



# Child safety policy

December 2019

# Contents

Commitment .....	3
Introduction .....	4
Background.....	4
Scope/Coverage .....	4
Definitions .....	5
Responsibilities .....	5
Board and executive .....	5
Employees .....	5
Specific business areas.....	5
The nature of our work with children or young people .....	6
Annual risk assessment .....	6
Contacts and advice .....	8
Legislation and associated policies .....	8
Attachment A – National Principles .....	9
Attachment B - Risk assessment template .....	12
Attachment C - Code of conduct for child safety.....	13
Photographing or filming a child or using children’s images for work-related purposes.	13

## Commitment

The ACCC/AER is committed to the safety and wellbeing of children and young people in connection with our work and with our employees.

The welfare of children will always be a priority.

We have zero tolerance for child abuse and exploitation, and any allegations and concerns for safety of children and young people will be treated seriously. We believe that all children have a right to feel safe, respected, valued and protected from harm.

We will not knowingly engage – directly or indirectly – anyone who poses a threat to children.

The work we perform protects the interests and safety of consumers, and we provide information about their rights and obligations. We are committed to ensuring that our employees do not harm, abuse or exploit children and young people who are involved with our work, services, contact centre, events or facilities.

## Introduction

1. This policy is designed to reflect the ACCC/AER's commitment to the Commonwealth Child Safe Framework (the Framework) and the practical application across the agency.

## Background

2. The Framework aims to protect children and young people from the risk of harm or abuse and requires Commonwealth agencies to be 'child safe'.
3. A child safe organisation is one that:
  - empowers and values children and young people
  - engages with families and the broader community
  - adopts suitable strategies and
  - takes appropriate action to promote child safety and wellbeing at all levels of the organisations.
4. The Framework comprises three core requirements:
  - a. ACCC/AER to conduct annual risk assessments in relation to its activities to identify the level of responsibility and contact with children and young people, evaluate the risk of harm or abuse and put in place appropriate strategies to manage identified risks.
  - b. Establish and maintain a system of education and compliance, to ensure ACCC/AER employees are aware of and compliant with, the Framework and relevant legislation including working with children checks and mandatory reporting requirements.
  - c. Adopt and implement the National Principles (**Attachment A**). The National Principles outline ten elements that have been determined to be fundamental to making ACCC/AER safe for children and young people.

## Scope/Coverage

5. This policy applies to all board members, executives, employees, contractors and consultants who conduct work for the ACCC/AER.
6. The policy applies to all activities in the ACCC/AER which involve or relate to contact with children or young people. When conducting risk assessments the ACCC/AER will consider all types of known and potential contact and interactions with children and young people, including:
  - direct physical contact
  - face-to-face contact
  - oral communication
  - written communication
  - electronic communication.

## Definitions

7. Children and young people are defined as a person under 18 years of age or a person apparently less than 18 years of age if the person's age cannot be proved.

## Responsibilities

### Board and executive

8. Overall responsibility for a business area that has a possibility or likelihood of contact with children to conduct a risk assessment and/or providing appropriate controls to reduce any risks.
9. Aware of the policy and role model behaviours that sustain the safety of children and young people.
10. Ensure that employees understand their obligations to protect children when carrying out their work.

### Employees

11. Employees must be aware of this policy and ensure that child protection risk is considered and managed in accordance with this policy. This includes complying with the ACCC/AER and APS Code of Conduct (**Attachment C**).
12. ACCC/AER employees must report any behaviour that is suspected or alleged in breach of this policy to General Manager, People and Culture. See [Procedures for dealing with suspected breaches of the code of conduct and determining sanction](#).
13. A public interest disclosure can be made by reporting it to the discloser's supervisor, an authorised officer of the ACCC/AER or the Commonwealth Ombudsman. See [Public Interest Disclosure](#) for further information.

### Specific business areas

#### 14. People and Culture:

- Recording and acting on any suspected incidents or concerns in relation to child safety. Any suspected incidents will be consistent with the process for breaches of the APS Code of Conduct.
- People and Culture will review this policy annually after completing the annual risk assessment and in consultation with the business areas.
- A police check is a minimum condition of employment for ACCC/AER employees. Additional checks such as working with children check will be identified by the business areas and administered via People and Culture.
- Working with business areas to provide guidance and support the application of mitigation strategies and controls to any potential areas of risk.

## 15. Infocentre:

- handle initial consumer complaints from outside the ACCC/AER. Any complaints will be escalated to the General Manager People and Culture
- external complaints will be managed through the Infocentre or through [PID@acc.gov.au](mailto:PID@acc.gov.au)

## 16. Executive Office

- The Executive Office is responsible for any external reporting and annual risk assessments.

## The nature of our work with children or young people

17. In considering the ACCC/AER business context and its interaction with the Framework the following areas are considered to be most likely to be impacted:
- a. Enforcement, education, community forums and outreach activities.
  - b. Product safety information sessions and communications including Infocentre and ScamWatch.
  - c. Cartels and associated raids.
  - d. Communication activities – internet, social media and publications.
  - e. Work experience students and school groups visiting the ACCC/AER.
  - f. Procurement - procuring goods and services for CLIP, ASEAN.
18. Jawun is a secondment program facilitated by the Jawun organisation. ACCC/AER employees who undertake a Jawun secondment opportunity are placed with a Regional Indigenous Organisation for a short period. Most Jawun placements do not involve working with children or young people. In the event that a Jawun secondee is working directly with minors e.g. schools, childcare centres, youth centres etc., the Jawun organisation will arrange a working with children check on behalf of the Regional Indigenous Organisation where the secondee is placed.

## Annual risk assessment

19. As part of the business planning process each year, a risk assessment occurs to identify risk to child safety and wellbeing through ACCC/AER programs or contact. Where known, risk assessments will consider the future work of the ACCC and AER. Where risks are identified strategies will be put in place to manage those risks.
20. The Framework requires risk assessments be conducted to ensure the creation of a child safe culture and environment where people consider and address risks to children before and as they arise. As part of the risk assessment entities should consider:
- types of contact
  - types of risk factors
  - mitigation factors or controls

21. Types of contact include known and potential contact and interactions should be considered by entities, including:
- a. Direct physical contact.
  - b. Face-to-face contact.
  - c. Oral communication.
  - d. Written communication.
  - e. Electronic communication.
  - f. Direct personal care, advisory, education or other support services, or interactions through consultations and interviews.
  - g. Less direct interactions—for example, where staff interact with children who are accompanying their parents to a service, shopfront or conference.
22. Types of risk factors include:
- a. Insufficient or out of date corporate policies and processes
  - b. Employee screening processes
  - c. Employee contact with children and the risk of abuse
  - d. The nature of the entity's work
  - e. Environmental risks  
(including physical, cultural and online environments).
23. Mitigation factors and controls are subject to the nature of contact and activity and may change depending on the level of risk. The list below is an example of some controls:
- a. Guidelines on working with vulnerable consumers.
  - b. Educating employees regarding their obligation to ensure that they are working safely with children and are aware of their obligations to report suspected abuse.
  - c. Parent/guardian approval and/or supervision for all contact with children and young people on outreach in communities.
  - d. Cast, crew and all external providers have working with children check.
  - e. Ensure all material posted via social media is respectful and considers possible access by children and young people.
24. The business areas of the ACCC/AER will monitor their business activities for any change in risk and report on the effectiveness of the existing risk management strategies in managing the child protection risk by:
- a. Developing business plans for the business area which identify activities and measures to reduce or remove the risk to children and young people
  - b. Documenting the review of risk assessments and updating them regularly during the life of the activity.

## Contacts and advice

25. People and Culture Branch provide guidance to managers and employees about the Child Safe Framework and this policy.

## Legislation and associated policies

26. The ACCC/AER provides support and advice for consumers and employees [working with vulnerable consumers](#). The principles and tips for engaging with vulnerable consumers are a useful starting point for dealing with children and young people.

27. Each State and Territory has legislation around working with children and vulnerable people and mandatory reporting:

- General Records Authority for Child Sexual Abuse Incidents and Allegations: Available online: <https://www.naa.gov.au/information-management/records-authorities/types-records-authorities/general-records-authority-41>
- Crimes Act 1914: Available online: <https://www.legislation.gov.au/Details/C2013C00369>
- Criminal Code Act 1995: Available online: <https://www.legislation.gov.au/Details/C2018C00386>
- Public Governance, Performance and Accountability Act 2013: Available online: <https://www.legislation.gov.au/Details/C2013A00123>
- Public Service Act 1999: Available online: <https://www.legislation.gov.au/Details/C2012C00319>
- Archives Act 1983: Available online: <https://www.legislation.gov.au/Details/C2016C00772>

## Attachment A – National Principles

<b>National Principles</b>	<b>How the ACCC/AER demonstrates this principle</b>
1. <b>Child safety and wellbeing is embedded in organisational leadership, governance and culture.</b>	The ACCC/AER demonstrates commitment to child safety and wellbeing through the Child Safety Policy including the code of conduct and risk assessment process.
2. <b>Children and young people are informed about their rights, participate in decisions affecting them and are taken seriously.</b>	The rights of children and young people are respected. There are options for their voices to be heard through social media and the Infocentre.  Information is provided on our website to promote consumer awareness and product safety.
3. <b>Families and communities are informed and involved in promoting child safety and wellbeing.</b>	The ACCC/AER uses effective communication and participation strategies for engaging with and responding to the diverse needs of families and communities: <ul style="list-style-type: none"> <li>• the child safety policy is clear and accessible</li> <li>• we seek input from families and communities about how we deal with products that may impact on children and young people or be used by children and young people</li> <li>• we seek parental consent before engaging with children in informal settings such as outreach to communities</li> </ul>
4. <b>Equity is upheld and diverse needs respected in policy and practice.</b>	The ACCC/AER creates an environment where diverse circumstances and needs are recognised and all children feel safe, welcome and included through: <ul style="list-style-type: none"> <li>• the way the organisation considers the needs of Aboriginal and Torres Strait Islander people; people with disabilities, culturally and linguistically diverse backgrounds and LGBTIQ including children and young people</li> </ul>

	<ul style="list-style-type: none"> <li>education will be provided for employees if working or contact with children and young people from diverse backgrounds becomes a business requirement.</li> </ul>
<p>5. <b>People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice.</b></p>	<p>The ACCC/AER:</p> <ul style="list-style-type: none"> <li>recruitment processes, selection criteria and referee checks</li> <li>all employees have undergo a police check</li> <li>where a position is identified P&amp;C will require working with children checks for employees who have regular contact with children and young people</li> </ul>
<p>6. <b>Processes to respond to complaints and concerns are child focussed.</b></p>	<p>Although the ACCC/AER has minimal contact with children there are processes in place for receiving general complaints. The organisation responds to complaints through:</p> <ul style="list-style-type: none"> <li>Infocentre and ScamWatch calls and emails and processes</li> <li>Public Interest Disclosure (PID) procedures</li> <li>the organisation provides child-friendly and culturally safe information to the general public including children and young people, families and communities</li> </ul>
<p>7. <b>Employees and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training.</b></p>	<p>The ACCC/AER promotes child safety by ensuring employees have education, knowledge and skills where they have contact with children and young people.</p> <p>Currently there are no identified positions that have direct contact with children or young people. If a position is created or changes to regularly have contact with children a working with vulnerable people check will become a requirement of holding the position.</p>

<p><b>8. Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed.</b></p>	<p>The ACCC/AER promotes child safety in physical and online environments:</p> <ul style="list-style-type: none"> <li>• the annual risk assessment for child safety considers the physical and online environment, organisational activities and any adult/child interactions</li> <li>• Strategic Communications has standards for all online communications which may be accessed by children or young people and they do not specifically target children</li> <li>• meets it's WHS responsibilities through ensuring all members of the public are safe including children and young people</li> <li>• procurement processes ensure consideration of child safety when contracting third parties by using of Department of Finance child safe clauses in contracts that relate to services that may include contact with children</li> </ul>
<p><b>9. Implementation of the national child safe principles is regularly reviewed and improved.</b></p>	<ul style="list-style-type: none"> <li>• P&amp;C will review this policy annually (after the annual risk assessment process)</li> <li>• the ACCC/AER will address any complaints and incidents immediately.</li> </ul>
<p><b>10. Policies and procedures document how the organisation is safe for children and young people.</b></p>	<p>The ACCC/AER has this policy which documents the code of conduct, risk assessment, communications protocols. The policy is accessible and clear and understandable.</p>

## Attachment B - Risk assessment template

**Does the program or activity involve potential contact with children, impact on children, or working with children'?**

Yes or  
No

Where it is determined there is no 'impact on or contact with children', no further action is required.

If the answer is yes, a risk assessment must be conducted using the template below.

If it is determined that there will be 'working with children', then an assessment of child protection risk is required.

If it is determined to be 'contact with children' or impacts children then an assessment of child protection risk is required and, depending on the level of risk identified, apply the appropriate to manage the risk.

**If you have answered yes above answer the questions below. Is there a possibility of:**

**Yes/no/  
sometimes**

**If you answered yes or  
sometimes how will you  
manage or mitigate the risk  
and what is the likelihood?**

**Accidental harm** - unsafe physical environment, poor supervision, high risk activities

**Physical abuse**- physical assault, punishment, pushing or shoving

**Psychological abuse** - bullying, intimidation, threats

**Neglect** – lack of supervision, not meeting specific needs of children

**Sexual abuse** - sexual assault and/or exploitation, grooming, inappropriate touching, inappropriate conversations

**Cultural abuse** - lack of cultural respect, racism or other vilification

**Online abuse** - grooming, abuse via text, emails or other social media, inappropriate content

**A supplier having unsupervised access** - contractor or service provider contracted through the ACCC/AER working on behalf of the ACCC/AER

## Attachment C - Code of conduct for child safety

ACCC/AER employees are required to comply with the Australian Public Service (APS) Code of Conduct. A breach of the Code of Conduct can result in sanctions, ranging from a reprimand to termination of employment. In addition to the APS Code of Conduct, employees, contractors and consultants undertaking work on behalf of the ACCC and AER that involves working or contact with children are expected to adhere to the following behaviours while they are performing those duties:

- treat all children with respect and consider the diverse backgrounds and needs of children
- use appropriate language and behaviour towards children and not be harassing, abusive, sexually provocative, demeaning or culturally inappropriate
- wherever possible, ensure that another adult is present when working near children
- never use any computers, mobile phones, video cameras, cameras or social media to exploit or harass children, or access child exploitation material through any medium
- comply with all relevant Australian legislation in relation to child labour (ensure compliance through procurement processes as well as ACCC/AER employees)
- immediately disclose all charges, convictions and other outcomes of an offence that relates to child exploitation and abuse, including those under traditional law, which occurred before during association with the ACCC/AER
- listen and respond to the views and concerns of children
- demonstrate appropriate personal and professional boundaries
- create an environment that promotes and enables children's participation and is welcoming, culturally safe and inclusive for children and their families
- identify and mitigate risks to children's safety
- respond to any concerns or complaints of child harm or abuse promptly and in line with the ACCC/AER's procedure for receiving and responding to complaints.

These behaviours are not intended to interfere with normal family interactions

### **Photographing or filming a child or using children's images for work-related purposes**

- take care to ensure local traditions or restrictions for reproducing personal images are adhered to before photographing or filming a child
- obtain informed consent from the child and parent or guardian of the child before photographing or filming a child. An explanation of how the photograph or film will be used must be provided
- ensure photographs, films, videos and DVDs present children in a dignified and respectful manner and not in a vulnerable or submissive manner
- ensure file labels, meta data or text descriptions do not reveal identifying information about a child when sending images electronically or publishing images in any form.