



Australian Government
Department of Education

Child Safe Policy

May 2024





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The document must be attributed as the (Child Safe Policy).

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1. Our Commitment to child safety

- 1.1 The department promotes and maintains a culture that does not tolerate child abuse, neglect or exploitation. This policy establishes the department's expectations of all staff to provide a safe environment for children and sets out our approach to managing risk to children and young people arising through the day-to-day work of the department.
- 1.2 The department's priority is to ensure the welfare and safety of every child that has contact with the department's employees, contractors, consultants, officials and providers engaged by the department to deliver services to children.
- 1.3 The policy outlined in this document has been developed to give effect to the [Commonwealth Child Safe Framework](#), the Australian Government policy that sets minimum standards for creating and embedding a child safe culture in Commonwealth entities, and the [National Principles for Child Safe Organisations](#).
- 1.4 The department's Child Safe Policy is guided by the following principles:
- Recognise children's rights and interests
 - Build and maintain a child safe culture and environment
 - Provide support and protection to staff who report incidents under this policy.
- 1.5 If you are unsure about your obligations under this policy, please speak to your manager or email people@education.gov.au.

2. Date of Effect

- 2.1 This policy is effective from 31 January 2024 and will be reviewed annually.

3. Scope

- 3.1 This policy applies to all persons who undertake work for the department.
- 3.2 Service providers who deliver services to children as funded by the department (for example, contracted service providers and subcontractors – third party provider/s) must comply with the terms and conditions in their contracts and agreements pertaining to child safety.
- 3.3 While the Australian Government provides substantial funding for childcare and schools in Australia and plays a leadership role in setting and advocating for national education priorities, it does not have a direct role in their administration or operation. State and territory education authorities are responsible for the safety of children within those settings in their jurisdictions.

3.4 This policy must be considered when developing, designing and managing the department's policies and programs to ensure they promote children's rights and include relevant child safety considerations.

3.5 For the purposes of this policy, the definition of child-related work is being engaged in:

- a) work activities where contact (physical, face-to-face, oral, written or electronic 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 (infrequently or irregularly) and incidental (occurring by chance) to the work; or
- b) work that requires a Working with Children Check (WWCC) in the state or territory jurisdiction in which the work is being undertaken.

3.6 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 (that is, it is child-related work), and therefore is required to obtain and maintain a WWCC in order to be engaged in that position.

4. Child safe professional behaviours

4.1 All departmental staff are expected to treat children with respect and act in accordance with the APS Code of Conduct and APS Values.

4.2 Staff working with children, or who come in contact with children in the workplace must:

- a) Comply with relevant legislation including WWCC and mandatory reporting requirements.
- b) Professionally introduce themselves and show ID to children and their parent/guardian.
- c) Wherever possible, ensure another adult is present when working with or near children.
- d) Before photographing or filming a child or using children's image for work related purposes, obtain informed consent from the child and parent or guardian of the child.
- e) Ensure the department's communications present children in a dignified and respectful manner and do not reveal identifying information about a child.
- f) Not use any computers, mobile phones, video cameras, cameras or social media to exploit or harass children, or access child exploitation material through any medium.
- g) Not use child-related data held by the Commonwealth to exploit or harass children.
- h) Not use language or behaviour towards children that is inappropriate, harassing, physically or emotionally abusive, sexually provocative, demeaning or culturally inappropriate.
- i) Not have contact with children outside of the work environment if that contact has arisen in the course of their duties.
- j) Immediately report to their manager concerns or allegations of child exploitation and abuse and any failure to comply with this policy.
- k) Immediately disclose to the department all charges, convictions and other outcomes of an offence that relate to child exploitation and abuse, including those that occurred before or during association with the department.

5. Accountability and Responsibility

5.1 Ensuring the safety, welfare and wellbeing of children is the responsibility of all staff.

5.2 The department will:

- Annually review and publish the department's Child Safe Policy. (People Branch)
- Undertake an annual risk assessment 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. The results of the assessment will inform any revisions to the Child Safe Risk Management Plan. (People Branch)
- The annual departmental risk assessment will be completed by 31 December of each year and the Child Safe Risk Management Plan revised when significant departmental functions are gained or lost. (People Branch)
- Annually publish a statement of compliance with the Commonwealth Child Safe Framework including an overview of the child safety risk assessment. (People Branch)
- Maintain a register of *child safe* positions. (People Branch)
- Coordinate child safe training for staff and monitor compliance. (People Branch)
- Maintain a record of relevant child safe complaints. (People Branch/Parliamentary, Audit and Risk Branch)
- Annually review and publish the department's WWCC Policy. (People Branch)

5.3 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.

6. Working safely with children and young people

6.1 The department will undertake an annual review of staff positions to identify any *child safe* positions, with these recorded in the Human Resource Management System.

6.2 Staff employed in an identified child safe position, will be required to maintain a WWCC before they are appointed to the position. If, in the course of their employment in that position, they are not able to maintain their WWCC, the matter will be referred to the People Branch for advice.

- 6.3 When hiring new staff for an identified *child safe* position, staff must contact the People Branch for guidance on the recruitment process.
- 6.4 When recruiting an under 18-year-old, supervising staff may require a WWCC. The requirement for a WWCC will be dependent upon the legislation of the state or territory in which the work is being performed. Staff must contact the People Branch for assistance with the recruitment process.
- 6.5 Please refer to the department's WWCC Policy for guidance on working with children or vulnerable persons check (however described).

7. Training

- 7.1 All staff must complete the [Commonwealth Child Safe Framework Learnhub training module](#) as part of induction training.
- 7.2 Staff employed in identified *child safe* positions are required to complete the [Australian Human Rights Commission Child Safe Organisations training modules](#), and other training as directed by their manager or supervisor.

8. Reporting suspicions of child abuse or harm

- 8.1 [Mandatory reporting](#) is the legislative requirement for the specified individuals to report suspected child abuse and neglect to government authorities. It is worth noting mandatory requirements varies across all Australian jurisdictions. Further details and information about mandatory reporting can be obtained from the relevant statutory child protection authority in each jurisdiction.
- 8.2 The failure to protect a child at risk of child sexual abuse offences and/or failure to report child sexual abuse by a Commonwealth Officer is an offence under section 273B of the [Schedule to the Criminal Code Act 1995](#).
- 8.3 The term 'Commonwealth Officer' is defined broadly in the legislation to include employees, contractors, subcontractors, persons hired under a labour hire agreement, who work for, or on behalf of the Commonwealth.
- 8.4 Failure to protect and report offences only applies where a child is under a Commonwealth officer's care in their capacity as a Commonwealth officer.
- 8.5 Complaints procedures can be found on the departments [complaints page](#).

9. Relevant legislation and standards

- 9.1 A range of laws are relevant to this policy, including Commonwealth, state and territory, and are detailed on the department's internet [complaints page](#). A number of international child protection instruments also apply. Please note, this is not an exhaustive list, and other legislation may apply.

10. Responding to complaints or disclosures about our department or staff

- 10.1 All complaints made to the department or staff member which involve children will 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.
- 10.2 All complaints made to the department or staff member which involve children in a childcare or school setting must be notified to the relevant state or territory jurisdiction as detailed on the department's internet [complaints page](#).
- 10.3 For further information about how the department manages complaints, please refer to the department's [Complaints Handling Policy](#).

11. Funding third parties – grants and procurement

- 11.1 The Commonwealth Child Safe Framework also requires agencies to include child safety requirements for organisations that receive Commonwealth funding for activities that involve children, including grants and procurements.
- 11.2 If an approval for a commitment of relevant money is required, including a grant or procurement, staff must consider child safety issues. Child safety clauses are not required to be applied to arrangements with state and territory governments.
- 11.3 Prior to entering into an arrangement (e.g., contract, agreement deed or understanding) staff must include child safety obligations if the arrangement is for:
- Services directly to children (i.e., providing early childhood learning services to children, or providing telephone counselling services to school aged children).
 - Activities that involve contact with children that is a usual part of, and more than incidental to, the funded activity (e.g., a service to train vulnerable parents may involve significant contact with the vulnerable parent's child even if the service is directed at the parent).

- 11.4 Staff may consider imposing child safety obligations if the funded activity involves children more broadly, even if it does not meet the description above based on the risk of harm to children.
- 11.5 Further advice can be obtained from the department's [Procurement and Grants Policy and Services Team](#) by using the [Procurement and Grants Assistance Request Form](#) or email grants@education.gov.au.

Grants

- 11.6 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 [child safety clause](#) available in the Department of Finance's [ClauseBank](#) in their grant agreements.
- 11.7 Staff must consider any assurance required from the grant recipient, in relation to Child Safe obligations, in their regular reporting.

Procurement

- 11.8 Where it is unclear that the supplier will interact with children during any part of the contract terms, staff must use option 1 from the [child safety clause](#) available in the Department of Finance's [ClauseBank](#) in their contract.
- 11.9 Where a supplier will provide services directly to children or where some contact with children will be likely, or where activities will involve contact with children that is a usual part of, and more than incidental to, the services staff must use option 2 from the [child safety clause](#) available in the Department of Finance's [ClauseBank](#) in their contract.
- Option 1 requires the supplier to comply with relevant legislation, provide an annual statement of compliance with the child safety clause, and impose the same child safety obligations on subcontractors.
 - Option 2 requires the supplier, in addition to Option 1, to ensure Working with Children Checks are obtained, implement the National Principles for Child Safe Organisations, identify and manage the risk of harm or abuse to children, and provide training and implement a compliance regime for persons undertaking child related work.
- 11.10 Staff must consider any assurance required from the grant recipient, in relation to Child Safe obligations, in their regular reporting.

12. Sanctions for non-compliance

- 12.1 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.
- 12.2 Failure to adhere to relevant Working with Children or Vulnerable People Assessments and mandatory reporting legislation requirements under relevant state, territory and

Commonwealth legislation may result in penalties to the department and the employee including imprisonment as a sanction for non-compliance.

- 12.3 If the Supplier has reported non-compliance with their legislative obligations for Working with Children Checks or mandatory reporting, this may constitute an offence in the relevant state or territory for failure to comply with the legislative requirements.
- 12.4 Any incidences of non-compliance should be referred to the Procurement team by email to procurement@education.gov.au.

13. Glossary of Terms

Term	Definition
Child or children	In Accordance with the United Nations Convention on the Rights of the Child, child means any human under the age of 18 years.
Child Exploitation	One or more of the following: <ul style="list-style-type: none"> a) committing or coercing another person to commit an act or acts of abuse against a child b) possessing, controlling, producing, distributing, obtaining or transmitting child exploitation material c) committing or coercing another person to commit an act or acts of grooming or online grooming d) using a minor for profit, labour, sexual gratification, or some other form of personal or financial advantage.
Child protection	An activity or initiative designed to protect children from any form of harm, particularly that arising from child exploitation and abuse.
Child-related work	Means being engaged in: <ul style="list-style-type: none"> a) work activities where contact (physical, face-to-face, oral, written or electronic 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 (infrequently or irregularly) and incidental (occurring by chance) to the work, or b) work that requires a Working with Children Check (WWCC) in the state or territory jurisdiction in which the work is being undertaken.
Child safe position	A departmental position that has been identified as having contact with a child as a normal part of work activities (that is, <i>child-related work</i>), and therefore is required to obtain and maintain a Working with Children Check in order to be engaged in that position.

Contractor	<p>The individuals engaged to perform temporary services for which:</p> <ul style="list-style-type: none"> a) the output is being produced on behalf of the Commonwealth entity b) the output is generally regarded as a Commonwealth entity produce c) the services are performed under the direction or supervision of the Commonwealth entity d) remuneration is based on time worked, usually calculated on an hourly rate.
Emotional abuse	A parent or caregiver's inappropriate verbal or symbolic acts towards a child and/or a pattern of failure over time to provide a child with adequate non-physical nurturing and emotional availability. Such acts of commission or omission are likely to damage a child's self-esteem or social competence.
Neglect	The failure by a parent or caregiver to provide a child (where they are in a position to do so) with the conditions that are culturally accepted as being essential for the physical and emotional development and wellbeing of the child.
Physical abuse	The use of physical force against a child that results in harm for the child's health, survival, development or dignity. This includes hitting, beating, kicking, shaking, biting, strangling, scalding, burning, poisoning and suffocating.
Policy non-compliance	The failure to abide by the department's policy.
Sexual abuse	<p>The AIFS defines child sexual abuse as:</p> <p><i>'the involvement of a child in sexual activity that he or she does not fully comprehend, is unable to give informed consent to, or for which the child is not developmentally prepared, or else that violates the laws or social taboos of society. Children can be sexually abused by both adults and other children who are – by virtue of their age or stage of development – in a position of responsibility, trust or power over the victim'.</i></p>
Staff	Staff are either employed by an organisation, engaged by an organisation on a subcontract basis, or engaged by an organisation on a voluntary or unpaid basis, staff can include paid staff, volunteers, interns, trainees and consultants.
Working with Children	Being engaged in an activity with a child where the contact would reasonably be expected as a normal part of the activity and the contact is not incidental to the activity. This includes volunteering or other unpaid work.
Working with Children Check	An assessment of whether a person poses an unacceptable risk to children. As part of this process, the applicant's criminal history, child protection information and other information is checked. A Working with Children Check may also be known under other names, such as a Working with Vulnerable People Check, a Blue Card, Working with Children Clearance, Ochre Card, etc.



Document details

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