

## Council Policy – Child Safety and Wellbeing

<b>Responsible Directorate</b>	Community Engagement
<b>Responsible Business Unit/s</b>	Community Activation
<b>Responsible Officer</b>	Manager Community Activation
<b>Affected Business Units</b>	All

### Objective

The objective of this Policy is to outline the Shire of Serpentine Jarrahdale’s (the Shire) application of child safe principles and provide a framework to best ensure the safety and wellbeing of children and young people within the community.

### Scope

This Policy applies to anyone who conducts work for the Shire in a paid or unpaid capacity. This includes, but is not limited to, Councillors and staff, irrespective of their involvement in child related services, work or duties.

This policy also applies to trainees, volunteers, work placement students and contractors working for and/ or with the Shire, whether that be through another agency or on a contract basis.

This Policy specifies the requirement of all applicable parties to take necessary action and make decisions based on the best interests of children and young people, apply child safe principles, report all concerns relating to possible harm (including neglect and abuse) and comply with Shire procedures.

This Policy also references the Reportable Conduct Scheme (the Scheme). For the avoidance of doubt, the following persons over 18 are included in the Scheme:

- paid employees;
- volunteers;
- contractors.

### Policy

#### Introduction

The Shire acknowledges that protecting children and young people from harm is a whole of community responsibility, and every member of our community has an important role to play. The welfare of children in the Shire’s care is our utmost priority, with zero tolerance of child harm and abuse.

We are committed to creating and maintaining a culture of child safety, where all children are valued and protected from harm and abuse.

The Shire embraces diversity and inclusion. Children irrespective of age, gender, race, religion, disability, sexual orientation, family background, and social background have equal rights to feel safe and to be protected from harm.

## **National Principles**

The Shire subscribes to the 10 National Principles for creating a Child Safe Organisation, which underpin the implementation and design of services for our community:

- Child safety and wellbeing is embedded in organisational leadership, governance, and culture.
- Children and young people are informed about their rights, participate in decisions affecting them and are taken seriously.
- Families and communities are informed and involved in promoting child safety and wellbeing.
- Equity is upheld and diverse needs respected in policy and practice.
- People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice.
- Processes to respond to complaints and concerns are child focused.
- Staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training.
- Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed.
- Implementation of the national child safe principles is regularly reviewed and improved.
- Policies and procedures document how the organisation is safe for children and young people.

## **Working with Children Checks**

All Councillors, Staff and Volunteers who engage in child related work as defined within the *Working with Children (Criminal Record Checking) Act 2004* and who are eligible to obtain one under this Act are required to obtain and maintain a Working with Children Check (WWCC).

The Shire will reimburse renewal costs for WWCC for staff and volunteers that are required by law to have a Working with Children Check to fulfil their official duties.

## **National Redress Scheme**

The Shire acknowledges and supports survivors of child sexual abuse within the Western Australian community. The National Redress Scheme offers survivors of institutional child sexual abuse access to redress, counselling and support.

The Shire has joined the National Redress Scheme as a participating state government institution within the State Governments amended declaration of participation.

## **Reportable Conduct Scheme and Categories of Child Abuse**

The Reportable Conduct Scheme (the Scheme) in Western Australia is a system that compels organisations that deliver services to children to notify allegations of, or convictions for child abuse by their employees to the Ombudsman WA, and then to investigate these allegations.

There are five types of reportable conduct:

- **Sexual offences:** Any sexual offense against, with, or in the presence of a child.
- **Sexual Misconduct:** Any sexual misconduct against, with, or in the presence of a child, such as grooming or sharing pornographic material.
- **Physical Assault:** Any physical assault against, with, or in the presence of a child, such as using force or threatening to harm.
- **Significant Neglect:** Significant neglect occurs when there is a significant, deliberate or reckless failure to meet the basic needs of a child in circumstances where the adult understood the needs of the child, or could have understood those needs if they had turned their mind to the question, and had the opportunity to meet those needs but failed to do so.
- **Behaviour that causes emotional or psychological harm to a child:** Includes severe or sustained verbal abuse, coercive or manipulative behaviour, hostility, rejection, humiliation, belittling and scapegoating children.

### Responding to Suspicions of Abuse

All parties to this Policy have a responsibility to respond to and report any suspicions, allegations of abuse and/or misconduct involving a child or young person.

When responding to a child who has disclosed allegations of harm or abuse it is important to demonstrate they are believed and that you will seek help. It's important that the person who received the disclosure keeps the person up to date with information relating to their complaint.

All adults who have a reasonable belief and/or evidence that an individual has committed an abusive offence against a child, have an obligation to report that information. Allegations of significant abuse towards a child, particularly child sexual abuse must be directed to the WA Police on 131 444.

If a child is in immediate danger then contact the WA Police on 000 immediately.

Concerns for a child's wellbeing can be made to the Department of Communities, Child Protection Central Intake Team.

The Shire has avenues available for the public to provide feedback on the behaviours and standards of service provided by Councillors, employees and contractors, as outlined in the Customer Service Charter. Any concerns that are identified regarding interactions with children may be reported in this manner, however this does not negate the responsibility to report information to police where there is a reasonable belief that a crime has occurred.

Misconduct involving a child under the age of 18 and a Shire Councillor, employee, contractor or volunteer must be reported to the organisation immediately.

Reportable conduct includes:

- A sexual offence or sexual misconduct against, with or in the presence of a child;
- Physical assault committed against, with, or in the presence of a child;
- Significant neglect of a child;
- Any behaviour that causes significant emotional or psychological harm to a child

- Any incident or suspected incident of harm or abuse involving a child or young person is to be documented. Some responses and reports will be required to consider the privacy and confidentiality of one or more parties.
- Misconduct involving a Shire's employee, contractor or volunteer and a child under the age of 18 must be reported to the Chief Executive Officer or the People and Culture team immediately.

## Definitions

**Child** means a person who is under the age of 18.

**Child Abuse:** Children and Community Services Act 2004 outlines categories of child abuse, behaviours and/or actions that causes a child significant harm or is likely to cause significant harm.

**Child Safe Organisation:** As outlined by the Commissioner for Children and Young People in the National Principles for Child Safe Organisations WA.

**Child related work** is defined in the Working with Children (Screening) Act 2004. "Work" is child-related work if the usual duties of the work involve, or are likely to involve, contact with a child in connection with at least one of the categories of child-related work, unless an exemption applies.

**Reasonable Belief** means a reasonable belief or a belief on reasonable grounds is not the same as having proof but is more than a mere rumour or speculation. A 'reasonable belief' is formed if a reasonable person in the same position would have formed the belief on the same grounds. For example, a 'reasonable belief' might be formed if:

- A child states that they have been physically or sexually abused;
- A child states that they know someone who has been physically or sexually abused (sometimes the child may be talking about themselves);
- Someone who knows a child states that the child has been physically or sexually abused;
- Professional observations of the child's behaviour or development leads a professional to form a belief that the child has been physically or sexually abused or is likely to be abused;
- Signs of abuse lead to a belief that the child has been physically or sexually abused;
- A report has been made of a sexual relationship with a child under 16.

## Related Documents

- Shire of Serpentine Jarrahdale - Customer Service Charter
- Shire of Serpentine Jarrahdale - Code of Conduct for Councillors, Committee Members and candidates
- Shire of Serpentine Jarrahdale – Employee Code of Conduct
- Shire of Serpentine Jarrahdale – Business Operating Procedure – Community – Child Safety and Wellbeing
- Ombudsman Western Australia Reportable Conduct – Investigation Plan; Investigation Report

## Legislation / Local Law Requirements

- *Children and Community Services Act 2004 (WA)*
- *Equal Opportunity Act 1984 (WA)*
- *Public Sector Management Act 1994 (WA)*
- *Public Interest Disclosure Act 2003 (WA)*
- *Restraining Orders Act 1997 (WA)*
- *Restraining Orders and Related Legislation Amendment (Family Violence) Act 2016*
- *State Records Act 2000 (WA)*
- *Working with Children (Criminal Record Checking) Act 2004 (WA)*
- *Working with Children (Criminal Record Checking) Regulations 2005 (WA)*
- *Parliamentary Commissioner Amendment (Reportable Conduct) Act 2022*
- *Child Wellbeing and Safety Act 2005*
- *National Redress Scheme for Institutional Child Sexual Abuse Amendment Act 2024 (Cth).*

## Amendment Record

Relevant Delegations			
		Date	Resolution Number
Council Adoption		21 February 2022	OCM031/02/22
Version	Date	Resolution Number	Amendment Details
2	17 March 2025	OCM068/03/25	New template, updated categories, and legislative updates in line with the Reportable Conduct Scheme