



Child Safety & Well-Being POLICY

The Department of Justice and Community Safety is committed to the safety and wellbeing of children and young people. We seek to prevent harm of any kind impacting children and young people and have zero tolerance for racism, child abuse and inequality. Children and young people's rights, relationships, identity, and culture must be recognised and respected, their voices heard, and their concerns acted upon. We aim to foster a culturally safe, child safe and child friendly environment for all children and young people we have contact with, deliver services to, or are impacted by our work.

Purpose

The Department's Child Safety and Wellbeing Policy (Policy) describes the Department's expectations about the safety and wellbeing of all children and young people (Children) we have contact with, deliver services to, or are impacted by our work.

This Policy supports the Department's compliance with the Child Safe Standards under the *Child Wellbeing and Safety Act 2005* (Child Wellbeing and Safety Act).

Scope

This Policy applies to all persons who conduct work for the Department in a paid or unpaid capacity, regardless of whether that person's role relates to Children, including an employee (including employees covered by the Victorian Public Service Enterprise Agreement 2020 and Executive Officers), volunteer, contract worker, agency on-hire staff, consultant, student, person seeking employment, officer or office holder (Workers).

This Policy should be read alongside applicable:

- Victorian Government policies
- Department policies including the:
 - Reportable Conduct Policy
 - [Child Safe Code of Conduct](#)
- the Code of Conduct for the Victorian Public Sector Employees (VPS Code of Conduct)
- relevant legislation (including the Child Wellbeing and Safety Act).

The Policy covers the following topics:

- Roles and responsibilities
- Department child safety and wellbeing arrangement expectations
- Reporting child safety incidents and managing child safe concerns and complaints
- Information sharing expectations
- Record keeping expectations
- Further guidance on how the Department can demonstrate child safety and wellbeing
- Non-compliance with this Policy.

Roles and responsibilities

The Department is an organisation that must comply with the following obligations under the Child Wellbeing and Safety Act:

- Child Safe Standards.
- Reportable Conduct Scheme.
- Part 6 of the Child Wellbeing and Safety Act prescribes the Department Secretary's responsibilities for ensuring compliance with the Child Safe Standards.
- Part 5A of the Child Wellbeing and Safety Act prescribes the Department Secretary's powers, duties, and functions for the purposes of the Reportable Conduct Scheme.

All Workers are responsible for:

- understanding and complying with this Policy
- reporting any breaches of this Policy.

In addition, managers are also responsible for:

- ensuring their relevant Workers have read and understood this Policy
- supervising and holding their relevant Workers to account for complying with this Policy
- promoting a culture of reporting that recognises and responds to child abuse and harm, including reporting breaches of this Policy.

The Integrity, Regulation and Legal Services group is responsible for:

- establishing and ongoing reviewing of this Policy
- monitoring and assuring Department compliance with this Policy.

Department child safety and wellbeing arrangement expectations

The Department is a child safe organisation and supports child safety and wellbeing.

All Children have the right to be safe from harm and abuse when interacting with the Department. The Department prioritises and acts to prevent harm and abuse to Children.

The Department has minimal appetite for risks that could harm children and other people's health, safety and wellbeing. The Department has risk assessments that include focusing on preventing, identifying and mitigating risks of harm and abuse to Children. This includes the consideration of risks to Children when developing, delivering and reviewing policies, processes, protocols, services and arrangements, and taking appropriate action to address unsafe practices in line with Departmental policies.

A child safe culture is championed and modelled at all levels of the Department, which is facilitated by strong leadership and governance arrangements.

The Department has guidelines for Workers on expected behavioural standards and responsibilities. These include a:

- Statement of Commitment to Child Safety and Wellbeing
- Child Safety and Wellbeing Policy
- Reportable Conduct Policy
- Child Safe Code of Conduct Policy.

These guidelines are accessible on the Department intranet and can be provided to Workers when requested. Child safe arrangements are subject to regular review to ensure the Department continues to improve its practices and meet the needs of Children.

A culturally safe environment

The Department has zero tolerance for racism. All instances of racism towards Children must be reported to the Department's Child Safety Officer for consideration and management.

Children accessing Department services should be able to identify their culture. The Department encourages and supports Children in expressing and enjoying their cultural rights.

The Department respects and values Aboriginal and Torres Strait Islander (Aboriginal) Children, appreciates the strengths of Aboriginal culture and understands the importance of culture and community to the wellbeing and safety of Aboriginal Children.

Promoting child empowerment and participation and involving families and communities

The Department recognises that Children are more likely to raise concerns when they feel confident, valued, empowered, and listened to.

The Department will consider, support and facilitate the empowerment, participation and inclusion of the voices, opinions and rights of all Children when developing, delivering and reviewing their policies, processes, protocols, services and arrangements. The Department encourages staff to engage with Children to help them understand their rights and the Department's arrangements to keep them safe.

The Department recognises that families can play an important role in keeping Children safe. The Department will keep families informed of its child safety arrangements, provide access to relevant support, and identify opportunities to inform, consult and/or involve families on matters affecting their child.

The Department encourages respectful relationships between Children with adults and with their peers that are built on trust and respect and maintain appropriate boundaries.

Equity is upheld and diverse needs are respected in policy and practice

The Department supports equity and inclusion and recognises that some Children may be more vulnerable to abuse than others. The Department actively supports and responds to Children with diverse circumstances. Children accessing Department services and activities should be able to self-identify their diverse needs. This includes Department processes having consideration of culture, disability, ethnicity, gender, geographic location, language, opinion, race, relationship, religion, sex characteristics, sexuality, socioeconomic status, upbringing, visa status or other situation that makes Children feel vulnerable.

The Department will provide Children with access to information and supports related to its child safety arrangements, including the process to handle all child safety incidents and child safe concerns or complaints. This must be in ways that are culturally safe, accessible, and easy to understand such as in a range of formats and is complimented by direct engagement and with support from staff.

Recruitment of people working with Children

The Department's recruitment and selection processes uphold the Department's commitment to be a child safe organisation. The Department has a range of tools, including mandatory recruitment screening processes, to assess and hire suitable individuals to work with Children.

The recruitment of positions that involve contact with Children will use advertising and selection criteria to employ the most appropriate staff. Selection policies and guidelines, including pre-screening activities, reflect an understanding of, and commitment to, a safe environment for Children.

Workers are suitable and supported

The Department will offer child safety and wellbeing training to all Workers so that they are aware of their obligations under this Policy and other relevant child safe policies.

Higher-risk areas where Workers are likely to come into regular contact with Children must have additional training opportunities. This training includes how to recognise child abuse and harm caused by adults or Children, how to respond effectively to issues of child safety and how to support colleagues who make disclosures.

Workers are supervised and managed to develop knowledge and skills, raise concerns and discuss child safety issues.

Safe physical and online environments

The Department will take measures to reduce the risk of harm to Children in both physical and online environments. The Department must prioritise the safety of Children and balance mitigating risks in the physical and online environments without compromising a child's right to privacy, access to information, social connections and learning opportunities.

Reporting child safety incidents and managing child safe concerns and complaints

The Department works to ensure all Children, their families and Workers understand their obligations and know who to tell if they observe harm and abuse, are a victim, or if they notice inappropriate behaviour.

When operationally faced with a child safety incident or child safe concern or complaint, the Department prioritises Workers immediately acting in the best interests of the Child to make them safe before promptly reporting the matter internally through business unit reporting arrangements or directly to the Department's Child Safety Officer.

Any person can make a report directly to the Department's Child Safety Officer. The Department's Child Safety Officer is available to assist with any child safety matter.

The Department will take all reports seriously and act promptly to address them in accordance with Department policies, processes, and the law.

Where required, the Department will report the matter to external authorities such as Victoria Police, the Commission for Children and Young People and/or Child Protection.

The Department will use child safety incidents and child safe concerns and complaints as a valuable source of information to help improve the organisation.

All staff behaviour must be reported to the Department's Child Safety Officer if it may:

- constitute reportable conduct or breach the Department's Reportable Conduct Policy
- **breach this Policy**
- not comply with the Department Child Safe Code of Conduct.

The Department's Child Safety Officer can be contacted by phone on (03) 9136 3666 or by email at childsaf@justice.vic.gov.au ([External link](#)).

Internal business unit reporting processes must include information about notifying the Department's Child Safety Officer of any behaviour that may be reportable conduct or breach this, Policy.

The Department will take appropriate action to resolve or progress any report including referring relevant matters:

- to external authorities such as Victoria Police, the Commission for Children and Young People and/or Child Protection
- internally to the Department's relevant investigations team or to the relevant business unit to address.

"Failure to protect", "failure to disclose" and any other criminal or suspected criminal behaviour

All criminal and suspected criminal behaviour and offences must be reported to Victoria Police. This includes the following criminal offences under the *Crimes Act 1958*:

- Failure by a person in authority to protect a child from a sexual offence
- Failure to disclose a sexual offence committed against a child under the age of 16 years.

The Department must notify Victoria Police of any criminal or suspected criminal behaviour when it becomes aware of the matter and if it has not already been reported.

Physical or sexual abuse, including grooming, of Children is a crime. Family violence often involves criminal behaviour, whether a Child has been physically or sexually abused.

Reportable conduct

Reportable conduct allegations about a staff member must be reported to the Department's Child Safety Officer and can also be directly reported to the Commission for Children and Young People on 1300 782978, contact@ccyp.vic.gov.au ([External link](#)) or their Reportable Conduct Scheme secure webform located on their website (ccyp.vic.gov.au).

Allegations of reportable conduct about a non-staff member should be reported to the Commission for Children and Young People, non-staff member's organisation or Department's Child Safety Officer.

The Department must notify the Commission for Children and Young People within three business days of becoming aware of a reportable allegation and provide them with updates on its response to an allegation within 30 calendar days.

The Secretary or their delegate does not need to notify the Commission for Children and Young People about an allegation if it is plainly wrong or has no basis.

The Reportable Conduct Scheme does not replace the need to report allegations of child abuse, including criminal conduct and family violence, to Victoria Police.

Further information about how the Department and its staff will meet its obligations under the Reportable Conduct Scheme is available in the Department's Reportable Conduct Policy.

Mandatory and general reporting to Child Protection of a belief that a Child has suffered or is likely to suffer significant harm as a result of abuse or neglect and their parent has not or is unlikely to protect them from harm of that type

Any person can make a report to Child Protection at any time.

Some groups of people, such as youth justice workers, have a mandatory reporting obligation: the obligation to report to Child Protection is a personal one that cannot be delegated. It may be a criminal offence for people in these groups not to report to Child Protection.

When notified, the Department will discuss the matter with the relevant person(s) involved, including the approach to manage the matter.

Further information about making a complaint to Child Protection is available at the Department of Families, Fairness and Housing website for [reporting \(External link\)](#) [child abuse \(External link\)](#).

Other child safe concerns and complaints

The Department business units have internal reporting processes to manage general concerns and complaints. Where the general concern or complaint relates to child safety and wellbeing, the business unit should notify the Department's Child Safety Officer.

The Department's Child Safety Officer will:

- acknowledge a child safe concern or complaint
- take appropriate action to resolve or progress the resolution of the child safe concern or complaint. Where required, the matter will be referred to the Department's relevant investigations team or to the relevant business unit to address

if appropriate, ensure the person who reported the child safe concern or complaint is advised of the outcome, including any Department external reporting requirements.

Information sharing expectations

Confidentiality is important to support an effective complaint and investigation process. Restricting information sharing to only those who need to know, ensures the safety of those involved in the process.

Sometimes it will not be possible to maintain confidentiality to best protect Children or so that the subject of an investigation can be treated fairly. There may be instances that for the Department to perform its functions under the Child Safe Standards and Reportable Conduct Scheme, it will be required to collect personal information about the Worker and Children and disclose that information to a third party such as the Commission for Children and Young People.

Sharing findings, decisions, and outcomes of investigations to relevant parties may also be required to promote the safety and wellbeing of Children and in the interest of justice.

The Department will manage information that is collected and/or disclosed, including about an individual, in accordance with the Child Wellbeing and Safety Act, *Children, Youth and Families Act 2005*, *Fair Work Act 2009*, *Privacy and Data Protection Act 2014*, Victorian government information sharing reforms (Child Information Sharing Scheme, Family Violence Information Sharing Scheme, and Multi-Agency Risk Assessment and Management Framework, MARAM), and Department's privacy and information security policies and procedures.

The Department will report to the Office of the Victorian Information Commission any incidents that compromise the confidentiality, integrity, or availability of public sector information, as per *Privacy and Data Protection Act 2014*.

Record keeping expectations

The Department will keep full, timely and accurate records of all child safety incidents and child safe concern and complaint matters including outcomes of an investigation using relevant incident reporting systems. Records should have a full account of how the issue arose, what response was taken and what happened. Records should be sufficiently detailed, dated, objective and comprehensive to make decisions transparent and capable of effective review or form good evidence if needed. Documents should record the stages and steps taken in the process, the evidence considered and the outcome of any investigation or relevant decisions or resolutions made, including any findings made, reasons for decisions and actions taken.

information and records management policies and procedures and information security policies and procedures, [Public Records Act 1973](#), [\(External link\)](#) and [Public Record Office Victoria](#) [\(External link\)](#) requirements. They will be recorded in the relevant incident reporting system. Access to records should be to people on a restricted need-to-know basis. Records are not to be destroyed or removed from files unless, or until provided for, as part of proper retention and disposal processes.

The Department will use the records and useful statistical data of all child safety matters as a valuable source of information to facilitate the identification of trends. These trends will help inform ongoing child safety and wellbeing risk management strategies to prevent, identify and mitigate risks to Children and help improve Department child safety and wellbeing arrangements.

Further guidance on how the Department can demonstrate child safety and wellbeing

The Department is a child safe organisation and supports child safety and wellbeing

In addition to the key strategies listed previously, the Department will also implement this Policy by:

- establishing a department-wide action plan to implement the Child Safe Standards
- requiring all Department business units to create and maintain an action plan to implement the Child Safe Standards tailored to their specific circumstances and needs of Children they interact with or their function impacts
- monitoring Department and business unit compliance with the Department-wide and business unit action plans to implement the Child Safe Standards
- managing child safety incidents and child safe concerns and complaints
- investing in a dedicated Departmental area responsible for:
 - providing advice on child safety and wellbeing matters
 - communicating information about and providing training on child safety and wellbeing
 - triaging reported child safety matters
 - analysing child safety incidents and child safe concerns and complaints to identify causes and systemic failures to inform continuous improvement

- reporting to the Secretary on risks to Children, the Department's implementation and compliance with Child Safe Standards and the Department's performance in delivering child safety and wellbeing.

A culturally safe environment

In addition to the key strategies listed previously, the Department will also demonstrate its support of Aboriginal Children and those from a multicultural, multifaith and culturally and linguistically diverse background through:

- a dedicated Departmental area that will drive change and coordinate efforts across the organisation to improve outcomes for Aboriginal Victorians, including children
- a dedicated Departmental area that will drive stakeholder engagement, inclusion and strategic communications efforts and improvements across the organisation
- diversity and inclusion eLearns
- providing staff with access to cultural awareness training
- the Wirkara Kulpa (Aboriginal Youth Justice Strategy).

Promoting child empowerment and participation and involving families and communities

In addition to the key strategies listed previously, the Department will also demonstrate its support for informing, consulting and/or involving Children, their families and communities, in the organisation through:

- its engagement framework
- providing a guide to assist staff to tailor written communication to target a Child audience
- the Youth Justice Strategic Plan
- featuring information on its child safety and wellbeing arrangements on the Department's publicly available website including material designed specifically for Children.

Equity is upheld and diverse needs are respected in policy and practice

In addition to the key strategies listed previously, the Department will also demonstrate its support and respond to children with diverse circumstances through:

- a Cultural Diversity Framework
- an Accessibility in Action: Disability Action Plan
- a Gender Equality Action Plan
- a Victimisation Guideline and Related Policy.

Recruitment of people working with children

In addition to the key strategies listed previously, the Department will also demonstrate its support for the recruitment of suitable staff to work with Children through:

- a position description template that includes a statement that demonstrates the Department's commitment to child safety and wellbeing
- a Recruitment and Selection Guideline and Related Policy
- a Working with Children Check Policy
- a Criminal Record Check Policy
- a Criminal Offences Guideline and Related Policy
- a Security Screening Guidelines and Related Policy for higher-risk areas such as positions based in youth justice facilities.

Workers are suitable and supported

In addition to the key strategies listed previously, the Department will also demonstrate its support for training staff to work with Children through:

- performance and development planning sessions and on-the-job supervision, feedback, support, and advice opportunities
- Department intranet access to this Policy, the Child Safe Code of Conduct and the Reportable Conduct Policy
- eLearn's to introduce staff to the Child Safe Standards and the Reportable Conduct Scheme

- a dedicated Departmental area that will drive child safety and wellbeing arrangements and efforts across the organisation including tailored child safety and wellbeing training relevant material featured in staff induction resources.

Safe physical and online environments

In addition to the key strategies listed previously, the Department will also demonstrate its support for minimising the opportunity for Children to be harmed in the physical and online environment through:

- a Procurement Policy and procurement resources that help protect Children from risks of child abuse and harm by third-party contractors
- information management and security policies and resources, including the Use of Technology and Social Media policies
- occupational health and safety arrangements
- requiring areas such as Youth Justice to have policies on the oversight of Children in physical environments and their use of online environments tailored to their specific circumstances and risks
- a dedicated Departmental area that will drive positive outcomes for the community, including Children, through responsive, reliable, and efficient risk management efforts and improvements across the organisation.

Non-compliance with this Policy

The Department will investigate all breaches of this Policy

A staff member who breaches this Policy may be subject to assessment and investigation for misconduct and face disciplinary action including termination of employment.

A breach of this Policy may also be a breach of the VPS Code of Conduct and/or the Department's Reportable Conduct Policy.

For further information about the Department's misconduct policy refer to the whole-of-government VPS 2020 Management of Misconduct Policy or contact the Department's Employee Investigations unit (Employee.investigations@justice.vic.gov.au ([External link](#))).

Further information about investigating reportable conduct allegations is available in the Department's Reportable Conduct Policy.

Departmental non-compliance with the Child Safe Standards can be reported to the Commission for Children and Young People on 1300 78 29 78 or at contact@ccyp.vic.gov.au ([External link](#)).

Definitions

Aboriginal refers to Aboriginal and/or Torres Strait Islander people.

Child(ren) includes both children and young people under the age of 18 years.

Child abuse is defined in the Child Wellbeing and Safety Act, and includes:

- a sexual offence committed against a child
- an offence committed against a child under section 49M(1) of the Crimes Act, such as grooming
- inflicting physical violence on a child
- inflicting serious emotional or psychological harm on a child
- serious neglect of a child.

A **child safe complaint** can include an expression of dissatisfaction about:

- the Department's services or dealings with individuals
- allegations of abuse or misconduct by a staff member, a volunteer, or another individual
- disclosures of abuse or harm made by a child
- the conduct of a child at the organisation
- the inadequate handling of a prior concern
- general concerns about the safety of a group of children or activity.

A **child safe concern** can include any potential issue that could impact negatively on the safety and wellbeing of children.

Child Safe Standards as made under section 17(1) of the Child Wellbeing and Safety Act.

Reportable conduct defined in the Child Wellbeing and Safety Act as:

- a sexual offence committed against, with or in the presence of, a child, whether or not a criminal proceeding in relation to the offence has been commenced or concluded
- sexual misconduct, committed against, with or in the presence of, a child
- physical violence committed against, with or in the presence of, a child
- any behaviour that causes significant emotional or psychological harm to a child or
- significant neglect of a child.

Worker(s) means a person who conducts work for the Department in a paid or unpaid capacity, regardless of whether that person's role relates to children, including an employee (including employees covered by the Victorian Public Service Enterprise Agreement 2020 or its replacement and Executive Officers), volunteer, contract worker, agency on-hire staff, consultant, student, person seeking employment, officer or office holder.

Relevant legislation, standards and policies

- *Charter of Human Rights and Responsibilities Act 2006*
- *Child Wellbeing and Safety Act 2005*
- *Children, Youth and Families Act 2005*
- *Crimes Act 1958*
- *Fair Work Act 2009 (Cth)*
- *Health Records Act 2001*
- *Occupational Health and Safety Act 2004*
- *Online Safety Act 2021*
- *Privacy and Data Protection Act 2014*
- *Public Administration Act 2004*
- *Public Records Act 1973*
- *Worker Screening Act 2020*
- Child Safe Standards
- Code of Conduct for the Victorian Public Sector Employees
- Family Violence Multi-Agency Risk Assessment and Management Framework (MARAM)
- National Principles for Child Safe Organisations
- United Nations Convention on the Rights of the Child
- Victorian Public Service Enterprise Agreement 2020, including the Management of Misconduct Policy (or any successor agreement).

Related department policies and documents

- Child Safe Code of Conduct
- Criminal Offences Guideline and Related Policy
- Criminal Record Check Policy
- Cultural Diversity Action Plan
- Disability Action Plan
- Engagement Framework
- Gender Equality Action Plan
- Information Management Policy
- Information Privacy Policy

- Koori Cultural Respect Framework
- Procurement Policy
- Public Interest Disclosure Guideline
- Records Management Policy
- Recruitment and Selection Guideline and Related Policy
- Reportable Conduct Policy
- Risk Management Policy
- Security Screening Guidelines and Related Policy
- Social Media Policy
- Use of Technology Policy
- Victimisation Guideline and Related Policy
- Wirkara Kulpa
- Review of this Policy and approval
- This Policy is issued under the authority of the Deputy Secretary, Integrity, Regulation and Legal Services and reflects current Departmental policy and practice. It will be reviewed biennially and updated as required with changes communicated to Workers.

POLICY REVIEW AND APPROVAL

Policy last reviewed:	August 2024
Approved by:	School Council 2024
Next scheduled review date:	2026