



**Australian
Human Rights
Commission**

Child Safety and Wellbeing Policy

AUSTRALIAN HUMAN RIGHTS COMMISSION 2020

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Snapshot of Child Safety and Wellbeing Policy

The Child Safety and Wellbeing Policy (this Policy) outlines the commitment of the Australian Human Rights Commission to making our workplace and work safe for children. It also describes how the Commission implements the ten [National Principles for Child Safe Organisations](#).

National Principle	Commission policies and procedures
<p>National Principle 1: 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 new and existing staff. • All staff are required to act in accordance with our Child Safe Code of Conduct, this Policy, and associated procedures and processes. • Leadership (Directors/Managers and Commission Executive) commit to championing children’s rights and modelling best practice in ensuring child safety and wellbeing. • Staff are equipped with 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 the public, including on our website, and is reviewed regularly.
<p>National Principle 2: Children and young people are informed about their rights, participate in decisions affecting them and are taken seriously</p>	<p>Taking participation seriously includes:</p> <ul style="list-style-type: none"> • examining our activities for opportunities to involve children • providing appropriate advice and training on children’s rights and modelling good practice approaches to engaging with children • making our activities, including our policy processes, complaints system and educational work, accessible and child-friendly • ensuring that children and their parents or carers have agreed to participate in the activity • informing children in an accessible and child-friendly way about their rights and about the purpose, process and outcomes of each activity involving children • providing opportunities for children’s involvement at all stages of the project or activity, where possible, including reviewing the activity or giving feedback on their involvement. <p>More information about consent and awarding gifts and prizes to children are in the full Policy.</p>
<p>National Principle 3: 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 our child-related activities and our child safety policies. • Parents or carers and children receive clear and accessible information, including when seeking consent for their child’s participation in Commission activities.
<p>National Principle 4: Equity is upheld and diverse needs respected in policy and practice</p>	<ul style="list-style-type: none"> • When conducting activities with children, the physical, online, and social environment is culturally safe and inclusive.

<p>National Principle 5: People working with children and young people are suitable and supported for any work involving children</p>	<ul style="list-style-type: none"> • Child safety and wellbeing is emphasised when advertising and recruiting for positions involving contact with children. • Directors/Managers, in consultation with Human Resources, assess whether contact with children is an inherent requirement of a particular position, prior to the advertising and selection process. • Working with Children Checks are required for all positions where contact with children is an inherent requirement. • 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. • Staff support, supervision and performance management processes support child safe work practices.
<p>National Principle 6: Processes to respond to complaints and concerns are child-focused</p>	<ul style="list-style-type: none"> • Complaints from children and their parents or carers are taken seriously and dealt with promptly • Staff breaches of the APS Code of Conduct are dealt with according to the Breaches of the Code of Conduct procedures. • Complaints of breaches of the Child Safe Code of Conduct are reported to the Chief Executive. • When an incident or allegation of abuse or harm of a child arises, the first priority is to ensure that the child is safe and to mitigate the risks of further harm. • All disclosures and allegations of abuse or harm of a child are reported to a Director/Manager and Legal as soon as possible, who will escalate the matter to the Chief Executive. • When there has been a disclosure of child harm, or a distressing situation involving a child during a Commission activity, staff are able to access counselling.
<p>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</p>	<ul style="list-style-type: none"> • All Commission staff are required to sign the Commission’s Child Safe Code of Conduct. • All staff are trained on this Policy and their obligations under the Code of Conduct. • Staff who are, or will be, working with children receive resources and training on specific child safety policies and procedures relevant to their work, including on 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: Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed</p>	<p>For each policy project undertaken by the Commission, Directors/Managers are required to identify whether a child safety risk assessment process needs to take place.</p> <p>When a project involves children, Directors/Managers undertake a child safety risk assessment.</p>

	<p>When a Commission activity involves face-to-face contact by a staff member with a child, one or more additional adults are present during the activity.</p> <p>Online activities involving children ensure that:</p> <ul style="list-style-type: none"> • information exchanged between a staff member and a child is open to review by another staff member • a child’s right to privacy is protected, in accordance with the Commission’s Privacy Policy • consent for the Commission to gather and use personal and sensitive information has been gained from children and/or parents/carers • staff know how to respond to disclosures of abuse or risk of harm • staff do not store photos or videos of children involved in Commission work on personal devices or sending them to other people not involved in the Commission activity • online content is moderated by assigned staff to exclude potentially harmful contributions • information for child participants about the activity clearly sets out expectations of online behaviour, the application of safety filters such as moderation by staff members, and communication protocols • activities are consistent with the Commission’s Social Media Protocols. <p>Further information about how to protect a child’s right to privacy is included in the full Policy.</p>
<p>National Principle 9: Implementation of national child safe principles is regularly reviewed and improved</p>	<ul style="list-style-type: none"> • The Commission reviews this Policy regularly (initially after 12 months, then every two years) to ensure its effectiveness and utility in creating a child safe environment.
<p>National Principle 10: 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 through the Australian Human Rights Commission website. • Other policies and procedures, and further information, are available to guide staff in meeting their obligations under this Policy.

Child Safety and Wellbeing Policy

1 About this Policy

1.1 Purpose

This Child Safety and Wellbeing Policy (this Policy) outlines the commitment of the Australian Human Rights Commission (the Commission) to making our workplace and our work child safe. It informs all staff of their obligations to act ethically towards children and gives guidance on the processes and procedures necessary to ensure child safety and wellbeing across all areas of our work.

This Policy also describes how the Commission implements the ten [National Principles for Child Safe Organisations](#). The relevant principle is included at the beginning of each section.

The National Principles implement key recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse. They seek to build workplace practices that prevent child sexual abuse and which proactively address it where it occurs. The National Children's Commissioner has been a leading advocate for such principles and was tasked with their design. The principles hold extra importance for the Commission in 'walking the talk' and ensuring that its own practices adopt a human rights-based approach.

1.2 Scope

This Policy applies to all persons working for the Commission, including paid and unpaid staff, and the President and Commissioners, regardless of whether or not their current work is child-related.

The Commission conducts a range of activities related to children. While not all staff are in direct contact with children, a significant amount of our work focuses on children's rights and/or involves children. This includes:

- policy work promoting and protecting children's rights (in particular, work by the National Children's Commissioner and the Children's Rights team)
- national inquiries and projects where children may make submissions and/or participate in consultations
- complaints made by or on behalf of children to the Commission about alleged discrimination or human rights breaches
- competitions and awards for children and young people
- events attended by children and young people.

1.3 Responsibilities

Child safety and wellbeing is a shared responsibility for everyone at the Commission. Those 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.

The **Chief Executive** is responsible for:

- dealing with and investigating reports of misconduct by Commission staff and service providers
- ensuring all staff (paid and unpaid) are aware of relevant laws, organisational policies and procedures relating to child safety and wellbeing, this Policy and the Child Safe Code of Conduct
- making reports to the relevant authorities of suspected or actual child harm
- providing support and training for staff (paid and unpaid) in undertaking their child safety obligations
- conducting a review of this Policy within 12 months of adoption, and every two years thereafter.

The **Legal Section** at the Commission is responsible for:

- advising the Commission and Commission staff on legal requirements related to child safety, including mandatory and voluntary reporting obligations, privacy issues and consent.

Human Resources at the Commission is responsible for:

- ensuring staff who work with children meet suitability requirements
- 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
- assessing the risk of child harm within their areas of responsibility and mitigating any risk to the extent possible
- advising staff of the procedure to follow when there is a reasonable belief that a child's safety is at risk
- escalating concerns identified by staff about a child's safety to Legal and the Chief Executive to consider reporting to the relevant authorities.

All **staff (paid and unpaid)** 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
- reporting any concerns about a child's safety to either their Director/Manager and Legal, or the Chief Executive as appropriate in accordance with this Policy, where there is a reasonable belief that a child's safety is at risk
- providing an environment that is supportive of children's safety and wellbeing.

1.4 Definitions

Child	A person below the age of 18 years, in accordance with the definition of child under the <i>Convention on the Rights of the Child</i>
Contact with a child	In this Policy, contact 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.
Child harm	All forms of physical, emotional or sexual abuse or exploitation, neglect or harm.
Commission staff	Paid staff, unpaid staff (such as interns) and the Commission Executive (including President and Commissioners)

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

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. 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.

We demonstrate this commitment by the following actions:

- This Policy is distributed to all new and existing staff.
- All staff are required to act in accordance with our Child Safe Code of Conduct, this Policy, and associated procedures and processes.
- Leadership (Directors/Managers and Commission Executive) commit to championing children's rights and modelling best practice in ensuring child safety and wellbeing.
- Staff are equipped with appropriate induction, training and professional development on children's rights, child safety and wellbeing.
- This Policy is freely available and accessible to children and their family, and the public, including on our website.
- This Policy, and associated procedures and processes, is reviewed within 12 months of its adoption, and every two years thereafter, 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

Protecting and promoting children's right to participate is central to the work of the Commission, in particular the work of the National Children's Commissioner. The right to participate is one of the four Guiding Principles of the *Convention on the Rights of the Child* and is fundamental to the enjoyment of all other rights in the Convention. Creating an environment where children are included and involved helps children to feel, and be, safe.

Across our work, staff identify opportunities to seek the views of children and encourage their participation in decision-making.

We commit to:

- examining our activities for opportunities to involve children

- providing appropriate advice and training on children’s rights and modelling good practice approaches to engaging with children
- making our activities, including our policy processes, complaints system and educational work, accessible and child-friendly
- informing children in an accessible and child-friendly way about their rights and about the purpose, process and outcomes of each activity involving children
- for activities involving children, ensuring that the child and/or their parents or carers have agreed to the child’s participation in the activity
- giving children opportunities to be involved at all stages of the project or activity where possible, including reviewing the activity or giving feedback on their involvement.

Consent

Staff will generally seek the consent of children, and/or their parents or carers, to participate in Commission activities.*

To be valid, consent must be:

- informed—children and parents or carers should receive clear and age-appropriate information about the activity
- voluntary—a child’s refusal to be part of the activity should always be respected
- current and negotiable—children must know that they can withdraw from the project at any time.

For children under 16 years, the written consent of their parents or carers is required.**

For children 16 years and over, the written consent of the child or the parent/carer is required. While it is not generally necessary for staff to seek the written consent of parents or carers when children are 16–17 years, written consent of parents or carers may be necessary depending on the nature of the activity.

Written consent forms for children or their parents or carers need to be tailored to each specific activity and approved by Legal. If staff are intending to film or photograph children during the activity, consent forms seek explicitly the consent to take and use these images as specified in the consent form. Children who do not consent to their images being taken may still be able to participate in the activity.

When children are invited to participate in Commission activities, the request for consent is accompanied by age-appropriate and clear explanations of the purpose of the activity or involvement and how any information about children or provided by children (including images and artworks) will be used in the future. The request for consent and accompanying explanations should be distributed to parents or carers in advance of the activity.

For face-to-face activities involving children, staff also verbally check with children, at the commencement of the activity, whether they are happy to participate. This occurs in a manner and content suitable for their capacity and maturity. If they do not agree to being involved, or agree to only part of the activity, arrangements are made for their withdrawal

from this activity. Their objection to full or partial participation is recorded in writing and stored with any material collected for the activity or project.

The Commission's Survey and Submission Policy provides guidance on children's participation in surveys and submissions.

*This does not include when children attend Commission events open to the general public, for example as audience members at public talks.

**In the case of complaints to the Commission by children alleging breaches of discrimination or human rights laws, an individualised assessment will determine from whom consent is required.

Gifts and prizes for children

Providing gifts or prizes to children is one way of recognising a child's contribution to Commission activities and compensating them for their time and costs associated with their participation. When advertised in advance of the activity, gifts and prizes may also act as an incentive for children to participate. For example:

- prizes for essay or photo competitions, such as cameras or phones
- gifts such as stationary, clothing (like t-shirts) or vouchers given to children participating in consultations.

When providing a gift or prize for children, Commission staff:

- only do so if the participation itself is of benefit to the child in some way
- make sure that the system for providing gifts or prizes is fair and not discriminatory
- do not provide cash or vouchers that can be used for products which may compromise the health or safety of children
- provide gifts or prizes that are age-appropriate
- if a significant gift or prize, inform parents and children about it in advance of the activity taking place, for example in information handed out prior to consultations.

2.3 Involving families and communities

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

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.

Parents or carers and/or their children are provided with clear and accessible information about any Commission activity involving their child, its purpose, how information about their child will be used, and whom to contact if they have any concerns. As outlined above, generally the written consent of parents or carers is required for any activity involving children under 16 years. Information about the activity should accompany the consent form.

Families and communities are also able to access information about the Commission's approach to child safety and wellbeing, including this Policy, Code of Conduct and complaints processes, in accessible language and formats. Parents and carers may also be offered the opportunity to participate in certain activities together with their children where appropriate, for example when the activity involves very young children.

If a child is involved in a Commission project or activity that requires them to travel long distances from their home or stay overnight away from their home, Commission staff ensure the child is accompanied by a parent or carer, or by another adult with responsibility for the child.

2.4 Respecting equity and diversity

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

The Commission recognises that children come from diverse backgrounds with diverse needs and circumstances. While all children are vulnerable to harm in organisational contexts, some children have specific vulnerabilities due to their age, backgrounds or circumstances. Aboriginal and Torres Strait Islander children, children from culturally and linguistically diverse backgrounds, children who are unable to live at home, children with disability, and lesbian, gay, bisexual, transgender and intersex children are among those groups of children whose rights and particular needs must be considered when the Commission involves them in its activities.

When conducting activities with children, physical, online, and social environments need to be culturally safe and inclusive. Some possible measures include:

- making Commission spaces safe and welcoming for all children
- choosing external venues which are culturally safe for children and accessible for children with disability
- employing staff that children feel comfortable with, for example with similar cultural backgrounds or experiences
- conducting activities in an age-appropriate and culturally appropriate way
- making information, support and complaints processes culturally safe, accessible and easy to understand
- providing information in languages other than English.

Training for staff who are conducting activities with children includes guidance on how to respond to children with diverse needs and children from vulnerable groups (such as the Commission's [National Principles e-learning modules](#)).

2.5 Ensuring staff 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

The Commission has a responsibility to make sure that staff are suitable and supported for any work involving children. This includes:

- emphasising child safety and wellbeing when advertising and recruiting for positions involving contact with children
- ensuring that new and existing staff in positions where contact with children is an inherent requirement of the position have Working With Children Checks (WWCCs)
- ongoing supervision and people management focused on child safety and wellbeing
- staff support, supervision and performance management processes that involve child safety.

Recruitment processes

Directors/Managers, in consultation with Human Resources, are responsible for assessing whether contact with children is an inherent requirement of a particular position, prior to the advertising and selection process. In policy, this assessment takes place during the project planning phase.

1. Working With Children Checks

Job applicants applying for positions where contact with children is an inherent requirement of the position are required to undergo a NSW Working With Children Check (WWCC). Applicants that hold WWCCs from other jurisdictions will still need to undergo a NSW WWCC.

In all states and territories, persons in 'child-related work' are legally required to undergo criminal record checking, through Working With Children Check schemes, Working With Vulnerable Persons schemes or police checks. 'Child-related work' is generally defined in these schemes as work involving contact with children (usually direct and not incidental) in a particular sector, service or type of organisation. While some of the activities undertaken by the Commission involve contact with children, the Commission itself does not fall into any of the 'child-related' organisational categories under state and territory legislation. This means that the WWCC schemes are not generally available to the Commission, or legally required, under state and territory legislation. In NSW only, the Commission may seek the approval of the NSW Children's Guardian to have the position deemed 'additional child-related work' for the purposes of requiring a WWCC from an employee.

The Australian Government is currently working with states and territories to achieve national consistency in WWCC schemes. If implemented, these changes may affect the legal requirements for Commission staff involved in activities with children.

Directors/Managers need to consult with Human Resources on the process for applying for a NSW WWCC for job applicants and existing staff, prior to advertising any position.

2. Advertising and selection

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.

An assessment of a person's suitability for working with children includes the person's:

- understanding of children's needs
- ability to communicate effectively with children
- relevant criminal history.

In interviews, job applicants are required to:

- outline their suitability for child-related work
- discuss their motivations to work with children, and their understanding of child safety in organisational settings
- discuss their work history and reasons for leaving previous employment.

Reference checking also includes questions relating to the applicant's suitability to work with children.

Third parties

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. Despite this, if the activity involves contact with children, they may be required to sign the Commission's Child Safe Code of Conduct and obtain a WWCC before participating in the activity. Directors/Managers, together with Human Resources, will determine when this is required.

Supporting existing staff

The Commission is committed to providing staff with resources and training to understand their obligations on child safety.

During the induction process, all staff receive a copy of this Policy, and a copy of the Child Safe Code of Conduct.

Existing staff who are in or move into positions where contact with children is an inherent requirement of the position also undergo a NSW WWCC. Staff that hold WWCCs from other jurisdictions will still need to undergo a NSW WWCC. Notification of these requirements are included in calls for expressions of interest. A WWCC is only conducted with the written consent of the staff member. The Commission will pay for any costs associated with applying for a NSW WWCC for existing staff.

Supervision and performance management processes for staff in positions involving contact with children include a focus on child safety and wellbeing.

2.6 *Child-focused complaint systems*

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

Complaints about child safety

Complaints from children or their parents or carers about child safety—whether about staff of the Commission or any other person—are taken seriously and dealt with promptly.

When conducting activities involving children, staff inform children involved (in an accessible and child-friendly manner) on how to give feedback or raise concerns about any aspect of their participation in Commission activities. This includes letting them and/or their parents or carers know who they can talk to in person or by phone/email/writing if they have any concerns. The email or phone contact details of the Director/Manager of the particular activity is set out in any information accompanying the activity. If a child, parent or carer is uncomfortable contacting the Director/Manager of the activity, they are informed that they can also contact the Chief Executive of the Commission.

A 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 <http://www.humanrights.gov.au/complaints-charter-service>.

All employees of the Commission are required to comply with the APS Code of Conduct, and Values and Employment Principles, which require that an employee, among other things, must treat everyone with respect and courtesy, and without harassment, and comply with all applicable Australian laws. The Chief Executive is responsible for dealing with complaints of staff breaches of the APS Code of Conduct, as set out in the document Breaches of the Code of Conduct procedures. Sanctions may be imposed on staff who have been determined to have breached the Code, including termination of employment. Allegations of criminal conduct may be referred to the police.

Complaints of breaches of the Child Safe Code of Conduct can be made to the Chief Executive who is responsible for investigating these complaints. Most breaches of the Child Safe Code of Conduct are likely to also be breaches of the APS Code of Conduct, for which sanctions apply.

Although service providers and unpaid staff are not subject to disciplinary action under the APS Code of Conduct, any action considered to breach the Code may result in the contract or unpaid activity being terminated.

Information about this Policy, the APS Code of Conduct and contact details for making complaints are published on the Commission's website.

Responding to and reporting child abuse and harm

If a staff member becomes aware of an incident or allegation of abuse or harm of a child, the first priority is to ensure that the child is safe and to mitigate the risks of further harm.

All disclosures and allegations of abuse or harm of a child, by a child or an adult, which arise in the course of the Commission's work, are reported to a Director/Manager and Legal as soon as possible. The Director/Manager, in consultation with Legal, will escalate the matter to the Chief Executive to consider reporting. The details of the disclosure or allegation are

recorded by the staff member to whom the disclosure was made and are treated as confidential.

If a staff member believes a child is at **immediate** risk of harm or abuse, they need to contact the Chief Executive directly as soon as possible, who may facilitate contact with the police and/or relevant child protection agencies.

There is legislation in each state and territory for the mandatory reporting of suspicions, risks and instances of child abuse and neglect, including child sexual abuse, to the police or child protection or oversight agencies. The Commission is not a designated mandatory reporter under most state and territory laws, with the exception of the Northern Territory, which designates all persons as mandatory reporters, and Victoria in relation to sexual abuse only. However, most states and territories allow for voluntary reporting of child abuse and neglect. The Commission considers that it has a duty to voluntarily report such information to the relevant authorities if it considers that a child is at risk.

Directors/ Managers are responsible for ensuring that staff conducting activities that involve contact with children receive training on the steps they should take in response to any disclosures or allegations of child abuse or harm. 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.

When a child discloses abuse or harm in the context of a Commission activity, it is important to respond to a child respectfully and appropriately in keeping with their maturity and particular vulnerabilities:

- Listen—move to a suitable environment where possible, be calm and patient, let the child use their own words and avoid quizzing them about details.
- Reassure—let them know it is ok that they are talking about it, address any concerns about child safety, reassure them they are not at fault.
- Respect—acknowledge the child’s bravery and strength, avoid making promises you cannot keep, explain that in order for them to be safe, you will need to report their experience in accordance with the Commission’s policies.

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’](#) (see below).

Children’s disclosures of abuse and harm can be distressing to staff. When there has been a disclosure of child harm, or a distressing situation involving a child during a Commission activity, staff 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

All Commission staff will be required to sign the Commission’s Child Safe Code of Conduct.

The Child Safe Code of Conduct outlines a standard of behaviour and responsibility that is required of all staff in their contact with children during their work at the Commission, regardless of whether or not this contact is incidental to their normal work duties.

Regular training is provided for all staff on this Policy and their obligations under the Child Safe Code of Conduct, and for all new staff. E-learning modules on the National Principles are available for all staff to complete and are mandatory for staff in roles where contact with children is an inherent requirement of their position.

For staff who are, or will be, in contact with children, resources and training are also provided on:

- the types of child harm which may be disclosed
- how a child might disclose harm
- the impacts of harm on children, including trauma
- how to respond to children who disclose harm during activities with the Commission, including how to support them where necessary
- our reporting obligations
- responding to complaints of staff misconduct.

Other training and resources available to staff include the Commission's Privacy Policy, the APS Code of Conduct, and procedures and information on risk assessment, recordkeeping and creating culturally safe environments.

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

For each policy project undertaken by the Commission, Directors/Managers are required to identify whether a child safety risk assessment process needs to take place. This is built into the Commission's annual planning processes.

Where a project involves children, Directors/Managers, together with their team, are required to complete a child safety risk assessment, which addresses both physical and online risks and how to mitigate them. A Child Safety and Wellbeing Risk Assessment document provides guidance.

Evaluations of each project include an assessment of the implementation and effectiveness of risk mitigation measures.

Physical environment

The Commission has a Workplace, Health and Safety Policy, which aims to ensure the Commission is a safe work environment. Children are supervised while on site by parents or carers, or Commission staff as below.

When a Commission activity involves face-to-face contact with a child, whether at Commission offices or off-site, the staff member ensures that one or more additional adults (such as parents, guardians, teachers or other Commission staff members) are present during the activity.

In the unforeseen event that a staff member finds themselves alone with a child, the meeting or activity takes place within the view of other adults, for example in a room with windows, with doors open or in open areas.

Contact between Commission staff and children, for example consultations with children, takes place in environments that:

- minimise risk of accidents and injury
- are comfortable for children, for example with adequate light and appropriate heating/cooling
- are accessible and welcoming for all children, including being safe and easy to travel to.

Often, Commission activities with children take place off-site, on the premises of other organisations that work with children, for example a school, community centre or youth service. These organisations often have their own health and safety measures in place. However, Commission staff should make appropriate enquiries to confirm that the locations are accessible for children with disability and are safe and welcoming environments for children.

Online environment

The Commission conducts online activities with children, including online competitions, surveys, submissions and social media. Online activities involving children ensure that:

- information exchanged between a staff member and child is open to review by another staff member
- a child's right to privacy is protected in accordance with the Commission's Privacy Policy
- informed consent for the Commission to gather and use personal and sensitive information has been gained from children and/or parents/carers
- staff know how to respond to disclosures of abuse or risk of harm to the child or other children that may arise during the online activity
- staff are not storing photos or videos of children involved in Commission work on personal devices or sending them to other people not involved in the Commission activity
- online content to be made public is moderated by assigned staff to exclude potentially harmful contributions

- information for child participants about the activity clearly sets out expectations of online behaviour, the application of safety filters such as moderation by staff members, and communication protocols
- activities are consistent with the Commission’s Social Media Protocols.

Protecting children’s privacy

When dealing with information from and about children, the Commission has obligations under the [Privacy Act 1988 \(Cth\)](#) and the Australian Privacy Principles (APPs). Our obligations for the collection, storage and use of personal and sensitive information are set out in our [Privacy Policy](#), available on the Commission website.

Protecting children’s right to privacy includes making sure:

- Children and/or their parents/carers have consented to the collection and use of their personal or sensitive information.
- The information is not used for any other purpose than is specified in the consent forms.
- Personal and sensitive information including images (photos, videos and artwork) of children are not made public or passed to third parties without the consent of the child or their parents/guardians, unless the Commission is reporting suspected or actual child harm to the relevant authorities or is required by law to disclose the information.
- Even with consent, staff assess whether a particular image is appropriate according to the context and whether public distribution is permissible or in the best interests of the child. For example, staff may need to consider whether publishing images of a child with particular vulnerabilities is harmful to the child, or whether it is not permitted for certain children under child protection laws. Staff should seek advice from Legal if this is the case.
- Any information about children that will be made public, whether online or in written publications, is properly de-identified, unless the child and/or their parents/carers have consented to being identified. De-identification may include deleting or changing names of children or other people associated with the child (eg a pseudonym), locations, organisations which the child attends, and any other characteristics of the child which are unique and, in combination with other information, could reasonably be expected to identify them.
- Any information about children is recorded properly, with all details about the child and their consent to the process recorded for future reference.
- Any personal or sensitive information about children is stored securely and clearly marked as confidential. Consent forms from children and parents/guardians are stored with any information collected.

2.9 Review of this Policy

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

The Commission reviews this Policy regularly (initially after 12 months, then every two years) to ensure its effectiveness and utility in creating a child safe environment. This review includes an assessment of whether the Commission is implementing the National Principles for Child Safe Organisations adequately.

The review also includes:

- an analysis of complaints, concerns and safety incidents involving children to identify causes and systemic failures
- staff surveys, to assess their knowledge of this Policy, the Child Safe Code of Conduct and associated procedures
- monitoring and evaluations of Commission projects involving children. Where appropriate, these monitoring and evaluation processes also consider feedback from children and families.

The reviews will be conducted by Human Resources, with internal auditors to periodically conduct the review.

In addition, related policies, procedures and guidance for staff 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

This Policy is publicly accessible through the Australian Human Rights Commission website.

Other Commission policies and procedures available to guide staff in meeting their obligations under this Policy include:

- Child Safe Code of Conduct
- Child Safety and Wellbeing Risk Assessment guide
- [National Principles e-learning modules](#).

The following policies and procedures may also provide relevant information or additional assistance to staff:

- Survey and Submission Policy
- [Privacy Policy](#)
- Social Media Protocol
- Recordkeeping Policy
- Guidelines on Disclosure of Information
- APS Code of Conduct and Breaches of the Code of Conduct procedures.

Copies of these policies and procedures may be made available to a member of the public upon request.

Further information from the Australian Institute of Family Studies includes:

- State and territory working with children checks and police checks:
<https://aifs.gov.au/cfca/publications/pre-employment-screening-working-children-checks-and-police-checks/part-overview>
- Reporting child abuse and neglect: <https://aifs.gov.au/cfca/publications/reporting-abuse-and-neglect>
- Mandatory reporting of child abuse and neglect:
<https://aifs.gov.au/cfca/publications/mandatory-reporting-child-abuse-and-neglect>)
- Responding to children and young people’s disclosures of abuse:
<https://aifs.gov.au/cfca/publications/responding-children-and-young-people-s-disclosures-abu>]