

CHILD SAFETY OBLIGATIONS



In this tool, you will find:

- » Requirements under the Child Safety Clause of CaFIS grant agreements
- » Links to additional resources

Related tools:

- » National Principles for Child Safe Organisations Guidance and Template

<p>REQUIREMENT 3: NATIONAL PRINCIPLES FOR CHILD SAFE ORGANISATIONS</p> <p>Adopt and implement the National Principles for Child Safe Organisations</p>	<p>REQUIREMENT 4: ANNUAL CHILD SAFETY STATEMENT</p> <p>Complete an annual statement of compliance form (sent to you by the department).</p>
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BACKGROUND AND CONTEXT

This document provides information for CaFIS providers about their child safety obligations.

The Commonwealth extends its commitment to child safety by applying some or all requirements under the Commonwealth Child Safe Framework to grant recipients providing child-related services.

Requirements under your Grant Agreement

There are four core requirements in the child safety clause in CaFIS grant agreement. They comprise the minimum standards required of funded organisations to embed a child safe culture and practices. The requirements are set out in the following table.

<p>REQUIREMENT 1: RISK ASSESSMENT AND MANAGEMENT</p> <p>Undertake risk assessments annually in relation to activities of the entity, to identify the level of responsibility for, and contact with, children, evaluate risks to child safety, and put in place appropriate strategies to manage identified risks.</p>	<p>REQUIREMENT 2: TRAINING AND COMPLIANCE</p> <p>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 / Working with Vulnerable People Checks and mandatory reporting requirements.</p>
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Requirement 1: Risk Assessment and Management

The department requires organisations to conduct annual risk assessments to evaluate risks to children's safety and to identify and implement strategies to manage these risks. We have provided a template as an option for organisations to use below, your organisation may already have its own risk management resources.

As part of these assessments, organisations should consider:

- The type and nature of contact that staff and volunteers of the organisation have with children and young people.
- The types of risks that might increase the likelihood of children and young people being exposed to abuse. These might include the nature of services provided, the contexts within which services are provided, the vulnerabilities of children and young people who receive services or support and the strategies and protections in place to prevent harm.
- The types of risk management strategies in existence or implemented following the risk assessment. These might include child safe policies and guidelines, staff training and supervision, child safe recruitment and screening, complaints handling processes, record keeping policies and procedures, and information sharing guidelines.

Requirement 2: Training and Compliance

The department requires that providers ensure that:

- all staff are made aware of the child safety clause in their grant agreement, and their obligations under relevant legislation
- clear policies are developed to meet the child safety requirements and to manage any

additional or specific child-related risks identified by the organisation

- all staff receive training to ensure they are aware of policies to protect children from harm and are implementing these policies in practice
- comprehensive screening processes are in place to assess and ensure the suitability of staff working with children
- systems are developed to monitor ongoing compliance with training requirements and Working with Children Checks.

Requirement 3: National Principles for Child Safe Organisations

CaFIS providers adopt and implement the National Principles for Child Safe Organisations (the National Principles) to create and/or maintain a child safe organisational culture and practices that foster child safety and wellbeing (see CaFIS tool *National Principles for Child Safe Organisations Guidance and Template*).

The National Principles are:

1. Child safety and wellbeing is embedded in organisational leadership, governance and culture
2. Children and young people are informed about their rights, participate in decisions affecting them, and are taken seriously
3. Families and communities are informed and involved in promoting child safety and wellbeing
4. Equity is upheld and diverse needs respected in policy and practice
5. People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice
6. Processes for complaints and concerns are child focused
7. Staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training
8. Physical and online environments promote safety and wellbeing, while minimising the opportunity for children and young people to be harmed
9. Implementation of the national child safe principles is regularly reviewed and improved
10. Policies and procedures document how the organisation is safe for children.

Requirement 4: Annual Child Safety Statement

Under the National Framework, the department prepares an annual statement of compliance.

CaFIS providers will be sent a Statement of Compliance form to complete and return to the department by 31 March each year. An organisation's CEO, or an authorised person in an equivalent position, signs the form declaring that their organisation and any Child-Related Personnel who interact with children as

part of the grant activities have met the child safety requirements set out in the grant agreement.

You must submit your Statement of Compliance on the template you receive.

Disclaimer

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Where to go for more information on this topic

The Australian Human Rights Commission's self-assessment tool on child safe practices
<https://childsafe.humanrights.gov.au/learning-hub/organisational-self-assessment>

The Commonwealth Child Safe Framework Implementation Self-Assessment Tool that is used by government agencies to assess risks and develop mitigation plans. This tool can be modified and used by CAFIS providers to help meet the requirements.

<https://childsafety.pmc.gov.au/sites/default/files/2020-12/implementation-self-assessment.pdf>

The National Office of Child Safety's child safe resources

<https://childsafety.pmc.gov.au/resources>

The Australian Human Rights Commission's guidance on how to implement the National Principles

<https://childsafe.humanrights.gov.au>

REQUIREMENT 1: RISK ASSESSMENT



Under your grant agreement, you are required to conduct risk assessments annually, to evaluate risks to child safety, and put in place appropriate strategies to manage identified risks. We have provided an optional risk assessment template to assist you if required.

RISK ASSESSMENT

Identifying and mitigating child safety-related risks is a core component of being a child safe organisation. The level and type of risk varies across organisations and can change over time. Reviewing child safety risks annually promotes a culture of continuous improvement. It enables your organisation to identify new risks and support the ongoing management of existing child safety risks.

Annual Risk Assessments

A risk assessment is not meaningful unless it is done regularly, and its outcomes are assessed and acted upon. It is important to ensure that the outcomes of a risk assessment are acted upon so that when areas for improvement are identified, effective changes are implemented in a timely manner.

Elements of a risk assessment

Identify the risks

- Consider the risks across a range of settings, from organisational risks, occupational health and safety risks, child abuse or exploitation, and accidents.
- Think about the context in which you provide services. Different levels of risk are inherent in different types of activities. Do you work with particularly vulnerable children?

Analyse the risks

- Consider the likelihood of the event occurring. Is the event likely, possible or unlikely?
- Consider the consequence for children, the organisation, staff and the community if the event occurred. Would it be of minor, moderate or great concern.
- By using a risk matrix an overall risk level can be determined for each identified risk.

Develop a plan to manage or mitigate the risks

- What can you do to reduce the likelihood of the risk occurring? What would you need to do if the risk did occur?
- Determining risk levels will help you to prioritise your risk management strategies.
- The goal is to eliminate the risk or reduce it to a level that is acceptable wherever possible.

Monitor and review

- Have a system to monitor and record any risks that did occur, or any new risks that emerge.
- If additional risks emerge conduct a further risk assessment – don't wait for the annual review.
- When undertaking the review consider how effective your risk management plan was and how it can be improved.
- By modifying your strategies and incorporating learnings into your risk management plan your organisation is building a culture of continuous improvement.

Risk Matrix

A Risk Matrix is a tool that is commonly used to assist in determining risk levels. The left-hand column rates the likelihood of risk, the row across the top suggests the level of concern if it occurred. Where they meet determines the risk level.

Likelihood of Event Occurring	Level of Concern		
	Minor Concern	Moderate Concern	Great Concern
Likely	Low Risk	High Risk	High Risk
Possible	Low Risk	Medium Risk	High Risk
Unlikely	Low Risk	Low Risk	Medium Risk

CHILD SAFE RISK MANAGEMENT EXAMPLE



Identify Risk	Risk Assessment				
Risk	Description	Likelihood	Level of Concern	Risk Level	Risk Management
Recruitment	Selection of inappropriate personnel Lack of screening processes and reference checking	Possible	Great	High	Working with Children Checks Criminal History Checks Reference Checking Probation period
Privacy	Breaches of privacy because of information being shared without consent	Possible	Moderate	Medium	Information sharing policies and procedures Induction training Rights of the child training
Leadership	Lack of or minimal awareness and commitment for a Child Safe Organisation	Unlikely	Great	Medium	Charter of commitment to child safety Standing item on Executive Team Meeting Code of conduct
Non reporting	Failure to comply with mandatory reporting requirements	Possible	Great	High	Child safe policy Mandatory reporting training

We acknowledge Aboriginal and/or Torres Strait Islander peoples as the Traditional Custodians of the land and waters of Australia. We wish to pay respects to Elders, past and present, and to the youth, for the future. We extend this respect to all Aboriginal and/or Torres Strait Islander peoples reading this document.

REQUIREMENT 2: TRAINING AND COMPLIANCE



Under your grant agreement, you are required to establish and maintain a system of training and compliance to ensure staff are aware of relevant legislation, including Working with Children Checks and mandatory reporting requirements.

TRAINING

Training and compliance are important parts of building and maintaining child safe organisational cultures and practices. Developing a child safety policy will not on its own protect children and young people from harm in an organisation. Staff need to be inducted and trained about their organisation's child safety measures and their legal obligations for protecting children. A compliance regime or system is needed to assure the organisation that all obligations and training requirements are met.

Identifying obligations under law and other reporting schemes

Your staff's legal obligations for protecting children will vary depending on the state or territory in which your organisation operates. CaFIS providers will need to identify and understand all relevant state, territory or Commonwealth obligations that apply. These obligations should be included in your child safety policies, reporting frameworks or procedures, and relevant training material.

CaFIS providers should inform staff of their child safety obligations, preferably in multiple ways, for example during induction on their commencement in the organisation, in written policies, procedures or guidelines, and in ongoing training.

Staff working with children should have ongoing training and should be given sufficient time in their work programs to attend training.

At a minimum, training for staff who work with children, or make direct decisions for children, should cover:

- the rights of children and young people
- legislative requirements including WWCC checks and mandatory reporting requirements
- awareness of the organisation's child safety policy and other relevant policies
- how to identify indicators of child abuse or harm
- how to respond appropriately, including making external reports to police or child protection agencies
- how to respond in culturally appropriate ways to children and young people and their families

- how to keep appropriate records and an awareness of any legal obligations for record keeping
- how to support colleagues
- where to get additional information and support.

COMPLIANCE

What compliance might look like

Once your staff's legal obligations have been identified and appropriate training has been established, CaFIS providers should establish a regime to ensure staff are complying with these requirements and the Framework.

Compliance begins on recruitment. CaFIS providers should:

- identify any roles that will interact with children
- have robust staff screening and induction processes that verify a staff member's suitability for the role as it relates to children
- inform new staff of their child safety obligations.

Ongoing compliance means setting up a system that:

- formally records which positions and staff require WWCCs and regularly reviews position requirements
- monitors staff adherence to training and WWCC requirements
- monitors breaches of the Framework and other child safety issues
- regularly reviews and updates child safety related policies and procedures.

Training and compliance

Have you specified the training requirements for staff in your child safety policy?	<input type="checkbox"/>
Is your training trauma informed?	<input type="checkbox"/>
Have you identified which staff work with children? These staff will need more child safety related training than staff who do not work with children	<input type="checkbox"/>
Have you identified which staff in your agency require working with children checks? Have you made it a condition of employment that staff who require Working with Children Checks maintain valid and current checks?	<input type="checkbox"/>
Have you recorded which staff have current Working with Children Checks? Do you have a compliance regime in place that verifies that Working with Children Checks are valid and current?	<input type="checkbox"/>
Are your staff aware of their mandatory reporting obligations? Are your staff aware of the implications for failing to meet their mandatory reporting obligations?	<input type="checkbox"/>
Do you have in place a process for reporting compliance with Child Safe obligations under your grant agreement?	<input type="checkbox"/>