

Commonwealth child safe framework / Department of the Prime Minister and Cabinet, National Office for Child Safety



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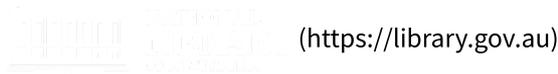
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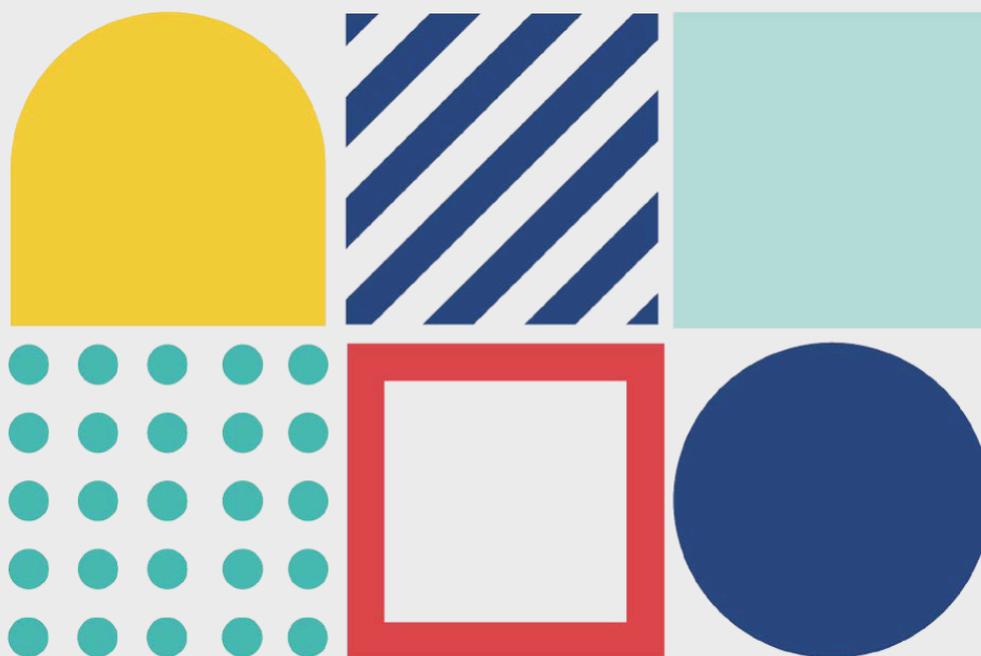




Australian Government
National Office for Child Safety

Commonwealth Child Safe Framework

First Edition



Commonwealth Child Safe Framework

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About this publication

This publication outlines the Commonwealth Child Safe Framework requirements and guidance for its implementation.

The primary audience for this publication is Commonwealth entities. This publication has been developed to assist entities to understand and implement the requirements of the Commonwealth Child Safe Framework.

Support and guidance is available from the National Office for Child Safety.

Part One:
What is the Commonwealth Child Safe Framework?

1.1 Context

The Commonwealth Child Safe Framework (the Framework) aims to protect children and young people from the risk of harm or abuse.

On 11 January 2013, the Australian Government appointed a Royal Commission to inquire into institutional responses to child sexual abuse. Over the course of its five-year inquiry, the Royal Commission into Institutional Responses to Child Sexual Abuse (the Royal Commission) considered a range of related matters, including what institutions and governments should do to better protect children against child sexual abuse in institutional contexts in the future.

In its consideration of this issue, the Royal Commission examined what makes an organisation child safe and how to embed child safety in an organisation's culture. This includes adequate recruitment and screening practices, to assist in the selection of appropriate people to work with children.

The Royal Commission released its [Working with Children Checks](#) report in August 2015. The report highlighted the need to strengthen the protection children receive through Working with Children Checks (WWCCs). A key recommendation was that the Commonwealth should identify all staff, including contractors, undertaking child related work and require them to obtain WWCCs.

A recommendation of the [Final report of the Royal Commission](#) was that all institutions should act with the best interests of the child as the primary consideration and should implement a number of principles¹ identified by the Royal Commission to achieve this.

In [response](#) to the findings of the Royal Commission, the Australian Government committed to the development and implementation of a new Commonwealth-wide framework to protect children and young people who may have contact with Commonwealth entities: the Commonwealth Child Safe Framework.²

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- 1 Referred to as the Child Safe Standards in the Final report of the Royal Commission and now incorporated into the National Principles for Child Safe Organisations.
 - 2 This relates to recommendation 6.13 of the *Final report* of the Royal Commission.

1.2 Requirements

The Framework comprises three core requirements. Together, these set out the minimum standards for Commonwealth entities to protect children.

The Framework applies to all non-corporate Commonwealth entities. It is recommended for application to corporate Commonwealth entities and wholly owned Commonwealth companies. Accountable Authorities of Commonwealth entities are responsible for the implementation of the Framework within their entity.

Under the Framework, Commonwealth entities are required to:

<i>Core requirements under the Framework for Commonwealth entities</i>		
<i>REQUIREMENT 1</i>	<i>REQUIREMENT 2</i>	<i>REQUIREMENT 3</i>
Undertake risk assessments annually in relation to activities of each entity, to identify the level of responsibility for, and contact with, children and young people, evaluate the risk of harm or abuse, and put in place appropriate strategies to manage identified risks.	Establish and maintain a system of training and compliance, to make staff aware of, and compliant with, the Framework and relevant legislation, including Working with Children Checks and mandatory reporting requirements.	Adopt and implement the National Principles for Child Safe Organisations within 12 months of the Council of Australian Governments endorsement (set out at 2.3).

Entities should develop their own internal child safe policies, consistent with the requirements above, taking into account agency specific risks (identified in their annual risk assessments). It is recommended that the Accountable Authority assure themselves on an annual basis, that the requirements of the Framework are being met within their agency.

Application to Commonwealth funded third parties

To increase the reach of the Commonwealth's commitment to child safety, Commonwealth entities should put in place measures to promote the protection of children in services and activities they fund.³

It is recommended that where appropriate entities 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.

³ This relates to recommendation 6.13 of the *Final report* of the Royal Commission.

Part Two: Guidance for the implementation of the Commonwealth Child Safe Framework

2.1 Risk assessment and mitigation

Commonwealth entities are required to conduct annual risk assessments to evaluate the risk of child abuse and put in place strategies to manage those risks.

Risk assessments play an important role in creating a child safe culture and environment where people consider and address risks to children before and as they arise.

As part of the risk assessment entities should consider:		
Types of CONTACT	Types of RISK FACTORS	Types of MITIGATION FACTORS

Types of contact	
Known and potential contact and interactions should be considered by entities, including:	Direct physical contact
	Face-to-face contact
	Oral communication
	Written communication
	Electronic communication

This includes staff providing direct personal care, advisory, education or other support services, or interactions through consultations and interviews. It also includes less direct interactions—for example, where staff interact with children who are accompanying their parents to a service, shopfront or conference.

Types of risk factors	
A wide range of risk factors should be considered by entities, including:	Insufficient or out of date corporate policies and processes
	Staff screening processes
	Staff contact with children and the risk of abuse
	The nature of the entity's work
	Environmental risks (including physical, cultural and online environments)

Types of mitigation strategies	
Entities should put in place appropriate strategies to manage any identified child safety risks. Mitigation strategies include, but are not limited to:	
Policies, training and compliance	Clear internal child safe policies and training are available
	Child safety is embedded in social media and communication policies and codes of conduct
	Regular communications are made to staff regarding child safety related issues
	Complaints policies and procedures are available and accessible for children and young people
	Children and young people are aware of their rights
Child safe recruitment and screening practices	Child safety induction training is provided
	Behaviour based interview questions are used
	Reference checks are undertaken
	Police checks are undertaken
	Working with Children Checks are undertaken
Child focused and child safe environments	Contact with children occurs in visible work environments (such as glass-panelled offices and meeting rooms and open plan offices)
	Products/materials developed for children are located in open areas, not in closed or hidden areas
	Contact with children is culturally appropriate and interpreters are used if needed
	Children are accompanied by a parent or guardian
	Personnel are supervised, where appropriate, in situations where they have contact with children
Complaints handling and reporting	Child safety training is provided to relevant staff
	Clearly documented reporting and escalation procedures are available and communicated to staff
	Disclosure guidelines are available and responded to
	Complaints and disclosure procedures are available and responded to
	Trauma informed approaches are used where relevant

2.2 Training and compliance

Commonwealth entities are required to make staff aware of, and comply with, the Framework and relevant legislation.

The availability of information, education and training for staff is important in creating a child-focused, transparent and safe organisational culture which protects children and young people from abuse.

At a minimum, to make staff aware of and comply with the Framework and relevant legislation, entities should:

Action	Description
Have well-communicated policies that meet the requirements of the Framework and manage any additional child-related risks specific to the agency	An important component of any policy is reporting and handling of reports of child abuse . It may include what to do if the reporter or victim does not want their details provided to authorities (i.e. blind reporting) and any mandatory reporting requirement
	The policy should include provision of a supportive and safe environment for staff who disclose abuse or risk of abuse
Provide training to staff about their obligations under the Framework and any internal child safety policies	This could be achieved through face-to-face or online training, induction processes, or other means appropriate to the nature of the entity and its staff
	Staff should be aware of their obligations, where relevant, from the commencement of their role. Training should be ongoing
Have in place robust staff screening processes to check the suitability of staff working with children ⁴	All relevant staff comply with working with children and/or working with vulnerable people legislation
	All relevant staff comply with mandatory reporting requirements
Establish and maintain a system to manage Working with Children Checks / Working with Vulnerable People Checks and keep them current ⁵	

4 A list of legislation is in Part Three: Material to support implementation of the Commonwealth Child Safe Framework.

5 This relates to recommendation 3C of the Royal Commission's 2015 Working with Children Checks report.

2.3 National Principles for Child Safe Organisations

Commonwealth entities are required to adopt and implement the National Principles.⁶

The National Principles outline ten elements that are fundamental to making an organisation safe for children and young people. The National Principles provide a consistent approach to creating child safe cultures within organisations.

A child safe organisation is one that:
Empowers and values children
Engages with families and the broader community
Adopts suitable strategies
Takes appropriate action to promote child safety and wellbeing at all levels of the organisation

Commonwealth entities should implement the National Principles within 12 months of endorsement by the Council of Australian Governments (COAG). COAG endorsed the National Principles on 1 February 2019.

⁶ The National Principles embed the Royal Commission's recommended Child Safe Standards and are the vehicle for giving effect to recommendations relating to the standards.

The National Principles are:

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 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

A suite of resources to assist organisations with the adoption of the National Principles is being developed. These materials include:

- Online training modules (one introductory module and one module on each of the 10 National Principles)
- Introductory Self-assessment Tool
- Example Charter of Commitment to the National Principles
- Checklist for Online Safety for Organisations
- Guide for Parents and Carers
- Example Code of Conduct for Organisations
- Child Safety and Wellbeing Policy template
- New Child Safe Organisations website
- Promotional video on the National Principles.

Training and support materials are available from the [National Office for Child Safety](#).

2.4 Glossary of terminology

Abuse

For the purposes of the Commonwealth Child Safe Framework, abuse in relation to a child is intended to have its broadest meaning and includes:

- physical abuse
- sexual abuse or other exploitation of a child, including child grooming
- emotional/psychological abuse
- neglect of the child
- exposure to physical violence.

Accountable Authority

Accountable Authority has the same meaning as in the *Public Governance, Performance and Accountability Act 2013*. In general the Accountable Authority is the head of the Commonwealth entity.

Child or young person

A child or young person is a person under 18 years of age or a person apparently less than 18 years of age if the person's age cannot be proved.

Commonwealth entity

Commonwealth entity has the same meaning as in the *Public Governance, Performance and Accountability Act 2013*. In general a Commonwealth entity is:

- a department of state or a parliamentary department
- a listed entity
- a body corporate established by a law of the Commonwealth, or
- a body corporate established under a law of the Commonwealth (other than a Commonwealth company) and prescribed by an Act or the rules made under the *Public Governance, Performance and Accountability Act 2013* to be a Commonwealth entity.

Commonwealth funded third party

A Commonwealth funded third party is any individual or organisation which receives funding from any Commonwealth entity, including grants or procurements. Funding between the Commonwealth and state and territory governments should be treated on a case by case basis.

Corporate Commonwealth entity

Corporate Commonwealth entity has the same meaning as in the *Public Governance, Performance and Accountability Act 2013*. In general a Commonwealth entity is a body corporate that has a separate legal personality from the Commonwealth and can act in its own right, exercising certain legal rights such as entering into contracts and owning property.

Non-corporate Commonwealth entity

Non-corporate Commonwealth entity has the same meaning as in the *Public Governance, Performance and Accountability Act 2013*. Non-corporate Commonwealth entities are legally and financially part of the Commonwealth. Examples are departments of state, parliamentary departments and listed entities.

Staff

The term staff includes an individual who is engaged as an employee, a contractor or sub-contractor, an agent, an apprentice, a consultant, a person who is self-employed, a person who is carrying out work for a sentence, a volunteer, or a work experience student.

Part Three:
Material to support implementation of the
Commonwealth Child Safe Framework

3.1 Relevant legislation and policy

International covenants, declarations and treaties⁷

Universal Declaration of Human Rights

Available online: www.ohchr.org/EN/UDHR/Documents/UDHR_Translations/eng.pdf

Geneva Declaration of the Rights of the Child

This declaration, adopted on 26 September 1924, sets out the fundamental human rights accorded to children. It is the foundation for the later United Nations Convention on the Rights of the Child.

Available online: www.un-documents.net/gdrc1924.htm

United Nations Convention on the Rights of the Child

This convention, which entered into force on 2 September 1990, outlines the internationally agreed rights of children. Articles 3, 19, 25, 34 and 37 specifically reference children's rights and the obligations of states in terms of child protection and safety.

Available online: www.ohchr.org/en/professionalinterest/pages/crc.aspx

Commonwealth legislation and policy⁸

Archives Act 1983

Available online: www.legislation.gov.au/Series/C2004A02796

General Records Authority for Child Sexual Abuse Incidents and Allegations

Available online: www.naa.gov.au/information-management/records-authorities/types-of-records-authorities/GRA/GRA41/index.aspx

Crimes Act 1914

Available online: www.legislation.gov.au/Series/C1914A00012

Criminal Code Act 1995

Available online: www.legislation.gov.au/Series/C2004A04868

Mapping to the Information Management Standard for Australian Government

Available online: www.naa.gov.au/information-management/information-management-standard/recordkeeping-principles-recommended-by-the-royal-commission-into-institutional-responses-to-child-sexual-abuse.aspx

7 As at 6 March 2019.

8 As at 6 March 2019.

Public Governance, Performance and Accountability Act 2013

Available online: www.legislation.gov.au/Series/C2013A00123

Public Service Act 1999

Available online: www.legislation.gov.au/Series/C2004A00538

State and territory legislation and policy⁹

Working with children / working with vulnerable people requirements by jurisdiction

Jurisdiction	WWCC/WWVP legislation	WWCC/WWVP mandatory reporting requirements
Australian Capital Territory	<i>Working with Vulnerable People (Background Checking) Act 2011</i>	Working with vulnerable people registration requirements: Working with vulnerable people (WWVP) registration Mandatory reporting requirements: Children and Young People Act 2008
Northern Territory	<i>Care and Protection of Children Act</i>	Ochre Card requirements: Working with children clearance: apply and renew Mandatory reporting requirements: Care and Protection of Children Act
New South Wales	<i>Child Protection (Working with Children) Act 2012</i>	Working with Children Check requirements: Working With Children Check Mandatory reporting requirements: Children and Young Persons (Care and Protection) Act 1998 No 157
Victoria	<i>Working With Children Act 2005</i>	Working with children check requirements: Apply for a Check Mandatory reporting requirements: Working with Children Act 2005
Queensland	<i>Working with Children (Risk Management and Screening) Act 2000</i>	Queensland Blue Card requirements: About the blue card system Mandatory reporting requirements: Child Protection Act
Tasmania	<i>Registration to Work with Vulnerable People Act 2013</i>	Working with children registration requirements: Working with children registration form Mandatory reporting requirements: Children, Young Persons and Their Families Act 1997

⁹ As at 6 March 2019.

Jurisdiction	WWCC/WWVP legislation	WWCC/WWVP mandatory reporting requirements
Western Australia	<i>Working with Children (Criminal Record Checking) Act 2004</i>	Working with Children Check requirements: Working with Children Check Mandatory reporting requirements: Children and Community Services Act 2004
South Australia	<i>Children's Protection Act 1993</i>	Child-related screening requirements: Child-related employment screening Mandatory reporting requirements: Children's Protection Act 1993

Child protection legislation by jurisdiction

Jurisdiction	Principal legislation	Other relevant legislation
Australian Capital Territory	<i>Children and Young People Act 2008</i>	<i>Children and Young People (ACT Childcare Services) Standards 2009 (No. 1)</i> <i>Children and Young People (Employment) Standards 2011 (No. 1)</i> <i>Crimes (Child Sex Offenders) Act 2005</i>
Northern Territory	<i>Care and Protection of Children Act</i>	<i>Child Protection (Offender Reporting and Registration) Act</i> <i>Children's Commissioner Act 2013</i>
New South Wales	<i>Children and Young Persons (Care and Protection) Act 1998</i>	<i>Advocate for Children and Young People Act 2014</i> <i>Child Protection (International Measures) Act 2006</i> <i>Child Protection (Offenders Prohibition Orders) Act 2004</i> <i>Child Protection (Offenders Registration) Act 2000</i> <i>Child Protection (Working with Children) Act 2012</i> <i>Industrial Relations (Child Employment) Act 2006</i>
Victoria	<i>Children, Youth and Families Act 2005</i>	<i>Child Employment Act 2003</i> <i>Child Wellbeing and Safety Act 2005</i> <i>Commission for Children and Young People Act 2012</i> <i>Sex Offenders Registration Act 2004</i>
Queensland	<i>Child Protection Act 1999</i>	<i>Child Employment Act 2006</i> <i>Child Protection (International Measures) Act 2003</i> <i>Commission for Children and Young People and Child Guardian Act 2000</i> <i>Director of Child Protection Litigation Act 2016</i>
Tasmania	<i>Children, Young Persons and Their Families Act 1997</i>	<i>Child Care Act 2001</i> <i>Child Protection (International Measures) Act 2003</i> <i>Commissioner for Children and Young People Act 2016</i>
Western Australia	<i>Children and Community Services Act 2004</i>	<i>Child Care Services Act 2007</i> <i>Commissioner for Children and Young People Act 2006</i> <i>Community Protection (Offender Reporting) Act 2004</i>

Jurisdiction	Principal legislation	Other relevant legislation
South Australia	<i>Children's Protection Act 1993</i>	<i>Child Protection Review (Powers and Immunities) Act 2002</i> <i>Child Safety (Prohibited Persons) Act 2016</i> <i>Child Sex Offenders Registration Act 2006</i> <i>Children and Young People (Oversight and Advocacy Bodies) Act 2016</i> <i>Family and Community Services Act 1972</i>