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| **Council policy title:** | Safeguarding Children and Young People Incident Management Procedure |
| **Council policy sponsor:** | Bryce Craggs, Director Community and Customer Experience |
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#

# Purpose

The purpose of the Safeguarding Children and Young People Incident Management Procedure (Procedure) is to outline the actions required to ensure the effective management of incidents which involve children or young people. This includes taking the appropriate actions when an incident occurs while also identifying any changes required to help prevent or reduce harm to clients/service users, including children and young people, Council Members, and other stakeholders.

Compliance with this Procedure ensures all incidents are reported and managed in a way that is responsive to the immediate circumstances of the incident, the rights of those involved, and wherever possible, any risks of recurrence are minimised.

This Procedure assists Bayside City Council (Council) to:

* identify incident management and implementation roles and responsibilities
* review incident information over time to identify lessons and practice implications, and making recommendations for improvement
* generate and implement improvement strategies and action plans, and
* monitoring and reviewing the effectiveness of actions taken

In adhering to this procedure, Council Members will promote equity and respect diversity of the children and young people and their parents /care givers who access our services. This includes Aboriginal and Torres Strait Islander children, children from culturally and linguistically diverse backgrounds, children, and young people with a disability, LGBTQI+ children and children who cannot live at home. Council upholds a family’s right to have their concern resolved.

Our policies and procedures reflect child safe legislation and promote best practice and care for the children and young people within Council.

Councillors approve and adopt the Safeguarding Children and Young People Incident Management Procedure.

# Scope

The Procedure applies to Councilors, Council employees (permanent, casual, and fixed term), volunteers (inclusive of students), agency staff members and contractors involved with Council. For the purpose of this Procedure these people will be referred to as Council Members.

This Procedure applies in all environments (physical and online) and wherever children and young people are participating in Council’s activities, programs, events, services and / or facilities.

# Responsibilities

All Council Members have a duty of care, and at times a legal obligation, and specific roles and responsibilities to ensure that incidents are responded to and managed appropriately. ‘Reasonable steps’ are taken to prevent harm to children and young people. An incident can occur at any time and may be triggered from a conversation, email, phone call or an alarm.

Council Members are obliged to report any information relating to:

* Incidents, allegations, disclosures, or reasonable belief in relation to abuse or neglect of a child or young person, either by members within Council or by others.
* breaches or actions of other members within Council that contravene our policies and procedures, such as outlined in our Safeguarding Children and Young People Code of Conduct.

Council views failure by members to fulfil their role as outlined in this Procedure as misconduct that, depending on the circumstances, may result in disciplinary action up to and including dismissal. Further legal implications may also apply.

The responsibility of each role in relation to the development and compliance of this Procedure is detailed in section 12 of this Procedure.

# Reporting summary

In the immediate event of an incident, all Council Members must follow the steps outlined in thisProcedure and the Safeguarding Children and Young People Reporting Policy.

**The 4 key steps include**:

1. **Responding** - immediate response to incident or disclosure
2. **Reporting** - internal and external reporting, including mandatory reporting
3. **Sharing of Information** - confidentiality and sharing between authorities and other stakeholders
4. **Supporting** - provision of support for children and young people and others involved

## 4.1 Responding

Responding is the first step required to ensure the allegation or incident is identified. If there is immediate concern for a child or young person’s safety call the Police on triple zero (000).

There are three types of situations where a response is required:

* Responding to an incident
* Responding to a disclosure/allegation
* Responding to a breach of policy or procedure by a Council Member

Undertaking immediate responses include the care, support and communication of actions that take place immediately following an incident to mitigate further harm. This also ensures the safety of children and young people, other service users, families, and Council Members.

## 4.2 Reporting

Following an immediate response, the next step is to ensure that Council Members follow the internal reporting process and document the type of situation(s) including an incident, a disclosure/allegation or a breach of policy or procedure by Council Members immediately, or if that is not possible, no later than the end of their shift or session of work with Council.

If a reasonable belief is formed by a concerned Council Member that a child has been abused or is in need of protection, it is best practice for the person who first received the disclosure/identified the concern, to make the report. The Council Member must contact a Child Safe Contact Officer to discuss the concerns and assist with the completion of an internal Child Safe Incident Report Form (IRF).

All reports must be documented fully and written factually and objectively. Clear and accurate reporting can assist to support any internal or external investigation which may be required after an incident.Council members must continue to report each new situation as they become aware, and to seek advice from their Child Safe Contact Officer when they are unsure.

All reports of child abuse will be treated as serious, whether they are made by an adult or a child or young person.

Where child protection concerns relate to risk within the family, or involve professionals or other alleged perpetrators, a Child Safe Contact Officer will escalate the concerns in line with reporting process to agree on the appropriate reporting avenues i.e., DHHS and/or Victoria Police.

When an allegation of child abuse is received, all obligatory reporting requirements must be met, including reporting to: Police, Department of Health and Human Services, The Commission for Children and Young People under the Reportable Conduct Scheme and other government departments or regulators as appropriate.

Following an incident being reported, a Child Safe Contact Officer is responsible for assessing and categorising the incident as **Minor, Moderate or Critical** as defined in the table pg. 6.

Minor incidents must be reported to the Council Member’s line manager, in line with the organisational disciplinary procedure and recorded on their personnel file. Moderate incidents and critical incidents must be reported to the CEO immediately. All incidents, no matter their categorisation level, must be included in the incident management register. This is to ensure that incidents are captured at the lowest level and trends of incidents, either for an individual and/or the organisation are captured.

## 4.3 Categorisation of Incidents

Three categories have been developed to allow for specialised responses based on the actual or potential severity of impact. These categories are as follows

|  |  |  |
| --- | --- | --- |
| **Incident Type** |  **Description** | **Managed/****escalated to** |
| Minor Incident  | * Events which cause or may cause minor physical stress and or emotional stress to Council Members or clients/service users.
* Near misses and minor breaches of professional standards or Code of Conduct/policy that do not compromise the health and safety of clients/service users, including children and young people and Council Members.
 | Child Safe Contact Officer(s)/Manager Community Services & People and Capability Business Partner |
| Moderate Incident | * Events which cause or are likely to cause physical stress or emotional distress to Council Members or clients/service users.
* Near misses or breaches of professional standards or Code of Conduct/policy by a Council Member that may lead to an actual or perceived negative effect on the health and safety of clients / service users, including children and young people and Council Members.
 | Child Safe Contact Officer(s)/Manager Community Services/People & Capability Business Partner**\*NOTE:** All Moderate/Critical incidents are escalated to Director Community and Customer Experience and the CEO immediately**\*May activate Critical Incident Response Team (CIRT) in line with Councils Crisis Management Plan (CMP)** |
| Critical Incident | * Criminal behaviour, breaches of professional standards or Code of Conduct/policy by personnel that cause harm to or significantly compromise the health and safety of including client / service users, including children and young people and Council Members.
 | Child Safe Contact Officer(s)/Manager Community Services & People and Capability Business Partner\***Activate CIRT and CMP** |

\*See Appendix 1 for additional guidance in relation to categorising incident types.

# Investigation

## 5.1 Internal Investigation

After each incident, an internal review will be conducted by the Safeguarding Lead and People and Capability.

Where the incident is categorised as a moderate or critical incident, or there is an external report made, an investigation will be initiated by the CEO to establish:

* Events that led up to the incident
* What the nature of the incident was
* Category of the incident
* Impact to children and young people
* Action taken by Council member to report
* Causes and influencing factors in the lead up to the incident
* Procedure followed and actions made by Council member/s
* support provided to individuals impacted by the incident
* follow up actions to be completed
* corrective actions to be taken by the organisation which informs continuous improvement
* report to Council to capture high level incident analysis (as part of Audit Committee)

Where Council lacks the specific skills, time resources or impartiality to complete a fair investigation, an external investigator will be engaged. The CEO may also initiate an external review. In the event that the allocation is against the CEO the Chair of Council will initiate an external review.

## 5.2 Key Considerations for all Investigations

All investigations should consider:

* Fairness - ensuring the most appropriate investigator is engaged to complete a fair and unbiased analysis. Investigations should be clear in their purpose, scope, and plan. Each reportable allegation should be investigated separately.
* Sensitivity - The rights of all parties involved should be upheld. Consideration for when, how and with whom interviews are conducted, avoiding any potential conflicts of interest. Interviews must be carried out sensitively and culturally appropriately with victims and witnesses. Procedural fairness will be provided to the personnel involved and a reasonable opportunity to respond.
* Confidentiality - Gathering relevant and appropriate evidence which is clearly documented and stored appropriately. Managing risks during investigations such as impact on service, welfare of children and young people.
* Outcomes and Recommendations - Recommending findings and opportunities for continuous improvement should be clear. Any action which goes against the recommendations should be thoroughly explained and justified.

## 5.3 External Investigation

In some cases, this may be instigated by an external regulatory body as part of a licencing or compliance requirement. An external investigation may be carried out by the appropriate authorities, for example Police, child protection, NDIS Quality and Safeguards Commission.

## 5.4 Criminal Acts and Misconduct

**Criminal acts**

If while categorising, investigating, or reviewing an incident, it is suspected that the incident may involve criminal acts, Council will refer the matter to the appropriate external body (i.e., police / child protection) so it can be addressed using the appropriate legal processes.

The internal investigation or incident review may continue separately to the criminal / child protection investigation. Any continuation of an investigation will be guided by advice from the appropriate external body.

All suspected criminal activity must be reported to the CEO and Victoria Police.

**Misconduct**

If while categorising, investigating, or reviewing an incident it is suspected that the conduct of a Council Member may include misconduct, the matter will be referred to People and Capability.

Where an incident involves reportable conduct (as defined) by a Council Member, the CEO and/or Executive Manager People and Strategy will act in accordance with the Reportable Conduct Scheme.

# Incident review

The management of moderate and critical incidents that impact significantly on the persons directly concerned and, more broadly, on the safe delivery of services and programs will be independently reviewed. An independent internal or external review of the management of the incident may be initiated by the CEO. In the event that the allegation is against the CEO, the Executive Manager People and Strategy will initiate an external review.

Incident Reviews and investigations are required for incidents where:

* children and young people or a Council Member are seriously injured, or their health and well-being is compromised
* external authorities / emergency services are involved
* insurance claims arise
* the reputation of Council may be brought into disrepute
* Work Health and Safety systems and procedures fail.

A root cause analysis of the incident forms part of this review.

An Executive Team member will be assigned as the Incident Review Coordinator. Incident Reviews must be completed by the Incident Review Coordinator in conjunction with relevant Council Member which may include Council, the CEO and external experts. These members will form an Incident Review Team. To support the objectivity of incident review processes the Incident Review Coordinator and Team should not have been involved in the management of the incident.

A Review should be completed within 21 days of the initiating date with a further 21 days for completion of any follow-up actions.

Follow-up actions may be identified throughout the process of an Incident Review. These actions will be assigned to a responsible person and a timeframe for completion be established. Follow-up actions arising will be added to the Risk Register to ensure that effective mitigation activities are implemented. The CEO is responsible for ensuring that actions on the Risk Register are completed within required timeframes.

If there is a risk, then immediate controls will be put in place to control the hazard. This control may be temporary in nature whilst longer term solutions are determined.

The Incident Review Report must be provided to the CEO or to the Chair of Council if the incident involves allegations against the CEO. Where follow-up action is required of service / program areas the Incident Review Coordinator will advise the appropriate Manager of the actions to be taken and the timeframes for completion of the actions.

All Incident Review Reports are to be stored on a central and secure system. Regular thematic analysis review of all incidents will be undertaken by Council, as a minimum twice per year.

# Monitoring

All Incident Reports recorded on the Child Safe Incident Register are to be regularly reviewed, every quarter by the CEO, Risk and Audit Committee, Executive Team, and the Child Safe Advisory Committee to ensure the effectiveness of actions taken and to identify areas for improvement.

All follow-up actions arising from an incident review, will be monitored by the Executive Team via the Risk Register.

Data trend reports from both the Incident and Risk Registers are to be provided to Council every quarter to assist with organisational incident and risk management strategies.

Incidents are not to be closed until actions have been completed and reviewed by the CEO and persons reporting the incident have been informed of the outcome.

# Communication

The Procedure will be communicated to all Council Members with appropriate Training and resources. Council Members will be involved in reviews of the Incident Management requirements. Any significant alterations to the Incident Management requirements and resources will be communicated to all Council Members.

# Procedure Review

This document will be reviewed every three years, in consultation with stakeholders. Some circumstances may trigger an early review, this includes but not limited to legislative changes, organisational changes, incident outcomes and other matters deemed appropriate by the Council and/or CEO.

# Supporting Resources

|  |
| --- |
| Incident Report Form |
| Incident Review Report |
| Incident Register |
| Risk Register |
| Risk Assessment  |

# Related Policies and documents

|  |  |
| --- | --- |
| Legislation | Child and Wellbeing and Safety Act 2005Child and Wellbeing Safety Amendment Act 2015Commission for Children and Young People Act 2012Australian Human Rights Commission Act 1986 (Cth.)Charter of Human Rights and Responsibilities Act 2006 (Vic)Children, Youth and Families Act 2005 (Vic.) Working with Children Act 2005 (Vic.) Equal Opportunity Act 2010 (Vic.) Privacy Act 1988 (Cth.) Crimes Act 1958 (Vic.)Adoption Act 1984 (Vic.)Child Employment Act 2003 (Vic.)Children and Justice Legislation Amendment (Youth Justice Reform) Act 2017 (Vic.)Family Violence Protection Act 2008 (Vic.)Sex Offenders Registration Act 2004 (Vic.) |
| International/National Frameworks and agreements | United Nations Convention on the Rights of the Child National Framework for Protecting Australia’s Children 2009-2020Australian Human Rights Commission National Principles for Child Safe Organisations  |
| Policies | Safeguarding Children and Young People Policy Safeguarding Children and Young People Code of ConductStaff Code of Conduct Equal Employment Opportunity PolicyReporting Policy |
| Procedures/Processes | People and Position DelegationsIncident Report Form |

# Roles and Responsibilities

The responsibilities of each role in relation to the development, implementation and compliance of the Bayside City Council Incident Management Procedure is detailed below:

| **Position** | **Overall Responsibility for Incident Management** | **Responsibility in the event of an Incident** |
| --- | --- | --- |
| Council | * Approval and adoption of this Procedure
* Receiving high level incident reports for specified categories of incidents, provide support and advice as appropriate, and utilise data to inform organisation incident and risk management strategies. Receiving incident report trends from CEO / Executive
* Media and/or regulatory reporting oversight
 | * Provide advice and support to CEO during specified incidents where required
 |
| Chief Executive Officer | * Ensure Implementation of policies and procedures across the organisation
* Ensure members have access to and understand this procedure and related procedures
* Ensure all people leaders have access to support and advice to understand and implement this procedure and related procedures
 | * Manage media interviews and coverage
* Establish a Critical Incident Response Team (CIRT) and appoint Councils Crisis Leader of the CIRT where the incident is categorised as Critical.
* Lead internal and external incident reviews and investigations, if required
* Receive a Critical Incident Debriefing Report from the CIRT
* Establish an Incident Review Team and Coordinator where required.
 |
| People and Capability | * Ensure Council Members have access to and understand this Procedure and related policies
* Support Community & Customer Experience with the review and update of this document and supporting resources in consultation with relevant stakeholders to ensure the Procedure meets its intent and learnings are integrated into our practices
* Provide training and advice in the application of policy and procedures
* Assist with messaging across organisation if required
 | * Coordination of council member performance management and disciplinary procedures
* Participation in the agreed approach/response and escalation processes depending on category.
* If required conduct working with children checks
 |
| Community and Customer Experience | * Review and update of this document and supporting resources in consultation with relevant stakeholders to ensure the Procedure meets its intent and learnings are integrated into our practices
* Manager Community Services and Director Community and Customer Experience participate in the escalations and investigation on the categories identified
* Coordination of Child Safe Contact Officer roles, reporting process and collation of reports where required
 | * Participation in the agreed approach/response and escalation processes depending on category.
* Participation on the CIRT where required and Incident Review process
* Direct support and Coordination to the Child Safe Contact Officer(s) where required
* Ensure Procedure is adhered to in the event of the incident
 |
| Child Safe Lead/Child Safe Contact Officer | * Support Council Members to ensure the procedure is followed and implemented
* Receive and manage incident reports
* Assess each situation reported and notify appropriate Council Members of the incident as indicated on this Procedure
* Responsible for the response and recovery coordination of an incident
* Report to the Critical Incident Response Team where required
* Provide support and advice in the application of this procedure
 | * Assess each situation reported and notify appropriate members of the incident as indicated in this procedure
* Responsible for the response and recovery coordination of an incident
* Immediately control the situation including liaising with key stakeholders, obtaining and documenting details of the incident
* Report to all Moderate and critical incidents to Senior Manager/ CEO and/or the Critical Incident Response Team where required
 |
| Critical Incident Response Team | **N/A** | * Coordinate the response and recovery of an incident, including coordination of Emergency Evacuation Procedures (if required)
* Notifying relevant emergency contacts for staff or clients/service users involved in the incident and provide appropriate support
* Coordinate appropriate counselling and support services
* Manage internal and external communications include liaising with external authorities
* Implementing an ongoing plan of support to ensure follow up concerning the well-being of individuals involved in the incident
* Ensuring that the organisation complies with any additional external / legislative reporting requirements that may arise from the incident
* *(The CIRT would usually include persons with management responsibilities for the affected program and appropriate skills in incident management.)*
 |
| Incident Review Coordinator | **N/A** | Coordinate an Incident Review including:* Providing a confidential Incident Review Report to the CEO
* Making recommendations for the management of such incidents in the future. *(This would usually be a person with no management responsibility for the affected program and who has appropriate skills and knowledge of Incident Management Policy requirements).*
 |
| Incident Review Team | **N/A** | * Assisting the Incident Review Coordinator to fulfil their responsibilities as outlined above
* *(This would usually be persons who have no line management responsibility for the affected program and who have appropriate skills and knowledge of Incident Management Policy requirements)*
 |
| Council member | * Awareness of and compliance with this procedure and related policies and procedures.
 | * Where necessary and if safe to do so, provide an immediate management of incident as stated in Reporting Policy
* Notify and report to Child Safe Contact Officer / Manager as soon as possible of the incident.
 |

# Definitions

|  |  |
| --- | --- |
| **Term** | **Definition** |

|  |  |
| --- | --- |
| service users | Persons accessing services from Bayside City Council including children and young people and their families. |
| Incident Register | A register of incidents identified through incident report system. |
| Incident Review | A review of the management of an incident that: * assesses whether the incident has been effectively managed
* assesses whether the Incident Management Policy and processes are effective
* makes recommendation(s) to ameliorate and deficiencies in policies and processes.
 |
| Council Members | All who work for Bayside City Council whether in a paid or unpaid capacity, including Council Members, employees, casual employees, volunteers, and contractors |
| Risk Register | A register of risks identified through risk assessments and incident reviews. Risk mitigation activities and time frames for their completion are recorded. Risks remain on the risk register until risk mitigation activities are completed. |
| Root Cause Analysis | Part of an Incident Review. Root Cause Analysis probes the source of a problem and then suggests productive solutions in the form of preventive system changes. Root cause analysis:* focuses primarily on systems and processes, not individual performance
* progresses from special causes to common causes in organisational processes
* identifies changes that could be made in systems and processes to improve the level of performance and reduce the risk of a particular and serious incident occurring in the future.
 |

Please note: This procedure is current as at the date of approval. Refer to Council’s Intranet to ensure this is the latest version.

# Appendix 1- Additional Guidance on incident definition and categorisation

Minor incidents are events which are within the range of ordinary human experiences and have no after effect on those involved and do not disrupt the normal operations or services of an organisation. For example: injuries not requiring medical treatment[[1]](#footnote-1) (cuts, abrasion, bruises, minor sprain), near misses or minor breaches of organisation policy or procedure that do not compromise the health and safety of children and young people.

Moderate incidents are events which may be within the range of ordinary human experiences but have a short-term effect on those involved. Moderate incidents may cause temporary closure to an area of an organisation or interrupt normal services. For example: injuries requiring immediate medical treatment (concussion, lacerations, fracture, or dislocation), threats of violence, near misses, criminal behaviour, breaches of Code of Conduct that compromise the health and safety of children and young people.

Critical incidents are events which are outside the range of ordinary human experiences and have the potential to leave lasting effects on those involved. Critical incidents cause temporary closure of an organisation / service. For example: serious injuries, fatalities, near fatalities, extreme threats of violence, assaults, an event, or media coverage that has the potential to bring the organisation into disrepute, criminal behaviour, or serious breaches of the Code of Conduct, that cause harm to or significantly compromise the health and safety of children and young people.

###

## Moderate / Critical Incident Types

|  |
| --- |
| **Health, safety, and wellbeing** |
| Absent/missing service user/Council Member | Service User who is in the care of the Council is absent and there are concerns for their safety and welfare, by a Council Member when associated with Council activities  |
| Accidental Injury  | Actions or behaviours that unintentionally cause harm which requires medical treatment |
| Assault - physical | Actions or attempted actions that involve the use of physical force against a person that result in or have the potential to cause harm.Any assault of a Council service user associated with Council activities, or Council member must be recorded as a critical incident. Assaults can vary in nature from life-threatening events to incidents that threaten clients or others health, safety, or wellbeing. Allegations of assault of a service user by a Council member, must be reported as a critical incident regardless of whether medical attention is required and regardless of the type of assault alleged. |
| Assault - sexual | Sexual assault includes the full range of sexually abusive behaviour including rape, assault with intent to rape and indecent assault. Inappropriate touching or exposure by a service user/client with a disability needs to be considered in the context of the individual client’s behaviour or disability. A police report may not be necessary or appropriate in this case. If the behaviour is such that criminal charges are likely, or the service user/client has previously been charged with sexual offences, then the incident must be categorised as a critical incident. |
| Service User Behaviour – dangerous | Service user actions that place self or others at risk of harm or are violent and dangerous including sex work of a client under 18 |
| Death – Service User, Council member | The death of service user or Council member or another person associated with Council activities.All deaths occurring in association with Council activities are classified as critical incidents.The death of a service user that does not occur in association with Council activities does not in itself constitute a critical incident. However, a critical incident classification may be required where the death:* Is of a service user under the age of 18 years
* occurs in unusual or unexpected circumstances, such as, but not limited to, murder, overdose, or suicide
* has a direct or obvious correlation to the service the person was receiving
* is reportable, for example to the Commission for Children and Young People.
 |
| Drug/alcohol misuse | Life threatening use of drugs and/or alcohol and/or other substances including potential overdose |
| Property damage/disruption  | Damage or disruption to premises that involves or impacts upon services to clients |
| Self-harm / Suicide attempted | Actions that intentionally cause harm or injury to self or with the intention to end one’s own life |
| Conduct of Council member |
| Criminal behaviour by a member of Council | Behaviour that has had or may have an adverse impact on customers/clients or the organisation including the possession of illegal or unauthorised goods. |
| Breach of confidentiality | The inappropriate disclosure of confidential client information. |
| Breach of professional standards, policy or duty of care | Poor professional practice, inappropriate behaviour or breach of professional standards or Council policy by Council member or that results in or has the potential to cause harm to a Council service user in association with Council activities, or other Council Members. |
| Public Relations |
| Community concern  | Incidents that involve or impact upon Council service users in association with Council activities which cause community concern and had or may have an adverse impact on the reputation and standing of the Council. Community concern includes:* subpoena of agency personnel to Coronial or other Statutory Inquires in relation to a service user
* information that suggests that the organisation is in breach of regulatory or certification requirements
* A breach of Council policy that leads to an adverse impact on the reputation and standing of the Council.
 |
| Involvement of External Authorities | * Emergency Services, Police, Child Protection, Courts
 |

1. ‘Medical Treatment’ means treatment by a medical professional [↑](#footnote-ref-1)