

DPFEM

Child and Youth Safe Policy

September 2024







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Mandatory reporting

Nothing in this policy changes obligations for DPFEM workers who are prescribed persons by virtue of section 14 of the *Children, Young Person and their Families Act 1997.*

Reporting of Reportable Conduct is an additional requirement and does not replace the responsibility to make a mandatory report.

Acknowledgements

The Department of Police, Fire and Emergency Management acknowledges the trauma that continues to affect people with lived experience of child abuse. We are committed to being sensitive to this trauma as we use the learnings from past wrongs to protect the rights of current and future generations of children and young people and keep them safe from harm .

We respectfully acknowledge the Tasmanian Aboriginal people as the traditional owners of the land upon which we work and pay our respect to elders past and present. We recognise the Tasmanian Aboriginal people as the continuing custodians of the rich cultural heritage of *lutruwita* / Tasmania.

This policy was developed by the department's Child and Youth Safe Reform Project team, in close collaboration with all service arms of the department, people with lived experience of child abuse, subject matter experts and other Tasmanian Government agencies. The team acknowledges and thanks all contributors for their involvement in this important work .

About this policy

Context

Australia ratified the United Nations Convention on the Rights of the Child (CRC) in 1990. The convention recognises that children, like adults, have human rights. They also have the right to special protection because of their vulnerability to exploitation and abuse. Under the Convention, a child is defined as every human being below 18 years of age .

In 2013 the Australian Government appointed the Royal Commission into Institutional Reponses to Child Sexual Abuse (the Royal Commission). Handing down its final report in 2017, the Royal Commission made recommendations to better safeguard children and young people in Australian institutions by improving reporting, record-keeping, information sharing, response, and support to children!

In response to the Royal Commission, among other important work listed in Appendix A, the governments of Australia collaborated to develop the <u>National Principles for Child Safe Organisations</u> (the National Principles).² The National Principles provide a nationally consistent approach to embedding child safe cultures within organisations that engage with children and young people.

Significant work has also been done at state level to improve the safety of children and young people in institutional settings . This includes the Commission of Inquiry into the Tasmanian Government's Response to Child Sexual Abuse in Institutional Settings (the COI), with findings handed down in August 2023;³ and implementation of <u>Tasmania's Child and Youth Safe Framework</u> (the Tasmanian framework). The Tasmanian Government is leading a coordinated approach to implement both, which will have an ongoing impact on implementation of child and youth safety measures within our department . Interelated state initiatives are listed at Appendix A .

The Department of Police, Fire and Emergency Management (DPFEM) leadership group has also reflected and acted in respect to child and youth safety, being guided by the Tasmanian framework. In ecent years DPFEM has actively facilitated improvements in information sharing protocols and collaboration across government agencies, internal information management, investigative practice, and specialised training.

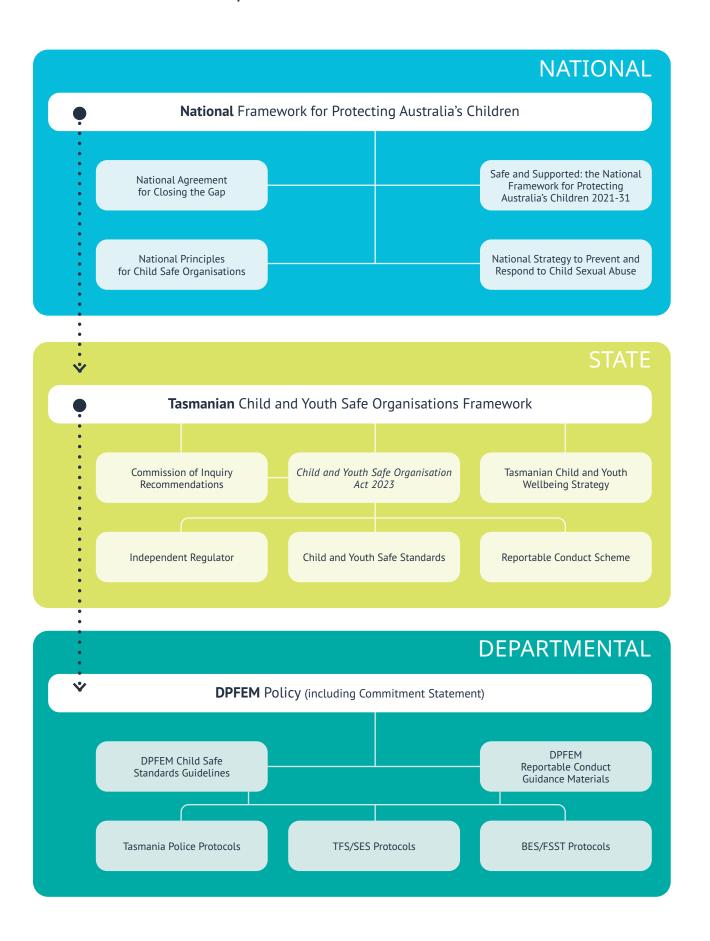
It's essential we continue to develop a child-safe culture across our agency in line with the Tasmanian framework .

^{1 &#}x27;Final Report' 2017, Royal Commission into Institutional Responses to Child Sexual Abuse, available at https://www.childabuseroyalcommission.gov.au/final-report

² Council of Australian Governments, 'National Principles for Child Safe Organisations', available at https://childsafe. humanrights.gov.au/sites/default/files/2019-02/National_Principles_for_Child_Safe_Organisations2019.pdf

³ Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings 2023, "Who was looking after me? Prioritising the safety of Tasmanian children', accessed 13 November 2023, available at https://www.commissionofinquiry.tas.gov.au/_data/assets/file/0011/724439/COI_Full-Report.pdf

FIGURE 1: Context snapshot



Scope

This policy applies to all DPFEM **workers** across all service arms – Tasmania Fire Service (TFS), State Emergency Service (SES), Tasmania Police, Business and Executive Services (BES), and Forensic Science Service Tasmania (FSST).

As defined by section 8 of the *Child and Youth Safe Organisations Act 2023*, a 'worker' is a person who has attained the age of 18 years who –

- a) is employed by DPFEM, whether or not the person is employed in connection with any work or activity of the entity that relates to children; or
- b) is engaged by DPFEM to provide services, including as a volunteer, contractor, subcontractor, consultant, director, member of a management committee, office holder or officer, whether or not the person is engaged in connection with any work or activity of DPFEM that relates to children; or
- c) is engaged in training or work experience with DPFEM, whether or not the person is engaged in connection with any work or activity of DPFEM that relates to children; or
- d) is carrying out work under the supervision of DPFEM in accordance with the order of a court, whether or not the person is working in connection with any work or activity of the entity that relates to children .

Did you know?

The term 'worker' includes employees, volunteers, contractors and consultants.

Objective

DPFEM's purpose is to ensure that all Tasmanians, including children and young people, are safe and secure . The objective of this policy is to help DPFEM workers take all appropriate measures to safeguard children and young people from abuse in all circumstances .

Commitment statement

We are committed to implementing the Tasmanian framework and all relevant recommendations from the Commission of Inquiry and any current or future commissions or inquiries .

We are committed to being a child and youth safe organisation, placing the rights of children and young people at the centre of our thoughts, values and actions. We will actively inform and involve children and young people on decisions that affect them, and we commit to listening to and championing their voice.

DPFEM will continue action to make children and young people feel and be safe, by:

- preventing harm to children and young people
- recognising the signs of someone harming a child or young people
- responding quickly and appropriately if there is a suspicion of harm to a child or young people
- creating a culture, systems, processes, practises and environments that support the safety and wellbeing of children and young people.

We acknowledge that the risk of child abuse is ever present, and we are committed to meeting the diverse needs and cultural safety of all children and young people in all settings.

Roles and responsibilities

Workers

Every worker must take active steps to ensure DPFEM is a safe place for children and young people .

For all workers, whether an employee, volunteer, contractor, subcontractor, consultant, director, member of a management committee, office holder or officer⁴, this means actively supporting and abiding by the standards, actively participating in a child safe culture, and reporting all concerns of child harm where it is suspected a DPFEM worker has acted inappropriately against, with, or in the presence of, a child or young person – whether or not the behaviour occurred in the course of work.

Managers

For supervisors and managers, this means championing zero tolerance of child harm, using child-centred language, identifying and addressing gaps in knowledge and confidence of staff, and leading by example.

Executives

For the executive, this means adopting a child-centred mindset when setting strategic goals, championing zero tolerance of child harm, using language which children understand, supporting implementation of child safe systems, procedures, and training, and leading by example.

Related policies and procedures

- DPFEM Diversity and Inclusion Policy Statement*
- DPFEM Diversity and Inclusion Guidelines*
- DPFEM Work Health and Safety Policy Statement*
- DPFEM Health, Safety and Wellbeing Policy*
- DPFEM Our Watch Workplace Equality and Respect Standards (WERS) Action Plan*
- Tasmania Fire Service Junior and Cadet Program Policy and Procedure*
- Career Development Program Tasmania Police Protocol
- The Protective Security Policy Framework
- · Child and Youth Safe Standard Guidelines
- Child and Youth Safe Reportable Conduct Guidance Materials**
- Child and Youth Safe Concurrent Investigations Policy
- * These policies can only be accessed by DPFEM workers via the intranet (Conexus).
- ** These materials will be added to Conexus once complete and approved.

⁴ Refer Part 1, section 8 of the Child and Youth Safe Organisations Act 2023 for the definition of 'worker'.

Child and Youth Safe Organisations

OVERVIEW - what is a child and youth safe organisation?

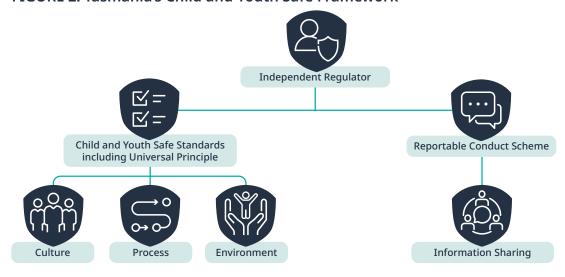
A child and youth safe organisation is defined by the Australian Human Rights Commission as one that 'consciously and systematically:

- Creates an environment where children's safety and wellbeing is at the centre of thought, values and actions .
- Places emphasis on genuine engagement with and valuing of children and young people.
- Creates conditions that reduce the likelihood of harm to children and young people.
- · Creates conditions that increase the likelihood of identifying any harm .
- Responds to any concerns, disclosures, allegations or suspicions of harm 5

From 1 January 2024 all Tasmanian government agencies, and organisations that engage with children and young people, are required to comply with the <u>Child and Youth Safe Organisations Act 2023</u> (The Act). The Act supports Tasmania's framework by legislating four key elements:

- Child and Youth Safe Standards, supported by the Universal Principle to ensure Aboriginal and Torres Strait Islander cultural safety.
- A Reportable Conduct Scheme (mandatory reporting).
- · Information sharing provisions.
- An Independent Regulator to oversee the standards, scheme, and information sharing.⁶

FIGURE 2: Tasmania's Child and Youth Safe Framework



⁵ Australian Human Rights Commission, 'What is a child safe organisation?', available at https://childsafe.humanrights.gov.au/about/what-child-safe-organisation.

^{6 &#}x27;Introducing Tasmania's Child and Youth Safe Organisations Framework' 2023, pg. 11, available at https://www.justice.tas.gov.au/_data/assets/pdf_file/0011/711848/Introducing-Tasmanias-Child-and-Youth-Safe-Organisations-Framework-v3-1.pdf

Child and Youth Safe Standards



OVERVIEW

Central and critical to a child and youth safe organisation, the Child and Youth Safe Standards are a set of ten standards that mirror the <u>National Principles</u> – developed in response to the Royal Commission findings. They are designed to:

- Help drive cultural change in organisations.
- Be principle-based and outcome focused.
- Be flexible enough that they can be adapted by organisations.
- · Avoid placing undue burden on organisations .
- · Help organisations address multiple risks.
- · Balance caution and caring.
- Be a benchmark against which organisations can assess their child safe capability.
- Be of equal importance and interrelated.7

The standards focus on different aspects of organisations, including:

- Culture (standards 1-4);
- Processes (standards 5-7);
- Environments (standards 8-10).

They apply to all DPFEM workers, whether they actively engage with children and young people while performing their role or not .

The following section outlines each of the standards .More information is available in the DPFEM Child and Youth Safe Standards Guidelines and <u>Interim Compliance Guidefor Organisations</u>, which provides several examples organisations can take to support each of the standards.

Child and Youth Safe Standards – universal principle

The ten standards are complemented by an overarching universal principle embedding Aboriginal cultural safety .This means that the standards are to be applied in an environment that ensures Aboriginal and Torres Strait Islander children and young people feel safe, respected, and their sense of self and identity is nurtured and encouraged through the expression of their culture .

The purpose of the universal principle is to contribute to overcoming the power imbalances of places, people and policies that occur between the majority non-Indigenous people and the minority Aboriginal and Torres Strait Islander people – closing the gap .

The universal principle applies across all ten Child and Youth Safe Standards.

⁷ New South Wales Government, 'A guide to the Child Safe Standards', pg. 4, available at https://ocg.nsw.gov.au/sites/default/files/2021-12/g_CSS_GuidetotheStandards.pdf



CULTURE:

STANDARD 1 – leadership, governance and culture

Child safety and wellbeing is embedded in organisational leadership, governance, and culture .

STANDARD 2 – rights of children

Children and young people are informed about their rights, participate in decisions affecting them and are taken seriously.

STANDARD 3 – families and communities

Families, carers, and communities are informed and involved in promoting child and youth safety and wellbeing .

STANDARD 4 – equity and diversity

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



PROCESS:

STANDARD 5 – our workers

People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice.

STANDARD 6 – intervention and response

Processes to respond to complaints and concerns are child focused.

STANDARD 7 – education and training of our workforce

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



ENVIRONMENT:

STANDARD 8 – safe and accessible environments

Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed .

STANDARD 9 – continuous improvement

Implementation of the Child and Youth Safe Standards is regularly reviewed and improved .

STANDARD 10 – policies and procedures

Policies and procedures document how the organisation is safe for children and young people.

Reportable conduct scheme



Part 4 of the *Child and Youth Safe Organisations Act 2023* mandates that certain DPFEM worker conduct or behaviour be formally reported to the Independent Regulator. Although the legislation dictates that ultimate reporting responsibility rests with the head of entity, all workers must play their part in keeping children and young people safe.

If there is a reasonable suspicion a worker has behaved inappropriately against, with, or in the presence of a child or young person (reportable conduct), the head of entity must report this suspicion to the Independent Regulator within 3 days .Further, the head of entity is obliged to carry out an investigation into the behaviour; provide an update regarding the investigation within 30 days; and notify the Independent Regulator when the matter is closed .

To ensure the head of entity meets these obligations DPFEM must have accessible reporting processes, where complaints about reportable conduct can be made . This includes internally – if a DPFEM worker needs to report the behaviour of a fellow worker; and externally – if a member of the public needs to report the behaviour of a DPFEM worker.

The focus of reporting is the conduct itself, not the location the conduct occurs. If there is reasonable suspicion a worker has acted inappropriately against, with, or in the presence of a child or young person outside the workplace, it is still reportable.

Reportable conduct includes criminal and non-criminal behaviour, so may involve both an internal code of conduct investigation and a concurrent criminal investigation carried out by Tasmania Police .Reportable conduct includes:

- · significant emotional or psychological harm
- significant neglect
- physical violence
- · a relevant offence (sexual offences)
- sexual misconduct
- grooming of a child or young person such as trying to gain access to a child, creating conditions for abuse to happen, or taking actions to prevent getting caught
- televant offences such as failing to report child abuse and female genital mutilation.⁸

Reporting responsibilities

If you suspect that a fellow DPFEM worker has acted inappropriately against, with, or in the presence of a child or young person, you must report it. This is irrespective of whether the alleged behaviour occurred in the workplace.

The requirement to report under the *Child and Youth Safe Organisations Act 2023* does not negate the requirement for mandatory reporting under the *Children, Young Persons and their Families Act 1997*.

For more information about reportable conduct, including how to report, refer to the DPFEM Reportable Conduct Guidelines via dpfem.tas.gov.au/childsafe.

⁸ Refer to the definitions section of this policy or section 7 of the *Child and Youth Safe Organisations Act 2023* for a more detailed description.

Information sharing



Inquiries into child abuse in organisational settings have showed us there can be serious consequences when information doesn't flow effectively between relevant people or groups.

Under Part 5 of the *Child and Youth Safe Organisations Act 2023*, organisations covered by the Tasmanian framework are permitted to share personal information when deemed necessary to keep a child or youth safe . Information can only be shared with certain bodies, such as the Independent Regulator, police, or the Registrar appointed under the *Registration to Work with Vulnerable People Act 2013* .

DPFEM strives to manage information responsibly and in accordance with governing legislation and policy, including the <u>Tasmania's Protective Security Policy Framework</u>.

Independent Regulator



The Independent Regulator provides independent oversight of the standards, reportable conduct, and information sharing . Independent oversight is important to foster organisational transparency and accountability, which decreases the risk of harm to children and young people . The Independent Regulator is independent from the government, reporting to parliament rather than a minister.

The Independent Regulator:

- Oversees reportable conduct notifications and investigations.
- Provides advice and guidance on how to conduct a reportable conduct investigation.
- Receives and assesses the appropriateness of investigation findings, reasons for findings and actions.
- Can conduct an own-motion investigation.
- · Can receive reports from anyone, not just heads of agencies.

The Independent Regulator also provides support to organisations subject to the Tasmanian framework, including education, guidance, advice, training, resources, data collection and trend identification. Their ultimate responsibility is to keep children and young people safe in Tasmanian institutional settings .

More information can be found at oir.tas.go.au.

Definitions

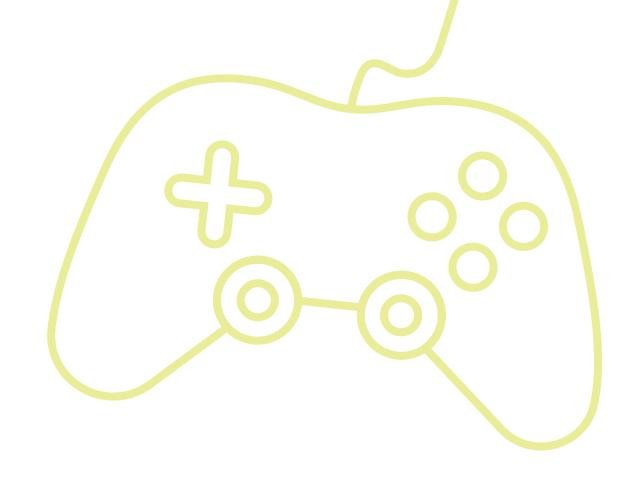
Term	Definition
Abuse (child abuse)	In the context of this document, abuse means child abuse and encompasses any or all types of abuse and neglect, including physical abuse, emotional abuse, psychological abuse, sexual abuse, and exposure to or involvement in domestic and family violence.
Child or children	Anyone under the age of 18; in the context of this document, references to child or children are intended to be inclusive of young person or young people.
Child-centred	Child-centred practice prioritises children's safety, and actively provides supports to families in a way that ensures children are protected from harm (so they are safe) while meeting their emotional needs (so they can feel safe).
Child safe organisation	An organisation that consciously and systematically: creates an environment in which children's rights, safety and wellbeing are at the centre of thought, values and actions; engages with children and young people to create conditions that reduce the likelihood of harm; creates conditions that increase the likelihood of identifying potential harm; and responds to concerns, suspicions, allegations and disclosures of abuse.
Child safety	Action taken to ensure the safety and wellbeing of children and young people, including: • preventative measures and risk mitigation • recognising signs of harm and/or abuse • early intervention and effective, trauma-informed response to abuse and/or harmful sexual behaviour.
Child sexual abuse	Any act (including grooming) that exposes a child to, or involves a child in, sexual activities that are beyond their understanding, contrary to accepted community standards or outside what is permitted by law.
Commission of Inquiry	Commission of Inquiry into the Tasmanian Government's Response to Child Sexual Abuse in Institutional Settings.
Concerning behaviour	Behaviour that would appear to a reasonable observer to present risks or connotations.
Cultural safety	An environment in which the inherent rights, beliefs and traditions of a particular culture and/or all cultures are recognised, respected, protected and advanced.
Conexus	DPFEM intranet site.
Department or Departmental	Refers to the Department of Police, Fire and Emergency Management.
DPFEM	The Department of Police, Fire and Emergency Management.

Term	Definition
Entity	In the context of this document, any organisation subject to the auspices of the Child and Youth Safe Organisations Act 2023 (refer section 5).
Grooming	Any online or in-person behaviour intended to manipulate and control a child, their family, kin or caregivers, or other support networks or organisations, with the aim of: gaining access to the child, obtaining the child's compliance, maintaining the child's silence, and/or avoiding the discovery of sexual abuse; grooming may be difficult to identify, and can be done by people already known to the child, including by a family member, kin or carer (Commonwealth of Australia, 2021a).
Independent Regulator	An independent regulatory body that will oversee the Framework, and make sure organisations have the support, advice, and education they need to do the right thing (refer to Part 2 <i>Child and Youth Safe Organisations Act 2023</i>). Refer to oir.tas.gov.au
National Principles	National Principles for Child Safe Organisations (National Principles) is a key national reform in response to the Commission of Inquiry recommendations . They provide a nationally consistent approach to embedding child safe cultures within organisations that engage with children, and act as a vehicle to give effect to all Royal Commission recommendations related to child safe standards . Refer to National Principles for Child Safe Organisations.



Term	Definition
Reportable conduct (s7 Child and Youth Safe Organisations Act 2023)	Emotional or psychological harm means harm to a child's wellbeing or development, or both; Neglect means the deliberate or reckless failure to meet the basic needs of the child; Physical violence means - a) the intentional or reckless application of physical force to a person without lawful justification or excuse; or b) any act which intentionally or recklessly causes a person to apprehend immediate and unlawful violence to the person; Relevant offence means - a) a sexual offence; or b) an offence under section 105A of the Criminal Code; or c) an offence under section 178A of the Criminal Code; or d) an offence under section 298, 299 or 300 of the Criminal Code in respect of an offence specified in paragraphs (b) and (c); Sexual misconduct includes, but is not limited to, the following conduct when performed in a sexual manner or with a sexual intention: a) inappropriate behaviour; b) physical contact; c) voyeurism; d) speech or other communication including electronic communication; Sexual offence means an offence of a sexual nature under a law such as, but not limited to, the following offences: a) an offence under section 122, 124, 125, 125A, 125B, 125C, 125D, 126, 127, 129, 130, 130A, 130B, 130C, 130D, 133, 137 or 185 of the Criminal Code; b) an offence under section 298, 299 or 300 of the Criminal Code in respect of an offence specified in paragraph (a); c) an offence under section 298, 299 or 300 of the Criminal Code in respect of an offence specified in paragraph (a); c) an offence under section 72, 72A, 73, 73A, 74 or 74A of the Classification (Publications, Films and Computer Games) Enforcement Act 1995; d) an offence under section 8(1A)(a) or 35(3) of the Police Offences Act 1935; e) an offence under section 4, 7, 8(2) or 9 of the Sex Industry Offences Act 2005; Significant, in relation to emotional or psychological harm or neglect, means that the harm or neglect is more than trivial or insignificant, but is not required to be deemed serious or deemed to have a lasting permanent effect
Royal Commission	Royal Commission into Institutional Responses to Child Sexual Abuse.
Safeguard or safeguarding	To protect a person's health, wellbeing and human rights, enabling them to live free from harm.
Safeguarding Framework	This document, which describes DPFEM's framework for safeguarding children and young people from all forms of abuse.
Staff	Includes employees and any other individuals engaged by DPFEM, for example an employee of a labour hire company.

Term	Definition
Standards	Tasmania's Child and Youth Safe Standards.
Trauma-informed practice	An approach that reflects and embeds trauma awareness, sensitivity and responsiveness across the entire organisation and its work.
Volunteer	An unpaid worker who participates in or supports the work of DPFEM.
Worker	Refer to "Scope" on page 6
Young person or young people	Anyone under the age of 18; in the context of this document, references to child or children are intended to be inclusive of young person or young people.



APPENDIX A Intersecting child safe initiatives

2021 Independent Inquiry into the Tasmanian Department of Education's Responses to Child Sexual Abuse

Australian Royal Commission into Institutional Responses to Child Sexual Abuse

Australian Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability

Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings

National Agreement on Closing the Gap

National Framework for Protecting Australia's Children 2021-2031

National Principles for Child Safe Organisations

National Strategy to Prevent and Respond to Child Sexual Abuse 2021-2030

New Zealand Abuse in Care Royal Commission of Inquiry

Tasmania's Child and Youth Safe Organisations Framework

Tasmania's Child & Youth Wellbeing Strategy: It takes a Tasmanian Village

United Nations Convention on the Rights of the Child

Wiyi Yan U Thangani (Women's Voices): Securing Our Rights, Securing Our Future Report

APPENDIX B – Related legislation, polices, procedures, and resources

LEGISLATION

Anti-Discrimination Act 1998

Child and Youth Safe Organisations Act 2023

Children, Young Persons and Their Families Act 1997

Community Protection (Offender Reporting) Act 2005

Disability Inclusion Bill 2023

Disability Inclusion and Safeguarding Bill 2024

Emergency Management Act 2006

Fire Service Act 1979

Forensic Procedures Act 2000

Personal Information Protection Act 2004

Police Service Act 2003

Public Interest Disclosure Act 2002

Registration to Work with Vulnerable People Act 2013

Right to Information Act 2009

State Service Act 2000

Work Health and Safety Act 2012

Workers Rehabilitation and Compensation Act 1988

Youth Justices Act 1997

STATE RESOURCES

2021 Independent Inquiry into the Tasmanian Department of Education's Responses to Child Sexual Abuse

Child and Youth Safe Organisations Act 2023

Child and Youth Wellbeing Strategy: It takes a Tasmanian Village

Employment Direction No 5 – Procedures for the investigation and determination of whether an employee has breached the Code of Conduct

Tasmania's Child and Youth Safe Organisations Framework

NATIONAL RESOURCES

National Agreement on Closing the Gap

National Principles for Child Safe Organisations

National Strategy to Prevent and Respond to Child Sexual Abuse 2021-2030

Safe & Supported: the National Framework for Protecting Australia's Children 2021-2031

INTERNATIONAL RESOURCES

United Nations Convention on the Rights of the Child

