

# Child Safety & Wellbeing Framework



# Acknowledgement of Country

The City of Kingston proudly acknowledges the Bunurong People of the Kulin Nation as the Traditional Owners and Custodians of this land, and we pay our respect to their Elders, past, present and emerging.

Council acknowledges the Bunurong's continuing relationship to the land and waterways and respects that their connection and spiritual identity is maintained through ancient ceremonies, songlines, dance, art and living culture.

Council pays tribute to the invaluable contributions of the Bunurong and other Aboriginal and Torres Strait Island Elders who have guided and continue to guide the work we do.



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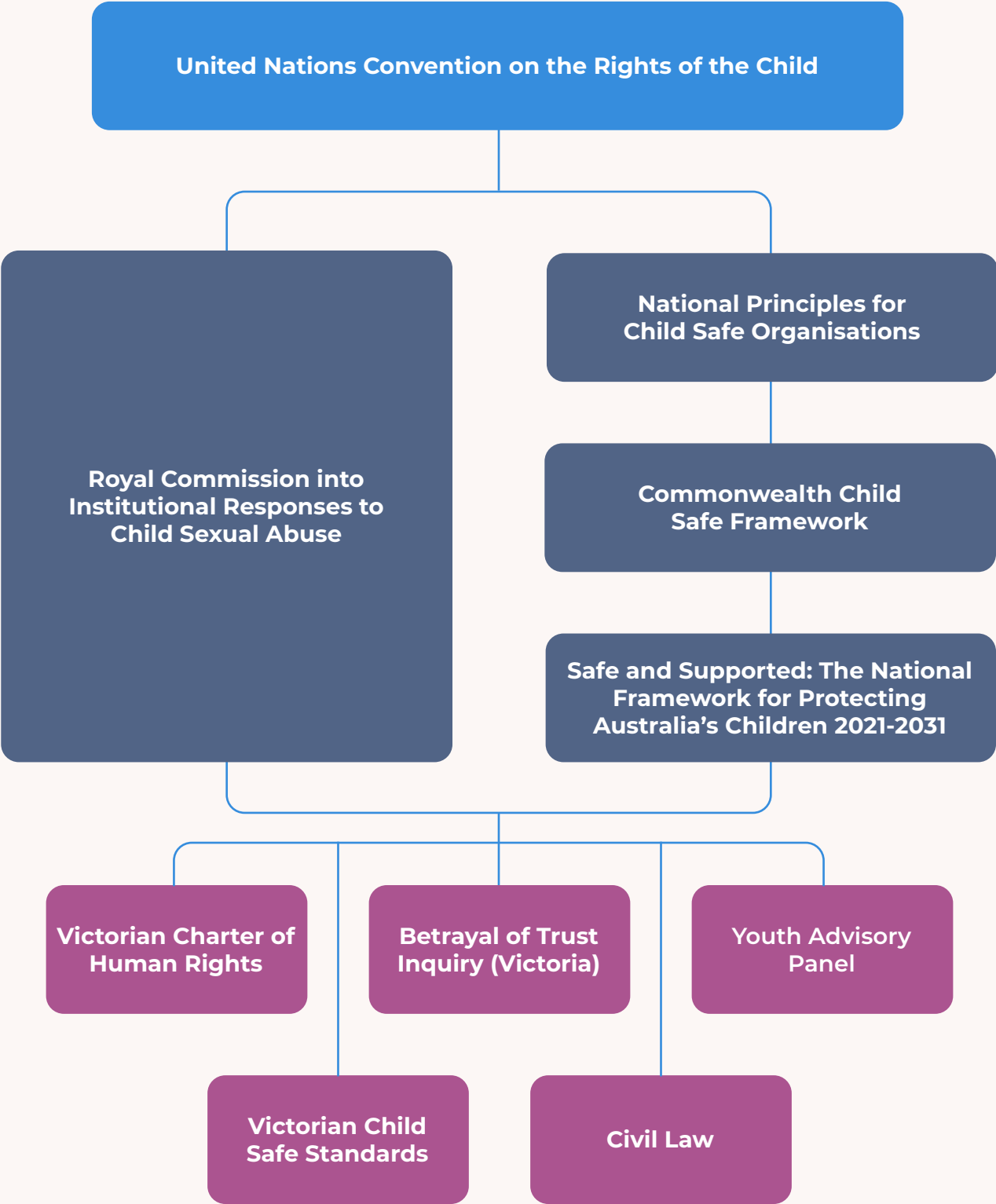
# National Principles for Child Safe Organisations



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

# Legislative Context

The Child Safety & Wellbeing Framework is derived from a complex legislative landscape across federal, state and local government levels. Appendix A details further information about the key parliamentary inquiries and subsequent policy reform that informs our safeguarding approach.



# Child Safe Standards

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The current Victorian Child Safe Standards (the Standards) aim to create and maintain child safe environments. They came into effect on 1 July 2022.

## Child Safe Standards

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

# Our Statement of Commitment

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## Kingston City Council (Council) acknowledges that the safety, wellbeing and best interests of children and young people are paramount.

- ✓ Council is committed to providing children and young people with an environment which promotes and protects their health, safety and wellbeing, at all times.
- ✓ Council supports, values and respects all children and young people, and is committed to their safety, participation and empowerment.
- ✓ Council is committed to providing a culturally safe environment in which the diverse and unique identities and experiences of Aboriginal and Torres Strait Islander children and young people are respected and valued.
- ✓ Council will treat all children and young people with dignity and respect. Council will provide a safe and inclusive environment for the diverse needs of all children and young people including children and young people with disability, those from culturally and linguistically diverse backgrounds, children who are unable to live at home, and children and young people who identify as lesbian, gay, bisexual, transgender and intersex. Furthermore, the right to protection is irrespective of age, gender identity, sexual orientation, ethnicity, religious beliefs, ability or family background.
- ✓ Council is committed to providing welcoming, safe and accessible environments where children feel valued, empowered and consulted about the decisions that affect their lives. Decision making is informed by Council's commitment to remove or reduce the risk of child abuse and harm.
- ✓ Council has zero tolerance for all forms of child abuse and harm against children and young people, and all allegations of child abuse and harm will be treated seriously in accordance with Council's policies and procedures. Council will champion a culture of safety and utilise policies, procedures and practices to support children and young people, families and the community.
- ✓ Council welcomes and encourages children, young people, parents, carers, families and the community to be engaged in promoting a child safe environment, to provide feedback, and build the capacity of children and young people to understand their rights and responsibilities.

# Our Child Safety & Wellbeing Principles

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## Children's empowerment, rights and participation

**Council is a child safe organisation and actively seeks to include children and young people's views and ideas in planning and decision making.**

Council encourages children and young people to participate meaningfully and respects children and young people's rights to privacy, access to information, social connections and learning opportunities.

Council respects the rights of children and young people and provides them with information about their rights including the right to feel safe and be safe, and how to seek help when it is needed or their rights have been infringed.

Council will take steps to ensure that all children and young people feel confident in raising a complaint or concern.

Council values the voices of children and young people and will act on safety concerns raised by children, their families and the community.

Council recognises the importance of friendships and will support children and young people to develop social connections and empower children to communicate with adults regarding the safety and wellbeing of their friends and peers.

Council does not tolerate bullying or abusive behaviour between children and will take action if this occurs.

Council supports children's participation and empowerment in the following ways:

- ✓ Regular discussions with children and young people, including child-led conversations on what makes them feel safe and unsafe.
- ✓ Consultation with children and young people about any proposed significant changes to Council services that may impact them.
- ✓ Information is provided to children, parents and families about relevant Council services. Information is made suitable for different age groups and the diversity of the children.
- ✓ Publishing child-accessible versions of the Child Safety & Wellbeing Policy and Child Safety & Wellbeing Reporting Procedure that are developmentally and age appropriate for children and young people on Council's website.
- ✓ Publishing child safety posters and publications in the physical environment of Council's services to ensure they are accessible to children and their families.

# Our Child Safety & Wellbeing Principles

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## Families and communities

**Council recognises the important role of families and involves parents and guardians when making decisions affecting children and young people.**

Parents, guardians, families and communities are encouraged to provide feedback and raise concerns at any time through communication with Council workers or the Senior Health & Safety Officer by emailing [childsafekingston.vic.gov.au](mailto:childsafekingston.vic.gov.au).

Council provides information to families and community about Council's child safe policies and engages in consultation practices including through:

- Publishing this framework, the Child Safety & Wellbeing Policy, the Child Safety & Wellbeing Reporting Procedure (Reporting Procedure) and the Child Safety & Wellbeing Code of Conduct on Council's website.
- Including information about Council's child safety approach, Council's operations including the Executive Health & Safety Committee and management structure, in Council's induction processes for families using Council services.
- Including articles and information on child safety and wellbeing, and reminders about Council's policies and procedures, on Council's website, social media accounts and community publications.
- Council's Your Kingston Your Say website.



# Our Child Safety & Wellbeing Principles

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## Creating culturally safe environments for all Aboriginal & Torres Strait Islander children and their families

**Council is committed to creating environments where Aboriginal culture is celebrated and Aboriginal and Torres Strait Islander children, families and community members are welcomed, consulted and included.**

Strategies to embed cultural safety for Aboriginal children in Council's policies and practices include:

- ✓ An Acknowledgement of Country at all presentations, performances or speaking arrangements.
- ✓ Consulting with families and members of the Aboriginal community to identify opportunities to promote Aboriginal culture and practices in Council services.
- ✓ Providing opportunities for children and young people to share their cultural identity and express their culture during activities and services.
- ✓ Supporting children who wish to explore their culture, including consulting with their family, community and relevant Aboriginal organisations.
- ✓ Celebrating NAIDOC Week and National Reconciliation Week.
- ✓ Seeking feedback from Aboriginal children, families and communities on their experience living and participating in the City of Kingston, particularly in relation to how safe they feel expressing their identity including their culture.
- ✓ Displaying the Aboriginal and Torres Strait Islander Flag in Council's head office, Council's website and in other environments where children and young people attend.
- ✓ Zero tolerance of bullying, abusive or racist behaviour towards Aboriginal children, their families or the community with action taken if it occurs. Council maintains a Prevention of Workplace Discrimination Policy.
- ✓ Maintaining active support for and engagement with the Derrimut Weelam Gathering Place.
- ✓ Developing, publishing and promoting Council's Reconciliation Action Plan

# Our Child Safety & Wellbeing Principles

## Valuing diversity

**Council is committed to ensuring it is an inclusive, welcoming and supportive environment for all.**

Council is a community enriched by people from different cultures and backgrounds, living together in harmony and participating in community life.

Council seeks to ensure that all children and young people, their families and the community from culturally diverse backgrounds feel included and have equal access to services and facilities including by:

- ✓ Translating key Council policies and procedures into other languages to ensure they are accessible by cultural and linguistic backgrounds.
- ✓ Translating key information about Council services into community languages and distributing it using culturally appropriate methods.
- ✓ Supporting annual events and festivals that celebrate cultural diversity and promote community harmony.

- ✓ Consulting with culturally and linguistically diverse residents on Council services.
- ✓ Providing culturally and linguistically diverse clubs and groups with opportunities to deliver social support, health promotion and wellbeing programs for their communities through Council's Community Grants Program.
- ✓ Making cross-cultural, diversity and inclusion awareness training available for all staff.
- ✓ Ensuring that Council facilities and services are accessible for all children and young people, including children with disability.
- ✓ Providing a welcoming and supportive environment for children and young people who identify as LGBTQIA+.



# Our Council Services

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## Services provided by Council for children and young people include the following:

### **Maternal & Child Health and Immunisation**

services are staffed by Maternal & Child Health Nurses who are registered nurses with Midwifery and Maternal and Child Health qualifications and include:

- Key ages and stages visits.
- First time parents' groups.
- Breastfeeding support.

**Supported Playgroups** are facilitated by early years professionals to support families experiencing vulnerabilities and includes Playgroup at Home where parents can tune into videos for parenting strategies and activities via Council's website.

**Family Support** program provides a free and confidential service committed to providing support, information and referrals to families.

**Youth Services** offers a range of activities for young people in the local area including information and referral, and a range of events, programs and counselling services.

Secondary, primary and pre-school **Road Safety Education** programs encourage road safety awareness for all students.

Council **School Crossing Supervisors** assist children to cross roads safely at some secondary and primary schools throughout Kingston.

**Community Hubs** offer a range of children's programs, school holiday activities and play spaces for children and young people in the community.

Council provides a range of **education and care services** that are available for early years children (aged 0-5 years). This includes:

- **Long day education and care** that provides a foundation for children to learn, develop and socialise in a safe and nurturing environment. It can also assist parents seeking to return to work and is delivered by private providers, community and Council.
- Council operated **Family and Children's Centres** delivering high quality early years education and care services at Parkdale, Edithvale and Carrum.
- **Family Day Care** is an education and care service that is provided in the homes of registered and professional Early Childhood Educators.

**Libraries** run a number of regular programs throughout the year for children and families including story time sessions for babies, toddlers and pre-school children, and after-school and school holiday activities that are suitable for a variety of different ages.

**Waves Leisure Centre** offers children's parties and school holiday programs, swimming lessons and water-based activities for children.

**Kingston Arts** offers a range of events and activities throughout the year for children and young people, including programmed events during school holidays, theatre shows and creative workshops.

# Our Council Services

## Facilities provided by Council

Facilities and open space provided by Council to children and young people include the following:

Suburb	Key Public Open Space	Sports Reserves	Playgrounds
Aspendale	8	2	3
Aspendale Gardens	20	2	7
Bonbeach	5	1	3
Braeside	3	0	1
Carrum	6	1	2
Chelsea	9	2	2
Chelsea Heights	11	1	4
Cheltenham	22	3	15
Clarinda	9	0	5
Clayton South	19	3	13
Dingley Village	28	3	16
Edithvale	5	2	2
Heatherton	10	1	4
Highbett	5	1	2
Mentone	10	2	8
Moorabbin	6	3	3
Mordialloc	19	4	7
Oakleigh South	7	1	5
Parkdale	11	3	9
Patterson Lakes	14	1	5
Waterways	11	0	2
<b>Total</b>	<b>238</b>	<b>36</b>	<b>118</b>

# Our Council Services

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## Council Buildings

Council maintains many buildings throughout the municipality. These buildings provide a mixture of Council run services and programs or are leased spaces for community run services and programs.

This framework applies to all Council run services and programs but does not extend to any community run services and programs that operate under a lease agreement from a Council owned building. Community run services and programs operate under their own individual policies and procedures.

## Community Services

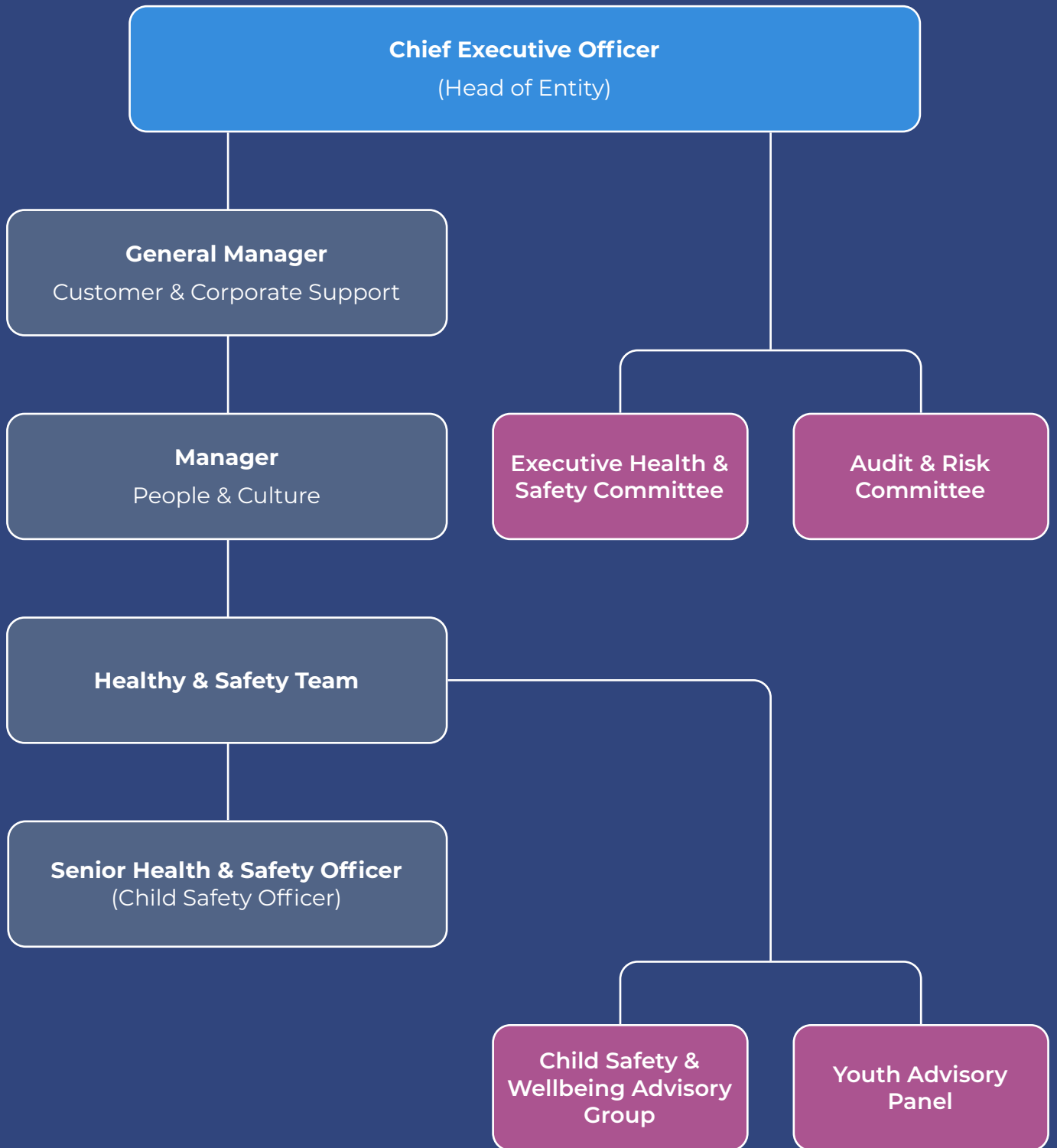
There are many services offered in each local area through community centres, early learning centres, occasional care centres, child-care centres, kindergartens, playgroups, toy libraries and others.

Council supports a range of opportunities for local community members that include learning, skill development, health and fitness, social connections, interest groups and much more. This includes, but is not limited to:

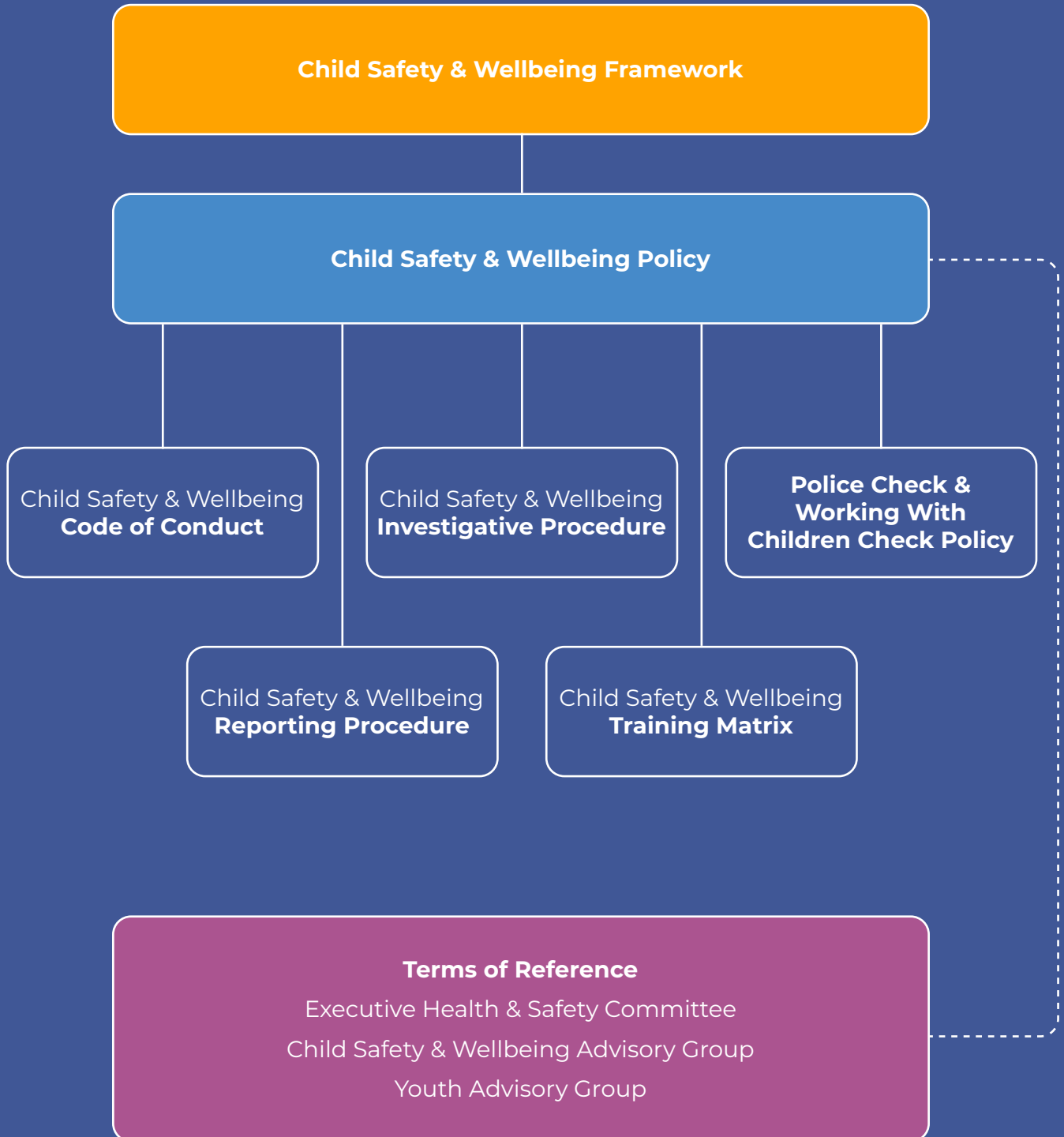
- Community Centres and Neighbourhood Houses located throughout Kingston.
- Men's Sheds
- Events run by Council:
  - Citizenship Ceremonies
  - MordiFest
  - Carols by Kingston
  - Spring Fair
  - Pet Expo



# Our Governance Structure



# Our Policy Framework



# Our Priorities

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## Priority 1: Commitment to child safety

- ✓ There is a strong emphasis on child safety and wellbeing at Council.
- ✓ Every staff member, contractor, volunteer and student in the organisation is aware of their responsibilities towards children and young people.
- ✓ The Executive and Senior Leadership Teams champion and proactively demonstrate a commitment to child safety and wellbeing.
- ✓ All Council policies and procedures are up to date and in line with relevant child safety and wellbeing legislation.



## Priority 2: Reporting and responding

- ✓ Child safety and wellbeing complaints and reports are handled effectively and sensitively.
- ✓ Everyone at Council understands the importance of child safety and the child safety and wellbeing reporting procedure.
- ✓ The community is aware of how to make a child safety and wellbeing complaint to Council.



## Priority 3: Valuing diversity

- ✓ Participation and inclusion of children with diverse needs, from different cultures and diverse communities is actively supported.
- ✓ The strengths of Aboriginal culture are acknowledged and respected and its importance to the wellbeing and safety of Aboriginal children and young people is acknowledged and respected.



## Priority 4: Involving children, families and community

- ✓ Children and young people are empowered to participate in matters affecting their safety and wellbeing.
- ✓ Families and the wider community are engaged in decisions that affect their children and young people.



## Priority 5: Maintaining child safe environments

- ✓ Risks to child safety in both online and physical environments are identified and managed.
- ✓ Resources are committed to provide a centralised mechanism for the monitoring of child safe environments.

# Our Action Planning

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A Child Safety & Wellbeing Annual Action Plan that aligns with the priorities outlined above is developed in line with each financial year and Council's integrated planning approach. These actions will continue to strengthen Council's policies, procedures and controls to ensure Council's services operate with a best practice approach in relation to child safety and wellbeing. A report is provided quarterly to the Executive Health & Safety Committee to provide an update on the Action Plan progress.

# Action Plan 2025-26

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1. Finalise and implement the new Child Safety & Wellbeing Training Matrix which has been risk assessed against all roles at Council.
2. Following implementation of the new Child Safety & Wellbeing Training Matrix, develop and assign corresponding mandatory Child Safety & Wellbeing Training modules to be completed at induction and at defined refresher intervals.
3. Following implementation of the new Child Safety & Wellbeing Training Matrix, develop a new KPI for the Quarterly Executive Health & Safety Committee Child Safety & Wellbeing Report to report on the compliance rate for mandatory organisational child safety and wellbeing training.
4. Conduct family and community consultation on the child safety & wellbeing documentation to understand community views and priorities.
5. Following community consultation, translate the Child Safety & Wellbeing Flowchart into different languages applicable to the Kingston community demographic.
6. Develop a process to conduct a quarterly audit of child safety elements of recruitment. This includes advertising, interview questions and reference check questions.
7. Conduct a review of volunteer and contractor engagement to identify child safety risks.
8. Explore opportunities to include child safety, including risk identification and mitigation, on meeting agendas for relevant teams across Council.

# Our Performance Monitoring

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A Child Safety & Wellbeing Quarterly Report comprising a series of metrics designed to reflect the child safety and wellbeing performance of Council is presented to the Executive Health & Safety Committee each quarter.



# Our Community Engagement

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## Consultation

The consultation process for the updated Child Safety & Wellbeing Framework was designed to maximise community awareness and test confidence in Council's commitment to child safety, its zero-tolerance approach to abuse and harm, and the clarity of reporting processes.

Promotion included approximately 20,000 e-newsletter distributions across multiple Council and community channels, social media posts reaching around 2,700 views, homepage and public notice placements on the Kingston website, digital screens in libraries, leisure centres and customer service locations, posters in Family and Children's Centres and targeted promotion through kindergarten, childcare and sector networks. This resulted in 206 visits to the Your Kingston Your Say consultation page.

## Community Feedback

Feedback received through the consultation was consistently positive and constructive, with survey responses showing agreement or strong agreement across all core questions relating to organisational commitment, zero tolerance to child abuse and clarity of reporting processes.

Free text comments reinforced this sentiment, highlighting the clarity, child-friendly design and practical usefulness of the reporting materials and code of conduct, as well as recognition of Council's leadership in child safety and wellbeing. Suggestions focused on opportunities for continuous improvement, such as sector-specific practice, community education and broader child safety considerations in areas like urban design and traffic management.

While the total number of responses was small, this is a positive indicator rather than a concern. Given that child safety and welfare is commonly viewed by the public as a high-interest, high-sensitivity topic – closely linked to personal values, trust in institutions and low tolerance for risk – the absence of concerns and critical feedback is significant. Issues relating to children typically attract scrutiny and prompt strong responses when confidence is low or gaps are perceived. In this context, a small number of responses, despite widespread exposure of the consultation, indicates a generally high level of community confidence in Council's approach and reassurance that appropriate protections are already in place.

This suggests the consultation process was sound, the Framework aligns with community expectations, and Council's approach to child safety and wellbeing is seen as reasonable, mature and well managed.

# Appendix

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# Appendix A:

## Relevant Legislation

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### International

#### **The United Convention on the Rights of the Child**

The United Convention on the Rights of the Child (CROC) outlines the civil, political, economic, social, health and cultural rights of children and young people. Australia is a signatory to the CROC. Article 19 of the CROC recognises that all appropriate measures must be taken to protect children from all forms of physical and/or mental harm. The CROC underpins this framework.

### Commonwealth

#### **The Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission)**

In 2013, the Australian Government appointed a [Royal Commission](#) to inquire into institutional responses to child sexual abuse (the Royal Commission). Over the course of its five-year inquiry, the Royal Commission considered a range of related matters, including what institutions and governments should do to better protect children and young people against child sexual abuse in institutional contexts in the future. The Final Report (made up of a preface and executive summary and 17 volumes) brings together what the Royal Commission learned during the inquiry and sets out 409 recommendations to better prevent and respond to child sexual abuse in institutions.

#### **National Principles for Child Safe Organisations**

(National Office for Child Safety)

Underpinned by a child-rights approach and based on the standards recommended by the Royal Commission, the [National Principles for Child Safe Organisations](#) (National Principles) are designed to build capacity and deliver child safety and wellbeing in organisations, families and communities and prevent future harm.

To allow flexibility in implementation and in recognition of the variety of organisational types, sizes and capacities, the National Principles outline, at a high level, the 10 elements that are fundamental for making an organisation safe for children and young people. The version of the child safe standards recommended by the Royal Commission has been used to develop a version that could apply to all kinds of child abuse, not just sexual abuse.

#### **Commonwealth Child Safe Framework**

The Australian Government's National Office for Child Safety has also introduced the [Commonwealth Child Safe Framework](#) (the Framework), a whole-of-government policy that sets minimum standards for creating and embedding a child safe culture and practice in Commonwealth entities.

To increase the reach of the Commonwealth's commitment to child safety, Commonwealth entities may impose, through written agreements, child safety requirements (consistent with the Framework) on any individuals or organisations they fund to provide services directly to children, or for activities that involve contact with children that is a usual part of, and more than incidental to the funded activity. This includes, but is not limited to, funding arrangements such as grants and procurements.

# Appendix A:

## Relevant Legislation

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### **Safe and Supported: The National Framework for Protecting Australia's Children 2021–2031**

Safe & Supported: The National Framework for Protecting Australia's Children 2021–2031 (the National Framework) aims to ensure that children and young people in Australia have the right to grow up safe and supported in nurturing and culturally appropriate environments. The aim of the National Framework is to improve the lives of children, young people and families experiencing disadvantage or who are vulnerable to abuse and neglect; and to reduce the rate of child abuse and neglect and its intergenerational impacts through the implementation of two child-centred 5-year Action Plans.

It recognises that to achieve this aim, all Australians need to work together to keep children safe and to achieve the best outcomes for vulnerable children and those experiencing disadvantage. The National Framework also embeds the Priority Reforms of the National Agreement on Closing the Gap to transform how governments work to support improved outcomes for Aboriginal and Torres Strait Islander children, young people and families.

The National Framework priority groups include:

- children and families with multiple and complex needs;
- Aboriginal and Torres Strait Islander children and young people experiencing disadvantage or who are vulnerable;
- children and young people and/or parents/carers with disability experiencing disadvantage or who are vulnerable;
- children and young people who have experienced abuse and/or neglect, including children in out-of-home care and young people leaving out-of-home care and transitioning to adulthood.

### **Victorian**

#### **Victorian Charter of Human Rights**

The Victorian Charter of Human Rights (the Charter) outlines the basic rights, freedoms and responsibilities of all Victorians. Under the charter all government authorities must act consistently with the rights in the charter. This includes being safe from violence and abuse.

#### **The Betrayal of Trust Inquiry**

The Parliamentary Inquiry into the Handling of Child Abuse by Religious and Other Non-Government Organisations delivered the landmark Betrayal of Trust Report on 13 November 2013. It made 15 recommendations that have since been enacted by Victorian governments, or supported in principle, including: criminal law reform, measures to create child safe organisations, and civil law reforms to provide better access to justice for survivors of institutional child abuse.

#### **Criminal Law Reform (Phase 1)**

In 2014–2015, three new criminal offences were introduced to improve responses within organisations and the community to child sexual abuse. These offences apply exclusively to the sexual abuse of a child and impose a clear legal duty upon all Victorian adults to protect children from such abuse and to report their concerns to police.

These offences apply to the sexual abuse of children aged under 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 laws, and the Victorian Reportable Conduct Scheme.

The 'failure to disclose' offence requires that any adult (aged 18 and over) who forms a reasonable belief that another adult has sexually offended against a child under the age of 16 in Victoria must report that information to the police as soon as possible.

# Appendix A:

## Relevant Legislation

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The 'failure to protect' offence applies where there is a substantial risk that a child under the care, supervision or authority of the organisation will become a victim of a sexual offence by an adult associated with that organisation. A person in a position of authority in the organisation will commit the offence if they know of the risk of abuse and have the power or responsibility to remove that risk, but negligently fail to do so.

The 'grooming' offence targets predatory conduct by an adult to prepare a child under 16 years of age for later sexual activity. The offence applies where an adult communicates, by words or conduct, with a child, or with a person who has care, supervision, or authority for the child, with the intention of facilitating a child's involvement in sexual conduct, either with the groomer or another adult.

### Creating Child Safe Organisations (Phase 2)

#### Victorian Child Safe Standards

The Victorian Child Safe Standards (the Standards) aim to create and maintain child safe environments. Effective 1 July 2022, eleven new Standards will replace Victoria's current seven standards and three overarching principles. These changes bring the Victorian Scheme into closer alignment with the National Principles for Child Safe Organisations which were developed at a later stage and endorsed by the Council of Australian Governments (COAG) on 19 February 2019. In addition to providing greater national consistency, the new Standards provide greater clarity for organisations on actions required to meet minimum compliance requirements.

The new Standards will require additional focus by organisations in the following areas:

- Involvement of families and communities in our efforts to keep children and young people safe.
- Greater focus on cultural safety for Aboriginal children and young people.
- Management of the risk of child abuse in online environments.
- Clarity on the governance, systems, and processes to keep children and young people safe

- Review and continuous improvement
- Complaint mechanisms that are easy for children and young people to access and use

#### Why did the Standards change?

Victoria has had mandatory Child Safe Standards since January 2016.

In 2019, the then Department of Health and Human Services (DHHS) undertook a review of the Victorian Standards to ensure they were as strong as possible and to consider how they could better align with the recommendations of the Royal Commission.

In 2020, the DHHS Review recommended several changes to better align the Standards with the National Principles for Child Safe Organisations and made additional recommendations to strengthen administration of the Standards.

The Victorian Government adopted these recommendations and the new Child Safe Standards became effective in July 2022.

#### Victorian Reportable Conduct Scheme

The Betrayal of Trust report also recommended that all relevant Victorian Government and non-government organisations should report allegations of child-related misconduct to a central location. The Victorian Reportable Conduct Scheme came into effect in July 2017 and is also established by the Child Wellbeing and Safety Act 2005. The Scheme seeks to improve organisation's responses to allegations of certain types of employee misconduct involving children by their workers and volunteers.

It imposes new legal obligations on heads of organisations to have systems in place to prevent child abuse, and if child abuse is alleged, to ensure allegations can be brought to the attention of appropriate persons for investigation and response; and to ensure that the Social Services Regulator (the Regulator) is notified and given updates on the organisation's response to an allegation. The Regulator also has powers to appropriately share information with the Working with Children Check Unit, relevant regulators, and

# Appendix A:

## Relevant Legislation

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Victoria Police, to better prevent and protect children from abuse, which can trigger an assessment of whether that person is suitable to continue to work or volunteer with children.

### **Civil Law Reform (Phase 3)**

The Victorian Government has implemented several civil legislative reforms based on the Betrayal of Trust and Royal Commission recommendations to improve access to justice for victims. These have come into effect over time and have contributed to an increase in the proceedings and applications related to damages for child abuse filed in the courts since 2015. The reforms include:

- Limitation of Actions Amendment (Child Abuse) Act 2015, which commenced on 1 July 2015. This legislation abolished the limitation period for damages in relation to child abuse claims, allowing victim survivors to sue organisations responsible for their child sexual abuse regardless of how long ago the abuse occurred. Limitation periods had previously presented one of the biggest barriers for victim survivors seeking to access compensation.
- Legal Identity of Defendants (Organisational Child Abuse) Act 2018, which commenced on 1 July 2018. This legislation closed an unfair legal loophole which prevented child abuse victim survivors from suing some organisations due to the organisation's legal status. It made it a requirement for organisations to nominate or appoint a legal entity to act as proper defendant in child abuse proceedings and to incur any relevant liability arising out of child abuse. In this way, child abuse cases can no longer be prevented from participating in court proceedings due to organisations failing to nominate proper defendants.
- Children Legislation Amendment Act 2019, which commenced on 18 September 2019. This legislation allows a court to set aside a prior judgment or settlement in respect of damages for child abuse if it is just and reasonable to do so.
- A new statutory duty of care established under the Wrongs Amendment (Organisational Child Abuse) Act 2017 (see Part XIII of Wrongs Act 1958) to ensure there is a clear legal duty placed on organisations to take reasonable steps to minimise the risk of child sexual abuse and some types of physical abuse, perpetrated by organisational representatives. Under this duty, organisations are required to take reasonable steps to prevent the abuse of a child perpetrated by an individual associated with the organisation while the child is under the care, supervision, or authority of the organisation. If child abuse occurs, the organisation is presumed to have breached the duty unless it proves it took 'reasonable precautions' to prevent the abuse.

# Appendix B:

## Commission for Children & Young People Minimum Requirements

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The Commission for Children & Young People (the Commission) has published a set of minimum requirements for compliance with the Child Safe Standards. These minimum requirements are outlined below.

Further supporting the minimum requirements is a published list of documents and actions that organisations should have in place to demonstrate it is meeting the minimum requirements of the Victorian Child Safe Standards. The Commission calls these **compliance indicators**. These can be found on the Commission's [website](#).

### Child Safe 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.

*In complying with the Child Safe Standard an organisation must, at a minimum, ensure:*

- 1.1 A child's ability to express their culture and enjoy their cultural rights is encouraged and actively supported.
- 1.2 Strategies are embedded within the organisation which equip all members to acknowledge and appreciate the strengths of Aboriginal culture and understand its importance to the wellbeing and safety of Aboriginal children and young people.
- 1.3 Measures are adopted by the organisation to ensure racism within the organisation is identified, confronted, and not tolerated. Any instances of racism are addressed with appropriate consequences.
- 1.4 The organisation actively supports and facilitates participation and inclusion within it by Aboriginal children, young people, and their families.
- 1.5 All of the organisation's policies, procedures, systems, and processes together create a culturally safe environment.

### Child Safe Standard #2

Child safety and wellbeing is embedded in organisational leadership, governance, and culture.

*In complying with the Child Safe Standard an organisation must, at a minimum, ensure:*

- 2.1 The organisation makes a public commitment to child safety.
- 2.2 A child safe culture is championed and modelled at all levels of the organisation from the top down and bottom up.
- 2.3 Governance arrangements facilitate implementation of the Child Safety and Wellbeing Policy at all levels.
- 2.4 A Code of Conduct provides guidelines for staff and volunteers on expected behavioural standards and responsibilities.
- 2.5 Risk management strategies focus on preventing, identifying, and mitigating risks to children and young people.
- 2.6 Staff and volunteers understand their obligations on information sharing and record keeping.

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### Child Safe Standard #3

Children and young people are empowered about their rights, participate in decisions affecting them and are taken seriously.

*In complying with the Child Safe Standard an organisation must, at a minimum, ensure:*

- 3.1 Children and young people are informed about all of their rights, including to safety, information, and participation.
- 3.2 The importance of friendships is recognised and support from peers is encouraged, to help children and young people feel safe and be less isolated.
- 3.3 Where relevant to the setting or context, children and young people are offered access to sexual abuse prevention programs and to relevant related information in an age-appropriate way.
- 3.4 Staff and volunteers are attuned to signs of harm and facilitate child-friendly ways for children and young people to express their views, participate in decision-making and raise their concerns.
- 3.5 Organisations have strategies in place to develop a culture that facilitates participation and is responsive to the input of children and young people.
- 3.6 Organisations provide opportunities for children and young people to participate and are responsive to their contributions, thereby strengthening confidence and engagement.

### Child Safe Standard #4

Families and communities are informed and involved in promoting child safety and wellbeing.

*In complying with the Child Safe Standard an organisation must, at a minimum, ensure:*

- 4.1 Families participate in decisions affecting their child.
- 4.2 The organisation engages and openly communicates with families and the community about its child safe approach and relevant information is accessible.
- 4.3 Families and communities have a say in the development and review of the organisation's policies and practices.
- 4.4 Families, carers, and the community are informed about the organisation's operations and governance.

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### Child Safe Standard #5

Equity is upheld and diverse needs respected in policy and practice.

*In complying with the Child Safe Standard an organisation must, at a minimum, ensure:*

- 5.1 The organisation, including staff and volunteers, understands children and young people's diverse circumstances, and provides support and responds to those who are vulnerable.
- 5.2 Children and young people have access to information, support and complaints processes in ways that are culturally safe, accessible, and easy to understand.
- 5.3 The organisation pays particular attention to the needs of children and young people with disability, children, and young people from culturally and linguistically diverse backgrounds, those who are unable to live at home, and lesbian, gay, bisexual, transgender and intersex children and young people.
- 5.4 The organisation pays particular attention to the needs of Aboriginal children and young people and provides/promotes a culturally safe environment for them.

### Child Safe Standard #6

People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice.

*In complying with the Child Safe Standard an organisation must, at a minimum, ensure:*

- 6.1 Recruitment, including advertising, referee checks and staff and volunteer pre-employment screening, emphasise child safety and wellbeing.
- 6.2 Relevant staff and volunteers have current working with children checks or equivalent background checks.
- 6.3 All staff and volunteers receive an appropriate induction and are aware of their responsibilities to children and young people, including record keeping, information sharing and reporting obligations.
- 6.4 Ongoing supervision and people management is focused on child safety and wellbeing.

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### Child Safe Standard #7

Processes for complaints and concerns are child focused.

*In complying with the Child Safe Standard an organisation must, at a minimum, ensure:*

- 7.1 The organisation has an accessible, child-focused complaint handling policy which clearly outlines the roles and responsibilities of leadership, staff and volunteers, approaches to dealing with different types of complaints, breaches of relevant policies or the Code of Conduct and obligations to act and report.
- 7.2 Effective complaint handling processes are understood by children and young people, families, staff, and volunteers, and are culturally safe.
- 7.3 Complaints are taken seriously and responded to promptly and thoroughly.
- 7.4 The organisation has policies and procedures in place that address reporting of complaints and concerns to relevant authorities, whether or not the law requires reporting, and cooperates with law enforcement.
- 7.5 Reporting, privacy, and employment law obligations are met.

### Child Safe 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.

*In complying with the Child Safe Standard an organisation must, at a minimum, ensure:*

- 8.1 Staff and volunteers are trained and supported to effectively implement the organisation's Child Safety and Wellbeing Policy.
- 8.2 Staff and volunteers receive training and information to recognise indicators of child harm including harm caused by other children and young people.
- 8.3 Staff and volunteers receive training and information to respond effectively to issues of child safety and wellbeing and support colleagues who disclose harm.
- 8.4 Staff and volunteers receive training and information on how to build culturally safe environments for children and young people.

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### Child Safe Standard #9

Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed.

*In complying with the Child Safe Standard an organisation must, at a minimum, ensure:*

- 9.1 Staff and volunteers identify and mitigate risks in the online and physical environments without compromising a child's right to privacy, access to information, social connections and learning opportunities.
- 9.2 The online environment is used in accordance with the organisation's Code of Conduct and Child Safety and Wellbeing Policy and practices.
- 9.3 Risk management plans consider risks posed by organisational setting, activities, and the physical environment.
- 9.4 Organisations that contract facilities and services from third parties have procurement policies that ensure the safety of children and young people.

### Child Safe Standard #10

Implementation of the Child Safe Standards is regularly reviewed and improved.

*In complying with the Child Safe Standard an organisation must, at a minimum, ensure:*

- 10.1 The organisation regularly reviews, evaluates, and improves child safe practices.
- 10.2 Complaints, concerns, and safety incidents are analysed to identify causes and systemic failures to inform continuous improvement.
- 10.3 The organisation reports on the findings of relevant reviews to staff and volunteers, community and families, and children and young people.

### Child Safe Standard #11

Policies and procedures document how the organisation is safe for children and young people.

*In complying with the Child Safe Standard an organisation must, at a minimum, ensure:*

- 11.1 Policies and procedures address all Child Safe Standards.
- 11.2 Policies and procedures are documented and easy to understand.
- 11.3 Best practice models and stakeholder consultation informs the development of policies and procedures.
- 11.4 Leader's champion and model compliance with policies and procedures.
- 11.5 Staff and volunteers understand and implement policies and procedures.