

## SAFEGUARDING CHILDREN AND YOUTH POLICY 2024

### 1. PURPOSE

The purpose of the policy is to define Council's commitment to creating and maintaining a Child and Youth Safe Organisation. This policy outlines Clarence City Council's position and responsibilities toward the safeguarding of Children and Youth 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/remunerated by Council.

This policy applies to all Council employees and representatives irrespective of their involvement in Child and Youth related work. There are no exclusions to the application of this policy.

### 3. DEFINITIONS

Term	Meaning
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/Youth	Any person under 18 years of age as defined by <i>Children, Young Persons Youth and their Families Act 1997</i> (Tas).

Child Safe	For this policy, Child Safe means protecting the rights of Children and Youth 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: creates an environment where Children's and Youth's safety and Wellbeing are at the centre of thought, values, and actions; places emphasis on genuine engagement with and valuing of Children and Youth; creates conditions that reduce the likelihood of Harm to Children and Youth; creates conditions that increase the likelihood of identifying any Harm, and responds to any concerns, disclosures, allegations, or suspicions of Harm.</p> <p>In the context of local governments, this involves referring concerns to the Independent Regulator and in the case of suspected criminal behaviour then to Tas Police to respond as appropriate. Implementation of the Child and Youth Safe Standards (which mirror the National Principles for Child Safe Organisations) give effect to the above.</p>
Contractor	In the scope of this policy means a person or company used by Council to provide services directly to Children and Youth, or where the contract's activities will, or are likely to involve contact with Children and Youth 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, managed and leased by Council including those used by the public or available for hire.
Council Staff	Includes Clarence City Council employees, volunteers, students on placement, Contractors, consultants, elected representatives, and visitors, and anyone else who undertakes work on behalf of Clarence City Council. This is regardless of their work related to Children or Youth.
Harm	Any detrimental effect of a significant nature on the Child's or Youth'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.
Safeguarding	Taking the actions necessary to ensure Children and Youth feel safe and are safe. This also means that if Children or Youth don't feel safe, steps are taken to restore their safety.

Scheme	Means the Reportable Conduct Scheme in Tasmania and requires leaders of specific organisations to notify the Independent Regulator when concerns are raised about conduct related to Child or Youth Abuse.
Standards	Means the Tasmanian Child and Youth Safe Standards, being the ten 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.
Universal Principle for Aboriginal Cultural Safety	This applies across all ten (10) Child and Youth Safe Standards and means the right of Aboriginal and Torres Strait Islander Children and Youth to Cultural Safety must be respected.
Wellbeing	Wellbeing of Children and Youth includes the care, development, education, health and safety of Children and Youth.

## 4. RELATIONSHIP TO COUNCIL'S PURPOSE

### Our Purpose

- *To provide for the health, safety and welfare of the community*
- *To represent the interests of the community*
- *To provide for the peace, order and good governance of the municipal area*

### Governance and Leadership

*Responding to the changing needs of the community through leadership, advocacy and best practice governance.*

### Council's Assets and Resources

*Effectively administering compliance with statutory obligations, legal responsibilities and governance standards.*

## 5. RELATED DOCUMENTS

### LEGISLATION

- *Child and Youth Safe Organisations Act 2023 (Tas)*

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## COUNCIL POLICY, PLANS, PROCEDURES AND GUIDELINES

- Councillor Code of Conduct Policy
- Staff Workplace Behaviour Policy
- Staff Code of Conduct Policy
- Staff Disciplinary Policy and Procedure
- Risk Management Policy

## 6. POLICY

Council is committed to the safety of Children and Youth. Council is legally required to comply with the Child and Youth Safe Organisations Framework, which aims to protect Children and Youth from Abuse and Harm.

### CLARENCE CITY COUNCIL CHILD AND YOUTH SAFE STATEMENT OF COMMITMENT

- We are committed to the safety and Wellbeing of Children and Youth while enabling their participation as valued members of our community.
- We have zero tolerance to Child or Youth Abuse and Harm. Our people are obligated to prioritise the safety of the Children and Youth they interact with in the performance of their role and to report conduct of concern.
- We recognise the importance of Child and Youth Safety in the provision of quality community services. All Children and Youth 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 Youth 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 and Youth 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 and Youth Safe Organisation.

## CHILD AND YOUTH SAFE STANDARDS

The Child and Youth Safe Standards outline how an organisation can develop a culture with Child and Youth 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 Youth's rights to safety and Wellbeing are respected and upheld.

The 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 and Youth are respected.

The 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

Standard	This means
<b>Standard 1</b> Child Safety and Wellbeing is embedded in organisational leadership, governance, and culture.	All people in the organisation care about Children and Youth's safety and Wellbeing above everything else, and make sure they act that way and lead others to act that way.
<b>Standard 2</b> Children and Youth are informed about their rights, participate in decisions affecting them and are taken seriously	Children and Youth are told about their human rights, have a say in decisions and are taken seriously.
<b>Standard 3</b> Families and communities are informed and involved in promoting Child Safety and Wellbeing.	Families, carers, and communities know about and are involved in the organisation's Child and safety and Wellbeing activities.
<b>Standard 4</b> Equity is upheld and diverse needs respected in policy and practice.	The rights of every Child and Youth are being met, and Children and Youth are treated with dignity, respect, and fairness.

<b>Standard 5</b>  People working with Children and Youth are suitable and supported to reflect Child Safety and Wellbeing values in practice.	People working with Children and Youth are safe to work with Children and Youth and are respectful of them. They are taught how to keep Children safe and well.
<b>Standard 6</b>  Processes to respond to complaints and concerns are Child focused.	Children, Youth, families, carers, staff, and volunteers are listened to and can share problems and concerns.
<b>Standard 7</b>  Staff and volunteers are equipped with the knowledge, skills and awareness to keep Children and Youth safe through ongoing education and training	Staff and volunteers keep learning all the time, so they know how to keep Children and Youth safe and well.
<b>Standard 8</b>  Physical and online environments promote safety and Wellbeing while minimising the opportunity for Children and Youth to be Harmed.	Children and Youth are safe in online and physical spaces.
<b>Standard 9</b>  Implementation of the Child and Youth Safe Standards is regularly reviewed and improved.	The organisation keeps reviewing and improving its Child Safety and Wellbeing practices.
<b>Standard 10:</b>  Policies and procedures document how the organisation is safe for Children and Youth.	The organisation writes down how it keeps Children and Youth safe and well and makes sure that everyone can see these documents.

## REPORTABLE CONDUCT SCHEME

The Scheme aligns closely with the Standards. The Scheme aims to improve how organisations respond to allegations and certain types of misconduct involving Children and/or Youth, committed by their workers and volunteers.

The Scheme imposes legal obligations on the Chief Executive Officer as head of the organisation to have systems in place to prevent Child and Youth Abuse, and if Child or Youth 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;
- significant neglect; and
- relevant offences such as failing to report Child Abuse.

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## POLICY FUNCTIONS

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

- Establishment of an internal Child and Youth 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 resources to prepare and implement policy and procedural changes required to comply with the Standards. This work includes:
  - developing a Child Safe Code of Conduct;
  - conducting risk assessments for Council services, programs, or Council Facilities used by Children and Youth;
  - developing allegation and complaints handling procedures;
  - updating relevant policies and procedures;
  - updating Contractor/supplier/procurement policy and procedures; and
  - documenting reporting and record keeping procedures related to this policy.
- Providing resources for staff awareness and training in relation to this policy.
- Developing a process to deliver Child and Youth Safe messages at Council venues, grounds, Council Facilities, and events.
- Connecting and supporting local community groups, organisations, and stakeholders to Child and Youth Safe resources (including culturally safe and inclusive resources).

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## ROLES AND RESPONSIBILITIES

Safeguarding Children and Youth is a shared responsibility across Council. The implementation of this policy and the Child and Youth Safe Standards Action Plan (to be developed) will be overseen by the Child and Youth Safe Organisation Working Group.

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## CHILD AND YOUTH 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 Child and Youth Safe Standards Action Plan.

The Working Group is led by the Lead Policy, Strategy and Organisational Change and sponsored by the Chief Executive Officer. The working group consists of staff from across the organisation.

Key functions of the group are to:

- review implementation of the Safeguarding Children and Youth Policy 2024.
- develop and implement the Child and Youth Safe Standards Action Plan and monitor the implementation of this policy and action plan across departments.
- Advocate and educate management and colleagues on the Standards and encourage implementation of the Standards across all departments.

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## ROLES AND RESPONSIBILITIES ACROSS COUNCIL

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



Chief Executive Officer	<ul style="list-style-type: none"> <li>• The Chief Executive Officer is the 'head of an entity' under the <i>Child and Youth Safe Organisations Act 2023</i> 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 Youth by Council Staff.</li> <li>• Ensure adequate resources and support to enable staff to effectively deliver the Safeguarding Children and Youth Policy.</li> <li>• Be the first point of contact in relation to the Scheme and investigations.</li> </ul>
Executive and Senior Leadership Teams	<ul style="list-style-type: none"> <li>• Ensure a culture of Safeguarding Children and Youth is embedded among their team.</li> <li>• Ensure Safeguarding Children and Youth policies and procedures, and other relevant policies are implemented within the work areas they are responsible for.</li> <li>• Provide team members with induction, support, supervision, and access to ongoing professional development around safeguarding Children and Youth relevant for each team member's role and duties.</li> <li>• Conduct risk assessments, taking reasonable steps to identify any potential risks to the safety and Wellbeing of Children and Youth within the work remit of their team/s and remove or minimise the risks.</li> </ul>
Head of People, Safety and Culture	<ul style="list-style-type: none"> <li>• Ensure all recruitment, selection and on boarding processes meet the requirements of the Standards.</li> <li>• Ensure appropriate safety and screening checks are undertaken prior to engagement and maintained according to Council People, Safety and Culture policies.</li> <li>• Ensure induction of new employees includes the provision of the Safeguarding Children and Youth Policy and Procedures and training to support them to understand their roles and responsibilities relating to Child Safety.</li> <li>• Oversee the implementation of Child and Youth safety training for new employees and refresher training for all employees on an ongoing basis and keep records of training completed.</li> </ul>

	<ul style="list-style-type: none"> <li>• Manage disciplinary procedures as they relate to Child Safety and Wellbeing.</li> <li>• Responsible for providing training, capacity building and awareness-raising initiatives to ensure employees are appropriately equipped to recognise, respond to and report Child Abuse.</li> </ul>
Council Staff	<ul style="list-style-type: none"> <li>• Understand and comply with their roles and responsibilities in keeping Children safe.</li> <li>• Report any concerns about the safety and Wellbeing of a Child or Youth.</li> <li>• Obtain and maintain a Working with Vulnerable People Check where required.</li> <li>• Participate in training and education in relation to safeguarding Children and Youth as required.</li> <li>• Provide environments for Children and Youth where they feel safe, empowered, and can participate.</li> <li>• Behave safely and appropriately with Children and Youth.</li> </ul>
Contract Managers	<ul style="list-style-type: none"> <li>• The management of contracts includes, but is not limited to, all agreements, leases, licences, grant recipients, funded partners, and labour hire. Anyone managing these contracts will ensure:             <ul style="list-style-type: none"> <li>○ All third-party operators are provided with a copy of Council's Child and Youth Safety Commitment Statement; and</li> <li>○ Contracts contain the relevant Child Safe clauses, including the requirement for Working with Vulnerable People Checks where relevant; and compliance with the Standards.</li> </ul> </li> </ul>

## OUR OBLIGATIONS WITH EXTERNAL PARTIES

Although Council is not legally responsible for providing oversight of compliance with Child and Youth Safe practices outside of this organisation, Council will take any reasonable steps to engage with persons who utilise Council Facilities to operate in alignment with this policy.

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## 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 to understand how to best implement recommendation 6.12 in the context of the legislation and our limited resourcing.

The Local Government Association of Tasmania (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 Council can fully embrace with current resourcing.

Council acknowledges it has a leadership role in our community to support relevant organisations to be Child and Youth Safe and promote Child and Youth 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 Council's 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 and that assistance may be provided via LGAT to ensure consistency in approach across the local government sector. Consistency of Child and Youth Safe actions across the sector is critical and this policy should be reviewed and updated accordingly.

## 7. IMPLEMENTATION AND COMMUNICATION

The Head of People, Safety and Culture is responsible for the implementation of this Policy.

This policy will be communicated via:


- Council’s website
- internal circulation to staff, and
- intranet.

## 8. ADMINISTRATIVE ARRANGEMENTS

### TABLE OF AMENDMENTS

No.	Date	Brief Details

### APPROVAL

CEO SIGNATURE	
APPROVAL DATE	9 February 2024
REVIEW	Every 5 years
RESPONSIBLE POSITION	Head of People, Safety and Culture
ECM REFERENCE	ECM_5187527