



Child Safety and Wellbeing Policy

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Approved by: Kylie Maj
Director General
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1 Policy Statement

It is the policy of the Department of Justice (the Department) for all employees and contractors to behave respectfully, courteously and ethically towards children, young people and their families, and to promote the legal and human rights and safety and wellbeing of all children and young people who engage with the Department.

The Child Safety and Wellbeing Policy (the Policy) establishes the overarching principles that guide the Department's expectations of all employees and contractors to provide a safe environment for children and young people and sets out our approach to managing risk to children and young people arising through the day-to-day work of the Department.

2 Scope

This Policy applies to all employees and contracted service providers of the Department.

This Policy applies to all activities in the Department which involve, result in, or relate to, contact with children and young people. It applies to a broad range of situations where interaction with children and young people may occur, as the Department has a duty of care responsibility and obligations for the safety and wellbeing of children and young people.

Examples of how children and young people can have contact with the Department; but not limited to:

- at a Youth Detention Facility
- with Youth Justice Services in the community,
- in the women's prison estate living with their mothers/caregivers,
- as visitors to prisons,
- in the adult corrections systems through contact with their parents/caregivers,
- as witness or defendants in court,
- as a victim of crime,
- through services provided by funded agencies; and
- through incidental contact (eg as a guest at a ceremony at the Registry of Births Deaths and Marriages, home visits, children and young people visiting Department buildings, at Department public events and Open Days, through Departmental complaints processes).

The above list is not exhaustive, and the Policy applies to all interactions with children and young people throughout the Department.

This Policy must be considered when developing, designing, and managing policies and programs to ensure they promote children and young person's rights and include relevant child safety considerations.

It is acknowledged that Divisions may develop service-specific statements and administrative procedures for reporting child safety and wellbeing concerns, however

this Policy should be recognised as the corporate standard. Divisional policies and procedures must be consistent with this Policy.

3 Definitions

Term	Definition
ACCESS	Feedback system used by the Corrective Services Division that manages complaints, compliments and suggestions for, and related to, prisoners and offenders state-wide. Available to all prisoners and offenders and the general community.
Customer Feedback Management System (CFMS)	Feedback system used by the Department to capture feedback received about services provided to the public by Court and Tribunal Services, Registry of Births, Deaths and Marriages, Office of the Public Advocate, and the Public Trust Office.
Child/young person	A person under 18 years of age, and in the absence of positive evidence of age, means a person who appears under 18 years of age ¹ .
Child protection	Refers to preventing and responding to violence, exploitation and abuse against children.
Child or children in need of protection	As defined by s 28(2) of the <i>Children and Community Services Act 2004</i> . The term 'child or children in need of protection' includes where a child has suffered, or likely to suffer harm as a result of: ² <ul style="list-style-type: none"> • Physical abuse occurs when a child is severely and/or persistently hurt or injured by an adult or a child's caregiver. It may also be the result of putting a child at risk of being injured. • Sexual abuse occurs when a child is exposed to, or involved in, sexual activity that is inappropriate to the child's age and developmental level. • Emotional abuse occurs when an adult harms a child's development by repeatedly treating and speaking to a child in ways that damage the child's ability to feel and express their feelings. • Neglect is when children do not receive adequate food or shelter, medical treatment, supervision, care or nurturance to such an extent that their development is damaged, or they are injured

¹ Noting that certain areas of the Department can work with children and young people beyond the age of 18 years and that there are instances where people up to the age of 24 may be considered as young people under legislation (ie Rapid Response, Department of Communities).

² Definitions of Abuse as defined in Identifying child abuse and neglect (www.wa.gov.au)

OCVOC	Office of the Commissioner for Victims of Crime
DoCCPFS	Department of Communities Child Protection and Family Support.
Employee	All Employees including trainees and seconded officers, volunteers, people on student placement.
Online Misconduct Reporting (OMR) Portal	The Department's internal complaints portal where complaints regarding suspected wrongdoing, suspected misconduct or breaches of discipline can be reported (including complaints relating to the treatment, care and supervision of children within the Department care).
Wellbeing of a child	As defined by s3 of the <i>Children and Community Services Act 2004</i> , the wellbeing of a child includes: <ul style="list-style-type: none"> • the care of the child • the physical, emotional, psychological, and educational development of the child • the physical, emotional, and psychological health of the child • the safety of the child. Refer to the Department of Communities, Child Protection and Family Support publication Identifying child abuse and neglect (www.wa.gov.au) for more information on indicators of abuse.

4 National Principles for Child Safe Organisations WA

The National Principles for Child Safe Organisations³ were developed by the National Office for Child Safety and the Australian Human Rights Commission. They were agreed to by the Council of Australian Governments to drive national consistency in the application of Child Safe Standards across Australia. There are ten National Principles supported by key action areas. (See table 4.1 below)

The key action areas articulate the core components of the National Principles and the indicators act as a guide as to whether an organisation is implementing that principle in practice.

The Department will adhere to key action areas dependent on the level of contact specific Divisions and Directorates have with children and young people.

The Policy is based on meeting the National Principles. The standards have a broad scope that goes beyond sexual abuse to help to protect children and young people from all forms of potential harm.

³ [National Principles for Child Safe Organisations2019.DOCX](#)

Table 4.1: Ten National Principles for Child Safety

 <p>1 Child safety and wellbeing is embedded in organisational leadership, governance and culture.</p>	 <p>2 Children and young people are informed about their rights, participate in decisions affecting them and are taken seriously.</p>
 <p>3 Families and communities are informed and involved in promoting child safety and wellbeing.</p>	 <p>4 Equity is upheld and diverse needs respected in policy and practice.</p>
 <p>5 People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice.</p>	 <p>6 Processes to respond to complaints and concerns are child focused.</p>
 <p>7 Staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training.</p>	 <p>8 Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed.</p>
 <p>9 Implementation of the national child safe principles is regularly reviewed and improved.</p>	 <p>10 Policies and procedures document how the organisation is safe for children and young people.</p>

[National Principles | Child Safe Organisations \(humanrights.gov.au\)](https://www.humanrights.gov.au/national-principles-child-safe-organisations)

5 Policy

It is the policy of the Department that all work is undertaken in a manner that adheres to the National Principles. All employees and contract service providers engaged by the Department must be aware of the Department's commitment and obligation to operate as a child safe organisation, by working towards meeting the National Principles.

The level of contact that Divisions and Directorates have with children and young people across the Department will guide the extent to which the National Principles are required to be embedded in policies, procedures, and practices.

6 Responsibilities

The Department has a responsibility to provide child friendly and appropriate service delivery, ensuring that the Departmental requirements are maintained regardless of the age of a client.

Within the scope of this Policy, divisional leads and managers are responsible for ensuring all employees and contracted service providers who, in the course of their duties have, or are likely to have, contact with clients and/or children and young people in a work setting, are aware of this Policy and understand that it is required reading.

If a concern about the safety and protection of a child arises, then the Department also has a responsibility to ensure that this is managed and responded to appropriately.

Whilst the responsibility for acting in accordance with this Policy rests with all employees and contracted service providers of the Department, there are aspects of the Department's child safety and wellbeing that are driven by particular Divisions as follows.

It is recommended that Departmental employees and contract service providers are aware that they should not engage in continued discussion with a child about a disclosure they may make. This is on the basis that the discussion may impact on any future investigation by WA Police and/or Department of Communities. If this situation arises, then it is important to provide initial comfort by acknowledging the disclosure but also advising the child that the matter will need to be referred to authorities for further assessment.

Elements	Indicator	Lead Division/s
Child Safety and Wellbeing Policy	The organisation has publicly available and current documents such as a child safety and wellbeing policy, practice guidance, information sharing protocols, employees and volunteer Codes of Conduct and risk management strategies.	Office of the Commissioner for Victims of Crime
Code of Conduct		People Culture and Standards
Justice Integrity Framework		People Culture and Standards
Recruitment and screening practices	The organisation emphasises its commitment to child safety and wellbeing when advertising for, recruiting, and screening employees and volunteers.	Corporate Services
		People Culture and Standards
Procurement	When contracting facilities and services from third parties, procurement policies ensure the safety of children and young people.	Corporate Services

Employee and volunteer induction, training, supervision, and support	Employee and volunteers working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice.	Corporate Services Division specific, eg Women and Young People, Office of the Commissioner for Victims of Crime.
Complaint's Policy and Procedure	Children and young people are informed the organisation has a responsibility to promote their safety and wellbeing; all relevant policies, Code of Conduct and complaints management processes are written in language that is accessible and easily understood by children and young people. Complaints made by Children are responded to in line with all relevant Policy and Procedures.	Corporate Services: Customer Feedback Management System (CFMS) Office of the Commissioner for Victims of Crime Division specific, eg Operational Policy, ACCESS, BHDC Complaints Handling, Online Misconduct Reporting Portal.
Risk assessment and management	Risk management strategies focus on preventing, identifying, and mitigating risks to children and young people.	People Culture and Standards Division specific, eg Operational Policy, ACCESS, BHDC Complaints Handling, Online Misconduct Reporting Portal.
Reporting and continuous improvement	Information about all complaints and concerns, including breaches of relevant policies or the Code of Conduct, is recorded and analysed, including in relation to processes, timeframes and record keeping practices. Systemic issues are identified and mitigated through this process.	People Culture and Standards Division specific, eg Operational Policy, ACCESS, BHDC Complaints Handling, Online Misconduct Reporting Portal.
	Reporting to Director General	Office of the Commissioner for Victims of Crime People Culture and Standards
	Independent reporting	People Culture and Standards

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7 Independent Oversight

The Department of Communities is working with other government agencies, the community services sector, peak bodies, and other jurisdictions to drive the implementation of the National Principles through existing regulatory mechanisms and funding agreements.

The Department of the Premier and Cabinet is leading the policy work to develop an independent oversight system, which includes the monitoring and enforcement of the National Principles.

8 Internal reporting

A quarterly report will be provided to the Director General (periods August to October, November to January, February to April, May to July) providing information on referrals made to the WA Police Force and DoCCPFS from the following Divisions within the Department:

- Corporate Services - Corporate Services Executive (CFMS)
- Corrective Services - The Academy
- Court and Tribunal Services
- Office of the Public Advocate
- Policy and Aboriginal Services
- Public Trustee
- Registry Births Deaths and Marriages

Nominated representatives from each business area should coordinate responses and within two working days of the quarter end, all reported incidents should be provided to the ChildProtectionReport@justice.wa.gov.au inbox using the standard format template.

The office of the Commissioner for Victims of Crime will monitor the email inbox and prepare reporting for the Director General.

Corrective Services; with the exception of the Academy; provide child safety and wellness concerns directly to WA Police and or DoCCPFS as per relevant COPP directives (see section 9.4).

9 References

9.1 Policies and directives

- Commissioner for Children and Young People, Child Safe Organisations WA, [Commissioner's resources](#).
- [National Principles | Child Safe Organisations \(humanrights.gov.au\)](#)
- Department for Communities, Child Protection and Family Support: [cpfs-1.pdf \(mhc.wa.gov.au\)](#)
- Department for Communities, Child Protection and Family Support: [Recognising Child Abuse](#).
- [Public Sector Commissioner's Circulars \(www.wa.gov.au\)](#) Public Sector Commission Public Sector Commissioner's Circular 2014-02: A policy Framework and Standards for Information Sharing between Government Agencies.
- [Identifying child abuse and neglect \(www.wa.gov.au\)](#)

9.2 Legislation

- [Children and Community Services Regulations 2016](#)
- [Children and Community Services Act 2004](#)
- [State Records Act 2000](#)
- [Young Offenders Act 1994](#)

9.3 Forms

- Child protection reporting form (**Appendix 1**)
- Quarterly child protection reporting collection template (**Appendix 2**)

9.4 Related Policies/Procedures

- [Reporting concerns for the wellbeing of a child procedure](#)
- [Working with Children Check Policy](#)
- Operational Compliance Manual - Juvenile Detention
- [Code of Conduct](#)
- [Justice Integrity Framework](#)
- [COPP 7.4 - Visitor Restrictions and Bans](#)
- [BHDC COPP 8.5 - Allegations](#)
- [COPP 4.5 - Residential Children](#)
- [Chapter 19 – ACC Handbook – Protocols in Working with Community Offenders](#)

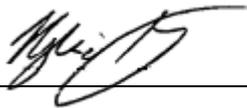
10 Approval

Approved by

Name: Kylie Maj

Position title: Director General

Signature:



Date: 14 / 3 / 2024

Document version history

Version no	Primary author(s)	Description of version	Date completed
1.0	Jo Gunn	Final Draft submission to DG for endorsement	5 July 2022
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1.1	Jo Gunn	Amendment to Section 2 and Section 8	28 September 2022
1.2	Jo Gunn	Transfer of ownership to Office of the Commissioner for Victims of Crime – Submitted to A/DG via Commissioner for Victims of Crime	12 March 2024
2.0	Jo Gunn	DG endorsement	14 March 2024

Appendix 1 – Child Protection Incident Record Form



Government of **Western Australia**
Department of Justice

Department of Justice

Child Protection Incident Record

The following record is to be securely retained on file by line managers for future reference and auditing purposes as per the Department's Child Safety and Wellness Policy.

Name/s of person/s making the disclosure	
Contact details	
Date of report	
Date/s of incident/s	
Time/s of incident/s	
Description Attach a description or details as to the concern, event or disclosure.	
Name/s and contacts of witness/es	
Follow up Include any information, actions, services provided arising from the disclosure, including actions undertaken by the line manager.	
Referrals Any referrals made to the police and/or DoCPPFS including the area to which the referral was made and the date, name and the position of the officer.	
Line manager Has your line manager been notified of your notice to the police and or the DoCPPFS regarding this matter	
Date/s of additional file notes	

Appendix 2 – Quarterly Child Protection Reporting Collection Template



Government of Western Australia
Department of Justice

Department of Justice

Quarterly Child Protection Reporting Collection Template

Dear Contributors

Please find below a reporting matrix for the Quarterly Child Protection Reporting.

Could you please provide your responses for the period XXXX - YEAR.

Please note: that where an incident has been reported a brief summary of the referrals made to Police and to the Department of Communities Child Protection and Family Support (DoCCPFS) should be provided.

Insert your business area name here	Number of referrals to Police	Number of referrals to DoCCPFS	Total number of incidents
Month/Year			
Month / Year			
Month / Year			
Month / Year			
Totals			

This reporting will be collated into a quarterly report to the Director General.

Yours sincerely