



Australian
Human Rights
Commission

Child Safety and Wellbeing Policy

October 2022

ABN 47 996 232 602
GPO Box 5218, Sydney NSW 2001
General enquiries 1300 369 711
National Info Service 1300 656 419
TTY 1800 620 241

Australian Human Rights Commission
www.humanrights.gov.au

Table of Contents

1	About this Policy	3
1.1	<i>Purpose and scope</i>	3
1.2	<i>Work involving children</i>	4
1.3	<i>The National Principles</i>	4
1.4	<i>Structure of this Policy</i>	4
1.5	<i>Definitions</i>	5
2	Implementing the National Principles	6
2.1	<i>A commitment to child safety and wellbeing</i>	6
2.2	<i>Taking child participation and consent seriously</i>	7
2.3	<i>Involving families and communities</i>	12
2.4	<i>Respecting equity and diversity</i>	13
2.5	<i>Ensuring officials are suitable and supported</i>	14
2.6	<i>Child-focused complaint systems</i>	17
2.7	<i>Staff knowledge, skills and awareness</i>	20
2.8	<i>Safe physical and online environments</i>	22
2.9	<i>Review of this Policy</i>	25
2.10	<i>Documenting policies and procedures</i>	26
3	Snapshot of Child Safety and Wellbeing Policy	28
Appendix A		
	Responsibilities	32

Child Safety and Wellbeing Policy

1 About this Policy

1.1 Purpose and scope

- (a) This Child Safety and Wellbeing Policy (Policy) sets out the actions to be undertaken by the Australian Human Rights Commission (**Commission**) and any person undertaking work for the Commission.
- (b) In this policy, those to whom this policy applies are collectively referred to as **officials**. It is defined at clause 1.5(d) to include:
 - (i) the Commission's **ongoing and non-ongoing employees**, including its Chief Executive
 - (ii) **statutory officeholders**, being its President and the Commissioners
 - (iii) employees from other Commonwealth, State or Territory government organisations seconded to do work for the Commission
 - (iv) for the purpose of this policy, any person contracted to do work for the Commission and to comply with the Commission's policies, and
 - (v) for the purpose of this policy, any **unpaid personnel** who undertake work for the Commission (e.g., interns).
- (c) The Commission conducts a range of activities related to children, and not all officials are in direct contact with children. This Policy applies to all officials regardless of whether or not their current work is child-related.
- (d) This policy sets out officials' obligations and responsibilities regarding how to act ethically towards children.
- (e) The actions and responsibilities set out in this Policy are designed to ensure that the Commission is a child safe workplace that implements child safe work practices and promotes the wellbeing of children.

1.2 Work involving children

- (a) A significant amount of our work focuses on children’s rights or involves children. This includes:
 - (i) policy work promoting and protecting children’s rights (in particular, work by the National Children’s Commissioner and the Children’s Rights team).
 - (ii) national inquiries and projects where children may make submissions and participate in consultations.
 - (iii) complaints made by or on behalf of children to the Commission about alleged discrimination or human rights breaches.
 - (iv) competitions and awards for children and young people.
 - (v) events attended by children and young people.

1.3 The National Principles

- (a) The [National Principles for Child Safe Organisations](#) were developed by the National Children’s Commissioner, and implement the key recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse. They provide a nationally consistent approach to creating child safe organisational cultures.

1.4 Structure of this Policy

- (a) Part 2 of this Policy identifies each of the ten [National Principles for Child Safe Organisations](#), and sets out the specific actions that need to be taken to address each principle. It also includes guidance on the processes and procedures necessary to ensure child safety and wellbeing across all areas of our work.
- (b) Part 3 of this Policy is a ‘snapshot’ of the Policy. It is designed as a reference guide summarising the Policy.
- (c) Appendix A to this Policy sets out the specific responsibilities of officials.

1.5 Definitions

In this Policy:

- (a) **Child** means a person below the age of 18 years, as defined in the [Convention on the Rights of the Child](#).
- (b) **Contact with a child** means physical contact, face-to-face contact, written communication, oral communication, or electronic communication. Contact does not include providing information to children on our website or through other means where there is no exchange of information or communication with a child.
- (c) **Child harm** means all forms of physical, emotional or sexual abuse or exploitation, neglect or harm.
- (d) **Official(s)** are:
 - (i) Commission employees, ongoing and non-ongoing, and including the Chief Executive and Senior Executive.
 - (ii) statutory officeholders who are members of the Commission (being the President and Commissioners).
 - (iii) persons from Commonwealth, State or Territory government organisations seconded to do work for the Commission.
 - (iv) any person contractually bound to undertake work for the Commission and required to comply with Commission policies.
 - (v) unpaid Commission personnel (such as interns or volunteers) undertaking work for the Commission.

2 Implementing the National Principles

2.1 A commitment to child safety and wellbeing

National Principle 1: Child safety and wellbeing is embedded in organisational leadership, governance and culture

- (a) The Commission is committed to ensuring the safety, wellbeing and human rights of children. Across our work, we endeavour to create environments where all children can feel, and be, safe and welcomed, and where their participation is valued.
- (b) Our statutory role in protecting and promoting children's rights, including the right to be safe from all forms of harm, places a particular responsibility on us to be child safe and child-friendly in the way that we work.
- (c) At the Commission, we demonstrate this commitment through the following actions:
 - (i) championing children's rights, and modelling best practice, in ensuring child safety and wellbeing.
 - (ii) distributing this Policy to all new and existing officials.
 - (iii) distributing this Policy freely to the public, making it available and accessible to children and their families, including on our website.
 - (iv) providing training regarding how the policy is to be applied in practice.
 - (v) providing appropriate induction, training and professional development on children's rights, child safety and wellbeing to all officials.
 - (vi) requiring all officials to act in accordance with our Child Safe Code of Conduct, this Policy, and associated procedures and processes.
 - (vii) reviewing this Policy, and associated procedures and processes, at least every three years for effectiveness and utility in creating a child safe environment.

2.2 Taking child participation and consent seriously

National Principle 2: Children and young people are informed about their rights, participate in decisions affecting them and are taken seriously

- (a) Protecting and promoting children’s right to participate is central to the Commission’s work, particularly the work of the National Children’s Commissioner.
- (b) The right to participate is one of the four guiding principles of the [*Convention on the Rights of the Child*](#) and it is fundamental to the enjoyment of all other rights in that Convention. Creating an environment where children are included and involved helps children feel, and be, safe.
- (c) Across our work, officials identify opportunities to seek the views of children and encourage their participation in decision-making.
- (d) At the Commission, we are committed to:
 - (i) examining our activities for opportunities to involve children
 - (ii) providing appropriate advice and training on children’s rights
 - (iii) modelling good practice approaches to engaging with children
 - (iv) making our activities, policy processes, complaints system and educational work, accessible and child-friendly
 - (v) informing children in an accessible and child-friendly way about their rights, and the purpose, process and outcomes of each activity that they may be involved in
 - (vi) ensuring that the child, and where required their parents, guardians or carers have consented to a child’s participation in an activity
 - (vii) giving children opportunities to be involved at all stages of a project or activity where possible, including reviewing an activity or giving feedback on their involvement.

2.2.1 Consent – involvement in activities of the Commission

- (a) Officials obtain children’s consent for their participation in a Commission activity. At the commencement of an activity, children will be asked whether they consent to participate. This occurs in a manner suitable for the child’s capacity and maturity, and relevant to the type of activity being undertaken.
- (b) To be valid, consent must be:
 - (i) Informed – children, and where required parents, guardians or carers, should receive clear and age-appropriate information about the activity
 - (ii) Voluntary – a child’s refusal to be part of an activity should always be respected
 - (iii) current and negotiable – children must know that they can withdraw from an activity at any time
- (c) If a child does not agree to being involved in an activity, or only agrees to participate in part of an activity, arrangements are made for their withdrawal from the activities not agreed to. Their objection to full or partial participation is then recorded and may be stored with any material collected for the activity or project. The participant may also request that any such information be deleted from the activity’s records.
- (d) For each activity, the Commission’s legal team provides advice to officials on the type of consent required, how it is to be obtained, and reviews any requests for consent before their use.
- (e) For children aged 15 to 17 years, the usual position is that a child can provide their own consent, and the parent, carer or guardian’s consent is not required. However, in some instances, depending on the nature of the activity, the child’s ability to consent and their vulnerability, a parent, carer or guardian may also be requested to provide their consent.
- (f) For children aged under 15 years, their parent, carer or guardian’s written consent is also required to participate in an activity, unless the circumstances make it unviable, inappropriate or unsafe for such consent to be obtained, or in other exceptional circumstances as approved by the Commission’s legal team.

- (g) Where consent is also being obtained from a child's parent, carer or guardian, then a child may give their consent orally or in writing. Written consent may be obtained online.
- (h) If consent is not also being received from a child's parent, carer or guardian, then the child must provide written consent. Obtaining a child's written consent may be done at the commencement of an activity. A child may withdraw or vary their consent at any time, as may a parent, carer or guardian when their consent has also been obtained.
- (i) Written consent requests for children, and those for their parents, guardians or carers, are tailored for each specific activity, and are usually accompanied by age-appropriate and clear explanations of an activity's purpose, and how any information about the child, or provided by the child, will be used in the future.
- (j) If children will be filmed, recorded or photographed during an activity, express consent permitting the filming, recording or photographing must be provided in advance by the child, and where required, the parent, guardian or carer. Children who do not consent to their image being taken may still be able to participate in the activity, and officials will take care to ensure their image is not recorded.
- (k) Consents received are stored electronically. Hard copy documents recording consents are scanned and saved in the Commission's files, with the original documents stored safely at the Commission's offices.
- (l) Consent must be obtained for each activity, but may not always be stored due to the nature of the activity, for example an anonymous survey. This does not impact any legal or reporting obligations.
- (m) Consent is not required for children to attend Commission events that are open to the general public, for example as audience members at public talks.

2.2.2 Consent – Complaints

- (a) Who is required to provide consent when there is a complaint to the Commission concerning a human rights breach or alleging discrimination involving a child is determined on a case-by-case basis.

- (b) A child is able to make a complaint to the Commission, or may be the subject of a complaint made by another child or by an adult. Sometimes, adults may make complaints on behalf of a child they care for or are responsible for. Given the wide range of complaints received by the Commission, it is not possible to have a single position setting out when parents, carers or guardians need to be consulted as part of the management of a complaint involving a child.

- (c) Rather, the Commission determines how to manage such complaints on a case-by-case basis, having regard to the following factors in determining who is required to provide consent:
 - (i) whether the child or children involved in the complaint are the complainers, or the subject of the complaint

 - (ii) whether the complaint is being made on behalf of a child (for example, by their parent, guardian, carer, teacher or community leader)

 - (iii) whether the complaint concerns a child's conduct

 - (iv) the age of the child or children concerned

 - (v) the nature of the complaint and matters that are alleged

 - (vi) other circumstances of the child, including any vulnerabilities, if they have a disability (or multiple disabilities), are at risk, or any other factor that may be relevant

 - (vii) the nature of the relationship between the person making the complaint and the child on behalf of whom the complaint is being made

 - (viii) the relationship between the child and the person who the complaint is about

 - (ix) any other relevant factors.

2.2.3 Gifts and prizes for children

- (a) Children may be offered a gift or prize to thank them for their contribution to a Commission activity, and/or as compensation for their time and costs connected with their participation.
- (b) When advertised in advance of the activity, gifts and prizes may also act as an incentive for children to participate. Examples include:
 - (i) prizes for essay or photo competitions, such as cameras or phones
 - (ii) gifts such as stationery, clothing (like t-shirts) or gift vouchers given to children participating in consultations.
- (c) Officials providing a gift or prize for children:
 - (i) procure the gift or prize in accordance with the [Commonwealth Procurement Rules](#) and the Commission's [Procurement Policy and Procedure](#)
 - (ii) only offer the gift or prize as an incentive for participation if the participation itself benefits the child in some way
 - (iii) provide gifts or prizes in a fair and non-discriminatory manner
 - (iv) not offer a cash gift or prize
 - (v) provide age-appropriate gifts or prizes
 - (vi) where possible, inform parents, guardians or carers, and children, about the gift or prize being offered in advance of the activity and gift giving taking place, particularly where the gift or prize is significant.
- (d) Sometimes the Commission may work with other organisations to recruit children to participate in certain activities, for example school or community groups or disability support organisations. These organisations may offer their own incentives to children who chose to participate in a Commission activity.

2.3 Involving families and communities

National Principle 3: Families and communities are informed and involved in promoting child safety and wellbeing

- (a) Open and respectful communication with families and communities about the Commission's child safe policies is an important part of ensuring children can participate fully in our activities.
- (b) The consent requests referred to in clause 2.2.1 above include clear and accessible information about any Commission activity for which consent is being obtained. This includes information about:
 - (i) the activity's purpose
 - (ii) how information about the participating child or family, including the information received as part of the activity, will be used
 - (iii) whom to contact if there are any concerns about the use or collection of the information.
- (c) In some circumstances where appropriate, parents, guardians and carers, or community leaders, may be invited to participate in a Commission activity with their child. An example might be where very young children are involved.
- (d) Families and communities can access information about the Commission's approach to child safety and wellbeing, including this Policy, the [Child Safe Code of Conduct](#) and [complaints processes](#).
- (e) Activities involving Aboriginal and Torres Strait Islander children are conducted in accordance with the National Office of Child Safety's publication '[Keeping Our Kids Safe](#)'. That resource outlines how organisations, including the Commission, can ensure culturally safe environments for Aboriginal and Torres Strait Islander children.

2.4 Respecting equity and diversity

National Principle 4: Equity is upheld and diverse needs respected in policy and practice

- (a) The Commission recognises that children come from diverse backgrounds with diverse needs and circumstances.
- (b) While all children are vulnerable to harm in organisational contexts, some children have specific vulnerabilities due to their age, backgrounds or circumstances.
- (c) Aboriginal and Torres Strait Islander children, children from culturally and linguistically diverse backgrounds, children who are unable to live at home, children with a disability, and LGBTIQ+ identifying children are among those groups whose rights and particular needs must be, and are, considered when the Commission involves them in its activities.
- (d) When engaging with children, the Commission takes steps to create culturally safe and inclusive physical, online, and social environments, including by:
 - (i) making all Commission spaces safe and welcoming for all children
 - (ii) choosing external venues that are culturally safe for children, and accessible for children with disability
 - (iii) employing staff and, where appropriate, engaging volunteers and interns, that children feel comfortable with, for example with similar cultural backgrounds or experiences
 - (iv) conducting activities in an age-appropriate and culturally appropriate way, including in accordance with the [‘Keeping our Kids Safe’](#) resource when the activity involves Aboriginal and or Torres Strait Islander children
 - (v) making information, support and the Commission’s complaints processes culturally safe, accessible and easy to understand
 - (vi) providing information in languages other than English.

- (e) Officials who conduct activities with children are able to access training on how to respond to children with diverse needs or from vulnerable groups, and how to be culturally sensitive and trauma informed.

2.5 Ensuring officials are suitable and supported

National Principle 5: People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice

- (a) The Commission has a responsibility to make sure that officials are suitable and supported for any work they undertake that involves children. This includes:
 - (i) emphasising child safety and wellbeing when advertising and recruiting for positions involving contact with children
 - (ii) ensuring that new and existing officials in positions where contact with children is an inherent requirement of the position
 - (iii) supervision, support and performance management processes for employees or unpaid personnel in positions that involve contact with children
 - (iv) a [Child Safe Code of Conduct](#) agreed to by all officials.

2.5.1 Recruitment processes

Requirements for Working With Children Checks

- (a) In all states and territories, persons in 'child-related work' are legally required to undergo a criminal record check, either through the relevant state or territories Working With Children Check scheme, Working With Vulnerable Persons scheme, or by way of a police check.
- (b) These schemes generally define 'child-related work' as work involving contact with children (usually direct and not incidental) in a particular sector, service or type of organisation.
- (c) While some of the Commission's activities involve contact with children, the Commission itself is not a 'child-related' organisation under any state or territory legislation. Consequently, the WWCC schemes (and their

equivalents) are not generally available to the Commission, or legally required, under any Australian state or territory legislation.

- (d) In NSW, the Commission may seek the NSW Children’s Guardian’s approval to have a particular position deemed ‘additional child-related work’ for the purposes of requiring a WWCC from an employee. This occurs for positions where contact with children is an inherent part of the role.

Working with Children Checks for job applicants

- (e) Prior to advertising any position at the Commission, Directors/Managers consult with Human Resources to determine whether contact with children is an inherent requirement of a particular position, and accordingly whether the position requires candidates to have a valid WWCC.
- (f) Human Resources provides advice regarding the process of applying for a WWCC for job applicants when a valid WWCC is an inherent requirement of a job.
- (g) For all positions involving contact with children, advertisements, job descriptions and selection criteria highlight child safety, wellbeing and rights. Making suitability to work with children explicit in these processes not only provides a robust process of assessment, it also discourages unsuitable people from applying for a position.
- (h) In interviews, job applicants are required to:
 - (i) outline their suitability for child-related work
 - (ii) discuss their motivations to work with children, and their understanding of child safety in organisational settings
 - (iii) discuss their work history and reasons for leaving previous employment.
- (i) An assessment of a person’s suitability for working with children includes the applicant’s:
 - (i) understanding of children’s needs, including disadvantaged or vulnerable children

- (ii) ability to communicate effectively with children from diverse backgrounds and with different needs
 - (iii) relevant criminal history.
- (j) Reference checking includes questions relating to the applicant's suitability to work with children.
- (k) Preferred applicants for positions where contact with children is an inherent requirement of the position must provide the Commission with a current WWCC prior to accepting the position.

2.5.2 Third parties

- (a) Third parties involved in Commission activities, including service providers and partner organisations, often have their own policies and procedures to ensure child safety in the work that they do.
- (b) Nonetheless, they may be required to sign the [Commission's Child Safe Code of Conduct](#) and if not already in possession of a current WWCC, then they may need to obtain one before they participate in a Commission activity that involves contact with children.
- (c) Directors/Managers, together with Human Resources, will determine when this is required.

2.5.3 Supporting existing officials

- (a) The Commission is committed to providing officials with resources and training to understand their child safety obligations, including through the [National Principles e-learning modules](#).
- (b) During the induction process, officials receive a copy of this Policy and the Child Safe Code of Conduct, which they are required to sign before undertaking work for the Commission.
- (c) Existing officials who are in, or move into, positions where contact with children is an inherent requirement of the position must hold a current WWCC. Calls for expressions of interest for such positions include notice that a current WWCC is required. The Commission will pay for any costs associated with applying for a WWCC for existing officials.

2.6 Child-focused complaint systems

National Principle 6: Processes to respond to complaints and concerns are child-focused

2.6.1 Complaints about child safety

- (a) All complaints about child safety are taken seriously and dealt with promptly, whether they concern Commission officials or someone else.
- (b) When conducting activities involving children, officials inform those involved in the activity (in an accessible and age-appropriate manner) on how they may give feedback or raise concerns about any aspect of their participation.
- (c) Information provided to participants about an activity before it commences includes the email or phone details of the activity's Director/Manager, and informs children and/or their parents, guardians or carers, that they may contact the Director/Manager, or in some circumstances the Commission's Chief Executive, with any questions, concerns or complaints they may have.
- (d) The Commission's complaints Charter of Service sets out the procedure when a person, including a child, wants to raise concerns about the Commission's complaint handling service. This is available on the Commission website at: www.humanrights.gov.au/complaints-charter-service.

2.6.2 Codes of Conduct

- (a) All officials must sign and comply with the [Child Safe Code of Conduct](#) on commencement at the Commission.
- (b) Complaints regarding breaches of the [Child Safe Code of Conduct](#) can be made to the Chief Executive who will cause these complaints to be investigated.
- (c) Most breaches of the [Child Safe Code of Conduct](#) will also be breaches of the [APS Code of Conduct](#). All officials must comply with the [APS Code of Conduct, and the APS Values and Employment Principles](#), which require an employee, among other things, to treat everyone with respect and courtesy, without harassment, and in compliance with all applicable Australian laws. Breaches of the [Child Safe Code of Conduct](#) will be

managed according to the procedure for managing breaches of the [APS Code of Conduct](#).

- (d) The Chief Executive manages and responds to complaints regarding [APS Code of Conduct](#) breaches. Sanctions may be imposed on employees who are found to have breached the [APS Code of Conduct](#), including termination of employment.
- (e) Allegations of criminal conduct may be referred to the police.
- (f) Service providers and unpaid officials are not subject to disciplinary action under the [APS Code of Conduct](#), however, any action considered to breach the APS Code may result in the contract or unpaid activity being terminated.
- (g) Information about the [Child Safe Code of Conduct](#), the [APS Code of Conduct](#) and contact details for making complaints are published on the Commission's website.

2.6.3 Responding to disclosure, allegation or suspicion of child abuse or harm

- (a) Officials who conduct activities involving contact with children receive training on how to document and respond to any disclosures or allegations of child abuse or harm.
- (b) Understanding reporting obligations is particularly important if the activity involves contact with vulnerable children, for example children in out-of-home care, immigration detention and other detention environments.
- (c) If an official becomes aware of an incident or allegation of abuse or harm of a child, the first priority is to ensure the child's safety, and to mitigate the risks of further harm.
- (d) Officials are trained to be acutely aware of responding to a child's disclosure or allegation respectfully and appropriately, having regard to the child's maturity and particular vulnerabilities. To the extent possible in the circumstances, officials respond by:

- (i) **Listening** – moving to a suitable environment, where possible, being calm and patient, letting the child use their own words and avoiding quizzing them about details.
 - (ii) **Reassuring** – letting them know it is ok that they are talking about their trauma, addressing any concerns they have about child safety, and reassuring them that they are not at fault.
 - (iii) **Respecting** – acknowledging the child’s bravery and strength, avoiding making promises that cannot be kept, explaining that, for them to be safe, and letting them know that their experience will need to be reported in accordance with the Commission’s policies, including who their experience will be reported to.
- (e) Further guidance on how to respond to a child who discloses child abuse is available from the [Australian Institute of Family Studies, ‘Responding to children and young people’s disclosures of abuse’](#) .

2.6.4 Reporting procedure following disclosure, allegation or suspicion of child abuse or harm

- (a) An official who receives a disclosure or allegation of a child being abused or harmed during or in the course of their work at the Commission will:
 - (i) record the details, and
 - (ii) immediately report the matter to the relevant Director/Manager.
- (b) The Director/Manager will then consult with the General Counsel, or in their absence, the Deputy General Counsel, about the matter, and if determined necessary, they will escalate the matter to the Chief Executive as a matter of urgency.
- (c) In extreme circumstances, if it is considered that a child is at immediate risk of harm or abuse, the Chief Executive must be contacted as a matter of urgency, or if they cannot be contacted, the General Counsel must be contacted as a matter of urgency.
- (d) Either the Chief Executive or the General Counsel may facilitate contact with the police and/or relevant child protection agencies if they assess that the child is at immediate risk and it is appropriate to do so.

- (e) The Director/Manager is usually the one who will escalate the matter to the Chief Executive or the General Counsel, however, any official may do so in urgent or extreme circumstances.
- (f) Other than this process, the details of the disclosure or allegation of child abuse or harm are treated as confidential, disclosed only as required by law or as required to protect the child's safety.
- (g) The Commission will comply with all applicable mandatory reporting obligations under criminal and child protection laws. This could include 'failure to report' offences which apply to all adults in relation to suspected child abuse or child sexual abuse in several States and Territories and all adults under Northern Territory's child protection laws. The Commission will also voluntarily report instances, suspicions, and risks of child abuse or neglect, including sexual abuse, to the relevant authorities if it considers that a child is at risk.
- (h) Disclosures or allegations of child abuse or harm, and the Commission's response to it, are recorded in internal records as part of the Commission's risk management reporting.
- (i) Children's disclosures of abuse and harm can be distressing to officials receiving the disclosure. When there has been a disclosure of child harm, or a distressing situation involving a child during a Commission activity, officials are able to access counselling.

2.7 Staff knowledge, skills and awareness

National Principle 7: Staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training

- (a) All officials are required to familiarise themselves with this policy and sign the Commission's [Child Safe Code of Conduct](#) on commencement at the Commission.
- (b) The Child Safe Code of Conduct outlines a standard of behaviour and responsibility that is required of all officials in their contact with children during their work at the Commission, whether or not contact with children is a usual part of their work duties.

- (c) Officials undertake training on this Policy and their obligations under the Child Safe Code of Conduct. E-learning modules on the National Principles are available, and are mandatory for completion by all officials.
- (d) Officials working with children are also required to be trained in dealing with trauma to ensure that they can respond to children in a trauma-informed manner.
- (e) This includes training regarding:
 - (i) the types of child harm which may be disclosed
 - (ii) how a child might disclose harm
 - (iii) the impacts of harm on children, including trauma
 - (iv) how to respond to children who disclose harm during activities with the Commission, including how to support them where necessary
 - (v) how to end a session sensitively when a child is trauma impacted
 - (vi) our reporting obligations
 - (vii) responding to complaints of staff misconduct.
- (f) Other training and resources available to officials include the Commission's Privacy Policy, the APS Code of Conduct, and procedures and information on risk assessment, recordkeeping and creating culturally safe environments.
- (g) Information, support and advice on various aspects of this Policy are also available from relevant sections of the Commission, including the Children's Rights Team and the National Children's Commissioner, Human Resources and Legal.

2.8 Safe physical and online environments

National Principle 8: Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed

- (a) For each project involving children, Directors/Managers and their teams complete a child safety risk assessment, which addresses both physical and online risks and how to mitigate them. Each project evaluation includes an assessment of the implementation and effectiveness of child safety risk mitigation measures in response to each identified risk.

2.8.1 Physical environment

- (a) The Commission has a [Workplace, Health and Safety Policy](#), which aims to ensure the Commission is a safe work environment, including for children.
- (b) When a Commission activity involves face-to-face contact with a child, whether at Commission offices or off-site, officials ensure that one or more adults (such as parents, guardians, carers, teachers, community leaders, or officials) are present during the activity, and children are never left unsupervised.
- (c) Usually at least two adults will be in a room with a child, however, if an official incidentally, or is required to be, alone with a child, the meeting or activity will take place within the view of other adults, for example in a room with windows, with doors open or in open areas.
- (d) When an activity with children takes place at the premises of other organisations that work with children, for example at a school, community centre or youth service, that organisation's health and safety measures are reviewed and also complied with.
- (e) Officials do not initiate physical contact with children, nor encourage physical contact when it is initiated by a child. Where a child initiates physical contact, and for the child's benefit it is appropriate to reciprocate, appropriate social etiquette is followed by officials. Officials are required to notify their Director/Manager of the physical contact, setting out the circumstances in which the physical contact occurred.

2.8.2 Online environment

- (a) The Commission conducts online activities with children, including consultations, online competitions, surveys, submissions, and social media. Online activities involving children ensure that:
- (i) one or more adults are always present during the online activity
 - (ii) information exchanged between an official and a child may be reviewed by another official
 - (iii) a child's right to privacy is protected in accordance with the Commission's Privacy Policy
 - (iv) informed consent for the Commission to gather and use personal and sensitive information has been gained from children and/or their parents, guardians or carers
 - (v) officials are trained regarding how to respond to disclosures of abuse or risk of harm to the child or other children that may arise during the online activity
 - (vi) officials do not store photos or videos of children involved in Commission work on personal devices, or send them to other people not involved in the Commission activity
 - (vii) online content that is to be made public is moderated by officials to exclude potentially harmful contributions
 - (viii) information for children about an activity they are participating in sets out expectations of online behaviour, the application of safety filters such as moderation by staff members, and communication protocols
 - (ix) activities are consistent with the Commission's Social Media Protocols.
- (b) In some instances, online sessions are recorded, either as an audio recording, or as an audio and visual recording. When this will occur, the information and consent requests provided to participants and/or their parents, guardians or carers, detail the reasons why the recording is

taking place, how the recording will be used and stored, and whether or not they consent to the recording.

2.8.3 Protecting children's privacy

- (c) The Commission complies with its obligations under the [Privacy Act 1988 \(Cth\)](#) and the Australian Privacy Principles (APPs) when handling information from and about children. Obligations concern the collection, storage and use of personal and sensitive information.
- (d) Protecting children's right to privacy includes making sure:
 - (i) Children, and where required their parents, guardians or carers, have consented to the collection and use of their personal or sensitive information.
 - (ii) Information is not used for any purpose other than that for which consent has been provided.
 - (iii) Personal and sensitive information including images (photos, videos and artwork) of children are not made public or passed to third parties without the child's consent, and where required, their parents, guardians or carers consent, unless the Commission is reporting suspected or actual child harm to the relevant authorities, or is otherwise required by law to disclose the information.
 - (iv) Even when consent has been provided, having regard to all circumstances, personal information is not publicly distributed if it is not in the best interests of the child. For example, officials may consider that publishing images of a child with particular vulnerabilities is harmful to the child, or publication may not be permitted for certain children under child protection laws. The General Counsel will cause officials to receive relevant legal advice as required.
 - (v) All information about children is de-identified prior to being made public, whether online or in written publications, unless the child, or where required their parent, guardian or carer, have consented to being identified in that publication. De-identification may include deleting or changing names, locations, organisations that the child attends, and any other characteristics of the child that are unique and that, on their own or in combination with other information, could reasonably be expected to identify a child.

- (vi) Details about a child who participates in an activity, including their consent, is recorded for future reference unless the nature of the activity makes it unviable or inappropriate to do so, for example an anonymous survey. This does not impact any legal or reporting obligations.
- (vii) Any personal or sensitive information about children is stored securely and clearly marked as confidential. Hard copy and electronic consent request responses are stored electronically together with any information collected, unless it is unviable or inappropriate to do so.

2.9 Review of this Policy

National Principle 9: Implementation of the national child safe principles is regularly reviewed and improved

- (a) The Commission reviews this Policy regularly (every three years) to ensure its effectiveness and utility in creating a child safe environment. This review includes:
 - (i) an assessment of whether the Commission is implementing the National Principles for Child Safe Organisations adequately
 - (ii) an analysis of complaints, concerns and safety incidents involving children to identify causes and systemic failures
 - (iii) monitoring and evaluations of Commission activities involving children, including the feedback from children and families where appropriate.
- (b) The review may also include staff surveys, to assess their knowledge of this Policy, the Child Safe Code of Conduct and associated procedures.
- (c) The reviews will be conducted by the Commission's Senior Lawyer, Compliance in consultation with Human Resources, the Children's Rights Team and other officials who have worked with children over the review period.
- (d) Periodically, the Commission's internal auditors will conduct a review of the policy.

- (e) In addition, related internal policies, procedures and guidance are reviewed and updated at this time, taking into account law and policy changes.

2.10 Documenting policies and procedures

National Principle 10: Policies and procedures document how the organisation is safe for children and young people

- (a) This Policy is publicly accessible on the Australian Human Rights Commission website.
- (b) Related Commission policies and procedures designed to assist officials to meet their obligations under this Policy include:
 - (i) [Child Safe Code of Conduct](#)
 - (ii) [Child Safety and Wellbeing Risk Assessment](#) guide
 - (iii) [National Principles e-learning modules](#).
- (c) The following policies and procedures may also provide relevant information or additional assistance for officials:
 - (i) Accountable Authority Instructions
 - (ii) [Privacy Policy](#)
 - (iii) [Social Media Protocol](#)
 - (iv) Information Management Policy
 - (v) [Guidelines on Disclosure of Information](#)
 - (vi) [APS Code of Conduct](#) and [Breaches of the Code of Conduct procedures](#).
- (d) These policies and procedures may be available to the public upon request.
- (e) The National Office of Child Safety, together with the Secretariat of

National Aboriginal and Islander Child Care, has also released a publication titled '[Keeping Our Kids Safe](#)'.

- (f) Further information from the Australian Institute of Family Studies includes:
- (i) State and territory working with children checks and police checks: aifs.gov.au/cfca/publications/pre-employment-screening-working-children-checks-and-police-checks/part-overview
 - (ii) Reporting child abuse and neglect: aifs.gov.au/cfca/publications/reporting-abuse-and-neglect
 - (iii) Mandatory reporting of child abuse and neglect: aifs.gov.au/cfca/publications/mandatory-reporting-child-abuse-and-neglect
 - (iv) Responding to children and young people's disclosures of abuse: aifs.gov.au/cfca/publications/responding-children-and-young-people-s-disclosures-abu

3 Snapshot of Child Safety and Wellbeing Policy

The following snapshot of the Commission’s Child Safety and Wellbeing Policy outlines how the Commission implements the ten National Principles for Child Safe Organisations as part of its commitment to making its workplace and work safe for children..

National Principle	Commission policies and procedures
<p>National Principle 1:</p> <p>Child safety and wellbeing is embedded in organisational leadership, governance and culture</p>	<ul style="list-style-type: none"> • This Policy is distributed to all officials upon their commencement with the Commission and whenever updated. • All officials are required to act in accordance with the Commission’s Child Safe Code of Conduct, this Policy, the APS Code of Conduct, and associated procedures and processes. • Children’s rights are championed by the Commission. • The Commission’s leadership models best practice in ensuring child safety and wellbeing. • Officials receive appropriate induction, training and professional development on children’s rights, child safety and wellbeing. • This Policy is available and accessible to children and their families, and to the public, including on our website, • This policy is regularly reviewed.
<p>National Principle 2:</p> <p>Children and young people are informed about their rights, participate in decisions affecting them, and are taken seriously</p>	<ul style="list-style-type: none"> • Good practice is modelled when engaging with children. • Activities are examined for opportunities to involve children at all stages. • Children must consent to participate in Commission activities. When appropriate, parents, guardians or carers must also provide consent. • Child participants and their families or carers receive age-appropriate information about an activity’s purpose, process and outcomes. • Children receive feedback on their involvement in an activity. • Officials receive advice and training on children’s rights. • The Commission advocates children’s rights, and makes information about child rights readily available. • The Commission’s activities, including its policy processes, complaints system and educational work, are accessible and child-friendly • The Commission offers child appropriate gifts and prizes to children who participate in activities.

<p>National Principle 3:</p> <p>Families and communities are informed and involved in promoting child safety and wellbeing</p>	<ul style="list-style-type: none"> • There is open and respectful communication with families and communities about the Commission’s child-related activities and child safety policies. • Parents, guardians, carers and children receive clear, accessible and age-appropriate information regarding an activity that a child may participate in, including when seeking consent for the child’s participation in Commission activities. • Activities are conducted in culturally safe environments for their participants.
<p>National Principle 4:</p> <p>Equity is upheld and diverse needs respected in policy and practice</p>	<ul style="list-style-type: none"> • When conducting activities with children, the Commission ensures the physical, online, and or social environment is culturally safe and inclusive. • Staff are trained how to be culturally sensitive and trauma informed.
<p>National Principle 5:</p> <p>People working with children and young people are suitable and supported for any work involving children</p>	<ul style="list-style-type: none"> • Recruiting officers assess whether a particular position involves contact with children prior to the advertising and selection process. • Child safety and wellbeing is emphasised when advertising and recruiting for positions that involve contact with children. • Working With Children Checks are required for all positions where contact with children is an inherent requirement. • All officials must agree to abide by the Child Safety Code of Conduct, and to undertake training on the National Principles for Child Safety. • Third parties (service providers and partner organisations) may also be required to sign the Child Safe Code of Conduct and undertake Working With Children Checks.
<p>National Principle 6:</p> <p>Processes to respond to complaints and concerns are child-focused</p>	<ul style="list-style-type: none"> • Complaints by, on behalf of, or about children are taken seriously and managed promptly. • Officials are trained to respond to allegations or disclosures of harm or abuse, including by being trauma-informed. • When an incident or allegation of abuse or harm of a child arises, the first priorities are ensuring the child’s safety and mitigating risks of further harm. • All disclosures and allegations of abuse or harm of a child are reported to a Director/Manager and, where necessary, escalated to the Chief Executive as soon as possible. • Where appropriate, disclosures and allegations of child abuse or harm are reported to law

	<p>enforcement, social services and or welfare organisations.</p> <ul style="list-style-type: none"> • Officials may access counselling following disclosure of child harm or distressing situation during a Commission activity. • Complaints of breaches of the Child Safe Code of Conduct are reported to the Chief Executive, and responded to appropriately. • Breaches of the APS Code of Conduct are dealt with according to APS procedures for breaches of that code.
<p>National Principle 7:</p> <p>Staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training</p>	<ul style="list-style-type: none"> • All officials sign that they will abide by the Commission’s Child Safe Code of Conduct. • All officials are trained in this Policy and their obligations under the Child Safe Code of Conduct and the APS Code of Conduct. • Officials who work with children as part of their position may receive resources and training on specific child safety policies and procedures relevant to their work, including this Policy, the Child Safe Code of Conduct, how to respond to children who disclose harm, and how to report child harm and abuse, including complaints of staff misconduct.
<p>National Principle 8:</p> <p>Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed</p>	<ul style="list-style-type: none"> • A child safety risk assessment is undertaken for each activity involving children. • Officials are trained to respond to allegations or disclosures of harm or abuse, including by being trauma-informed. • Children are always supervised by adults, usually at least two but when only one adult is attending to a child or a group of children, it’s within the view of other adults. • Consent is always obtained for child participation in an activity, with clear information regarding what the activity is about, how the information obtained will be used, and information about the ability to withdraw consent at any time. • Information about a child is deidentified prior to any publication. • Online activities involving children are conducted in a way that protects a child’s right to privacy. • Online communication between officials and children may be reviewed by other officials. • Officials do not store children’s personal information on their personal devices.

<p>National Principle 9:</p> <p>Implementation of national child safe principles is regularly reviewed and improved</p>	<ul style="list-style-type: none">• The Commission reviews this Policy regularly, at least every three (3) years, to ensure its effectiveness and utility in creating a child safe environment, and compliance with relevant laws.• This Policy is subject to internal audit for compliance purposes.
<p>National Principle 10:</p> <p>Policies and procedures document how the organisation is safe for children and young people</p>	<ul style="list-style-type: none">• This Policy is publicly accessible on the Australian Human Rights Commission website.• Other policies and procedures, and further information, are available to guide officials in meeting their obligations under this Policy.

Appendix A Responsibilities

Child safety and wellbeing is a shared responsibility for everyone at the Commission. All officials must comply with the matters set out in this Policy.

Officials in particular roles hold special responsibilities, as follows:

The **President and Commissioners** are responsible for:

- making a public commitment to child safety and wellbeing
- championing a child safe culture
- modelling and reinforcing attitudes that value children
- notifying Human Resources if a position in their team may involve working with children, prior to recruiting for that position.

Chief Executive responsibilities are:

- dealing with and investigating reports of misconduct by Commission officials and service providers
- making reports to the relevant authorities of suspected or actual child harm.
- maintaining a register that accurately records the details of any report made to any relevant authority of suspected or actual child harm
- ensuring this Policy is reviewed at least every three years.

General Counsel responsibilities are:

- causing officials to be advised as to the appropriateness of the type of consent being obtained for each Commission activity involving children, and reviewing any consent requests that are to be used
- advising the Commission and officials on legal requirements related to child safety, including mandatory and voluntary reporting obligations, privacy issues and consent
- making reports to the relevant authorities of suspected or actual child harm if the Chief Executive is not immediately available and there is an immediate risk to the child's safety
- providing the Chief Executive with a detailed and accurate report of any report of suspected or actual child harm that the General Counsel reports to the relevant authorities.

Manager Human Resources responsibilities are:

- ensuring officials receive a copy of this Policy when they begin to work or undertake activities for the Commission.
- ensuring officials undertake a training module concerning this Policy.
- ensuring all officials are aware of relevant laws, organisational policies and procedures relating to child safety and wellbeing, this Policy and the Child Safe Code of Conduct.
- providing support and training for officials in undertaking their child safety obligations.
- working with Commissioners, directors and managers to ensure that positions that will involve working with children are advertised as requiring a valid WWCC.
- ensuring officials who will be required to work with children meet suitability requirements and in fact possess a valid WWCC before commencing in a role where it is required.
- maintaining a register of all officials who hold a valid WWCC.
- assisting the Chief Executive to deal with and investigate complaints of breaches of the APS Code of Conduct and the Child Safe Code of Conduct.
- educating staff about their responsibilities under the APS Code of Conduct and the Child Safe Code of Conduct.

Directors/Managers of teams are responsible for:

- promoting child safety and wellbeing at all times.
- notifying Human Resources if a position in their team may involve working with children prior to recruiting for that position.
- ensuring officials who report directly to them receive adequate training regarding this Policy and how to respond to concerns regarding a child's safety.
- assessing the risk of child harm within their areas of responsibility and mitigating any risk to the extent possible.
- advising officials of the procedure to follow when there is a reasonable belief that a child's safety is at risk.
- escalating concerns identified by officials about a child's safety to the General Counsel and, where necessary, the Chief Executive.

Director Investigation and Conciliation Services responsibilities are:

- managing complaints made to the Commission concerning human rights breaches or discrimination, including to determine what consent may be required when such complaints involve a child.

Senior Lawyer, Governance and Compliance responsibilities are:

- coordinating reviews of this Policy, including assessing the suitability of policy positions.
- investigating compliance with this Policy, and liaising with the Commission's internal auditors regarding same.

All **officials** are responsible for:

- familiarising themselves with this Policy, the Child Safe Code of Conduct and policies and procedures in relation to child-related activities of the Commission, and complying with all requirements relevant to them and the work they undertake for the Commission.
- undertaking any training relating to child safety or this Policy which they may reasonably be required to undertake, and in accordance with this Policy.
- obtaining appropriate consent from children and, where necessary, their parents, carers or guardians, for child participation in an activity.
- ensuring hard copy consent request responses are scanned and stored electronically, and originals are stored safely at the Commission's offices unless such information cannot be stored due to the nature of the activity, for example an anonymous survey.
- reporting any concerns about a child's safety to either their Director/Manager, the General Counsel, and or the Chief Executive, as appropriate, in accordance with this Policy.
- providing an environment that is supportive of children's safety and wellbeing.
- ensuring the Chief Executive is immediately notified if there is an immediate risk to a child's safety, and working with their Director/Manager and the Chief Executive to ensure the relevant authorities are notified of suspected or actual child harm if there is an immediate risk to the child's safety.