

# National Principles for Child Safe Organisations

12 March 2020

### Acknowledgement of country

Community Legal Centres Queensland acknowledges the traditional owners of the land on which we are holding this presentation, the Turrbul and Jaggara people.

We pay our respects to their elders, past, present and emerging, and acknowledge the important role Aboriginal and Torres Strait Islanders continue to play in our society.

As this presentation is being viewed throughout Queensland, we also pay respect to the traditional owners of the land throughout the country and extend a warm welcome to any First Australians listening to this presentation.



# GoToWebinar housekeeping

- Facilitator:
  - Carly Hanson, Sector Sustainability Coordinator, Community Legal Centres Queensland
- Recording:
  - This webinar is being recorded and will be available on the Staff Training page of our website: <u>https://communitylegalqld.org.au/clc-staff/staff-training-and-cle</u>
- PowerPoint / webinar materials:
  - Emailed prior to today's session
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  - Type your questions/comments into question box on GTW control panel OR
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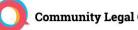
You may also wish to access more information and resources, as well as professional support or advice from one of the free and confidential organisations listed on our Keep Safe website page: <u>http://communitylegalqld.org.au/keepsafe</u>.



#### Presenter

- Kirinya Khamsone
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- Practicing primarily in employment, WHS and discrimination law
- Previously at CRH Law / judge's associate
- DV and crisis care experience





# **Overview of webinar**

#### Aim is to provide an understanding of:

- the Commonwealth Child Safety Framework
- National Principles for Child Safe Organisations
- Child safety risk assessment and risk management practices

#### **Background to the National Principles**

The Commonwealth Child Safety Framework

#### Mandatory Screening and Reporting review

#### The National Principles for Child Safe Organisations

- Risk assessment
- Commitment and culture
- Suitability assessment
- · Complaint / concerns handling
- Review

### **Background: Royal Commission**



#### "Child safe institutions"

<u>create cultures,</u> <u>adopt strategies</u> and <u>take actions</u> <u>to prevent harm</u> to children

Consciously and systematically create conditions that reduce the likelihood of harm to children

Creates conditions that increase the likelihood of identifying and reporting harm Respond appropriately to disclosures, allegations or suspicions of harm.





#### **Commonwealth Child Safety Framework**

Commonwealth entities requirements

- complete a risk assessment to identify the level of responsibility for children and the level of risk of harm or abuse, and implement appropriate strategies to manage those risks
- train staff and monitor compliance to ensure staff are aware of, and comply with, the outcomes of the risk assessment and relevant legislation, including working with children checks and mandatory reporting requirements
- provide an annual statement of compliance with the above requirements to the Commonwealth entity that has provided the grant
- Adopt and implement the National Principles for Child Safe Organisations by February 2020



#### **Commonwealth Funded Entities**

1. Compliance with any working with children checks and mandatory reporting requirements (statement of compliance)

2. Confirmation of child safety risk assessment and strategies, training and implementation of the National Principles for Child Safe Organisations.



#### Statement of Compliance

Statement by Grant Recipient

I, <name>, < Title>, <organisation>, make the following statement for the benefit of the Attorney-General's Department:

Having made diligent inquiries, I have reasonable grounds to believe that the organisation itself, and staff working with children on behalf of my organisation in relation to the Attorney-General's Department's grant activity:

- comply with relevant legislation relating to requirements for working with children in the jurisdiction in which they work; and
- have complied with relevant legislation in their jurisdictions relating to mandatory reporting of suspected child abuse and neglect as required or otherwise defined by state or territory legislation.

I undertake to ensure that all staff will continue to comply for the duration of any grant agreements <organisation> holds with the Attorney-General's Department.

Signed:

Date:

Please return to: (Name of officer, email address) by (Date).

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#### Mandatory Screening

Working with Children (Risk Management and Screening) Act 2000 (Qld), Schedule 1:

#### 6 Health, counselling and support services

- (1) Employment is regulated employment if the usual functions of the employment include, or are likely to include, an employee providing 1 or more of the following—
  - (c) a counselling service to a child-
    - (i) if the employee is physically present with the child while no-one else is present; or
    - (ii) if the employee is not physically present with the child;

Example for subparagraph (ii)—

a counselling service that involves an internet or telephone help line service that provides help to children to resolve personal problems or difficulties

- (d) a support service to a child-
  - (i) if the employee is physically present with the child while no-one else is present; or
  - (ii) if the employee is not physically present with the child.

#### Example for paragraph (d)—

a support service providing emotional support for child victims or witnesses in connection with court or other legal proceedings



### Mandatory screening

- (3) However, employment mentioned in subsection (1) or (2) is not regulated employment if-
  - (a) the employee is an Australian lawyer who, under the *Legal Profession Act 2007*, may engage in legal practice in this State and the employment involves the employee engaging in legal practice; or

*counselling service* means a service that provides or purports to provide, on a professional basis, help or guidance to persons to resolve personal, social or emotional problems or difficulties.

*support service* means a service that provides emotional support, mentoring or pastoral care, but does not include a legal advice or legal advocacy service.

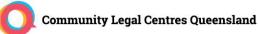


# Working with Children Checks

#### Working with children screening

- Regulated child related employment
- Support services for children
- NOT a legal advice or advocacy service
- Exemption for Australian lawyers
- Potential changes to WWCC laws / harmonisation





# **Mandatory Reporting**

#### **ASCR 9 Confidentiality**

- 9.2 A solicitor may disclose confidential client information if:
- 9.2.1 the client expressly or impliedly authorises disclosure;
- 9.2.2 the solicitor is permitted or is compelled by law to disclose;
- 9.2.3 the solicitor discloses the information in a confidential setting, for the sole purpose of obtaining advice in connection with the solicitor's legal or ethical obligations;
- 9.2.4 the solicitor discloses the information for the sole purpose of avoiding the probable commission of a serious criminal offence;
- 9.2.5 the solicitor discloses the information for the purpose of preventing imminent serious physical harm to the client or to another person; or
- 9.2.6 the information is disclosed to the insurer of the solicitor, law practice or associated entity.



### **Statement of Compliance**

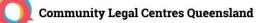
The service does not involve the engagement of children under the age of 18

Qld legislation does not impose any mandated police or working with children checks on the service

There are no mandatory reporting obligations that we are required to comply with in relation to suspected harm or abuse of children

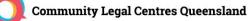
(We are nevertheless committed to child-safe organisation principles and have applied these where relevant to our practices and policies)





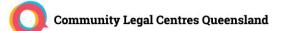
# National Principles for Child Safe Organisations

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



#### **Risk assessment and management**





#### Risk assessment – types of harm

Physical abuse could include excessive discipline, giving children illegal drugs or alcohol, as well as hitting, punching, domestic and family violence Psychological or Emotional abuse could include persistent rejection or hostility, yelling, repeated criticism or belittling, bullying or cyberbullying

Neglect could including issues of living conditions, inadequate food or other necessities, leaving children unattended, healthcare or supervision of children Sexual abuse, exposing a sexual body part to a child, exposing children to sexual acts or pornography, making obscene phone calls or remarks to or in front of a child, as well as inappropriate touching and sexual acts



#### **Risk assessment - situational**

Suggested measures to address environmental or situational risk

- Contact with children occurs in visible work environments (such as glass-panelled offices and meeting rooms and open plan offices)
- Products/materials developed for children are located in open areas, not in closed or hidden areas
- Contact with children is culturally appropriate and interpreters are used if needed
- Children are accompanied by a parent or guardian
- Personnel are supervised, where appropriate, in situations where they have contact with children

#### **Risk assessment and management**

#### Commitment

- •1. A statement of commitment to the safety and wellbeing of children and the protection of children from harm, and
- •2. A code of conduct for interacting with children. **Capability**
- •3. Written procedures for recruiting, selecting, training and managing staff and volunteers.

#### Concerns

- •4. Policies and procedures for handling disclosures or suspicions of harm, including reporting guidelines
- •5. A plan for managing breaches of your risk management strategy, and
- •6. Risk management plans for high risk activities and special events.
- Consistency
- •7. Policies and procedures for managing compliance with the blue card system; and
- •8. Strategies for communication and support.

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**8 BLUE CARD** 

**SYSTEM** 

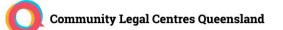
MANDATORY

RISK

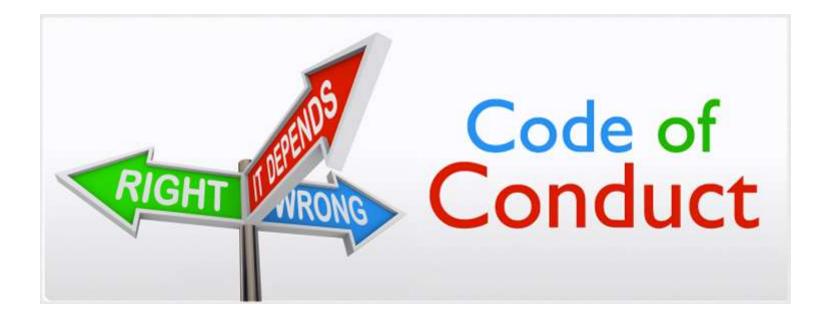
REQUIREMENTS

# Commitment and culture – National Principles





#### **Commitment and culture**





## **Risk management - Suitability**

People working with children and young people are suitable and supportive to reflect child safety and wellbeing values in practice (5)

Making a criminal history check a pre-condition of employment

Revising position descriptions and selection criteria in relation to roles which involve services to be provided to children

Interview questions and / or reference checks targeted at candidate's experience with children and any potential concerns arising from those interactions

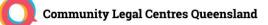
A probationary period of employment during which suitability is further assessed



### **Risk management - Training**

# Training features

- Introduction to the organisation's child safety commitment and risk management system including key personnel in the organisation
- Training in relation to code of conduct and key policies such as grievance and complaints procedures
- Training in expectations in relation to the reporting of any suspicion of harm and the handling of any disclosures
- Keeping a training register to confirm when and what training was provided
- Keeping a record of any ongoing or ad hoc mentoring or coaching by supervisors



### Risk management – Complaint handling

Child safety complaint policy

- Clear expectation that complaints or disclosures are clearly and accurately documented.
- Clarity on who complaints can be reported to and who in the organisation will manage or investigate complaints
- Clear expectation that complaints are handled in both a timely and thorough manner
- Support made available or appropriate referrals made for the relevant child or affected staff
- Outcomes should anticipate the potential for referral to police, voluntary reporting to Child Safety, or other immediate protections such as the exclusion of certain individuals from the service

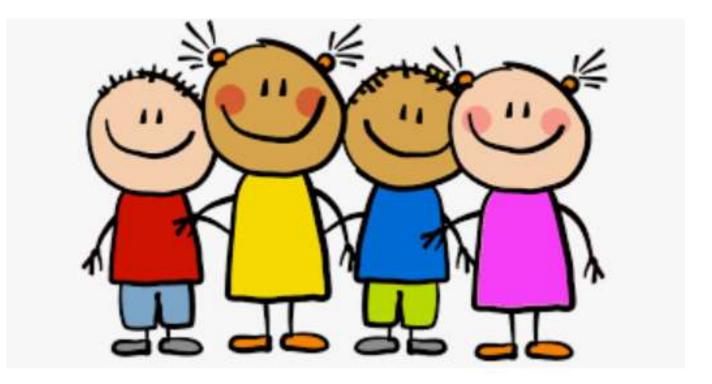
#### **Risk management - review**

• Implementation of the national child safe principles is regularly reviewed and improved (9)





## Summary and conclusion



#### **Additional resources**

- National Office for Child Safety <u>https://pmc.gov.au/domestic-policy/national-office-child-safety</u>
- Royal Commission into Institutional Responses to Child Sexual Abuse
  <a href="https://www.childabuseroyalcommission.gov.au/">https://www.childabuseroyalcommission.gov.au/</a>
- Blue Card Services
  <u>https://www.bluecard.qld.gov.au</u>
- Child Safe Organisations

https://childsafe.humanrights.gov.au/tools-resources/practical-tools





# Thank you.

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