

Child Safe Policy

Our commitment to child safety within the Department of Communities and Justice.

September 2024



Contents

1. Purpose of this Policy	3
1.1 Scope	4
2. Our Commitment to Child Safety Guiding Principles	5
2.1 Child safety is embedded in leadership, governance and culture	5
2.2 Equity is upheld and diverse needs taken into account	6
2.3 Language barriers are recognised and addressed	6
2.4 Duty of care to Aboriginal children	7
2.5 Trauma-informed principles and practices	7
2.6 Participation of children in decision-making	8
3. Roles and Responsibilities	9
3.1 Summary of roles and responsibilities	10
4. Risk Management	12
4.1 Key risks for children	13
4.2 Recruitment and Selection	13
4.3 Training and induction	14
4.4 Supervision and performance management	14
4.5 Child-focused participation, feedback, and complaints	14
4.6 Families and communities are informed and involved	15
4.7 Measuring and monitoring compliance against the Standards	15
5. Reporting and responding to complaints or disclosure	16
6. Administration of this policy	17
6.1 Failure to comply with this policy	17
6.2 Review and publication	17
6.3 Further information	17
Appendix 1 – Child Safe Standards	18
Appendix 2 – Additional Child Safe Resources	20
DCJ resources	20
Other useful resources	22
Legislative instruments	23
Appendix 3 – DCJ Child Safe Code of Conduct	24
Appendix 4 – Definitions	25

1. Purpose of this Policy

DCJ is committed to building and maintaining an organisational culture that upholds the safety, welfare, and wellbeing of children. This reflects both our legislative obligations under the *Children and Young Persons (Care and Protection) Act 1998* and the *Children's Guardian Act 2019*, and our moral and ethical duties as the lead NSW government agency for child protection.

DCJ is both a 'child safe organisation' and a 'prescribed agency' for the purposes of the Child Safe Scheme (CSS) established under Part 3A of the *Children's Guardian Act 2019*. Further to our obligations as a prescribed agency, we are required to develop a Child Safe Action Plan every four years, setting out the strategies we will adopt and the tasks we will complete to improve child safety across DCJ and the wider NSW child protection sector. Our first DCJ Child Safe Action Plan 2023–2027 (CSAP) was released in 2023; our CSAP will help us to create a culture of child safety through awareness building, capacity building and implementation of the CSS's ten Child Safe Standards.

The Child Safe Standards, as recommended by the Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission), are designed to guide child safe practice and ongoing improvements to child safety in organisations in NSW (see Appendix 1). One of those Standards requires that child organisations have policies and procedures in place to document how the organisation is child safe. This Policy is designed to meet our obligations under the CSS, and realise our objectives under our CSAP.

DCJ is committed to putting the safety, welfare and wellbeing of children at the centre of our design and delivery of programs and services – whether delivered directly by DCJ, or by our contracted service providers – guided by the principles outlined in this Policy.

The purpose of this Policy is to:

- Assist employees and others in our workplaces to understand their responsibilities under the:
 - *Child Protection (Working with Children) Act 2012*
 - *Children and Young Person's (Care and Protection) Act 1998*
 - *Children's Guardian Act 2019*
 - DCJ Code of Ethics and Conduct.
- Embed the ten NSW Child Safe Standards in our practices, behaviours and workplace culture.
- Promote DCJ Child Safe Action Plan 2023–2027, our planned approach for building and promoting awareness and capability of child safety and organisational reform.
- Model the behaviours and standards DCJ expects of our contracted service providers and the wider sector.

It is important to note that this Policy should be read and applied with regard to other legislation, policies and procedures that apply to child safety referred to in Appendix 4. DCJ has a large number of policies and procedures relating to specific aspects of its work, which provide more detailed direction or guidance for those particular circumstances.



1.1 Scope

This Policy relates to DCJ's service delivery and engagement to children and young people from birth to 18 years of age. It may, in some circumstances, also apply with respect to DCJ's involvement with pregnant women and their unborn children, where there are concerns that a child may be at risk of significant harm after birth.

This Policy applies to all employees (paid or unpaid) including volunteers, interns, students, and contracted service providers, who undertake work for DCJ, including people leaders, staff, contractors and consultants (see [section 3](#)).

Service providers that are funded by DCJ to deliver services to children (for example, contracted service providers and subcontractors, referred to as 'third party providers') must comply with the terms and conditions of their contracts with DCJ, and applicable agreements on child safety. For the most part, third party providers we engage will themselves be child safe organisations for the purposes of the *Children's Guardian Act 2019* and will also be required to comply with the NSW Child Safe Standards.

This Policy, and DCJ's contracts with third party providers, do not replace or act as a substitute for those statutory obligations.

This Policy will be communicated to every person to whom it applies and will be made accessible to all interested stakeholders through public release. Any procedure or attachment referenced within the Policy should be considered as part of the Policy and must be followed to make sure correct and consistent application of the Policy.



2. Our Commitment to Child Safety

Guiding Principles

2.1 Child safety is embedded in leadership, governance and culture

The Department of Communities and Justice (DCJ), including our Secretary, Michael Tidball, and our Executive Leadership Team (ELT), is committed to the objectives and implementation of the Child Safe Scheme (CSS) to meet our duties as a child safe organisation.

The Secretary's 2023 [statement](#) of commitment to the CSS speaks to DCJ's dedication to: the safety, welfare and wellbeing of children; ensuring children are active and informed participants in decisions affecting their lives; upholding children's rights and respecting their autonomy; and building and maintaining a nurturing environment and a child safe culture.

DCJ, as the lead Government agency in NSW for protection and promotion of child safety, welfare and wellbeing, is committed to understanding and meeting the needs of all children, including Aboriginal and Torres Strait Islander children, children from culturally and linguistically diverse backgrounds, children in rural and remote areas, and children with disability or special needs. DCJ will:

- maintain an effective recruitment, screening and selection process for those seeking to work in DCJ, ensuring that our employees who work in child-related roles have been screened and found suitable for child-related work
- report conduct or any other issue that is inconsistent with maintaining a child safe environment to appropriate bodies, and work with those bodies to identify areas where we might improve our practices to address risks to children
- have processes in place to ensure that allegations of reportable conduct and/or risks of abusive conduct towards children can be identified, and reported easily, confidentially and without fear of retribution

- educate our staff about our child safe obligations, especially those directly engaged in child-related work. This includes training on the nature and indicators of child maltreatment (particularly child abuse in institutional contexts); provision of useful and up-to-date information resources; and direct support from managers and supervisors
- actively involve children in decision making that affects them ensuring they are well informed, and by seeking and respecting their views
- provide a range of ways to allow children and their parents or other carers to provide feedback, make complaints, or raise concerns
- maintain physical and online environments that minimise the opportunity for child abuse to occur
- ensure that our child-related programs and services, standards and practices are inclusive and meet the needs of diverse groups, including Aboriginal and Torres Strait Islander people, people living with disability, those from culturally and linguistically diverse backgrounds, and those who identify as lesbian, gay, bisexual, transgender, intersex, queer, asexual and other sexually or gender diverse identities (LGBTIQ+).





2.2 Equity is upheld and diverse needs taken into account

DCJ is dedicated to fostering an inclusive and culturally safe environment for children, recognising and celebrating their diversity. We are mindful of the different needs and experiences of children, and that particular supports may be needed for children who are:

- Aboriginal
- living with disability
- neurodiverse
- from culturally and linguistically diverse communities
- gender diverse, intersex and/or sexually diverse
- living with the impacts of trauma.

DCJ understands that some children are more vulnerable to abuse than others, or may find it harder to speak up and be heard. DCJ will provide inclusive and culturally safe services and programs that are free from discrimination. Children's diverse characters, experiences, circumstances, and needs and abilities will be considered when designing and delivering services and programs.

DCJ will ensure that:

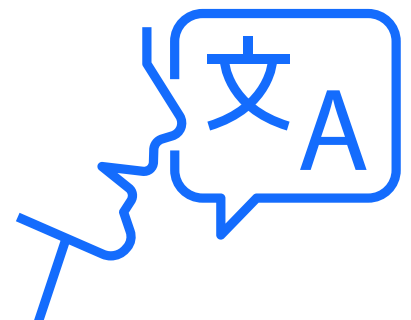
- Children's diversity is celebrated and considered in the delivery of all services
- Children are provided with equal opportunities to engage in activities, programs and services, and to feel welcome, safe, seen and valued
- Cultural planning is used in practice to support children to identify and engage in their culture.

2.3 Language barriers are recognised and addressed

Language barriers can have a significant effect on the ability of a child and their family to access services, information and supports. This has potential to lead to or exacerbate isolation, marginalisation and disadvantage.

DCJ is committed to ensuring that children, families, and carers from culturally and linguistically diverse backgrounds have the same opportunity to understand, communicate and participate in DCJ's involvement in their lives.

Where children and families have low English language literacy (that is, speak a language other than English) or are hard of hearing, professional interpreters will be made available by contacting the Translating and Interpreting Service including Auslan interpreters on 131 450.



2.4 Duty of care to Aboriginal children

The over-representation of Aboriginal children in the child protection and youth justice systems is a persistent and enduring problem. We acknowledge the harmful impact of past government policies on Aboriginal people and children, which continue to adversely affect many Aboriginal families today.

DCJ, and the wider NSW Government, have committed to a range of national and state initiatives to improving outcomes for Aboriginal children, families, and communities. NSW's commitments to the National Agreement on Closing the Gap and Safe and Supported: the National Framework for Protecting our Children, including its First Aboriginal and Torres Strait Islander Action Plan 2023-2026, are evidence of our genuine commitment to shared decision-making with Aboriginal people, children, families and communities in the design and delivery of services that affect them to achieve better life outcomes.

DCJ will provide culturally safe services that focus on listening, strengthening relationships and building trust with Aboriginal children, families, and communities. Staff will support children to identify with and participate in their culture, and encourage connection and belonging.

2.5 Trauma-informed principles and practices

Trauma, whether from single or repeated adversities, can significantly and detrimentally affect person's physical and mental health, resilience, sense of self, and capacity to build trust and meaningful relationships with others. Complex trauma, often caused by prolonged or extreme adverse experiences like abuse, neglect, or family violence, can affect not only direct victims or witnesses, but also those around them and future generations.

DCJ understands the critical importance of sensitive and trauma-informed practices that emphasise safety, trust, choice, collaboration, empowerment, and respect for diversity. These practices are crucial for working with traumatised individuals, particularly children, to offer them the best possible chance at recovery and future wellbeing.¹





2.6 Participation of children in decision-making

DCJ will provide accessible opportunities and encourage children to participate in decisions that affect their lives, both in the immediate term, and in the future. DCJ supports and embeds the active participation of children in our services, programs, and events.

We can learn from children and their lived experiences and recognise their unique strengths and capabilities. This is to:

- support children to gain power and control in their lives, and recognise and value their right to participate in decisions that affect them
- help us better meet children's needs and understand their interests
- involve children in, and recognise them as valuable members of, their community
- encourage them to share their ideas and opinions
- teach them confidence in speaking up and asserting their rights and opinions.

DCJ will provide accessible, informative and age-appropriate information to children and young people to ensure they understand their circumstances, the reason why they may be engaged with DCJ, and their rights. This includes explaining why certain decisions have been taken, and how children's own views have been taken into account in making those decisions, as well as the sharing of information on supports and services, and avenues for them to raise concerns or report situations that have made them feel unsafe.

3. Roles and Responsibilities

Ensuring the safety, welfare and wellbeing of children is the responsibility of all members of our community. However, as the lead Government agency in NSW responsible for the protection and promotion of child safety, welfare, and wellbeing, DCJ and its staff including volunteers and contracted service providers, have specific legislative obligations with respect to child safety, and play a special role in building and maintaining a standard across our organisation, sector and wider community that respects and protects children.

All DCJ staff, contractors and volunteers must be made aware of and comply with their legislative obligations with respect to child safety. These include obligations under the *Children and Young Persons (Care and Protection) Act 1998*, *Children's Guardian Act 2019* (including with the respect to the CSS and the reportable conduct scheme), maintaining their working with children check (**WWCC**) clearances and complying with internal policies and procedures, including this Policy.



3.1 Summary of roles and responsibilities

Every member of our workplace is responsible for ensuring the environments in which they work are respectful, professional, and safe for children. The table below provides a high-level summary of responsibilities of key members in our organisation and contracted service providers that sit outside of DCJ.

Roles	Definition	Child Safe Responsibilities
Secretary	<p>The administrative head of the agency, with specific powers and functions under legislation, and under delegation from the Minister for Families and Communities.</p> <p>This role involves executive leadership and management responsibilities within the department, overseeing its operations, providing strategic direction and implementation of policies and programs related to community services, justice, and related areas.</p>	<ul style="list-style-type: none"> • Provide leadership and accountability for an effective child safe workplace environment and culture. • Champion the CSS and this Policy and demonstrate the standards for acceptable behaviours and practice.
People leaders	<p>People leaders within DCJ refer to individuals in management or supervisory roles who are responsible for leading and guiding teams of employees within the department.</p>	<ul style="list-style-type: none"> • Provide leadership in building, maintaining, and promoting a child safe culture within DCJ. • Demonstrate understanding and commitment to children’s rights and child safe practices within DCJ. • Provide support, guidance, and training (including in induction) to employees in child-related roles. • Ensure risk assessment processes, utilising risk screening tools identify and manage risks to children, and that risk assessments are repeated annually or when division functions change, or new functions are obtained that relate to children. • Develop child safe procedures and guidelines that sets out in more detail the practical steps to align with the Standards and applied to direct child-related service and programs under their remits. • Consider this Policy when developing, designing, and managing other policies and programs to ensure they promote children’s rights and include relevant child safety considerations.
People Branch – including talent acquisition	<p>DCJ’s People Branch is responsible for ensuring that DCJ’s recruitment processes are fair, inclusive, and aligned with the department’s vision of delivering better outcomes for the community.</p>	<ul style="list-style-type: none"> • Assist hiring managers to prepare job descriptions and oversee recruitment processes to ensure that requirements around child safety are documented and that potential employees for roles that involve working with children are screened for this purpose. • Provide advice and support for staff training on child safety. • Ensure WWCCs are current, and numbers are verified online prior to issuing employment letters or initiating onboarding processes.

Roles	Definition	Child Safe Responsibilities
Employee	<p>Employee refers to any person engaged in work (both paid and unpaid including volunteers) for DCJ in any of the following capacities:</p> <ul style="list-style-type: none"> - full-time, part-time, casual, temporary, and fixed term employees - students on placement <p>All employees whose roles involve contact with children must have a WWCC and be deemed suitable.</p>	<ul style="list-style-type: none"> • Support DCJ’s mission to promote safety, well-being and positive outcomes for children and families. • Understand the requirements of this Policy and apply it in all aspects of their role. • Raise and/or escalate risk concerns and/or behaviours that are contrary to this Policy as soon as possible as in line with reporting policies and procedures.
Contracted Service Provider	<p>An individual, agency, organisation, or entity that has entered into a formal contractual agreement with DCJ to deliver specific services, programs, or interventions to clients, including children and families.</p> <p>Contracted service providers operate independently of DCJ but are engaged to support the department to meet the needs of clients. Contracted service providers may include, but are not limited to, counselling agencies, out-of-home care (OOHC) providers, agencies, residential care providers and community organisations delivering targeted support services.</p> <p>Contracted Service providers whose roles involve contact with children must have a WWCC and be deemed suitable.</p>	<ul style="list-style-type: none"> • Understand and abide by obligations with respect to child safety, including applicable DCJ policy and procedure such as this Policy. • Report non-compliance to DCJ contract managers. • Comply with applicable legislative obligations, which may include obligations under the CSS. • Support DCJ’s mission to promote safety, wellbeing, and positive outcomes for children and families. • Understand this is a notifiable Policy, and its requirements and the DCJ Code of Conduct are to be applied in all aspects of their role. • Raise and/or escalate risk concerns and/or behaviours that are contrary to this Policy as soon as possible in line with their procedures for reporting and addressing child safety concerns.
Office of the Children’s Guardian (OCG)	<p>The OCG is responsible for regulating and overseeing the conduct of organisations to uphold children and young people’s right to be safe in NSW. This includes regulation of child safe organisations’ compliance with the CSS, administers the WWCC scheme and the reportable conduct scheme, and managing various registers related to persons in child-related work.</p>	<ul style="list-style-type: none"> • Assess and monitor organisations’ conduct to ensure compliance with the CSS and Child Safe Standards. • Provide guidance, resources, and training to organisations to help them understand and implement the NSW Child Safe Standards effectively. • Conduct investigations into reports of non-compliance or breaches of the NSW Child Safe Standards and take appropriate action against organisations that fail to meet the standards. • Maintain a transparent reporting system to track compliance and report on the effectiveness of the CSS.

4. Risk Management

DCJ has a responsibility when working with children to keep them safe from harm and abuse. To fulfil this responsibility, staff must be equipped with the skills and confidence to identify potential risks to children, and the knowledge of how to respond. The types of risk, and the severity of their consequences, vary across different areas of DCJ, but by fostering a culture where staff feel empowered to identify and act on forms of risk is critical to support transparency, continual improvement and responsiveness to areas of organisational vulnerability that have potential to undermine children's safety.

Child safety risk assessments are to be integrated into all aspects of our work for and with children, and inform the development of all our related policies, programs, and projects. To make sure we maintain a child safe culture, all employees, contractors, and volunteers will be informed, resourced, and supported to understand their role in providing a child safe environment, and empowered to raise concerns where they identify areas of likely risk.



4.1 Key risks for children

Some key examples of risks to child safety which DCJ will mitigate in its operations are:

- Opportunities for adults to have unsupervised access to children, for example, in private settings
- Opportunities for adults to develop strong personal relationships with children that involve emotional closeness, including via social media or other mediums, and/or physical contact
- Opportunities for adults to have undue authority over children and to adversely influence or control aspects of a child's life
- Insufficient recognition of or sensitivity to the heightened vulnerabilities of certain children, such as children with disability, from culturally and linguistically diverse backgrounds, or with neurodivergence
- Poor understanding and acknowledgement of the role of culture in keeping Aboriginal children safe
- Poor identification, assessment, and support for children with problematic and harmful sexual behaviours
- Insufficient recruitment and screening practices for staff
- Inadequate training and support for carers and staff, including around identifying and responding to signs of abuse
- Limited access to therapeutic supports for all children, and a lack of culturally appropriate trauma-informed healing programs for Aboriginal children.

4.2 Recruitment and Selection

DCJ will recruit people who can demonstrate understanding of and commitment to the DCJ values, including to fostering and maintaining a culture of child safety.

DCJ maintains a rigorous and consistent recruitment and selection process for all individuals who will have direct contact work with a child, or where contact is a usual part of and more than incidental to the work. Each of these employees (whether DC-engaged or working with contracted service providers) must have and maintain a current WWCC. DCJ has systems in place to ensure WWCC are held by new employees, and to track their currency and expiry.

DCJ's recruitment and selection processes also involve advertising and screening practices that emphasise child safety, such as behaviour-based interview questions and stringent and careful reference checks and national police checks undertaken before a staff member is broad on board.

DCJ is also committed to diversity in its own workforce, and has targets for recruitment and engagement of Aboriginal staff and staff with disability. This diversity in staff is important, given the diversity of the children we work with; having those with lived experience on our staff can be invaluable in ensuring our practice is sensitive to the needs and experiences of all members of our community.



4.3 Training and induction

4.3.1 DCJ employees

DCJ will meet its training and onboarding obligations by ensuring that all employees and volunteers are informed about child safety obligations and the DCJ Code of Ethical Conduct upon induction. It is made clear to all DCJ staff that child safety is everyone's responsibility. Employees, including volunteers, will be supported to understand DCJ's commitment to child safety and that everyone has a role to play in safeguarding children.

DCJ will conduct annual staff surveys to gauge staff awareness of the CSS, Child Safe Standards and DCJ's own child safe policies, to understand gaps in knowledge or awareness and inform new or updated training packages.

4.3.2 Contract service providers

Contracted service providers will be required to ensure staff in child-related roles hold current WWCC clearances, and have access to necessary training on child safety obligations. This includes ensuring contractors' staff are aware of and familiar with the DCJ Code of Ethical Conduct and understand that child safety is everyone's responsibility. DCJ contract managers will advise contracted service providers of publicly available training packages provided by the OCG for implementation of the [NSW Child Safe Standards](#).

4.4 Supervision and performance management

Supervision, performance management and review systems incorporate child safety. All staff are required to adhere to their legislative obligations, as well as the DCJ Code of Ethical Conduct and child safe policies and procedures. Supervisory include oversight of compliance with these requirements, which form an integral part of staff ability to perform their functions.

Staff and supervisors, including senior management, are empowered and encouraged to raise concerns, formally or informally, about harm or risk of harm to children, and to report allegations or complaints. DCJ has reporting processes in place, including protection for staff who raise concerns about colleagues or others they may encounter in their professional capacity.

4.5 Child-focused participation, feedback, and complaints

DCJ fosters a child-focused culture where children provided with information about matters that affect them in an accessible and age-appropriate way, are encouraged to participate in decisions about them, and are advised of the avenues through which they can provide feedback or make complaints or reports. Feedback and complaint-handling systems safe designed to promote the rights, safety, and wellbeing of children, and be accessible and responsive to their needs. Children will be kept updated on the outcomes of any complaints made wherever possible (noting some limitations may exist in matters that are reported to police).

Every DCJ division with responsibility for the design and/or delivery of services and programs to children has slightly different internal working practices, remits and responsibility. This may require specific policies or processes that are tailored to a particular division's activities. In all cases, however, policies and practices should be child-focused and consider the best ways to facilitate children's participation and feedback, and to allow them to raise concerns or make complaints.

DCJ understands that some children may be more comfortable speaking up through online tools and surveys rather than directly to an adult such as a caseworker. DCJ will make these avenues available where possible and appropriate. Where a child's own account is needed directly, DCJ will ensure children have access to a support person, and strive to conduct any interviews or discussions in an environment that is familiar and welcoming for the child.



4.6 Families and communities are informed and involved

Families and communities and/or their advocates should be provided an opportunity to have a say in the development of DCJ policies and practices that affect them. This may include public consultation on new policies and procedures. Families should be informed of our operations and governance, and the reasons why decisions affecting them are taken. This is facilitated through provision of both verbal and written advice, and publication on the DCJ website of key policies and operating procedures, both in accordance with, and further to, our obligations under the *Government Information (Public Access) Act 2009*.

As part of the delivery of services and programs used by children, DCJ Divisions will ensure that families and communities are:

- informed of new services and programs, or changes to existing services and programs through communications generated by the various Divisions
- are engaged in open, two-way communication about DCJ's safety approach
- have a say in the DCJ child-related policies and practices, and in decisions that will affect them
- are informed about the operations and governance including how to give feedback on services and raise issues of concern.

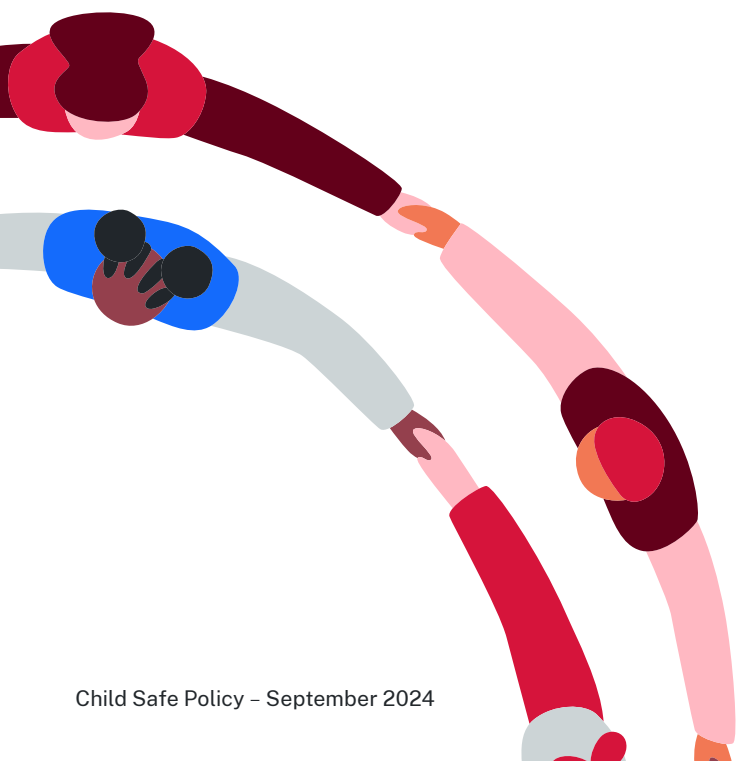
4.7 Measuring and monitoring compliance against the Standards

The [NSW Child Safe Standards](#) and their corresponding core components (see [Appendix 1](#)) must be implemented across DCJ, in all divisions and districts, and considered in the design and deliver of all policies, services and programs. Each Division has a responsibility to establish, maintain and monitor its child-related risks and put in place effective management strategies to minimise risks, recognising that there may be variance across those Divisions, depending on the nature of the work.

DCJ will measure compliance against the NSW Child Safe Standards across the organisation as part of its obligations to implement the Standards. The OCG also provides oversight of all child safe organisations' implementation of and compliance with the Standards, and may periodically seek information from, or provide guidance to, those organisations as part of its monitor and enforcement functions.

Implementation of the DCJ risk assessment tool will take place across all Divisions that work directly and indirectly with children annually, or more frequently if not a Division is found not to be meeting the Standards. Divisions that indirectly work with children include those that develop or enforce policies and procedures or make strategic decisions which may indirectly affect children or vulnerable individuals (such as program/operations management and executive level staff), for example policies and procedures in child safeguarding, privacy, staff conduct, use of social media etc.

DCJ contracted service providers will assess risk using the [NSW Office of the Children's Guardian - Self Assessment Tool](#).



5. Reporting and responding to complaints or disclosure

Everyone, including leaders, staff and volunteers, has a responsibility to report if we form a reasonable belief that abuse has occurred. Immediate action must be taken, and the incident reported, as following:

- If a child or young person is at risk of significant harm, contact the [Police Assistance Line 131 444](#)
- If reporting child abuse and neglect, contact the [Child Protection Helpline 13 21 11](#)
- If further information is required, see [Reporting a child at risk | Family & Community Services \(nsw.gov.au\)](#).

For more information about reporting, and responding to complaints or disclosures about DCJ services and or service providers contracted by DCJ, refer to the [DCJ Complaints and Feedback | Communities and Justice \(nsw.gov.au\)](#).

For further information about how DCJ manages complaints, please refer to the Community Services Enquiry, Feedback and Complaints Unit (EFCU):

- **Phone:** [1800 000 164 – external](#) (9am to 4.30pm, Monday to Friday)
- **Email:** complaints@dcj.nsw.gov.au.



6. Administration of this policy

6.1 Failure to comply with this policy

Behaviour that is contrary to this Policy will be dealt with in a manner that is proportionate to the seriousness of the matter.

For employees, more serious breaches of this Policy may constitute misconduct, which may result in disciplinary action ranging from a caution up to, and including, termination of employment.

Volunteers, people engaged in work experience or people who provide services under contract to the department who do not comply with this Policy may have their services or contract terminated.

DCJ has a legal obligation to report certain matters to external bodies, such as the OCG under the NSW Reportable Conduct Scheme, to the NSW Ombudsman in the case of receipt of certain Public Interest Disclosures, or to law enforcement agencies in the case of suspected criminal offending.

6.2 Review and publication

To drive continuous improvement, the DCJ Child Safe Policy and related operational procedures will be reviewed regularly, including to align with any new or updated guidance material on the CSS issued by the OCG.

This Policy will be reviewed every four years, or more frequently as required, and in consultation with children, families, and communities. The DCJ Child and Family Directorate team has oversight and carriage of this Policy and the implementation of the Child Safe Standards across DCJ.

DCJ will publicise the Policy on social media and in internal communications, and embed it in induction and training resources.

6.3 Further information

Further information, advice and support to adopt this Policy can be sought from:
childsafescheme@dcj.nsw.gov.au.

The OCG website provides information on the CSS, the NSW Child Safe Standards, and the obligations and responsibilities of child safe organisations at:
ocg.nsw.gov.au/child-safe-scheme.

More information on the National Principles for Child Safe Organisations is available on the Australian Human Rights Commission website at:
childsafe.humanrights.gov.au/national-principles.



Appendix 1

Child Safe Standards

Standard	Core components
1. Child safety is embedded in leadership, governance and culture	<ul style="list-style-type: none"> • The organisation publicly commits to child safety and leaders champion a child safe culture. • Child safety is a shared responsibility at all levels of the organisation. • Risk management strategies focus on preventing, identifying and mitigating risks to children. • Staff and volunteers comply with a code of conduct that sets clear behavioural standards towards children. • Staff and volunteers understand their obligations on information sharing and record keeping.
2. Children participate in decisions affecting them and are taken seriously	<ul style="list-style-type: none"> • Children are able to express their views and are provided opportunities to participate in decisions that affect their lives. • The importance of friendships is recognised and support from peers is encouraged, helping children feel safe and less isolated. • Children can access abuse prevention programs and information. • Staff and volunteers are attuned to signs of harm and facilitate child-friendly ways for children to communicate and raise their concerns.
3. Families and communities are informed and involved	<ul style="list-style-type: none"> • Families have the primary responsibility for the upbringing and development of their child and participate in decisions affecting their child. • The organisation engages in open, two-way communication with families and communities about its child safety approach and relevant information is accessible. • Families and communities have a say in the organisation's policies and practices. • Families and communities are informed about the organisation's operations and governance
4. Equity is upheld, and diverse needs are taken into account	<ul style="list-style-type: none"> • The organisation actively anticipates children's diverse circumstances and responds effectively to those with additional vulnerabilities. • All children have access to information, support and complaints processes. • The organisation pays particular attention to the needs of Aboriginal children, children with disability, and children from culturally and linguistically diverse backgrounds
5. People working with children are suitable and supported	<ul style="list-style-type: none"> • Recruitment, including advertising and screening, emphasises child safety. • Relevant staff and volunteers have WWCCs. • All staff and volunteers receive an appropriate induction and are aware of their child safety responsibilities, including reporting obligations. • Supervision and people management have a child safety focus.

Standard	Core components
6. Processes to respond to complaints of child abuse are child-focused	<ul style="list-style-type: none"> • The organisation has a child-focused complaint-handling system that is understood by children, staff, volunteers and families. • The organisation has an effective complaint-handling policy and procedure which clearly outline roles and responsibilities, approaches to dealing with different types of complaints and obligations to act and report. • Complaints are taken seriously, responded to promptly and thoroughly, and reporting, privacy and employment law obligations are met.
7. Staff are equipped with the knowledge, skills and awareness to keep children safe through continual education and training	<ul style="list-style-type: none"> • Relevant staff and volunteers receive training on the nature and indicators of child maltreatment, particularly organisational child abuse. • Staff and volunteers receive training on the organisation's child safe practices and child protection . • Relevant staff and volunteers are supported to develop practical skills in protecting children and responding to disclosures.
8. Physical and online environments minimise the opportunity for abuse to occur	<ul style="list-style-type: none"> • Risks in the online and physical environments are identified and mitigated without compromising a child's right to privacy and healthy development. • The online environment is used in accordance with the organisation's code of conduct and relevant policies.
9. Implementation of the NSW Child Safe Standards is continuously reviewed and improved	<ul style="list-style-type: none"> • The organisation regularly reviews and improves child safe practices. • The organisation analyses complaints to identify causes and systemic failures to inform continuous improvement.
10. Policies and procedures document how the organisation is child safe	<ul style="list-style-type: none"> • Policies and procedures address all NSW Child Safe Standards. • Policies and procedures are accessible and easy to understand. • Best practice models and stakeholder consultation inform the development of policies and procedures. • Leaders champion and model compliance with policies and procedures. • Staff understand and implement related the policies and procedures.

Appendix 2

Additional Child Safe Resources

DCJ resources

DCJ has a range of policies, procedures, and practice guides in place to build and maintain a culture of child safety, and to protect children against harm, abuse, neglect, and exploitation. These are listed below (NB: not all DCJ materials are externally accessible).

As existing documents are periodically reviewed, this Policy and the Child Safe Standards should be considered, and necessary updates made.

Areas	Policy, procedure or practice
Organisational leadership, governance, and culture	<ul style="list-style-type: none">• DCJ Child Safe Action Plan 2023-2027• DCJ Statement of Commitment to the Child Safe Scheme• DCJ Code of Ethical Conduct
Human resources management	<ul style="list-style-type: none">• DCJ Employment Screening Policy• DCJ Volunteer and Work Experience Students Policy and Procedure• Employment Screening Matrix• National Criminal Record Check Procedure• Working With Children Check Procedure
Child safe policies and procedures	<ul style="list-style-type: none">• Aboriginal Consultation Guide• Care and Cultural Planning – Support Resources• Charter of Rights for 7 to 12 years old• Charter of rights for 13 to 17 year-old children and young people• Cultural Care Planning• DCJ Aboriginal Case Management Policy• DCJ NSW Interagency Guidelines for Practitioners• Interstate Child Protection Protocol• Safety in care mandate• Sibling Safety Policy 2010• Structured Decision-Making (SDM) Safety, Risk and Risk Reassessment manual• Transporting a child or client policy• Youth Justice Child Safe Policy Framework
Risk management	<ul style="list-style-type: none">• DCJ Child Safe Standards self-assessment tool under development)• DCJ Work Health and Safety Risk Management Policy

Areas	Policy, procedure or practice
Staff education and training	<ul style="list-style-type: none"> • Caseworker Development Program • DCJ Case Work practice resources • THRIVE eLearning <ul style="list-style-type: none"> - Aboriginal Case Management Policy - Code of Ethical Conduct - Complaint Handling for Public Sector Staff - Complaint Handling for Senior Staff - Culturally responsive practice –Change Together – - DCJ Mandatory Reporting DCJ Multicultural Casework –using culture to keep children safe - Engaging Families - Everyone’s Business –Cultural Awareness Journey - LGBTQI+ Inclusion - Talking with Families - Trauma responsive practice –Change Together - Working with children and young people –Change Together • Working with children with a disability • Working with parents with disabilities
Children's participation and empowerment	<ul style="list-style-type: none"> • Inclusive Practice • Interpreter and language services • NSW Practice Framework • Service information for multicultural communities • Working with children and families • Working with children with a disability • Youth Justice Young Peoples-Safety Empowerment-Questionnaire
Reporting response	<ul style="list-style-type: none"> • Bullying & Harassment Policy and Managing Workplace Issues Procedure • Complaints Policy • Critical Incident Management Escalation Pathway • Critical Incident Management Framework • Managing Misconduct Procedure • Mandatory Reporters Guide • Managing Workplace Issues Procedure • Public Interest Disclosure Policy and Procedure • Work Health and Safety Risk Management Policy

Other useful resources

Areas	Policy, procedure or practice
Organisational leadership, governance, and culture	<ul style="list-style-type: none"> • OCG Safe Series eLearning
Child safe policies and procedures	<ul style="list-style-type: none"> • ACYP Advocacy Training • ACYP Child Rights Online modules • ACYP Engaging children and young people in your organisation • OCG Guide to the Child Safe Standards • OCG Empowerment and Participation Guide
Risk management	<ul style="list-style-type: none"> • OCG Child Safe Self-Assessment • OCG Risk Management and the Child Safe Standards: Part 1 • OCG Risk Management and the Child Safe Standards: Part 2
Staff education and training	<ul style="list-style-type: none"> • Applying trauma informed principles • OCG Resources
Children's participation and empowerment	<ul style="list-style-type: none"> • ACYP Child Safe consultations • ACYP - Rights Training • NSW Ombudsman Making a complain • OCG Child Safe Series
Reporting response	<ul style="list-style-type: none"> • OCG Mandatory Reporting Scheme • OCG Reporting Obligations and Processes: a handbook for child-related organisations

Legislative instruments

The following legislative instruments include provisions that impose obligations on organisations that provide services to children at the time of writing. Please note, this is not an exhaustive list.

Child Safe Scheme Governance	
International Covenants, Declarations, and Treaties	<ul style="list-style-type: none"> • Declaration on the Rights of Indigenous Peoples • Universal Declaration of Human Rights • United Nations Convention on the Rights of Persons with Disabilities • United Nations Convention on the Rights of the Child
Governing legislation	<ul style="list-style-type: none"> • <i>Children’s Guardian Act 2019</i> (NSW)
Related legislations with provisions for organisations serving children	<ul style="list-style-type: none"> • <i>Aboriginal Housing Act 1998</i> (NSW) • <i>Adoption Act 2000</i> (NSW) • <i>Advocate for Children and Young People Act 2014</i> (NSW) • <i>Ageing and Disability Commissioner Act 2019</i> (NSW) • <i>Anti-Discrimination Act 1977</i> (NSW) • <i>Carers (Recognition) Act 2010</i> (NSW) • <i>Child Protection (International Measures) Act 2006</i> (NSW) • <i>Child Protection (Working with Children) Act 2012</i> (NSW) • <i>Children and Young Persons (Care and Protection) Act 1998</i> (NSW) • <i>Children (Community Service Orders) Act 1987</i> (NSW) • <i>Children (Detention Centres) Act 1987</i> (NSW) • <i>Children (Interstate Transfer of Offenders) Act 1988</i> (NSW) • <i>Child Welfare (Commonwealth Agreement Ratification) Act 1941</i> (NSW) • <i>Child Welfare (Commonwealth Agreement Ratification) Act 1962</i> (NSW) • <i>Community Housing Providers (Adoption of National Law) Act 2012</i> (NSW) • <i>Community Services (Complaints, Reviews, and Monitoring) Act 1993</i> (NSW) • <i>Community Welfare Act 1987</i> (NSW) • <i>Crimes Act 1900</i> (NSW) • <i>Disability Inclusion Act 2014</i> (NSW) • <i>National Disability Insurance Scheme Act 2013</i> (Cth) • <i>National Disability Insurance Scheme (NSW Enabling) Act 2013</i> (NSW) • <i>National Disability Insurance Scheme (Worker Checks) Act 2018</i> (NSW) • <i>Ombudsman Act 1974</i> • <i>Young Offenders Act 1997</i> (NSW)

Appendix 3

DCJ Child Safe Code of Conduct

The DCJ Child Safe Code of Conduct (Code) establishes clear expectations for behaviour towards children and young people in promoting and maintaining child safety and wellbeing.

Workers must not:

- subject a child to any form of corporal punishment, social isolation, immobilisation, sexual suggestion, offence or misconduct.
- communicate with a child in ways that could humiliate, frighten or distress them.
- develop any 'special' relationships with children that could be seen as grooming or favouritism such as the offering of gifts or special treatment.
- put children at risk of abuse or ignore or disregard any suspected or disclosed child abuse.
- engage in physical contact with children, including tasks that a child can do independently, like toileting or changing clothes.
- have discussions of a mature or adult nature when children are present.
- discriminate against children or express personal views on cultures, race, sexuality, gender or religion.
- use language or behaviour towards children that are inappropriate, harassing, physically or emotionally abusive, sexually provocative, demeaning or culturally inappropriate.
- use any computers, mobile phones, video cameras, cameras, or social media to exploit or harass children, or access child exploitation material through any medium.

Workers must:

- comply with relevant legislation, including WWCC and mandatory reporting requirements.
- professionally introduce themselves and show ID to children and their parent/guardian.
- ensure the Department's communications present children in a dignified and respectful manner and do not reveal identifying information about a child.
- treat children with respect and be a positive role model in their interactions.
- communicate with children in an age appropriate and realistic manner and listen and respond appropriately to a child's views and concerns.
- establish clear boundaries about appropriate behaviour between themselves and a child
- respond quickly, fairly and transparently to any serious complaints made by a child or related to a child.
- abide by their reporting obligations.
- educate children about their rights.
- Before photographing or filming a child or using children's image for work related purposes, obtain informed consent from the child and the child's parent or guardian.

Appendix 4

Definitions

Term	Definition
Child or children	For the purposes of this Policy, includes both children and young people, being individuals under the age of 18 years.
Child abuse	<p>The mistreatment of a child that causes, is causing or is likely to cause, any detrimental effect to a child's physical, psychological, or emotional wellbeing; or does, or is likely to, endanger that child's physical or emotional health, development, or wellbeing, whether through a single act, omission or circumstance; or series or combination of acts, omissions or circumstances, and includes:</p> <ul style="list-style-type: none"> • Physical abuse • Emotional or psychological abuse • Sexual abuse • Neglect • Exposure to domestic and family violence
Child Exploitation	<p>One or more of the following:</p> <ol style="list-style-type: none"> a. committing or coercing another person to commit an act or acts b. of abuse against a child c. possessing, controlling, producing, distributing, obtaining or d. transmitting child exploitation material e. committing or coercing another person to commit an act or acts f. of grooming or online grooming g. using a minor for profit, labour, sexual gratification, or some other form of personal or financial advantage.
Child-related work	<p>Work which involves engagement with a child, including:</p> <ul style="list-style-type: none"> • physical contact • face-to-face contact • oral communication • written communication and electronic communication (for example, email, instant messaging, social media and video chats).
Complaint	A complaint should be interpreted broadly and can include expressions of dissatisfaction about an organisation related to its services or dealings with an individual; allegations about the conduct of its staff, volunteers, other individuals engaged by the organisation or another child or young person at an organisation; or the handling of a prior concern.

Term	Definition
Duty of care	Duty of care means that all employees have a duty of care to maintain and ensure a safe work environment. All employees have a duty of care to clients and colleagues. Duty of care can be physical, emotional, or financial; it is the obligation to take reasonable care to make sure that nobody in the workplace is harmed. 'Reasonable' means the degree of care that could be expected from a competent and skilled person in the role.
Indirect child-related work	Includes work developing or enforcing policies and procedures or making strategic decisions which may indirectly affect children or vulnerable individuals (such as program/operations management and executive level staff) -for example policies and procedures in the area of child safeguarding, privacy, staff conduct, use of social media, etc.
Misconduct	Misconduct involves improper, wrong, or potentially unlawful conduct that is outside of policy, directions, or the law. It usually involves an allegation of an employee's act or omission arising from negligence or with intent. Examples include assault, theft, blatant disregard for policies, or other serious actions that may require investigation. Misconduct is dealt with in section 69 of the <i>Government Sector Employment Act 2013</i> .
Neglect	Neglect is defined as the persistent failure or deliberate failure or denial to meet a child's basic needs. Child neglect includes the failure to provide adequate food, clothing, shelter, adequate supervision, clean water, medical attention, or supervision to the extent that the Child's health and development is or is likely to be harmed. Types of neglect include physical, medical, emotional, and educational neglect and abandonment.
Prescribed agency	A prescribed agency is an identified NSW Government agency that is required to develop a CSAP, including DCJ, the Office of Sport, the Department of Education, the NSW Education Standards Authority, the NSW Ministry of Health, the Department of Planning, Industry and Environment (limited to functions undertaken by the Office of Local Government), the Inspector of Custodial Services, and any other agency prescribed by regulation.
Physical abuse	<p>When a person subjects a child to application of physical force, which may cause injury intentionally or inadvertently because of physical punishment or the aggressive treatment of a child. Physically abusive behaviour includes, but is not limited to:</p> <ul style="list-style-type: none"> • shoving, hitting, slapping, shaking, throwing, punching, biting, burning, kicking; and • harmful training methods or overtraining where there is the potential to result in damage to a child's physical development
Related bodies	Related bodies are child-safe organisations that a prescribed agency funds or contracts, also known as a funded service provider.

Term	Definition
Reportable conduct	<p>A reportable allegation is an allegation that an employee has engaged in conduct that may be reportable conduct. A reportable conviction means a conviction (including a finding of guilt without the court proceeding to a conviction), in NSW or elsewhere, of an offence involving reportable conduct.</p> <p>The <i>Children’s Guardian Act 2019</i> defines reportable conduct as:</p> <ul style="list-style-type: none"> • a sexual offence • sexual misconduct • ill-treatment of a child • neglect of a child • an assault against a child • an offence under s 43B (failure to protect) or s 316A (failure to report) of the <i>Crimes Act 1900</i>; and • behaviour that causes significant emotional or psychological harm to a child.
Sexual abuse	<p>When an adult, or a person in authority (that is, someone older, or younger but more physically or intellectually developed) involves a child in any sexual activity.</p> <p>A child cannot provide consent, therefore even if ‘consent’ is given, it still constitutes sexual abuse. Perpetrators of sexual abuse take advantage of their power, authority, or position over the child for their own benefit. It can include making sexual comments to a child, kissing, touching a child’s genitals or breasts, oral sex, or intercourse with a child.</p> <p>Sexual exploitation is a form of sexual abuse and occurs when children are forced into or involved in sexual activities that are then unlawfully recorded in some way, or recorded without the consent of one or more parties, or used to produce child sexual abuse material. Such material can be in the form of photographs or videos, whether published or circulated on the internet or social media. Encouraging a child to view pornographic videos, websites, or images, or engaging a child to participate in sexual conversations over social media or otherwise is also considered sexual exploitation.</p>
Working With Children Check (WWCC)	<p>A screening process for assessing or re-assessing people who work with or care for children in NSW. The WWCC involves a national criminal history check and a review of findings of workplace misconduct.</p>

¹ https://blueknot.org.au/wp-content/uploads/2023/12/3875-A-Applying-trauma-informed-principles-ER-FA_DEC23.pdf

² [Complaint Handling Guide: Upholding the rights of children and young people \(childsafety.gov.au\)](#)

