



Australian Government
Department of Employment
and Workplace Relations

Child Safe Policy

Department of Employment and Workplace Relations

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2. Introduction

- 2.1 The [*Commonwealth Child Safe Framework*](#) was developed in response to the findings of the *Royal Commission into institutional Responses to Child Sexual Abuse*. The Framework sets minimum standards for Commonwealth entities to create and maintain behaviours and practices that are safe for children.
- 2.2 The Framework includes four key requirements and guidance for implementation.
- Recognise children's rights and interests.
 - Build and maintain a child safe culture and environment.
 - Ensure all staff are aware of and comply with relevant legislative requirements.
 - Provide support and protection to staff who report incidents under this policy.
- 2.3 The department is committed to promoting and maintaining a culture that upholds the interests, needs, and rights of children and does not permit or tolerate child abuse, neglect, or exploitation.
- 2.4 If you are unsure about your obligations under this policy, please speak to your manager or email the DEWR – Corporate Governance team at childsafepolicy@dewr.gov.au.

3. Purpose

- 3.1 The department's priority is to ensure the welfare and safety of every child and young person that has contact with the department's employees, contractors, consultants, officials, and service providers engaged by the department to deliver services to children.
- 3.2 The purpose of this policy is to:
- communicate the obligation of all staff to act ethically towards children and clarify roles and responsibilities in ensuring the safety and wellbeing of children.
 - provide guidance on the department's policies and procedures that aim to ensure children's safety and wellbeing across all areas of the department's work.
 - establish the department's approach to managing risk to children and young people arising through the day-to-day work of the department.
 - outline the requirements for staff to ensure theirs and the department's compliance with relevant state and territory and Commonwealth child safety legislation.
- 3.3 For the purposes of this policy, a child is any person under the age of 18 years.

4. Date of effect

- 4.1 This policy is effective from 31 October 2023.

5. Scope

- 5.1 This policy applies to all persons who undertake work for the department in any capacity (including contractors and consultants).

- 5.2 Service providers funded by the department to deliver services to children must comply with the child safety clauses in their grants and contracts, as specified in this policy.
- 5.3 This policy must be considered when developing, designing, and managing department policies, programs, projects, IT systems and other initiatives to ensure they consider, protect, and promote children's rights.
- 5.4 Staff working with children, or who come in contact with children in the workplace or at a work function, must act in accordance with this policy.
- 5.5 For the purposes of this policy, the definition of *child-related work* is:
- work activities where contact between a staff member and a child would reasonably be expected as a normal part of the work and such contact is not occasional and incidental to the work; and
 - work that requires a Working with Children Check (WWCC) or Working with Vulnerable People Check (WWVPC) in the state or territory jurisdiction in which the work is being undertaken.
- 5.6 For the purposes of this policy, the definition of a *child safe position* is a departmental position that has been identified as having contact with a child as a normal part of work activities (in child related work), and therefore is required to obtain and maintain a WWCC in order to be engaged in that position.
- 5.7 Examples of child-related work is at [Appendix A](#).

Reporting child abuse suspicions, harm, or complaints

- 5.8 **IN AN EMERGENCY** If you believe a child is in immediate danger, or there is a life-threatening emergency, call 000 immediately.
- 5.9 Where an incident or complaint raises a risk of significant harm to one or more individuals, including children, or an allegation of criminal conduct has been made, the matter must be referred to the police or other appropriate authority ([Appendix C](#)).
- 5.10 If offensive materials were provided through a department system for example Email or departmental claims system, you need to contact the [Agency Security Advisor \(ASA\)](#), who will investigate the materials and remove them from any systems as necessary.
- 5.11 If an incident or complaint has caused you distress, discuss the matter with your manager for support available to you, and where appropriate submit a work health and safety hazard or incident report.
- 5.12 For further advice, please contact the DEWR – Corporate Governance team at childsafepolicy@dewr.gov.au.

6. Accountability and Responsibility

- 6.1 Ensuring the safety, welfare and wellbeing of children is the responsibility of all staff. All departmental staff are expected to treat all children with respect and act in accordance with the APS Code of Conduct and the APS Values.
- 6.2 Staff working with children, or who come in contact with children in the workplace or at a work function, must adhere to the child safe professional behaviours listed at Appendix B.
- 6.3 The department will:
- annually review and publish the department's Child Safe Policy
 - undertake an annual risk assessment via RiskNet2 in relation to child safety activities, 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
 - publish a statement of compliance in the department's Annual Report each year with the Commonwealth Child Safe Framework by 31 October, including an overview of the child safety risk assessment
 - maintain a register of child safe positions and undertake an annual stocktake for completeness
 - coordinate child safe training for staff and monitor compliance
 - ensure business areas adequately maintain records of relevant child safe complaints.
- 6.4 All staff will:
- ensure child safety is considered when developing risk plans for any functions that are associated with children and/or young people within their business area
 - ensure child safety in the design of programs and policies that impact upon children
 - when managing grants and procurements, consider child safety implications if the services are for children, or activities will or may involve contact with children, that are a usual part of, and more than incidental, to the services or grant activity
 - complete Child Safety training as directed
 - Appropriately report potential risk to child safety including any breaches of this policy
 - if they require a Working with Children or Vulnerable Persons Check (however described), comply with the appropriate legislative requirements of the jurisdiction, including reporting a change in circumstances and mandatory reporting requirements.

7. Training

- 7.1 To ensure staff meet their obligations under this policy and the Framework, department staff must complete mandatory the [Commonwealth Child Safe Framework training module](#) on Learnhub every two years or as directed by their business area.

- 7.2 Staff who are engaged in child-related work for the department must also complete the [Child Safe Organisations training module](#) on Learnhub (once off training).
- 7.3 Refer to [section 13. Funding Third Parties](#) for more information relating to third party service providers.

8. Working with Children/Working with Vulnerable People Checks

- 8.1 Department staff must attain and maintain a valid WWCC/WWVPC if they will work in direct contact with children, have access to child-sensitive data, or have frequent contact with children by letter, email, telephone, or social media.
- 8.2 To determine if a WWCC/WWVPC is required for their work with the department, staff must refer to the relevant legislation of their state and territory. A summary of relevant legislation is at [Appendix D](#).
- 8.3 Staff supervising an under 18-year-old may also require a WWCC/WWVPC, depending on the legislation of the state or territory where their work is being performed in. Department business areas planning to recruit an under 18-year-old must contact the People Branch for assistance with the recruitment process.
- 8.4 Existing employees need to commence the process to obtain a WWCC/WWVPC within seven days of the position being identified as needing a WWCC. Evidence of applying for, and obtaining, a check must be provided to their manager in a timely manner. The department will cover the expenses only for existing employees to obtain and/or renew a WWCC/WWVPC. Staff must inform their manager once they have obtained the necessary check and provide relevant details.
- 8.5 If, in the course of their employment in that position, a staff member is unable to maintain their WWCC, the matter may be referred to the People Branch for further advice and investigation under the APS Code of Conduct.
- 8.6 For further information on WWCC/WWVPC requirements for department staff, please contact the People Branch at people@dewr.gov.au.

Annual Stocktake of WWCC/WWVP People Checks

- 8.7 The department will undertake an annual review to identify staff positions that are required to maintain Working with Child Checks (WWCC) and Working with Vulnerable Peoples Checks (WWVPC), as per their respective state or territory legislation.
- 8.8 For the stocktake, department business areas will be required to:
- identify positions in their team which require a WWCC/WWVPC;
 - identify staff occupying these positions and if they have a valid WWCC/WWVPC; and

- provide details relating to the WWCC/WWVPC, including registration number and expiry date.
- 8.9 If a staff member occupying a position which requires a WWCC/WWVPC is identified through the stocktake to not have a valid check, the Corporate Governance team will work with the staff member and their business area to obtain the check.

9. Recruitment

- 9.1 All applicants applying for a position where they will be undertaking child-related work for the department must:
- attain a WWCC/WWVPC prior to their commencement with the department; and
 - maintain a valid WWCC/WWVPC whilst in this position with the department.
- 9.2 Business areas are responsible for ensuring that applicants have a valid WWCC/WWVPC prior to commencing in the role, if the applicant is commencing in a position identified to involve child-related work.
- 9.3 Business areas are responsible for reporting on these positions each year (see section 8.8).
- 9.4 It is essential that business areas identify the need for a WWCC/WWVPC prior to recruitment commencing, so this requirement can be assessed as an essential qualification for the role.
- 9.5 For further information about recruitment for positions involving child-related work, please contact the Recruitment team at recruitment@dewr.gov.au.
- 9.6 For advice on whether a position involves child-related work and requires a WWCC/WWVPC, please refer to [Appendix E](#) or contact the DEWR – Corporate Governance team at childsafepolicy@dewr.gov.au.

10. Risk mitigation and annual risk assessments

- 10.1 Risk assessments play an important role in creating a positive organisational culture where people consider and address risks and opportunities to children before and as they arise.
- 10.2 Department business areas must conduct risk assessments for their activities in alignment with the Enterprise Risk Management Framework (ERMF) and supporting materials when designing, reviewing and implementing initiatives where department staff or funded third parties may have contact with children.
- 10.3 As part of the risk assessment, the following should be considered:
- types of contact: known and potential contact and interactions that entities may have with children (e.g., direct physical contact, written/electronic communication);
 - types of risk assessment factors: current or potential consequences (positive and negative) to the safety of children, and the likelihood of this risk causing harm or having consequences for child, other individuals or department; and

- types of treatment: appropriate strategies that can be implemented to manage any identified child safety risks.
- 10.4 Risk assessments should be reviewed at least annually, or when there is a material change to the initiatives such as a policy or program, to ensure regular review, identification, and treatments of possible child safety concerns.
- 10.5 All funded third-party service providers who are delivering services or activities directly to children, or where direct contact with children will be more than incidental to the funded service/activity, must have an appropriate child safety risk management policy, framework and systems in place.

11. Complaints

- 11.1 All complaints made to the department about a staff member regarding child safety are dealt with in accordance with the department's [Complaints Handling Policy](#).
- 11.2 All complaints made to the department or its staff which involve children must be investigated in accordance with the [Complaint Handling Guide: Upholding the rights of children and young people | National Office for Child Safety](#), published by the National Office for Child Safety.
- 11.3 All complaints made to the department about a staff member in relation to child safety must be notified to the relevant area as detailed on the department's internet [complaints page](#), and staff must follow protocols in respective business areas in relation to [complaints handling](#).
- 11.4 All complaints which involve children must be emailed to the Child Safe Framework team at childsafepolicy@dewr.gov.au.
- 11.5 Where a complaint raises a risk of significant harm to one or more individuals, including children, or an allegation of criminal conduct has been made, the matter must be referred to the police or other appropriate authority.
- 11.6 Complaints may also need to be reported to state and territory child protection authorities if it is suspected, on reasonable grounds, that the child is at risk of harm, or if the complainant is considered a mandatory reporter under state, territory or Commonwealth child safety legislation. Please refer to the Mandatory Reporting section below for further guidance.
- 11.7 The failure of department staff to report a child safety complaint will be considered a breach of this policy.
- 11.8 Depending on the nature of the complaint, the failure to report a child safety incident may also constitute an offence under state or territory or Commonwealth child safety legislation and may result in additional penalties.

Privacy

- 11.9 All child safety complaints must be handled and investigated in accordance with the [Privacy Act 1998](#), the department's privacy requirements and on a 'need to know' basis, both in relation to the complainant and the subject of a complaint if it relates to an individual.
- 11.10 For further information, please refer to the department's [Privacy Policy](#) and the [Complaints Handling Policy](#).

12. Mandatory Reporting

- 12.1 [Mandatory reporting](#) is the legislative requirement for all Commonwealth Officers to report suspected child abuse and neglect to government authorities. Staff working in child safe positions are well-placed to detect suspected cases of child abuse and neglect.
- 12.2 Mandatory reporting is different in each jurisdiction. Refer to [Appendix F](#) for further information on Mandatory Reporting.

13. Funding third parties (including grants and procurements)

- 13.1 The Framework requires Commonwealth entities to implement measures to promote the protection of children in the services and activities that they fund.
- 13.2 Staff must include child safety requirements consistent with the Framework for any individual or organisation that they fund to:
- provide services directly to children; or
 - deliver activities that involve contact with children that is a usual part of, and more than incidental to, the funded activity.
- 13.3 These requirements should be imposed in written form, including, but not limited to, funding through grants and procurements.
- 13.4 It is also recommended that child safety obligations are imposed on any funded activity which involves children more broadly, even if it does not meet the description above, but this will be dependent upon the nature of the funded activity and its risk of harm to children.
- 13.5 Further advice is available by contacting the DEWR - Procurement and Grants team at procurementandgrants@dewr.gov.au.

Grants - contracts

- 13.6 Where the grant is provided for services directly to children and for activities that involve contact with children that is a usual part of, and more than incidental to, the funded activity, staff must use the [CB9. Child safety clause](#) available in the Department of Finance's [Clause Bank](#) in their grant agreements.

State and Territory Arrangements

- 13.7 Consistent with advice from the National Office for Child Safety, it is not the intention of the Framework that child safety clauses be applied to grants or procurements with state and territory governments.

Contractor Non-compliance

- 13.8 If a supplier does not comply with the child safety clause in their contracts or agreements, staff must take immediate action with the supplier to address the non-compliance.
- 13.9 Depending on the nature of the non-compliance, it may need to be reported to state or territory or Commonwealth authorities if it constitutes an offence of state or territory or Commonwealth child safety legislation.
- 13.10 For further information, or to seek information on a potential or actual breach, please contact the [relevant department Legal team](#).

14. Employee Assistance Program

- 14.1 The [Employee Assistance Program \(EAP\)](#) is a service designed to support employees who may require counselling for personal or work-related concerns.
- 14.2 Dealing with matters of child safety can be very difficult and evoke strong feelings. Staff are encouraged to contact the EAP at any time if they require additional support.

15. Sanctions for non-compliance with this policy

- 15.1 Failure to adhere to any aspect of this policy may constitute a breach of the [APS Code of Conduct](#) and may result in disciplinary action that could include termination of employment. Reference can be made to DEWR's [Procedures for Determining breaches of the APS Code of Conduct and Deciding Sanctions](#).
- 15.2 Failure to adhere to relevant state, territory, or Commonwealth child safety legislation may result in additional penalties to the department and/or the staff member.
- 15.3 If a supplier does not comply with the child safety clause in their contracts or agreements, it may need to be reported to state or territory or Commonwealth authorities if it constitutes an offence of state or territory or Commonwealth child safety legislation.
- 15.4 For further information, or to seek information on a potential or actual breach, please contact the [relevant department Legal team](#).
- 15.5 Any known or suspected incidences of non-compliance must be referred to the DEWR – Corporate Governance at childsafepolicy@dewr.gov.au

16. Review of this policy

- 16.1 The department will review its child safe policies and procedures each year as part of its annual risk assessment, to ensure they continue to meet the requirements of the Framework.

17. Feedback

- 17.1 To provide feedback about this policy or the department's child safe processes, contact the DEWR – Corporate Governance team at childsafepolicy@dewr.gov.au.

18. Links to Appendices

[Appendix A – Examples of child-related work](#)

[Appendix B – Child safe professional behaviours](#)

[Appendix C – State and territory mandatory reporting requirements](#)

[Appendix D – Relevant Working with Child Check/Working with Vulnerable People legislation](#)

[Appendix E – Relevant legislation and standards](#)

[Appendix F - Mandatory Reporting](#)

19. Document details

Policy Owner	Parliamentary and Governance Branch
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