • Report any concerns about child safety and wellbeing. • Councillors also have a role in helping to promote Break O'Day Council as a Child Safe Organisation and to direct community members to appropriate information and resources.

<p>General Manager</p>	<ul style="list-style-type: none"> • The General Manager is the ‘head of an entity’ under the Child and Youth Safe Organisations Act 2023, and has legal obligations (including timeframes) around sharing of reportable conduct information. This includes reporting to the Independent Regulator any allegations of misconduct involving children and young people by Council staff. • Ensure adequate resources and support to enable staff to effectively deliver the Safeguarding Children and Young People Policy. • Be the first point of contact in relation to the reportable conduct scheme and investigations.
<p>Managers, Co-ordinators and team leaders</p>	<ul style="list-style-type: none"> • Ensure a culture of safeguarding children and young people is embedded among their team. • Ensure safeguarding children and young people policies and procedures, and other relevant policies are implemented within the work areas they are responsible for. Provide team members with induction, support, supervision, and access to ongoing professional development around safeguarding children and young people relevant for each team member’s role and duties. • Conduct risk assessments, taking reasonable steps to identify any potential risks to the safety and wellbeing of children within the work remit of their team/s and remove or minimise the risks.
<p>Human Resources Coordinator</p>	<ul style="list-style-type: none"> • Ensure all recruitment, selection and on boarding processes meet the requirements of the Child and Youth Safe Standards. • Ensure appropriate safety and screening checks are undertaken prior to engagement and maintained according to Council HR policies. • Ensure induction of new employees includes the provision of the Safeguarding Children and Young People Policy and Procedures and training to support them to understand their roles and responsibilities relating to child safety. • Oversee the implementation of child safety training for new employees and refresher training for all employees on an ongoing basis and keep records of training completed. • Manage disciplinary procedures as they relate to child safety and wellbeing. • Responsible for providing training, capacity building and awareness-raising initiatives to ensure employees are appropriately equipped to recognise, respond to and report child abuse.

Council Staff	<ul style="list-style-type: none"> • Understand and comply with their roles and responsibilities in keeping children safe. • Report any concerns about the safety and wellbeing of a child or young person. • Obtain and maintain a Working with Vulnerable People Check where required. • Participate in training and education in relation to safeguarding children and young people as required. • Provide environments for children and young people where they feel safe, empowered, and can participate. Behave safely and appropriately with children and young people.
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4.5.3 OUR OBLIGATIONS WITH EXTERNAL PARTIES

Although Break O'Day Council is not legally responsible for providing oversight of compliance with child safe practices outside of this organisation, the Council will take any reasonable steps to engage with persons who utilise Break O'Day Council facilities to operate in alignment with this policy.

4.5.4 OUR APPROACH TO ROYAL COMMISSION RECOMMENDATION - 6.12

The Royal Commission into Institutional Responses to Child Sexual Abuse defined a role for Local Government under Recommendation 6.12 which states:

“With support from governments at the national, state and territory levels, local governments should designate child safety officer positions from existing staff profiles to carry out the following functions:

- a) developing child safe messages in local government venues, grounds and facilities
- b) assisting local institutions to access online child safe resources
- c) providing child safety information and support to local institutions on a needs basis
- d) supporting local institutions to work collaboratively with key services to ensure child safe approaches are culturally safe, disability aware and appropriate for children from diverse backgrounds.”

In developing this policy Council has been working with LGAT to understand how to best implement recommendation 6.12 in the context of the legislation and our limited resourcing.

LGAT continues to advocate to the national and state government for more support to local governments (which has yet to be forthcoming). Without additional support, Recommendation 6.12 is not something we can currently fully embrace with our current resourcing.

Break O'Day Council acknowledges it has a leadership role in its community to support relevant organisations to be child safe and promote child safe practices, and will work towards the functions of Recommendation 6.12 where possible.

Our approach to working towards the desired outcomes from Recommendation 6.12 is to manage this workload through the Break O'Day Council Child and Youth Safe Organisation working group.

It is anticipated that over time more resources may be made available to us from the State Government. Council may also decide to put more resources to this on its own accord. This policy should be reviewed and updated accordingly.

5 MONITORING AND REVIEW

This Policy will be reviewed every three (3) years in line with the Council's Policy Framework or earlier in the event of major changes to legislation or related policies, procedures or if deemed necessary by the General Manager.