



# Child Safety Policy

<b>Policy No:</b>	DSSCorp-105
<b>Purpose:</b>	This policy is designed to inform all employees of their obligations as departmental employees in relation to the safety and wellbeing of children and young people.
<b>Category:</b>	<b>Security</b>
<b>Applicable to:</b>	This policy is applicable to all departmental staff, including contracted staff.
<b>Relevant Authority:</b>	<i>Commonwealth Child Safe Framework</i>
<b>Related Documents:</b>	Working with Children and Vulnerable People - Suitability Assessment Policy National Principles for Child Safe Organisations
<b>Policy Statement:</b>	<p>The Department's policy is to ensure that children are safe from harm in their interactions with the Department.</p> <p>In supporting child safety, the Department is committed to upholding children's rights and ensuring:</p> <ul style="list-style-type: none"><li>a. risks to children are identified and managed</li><li>b. all staff undertaking child related work, including contracted staff, are appropriately screened and comply with relevant legislation, and</li><li>c. the National Principles for Child Safe Organisations are adopted and implemented within the department.</li></ul>
<b>Approved by:</b>	Secretary
<b>Review Date:</b>	Next review due February 2022
<b>Policy Owner:</b>	Group Manager, Portfolio Governance
<b>First Issued:</b>	May 2018
<b>Document Change Control:</b>	V1. May 2018 V2. February 2020

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## 1. Introduction

The Department of Social Services is the lead Australian Government agency with responsibility for families and children. As a result, it has both direct and incidental contact with children, as well as developing policies and delivering programs that impact on children.

It is therefore important that the department plays a key role in demonstrating commitment to an organisational culture that upholds and ensures the safety, welfare and wellbeing of children. In particular, the Department is committed to ensuring that our work and activities do not expose children to abuse and harm.

The Department operates in accordance with state and territory legislation to ensure it complies with working with children and vulnerable people legislation and mandatory reporting of suspected cases of child abuse and neglect.

The policy outlined in this document has been developed to give effect to the Commonwealth Child Safe Framework and the National Principles for Child Safe Organisations (National Principles).

## 2. Policy statement

The Department's policy objective is to ensure that children are safe from abuse and harm in their interactions with our department. In supporting child safety, the department is committed to ensuring:

- a. risks to children are identified, assessed, treated and regularly reviewed
- b. all staff, including contracted staff, undertaking child related work are appropriately screened to ensure their suitability to work with children and are aware of their responsibilities
- c. the department is a child safe organisation.

The Commonwealth Child Safe Framework includes the following mandatory requirements:

1. undertake an annual risk assessment to evaluate the risk of harm to children and put in place strategies to manage those risks as well as any further risk assessments as required under this policy or the department's Working with Children and Vulnerable People – Suitability Assessment Policy
2. establish a training and compliance regime to ensure staff are aware of, and comply with, child safety approaches and relevant legislation
3. comply with relevant state and territory legislation including Working with Children or Working with Vulnerable People Assessments and mandatory reporting, in accordance with the department's Working with Children and Vulnerable People – Suitability Assessment Policy, and
4. adopt and implement the National Principles within 12 months of their endorsement by the Council of Australian Governments (COAG) i.e. by February 2020.

### 2.1. Application

This policy applies to all departmental employees and contracted staff.

### 2.2. Definitions

For the purposes of this policy:

- a **'child'** is an individual under the age of 18 years.
- **'child-related work'** is defined as work which involves engagement with a child, including:
  - physical contact
  - face-to-face contact
  - oral communication

- written communication, and
- electronic communication (for example, email, instant messaging, social media and video chats).
- **'abuse and harm'** is defined as any action, or lack of action, that significantly harms the child's physical, psychological or emotional health and development.
- **'children's rights'** is defined as a child's entitlement to thrive, develop and be safe, participate in decisions that affect them, be free from discrimination and to have their best interests as a primary consideration in all actions concerning them. The [United Nations Convention on the Rights of the Child](#), which Australia ratified in 1990, sets out children's rights in detail.

### 3. National Principles for Child Safe Organisations

The National Principles were developed by the Australian Human Rights Commission in consultation with representatives working with children. These principles drive the implementation of a child safe culture across all sectors working with children and young people to promote the safety and wellbeing of children and young people across Australia, preventing future abuse of children in institutional environments. The ten National Principles are:

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 for 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.

Further information on the National Principles, including key action areas and practical examples, is provided on the [Australian Human Rights Commission Website](#).

### 4. Regular risk assessment

A risk management approach needs to be taken if the program or activity involves potential contact with, or impacts on, children. Namely, identification and assessment of child related risks must be conducted by the business area and strategies put in place to manage identified risks using the department's Risk Management Framework.

Under the Risk Management Framework, the department uses the following strategies to mitigate the risks of harm to children and vulnerable people depending on the level of risk identified:

- i. Worker Screening including:
  - a. Standard assessments as part of the National Police History Check – these assessments are part of the entry level check for all staff as outlined in the *Public Service Act 1999*. Assessments are undertaken by the Australian Federal Police and/or relevant state/territory police forces.
  - b. Jurisdictional working with children and vulnerable people assessments (as variously described in relevant jurisdictions) – these assessments are conducted by state or territory authorities under the relevant legislation in each jurisdiction.
- ii. Compliance with relevant departmental policies and Commonwealth, state and territory legislation such as Working with Children Checks, mandatory reporting and *Privacy Act 1988 (Cth)*.
- iii. Child safety training for staff engaged in delivering services directly to children.

The department's Working with Children and Vulnerable People - Suitability Assessment Policy should be referred to for guidance on worker screening and compliance matters outlined above.

The policy owner will conduct an annual review of the department's child safety risks.

Each Group has a responsibility to establish, maintain and monitor their child related risks and put in place effective management strategies to minimise the risks.

The following questions are to assist business areas to make a preliminary assessment as to the need to complete a comprehensive child related risk assessment. If the answer to any of these questions is yes, it indicates that a risk assessment is likely to be required. This list should be used as a guide only.

- Does your business area provide direct services to, or have direct (i.e. face-to-face, online or over the phone) interactions with children, including referrals to other services as appropriate, as part of its regular business?
- Does your business area have indirect interactions with children (i.e. children accompanying adults receiving direct services, access to personal information of children, etc.)?
- Have any child safety incidents occurred within the entity/business unit?

When answering these questions, business areas should consider any future work, if reforms to business practice or new responsibilities are emerging.

If it is established that a risk assessment is required, business areas can complete a separate risk assessment or existing risk assessments can be updated to include child safety-related risks and management strategies. For additional advice and assistance, please contact Enterprise Planning and Risk Management Section.

## 5. Compliance with legislative requirements and policies

Staff are required to comply with all relevant Commonwealth, state and territory laws and other regulatory requirements. In addition they are required to adhere to the APS Code of Conduct and all relevant departmental policies and guidelines when performing their duties.

### 5.1. Legislative context

All employees in the Department have a responsibility to ensure they adhere to the legislative requirements of Commonwealth, as well as the state and territory they are employed in when working with children. Relevant Commonwealth legislation includes, but is not limited to, *Crimes Act 1958*, *Privacy Act 1988* and the *Public Service Act 1999*.

### ***Pre-employment screening***

Working with Children and/or Vulnerable People Checks, and Police Checks are different types of pre-employment screening mechanisms which ensure child-safe working environments in Australia. Pre-employment screening of adults and volunteers who come in contact with children is mandatory and legislated across all states and territories in Australia. However, each state and territory has its own procedures and requirements.

All business areas are to ensure they comply with the department's Working with Children and Vulnerable People - Suitability Assessment Policy which applies to all employees or contractors who work in, or intend to work in, positions that have direct access to children or vulnerable people.

### ***Mandatory reporting***

Mandatory reporting is a term used to describe the legislative requirement for selected groups of people to report suspected cases of child abuse and neglect to government authorities. Parliaments in all Australian states and territories have enacted mandatory reporting laws of some description. However, the laws are not the same across all jurisdictions. The department's Working with Children and Vulnerable People - Suitability Assessment Policy sets out details in relation to mandatory reporting requirements as requirements vary depending on State/Territory.

## **5.2. Australian Public Service (APS) Code of Conduct**

Employment in the APS requires all staff to be familiar with and maintain the APS Values, APS Employment Principles and comply with the APS Code of Conduct.

## **5.3. Relevant departmental policies and guidelines**

Staff are required to adhere to the guidelines set out in the department's:

- Working with Children and Vulnerable People – Suitability Assessment Policy
- Risk Management Framework
- *ICT Acceptable Use Policy* and Procedures
- *Social Media Policy*
- Internal and External Privacy Policies, and
- Public Interest Disclosure Procedure.

## 6. Responsibilities

Ensuring the safety, welfare and wellbeing of children is the responsibility of all staff, including contractors engaged by the department, who have contact with children as part of their work. Staff and contractors are to be made aware of and comply with legislative requirements that support child safety. This includes the need for Working with Children or Vulnerable People Assessments required under state or territory legislation, if they are engaged by the department to work with children. Key responsibilities are outlined in the table below.

Who	Responsibilities
Secretary	<ul style="list-style-type: none"> <li>• Endorse the department's <i>Child Safety Policy</i>.</li> </ul>
Portfolio Governance Group	<ul style="list-style-type: none"> <li>• Oversee the implementation and review of the department's <i>Child Safe Policy</i></li> </ul>
All employees (including contractors)	<ul style="list-style-type: none"> <li>• Be familiar with this policy and apply the National Principles in the course of their work and at work-related functions (e.g. work-related events where children may be present).</li> <li>• Appropriately report potential risks to child safety.</li> <li>• Those who require a Working with Children or Vulnerable People Check must comply with the appropriate legislative requirements including reporting a change in circumstances.</li> </ul>
Senior executives and Managers	<ul style="list-style-type: none"> <li>• Provide leadership in promoting a child safe culture within the department.</li> <li>• Demonstrate understanding and commitment to children's rights and child safe practices within the department.</li> <li>• Ensure the annual risk assessment process identifies and manages risks associated with children and that the risk assessment is repeated when business area functions change or new functions are obtained that relate to children.</li> </ul>
SES Family Safety Champions	<ul style="list-style-type: none"> <li>• Advocate family safety across the department.</li> </ul>
People Services Branch	<ul style="list-style-type: none"> <li>• Assist managers in preparing job descriptions and overseeing recruitment processes to ensure that requirements around child safety are documented and that potential employees for jobs that involve working with children are screened for this purpose.</li> <li>• Provide advice and support for staff training.</li> </ul>

## 7. Sanctions for non-compliance

Employees and managers are required to adhere to their responsibilities in regard to the application of this policy. Failure to adhere to any aspect of this policy may constitute a breach of the APS Code of Conduct.

Failure to adhere to relevant Working with Children or Vulnerable People Assessments and mandatory reporting legislation required under state and territory legislation may result in penalties to the department and/or the employee. See the department's Working with Children and Vulnerable People – Suitability Assessment Policy for details.

## 8. More information

For more information on how to apply the *Child Safety Policy* to your work, please contact the Portfolio Governance Group.

More information on the National Principles is available on the [Australian Human Rights Commission website](#).