



Child safety policy

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Commitment

- 1) The ACCC/AER is committed to the safety and wellbeing of children and young people in connection with our work and with our employees.
- 2) The welfare of children and young people will always be a priority.
- 3) We have zero tolerance for child or young person abuse and exploitation, and any allegations and concerns for safety of children and young people will be treated seriously. We believe that all children and young people have a right to feel safe, respected, valued and protected from harm.
- 4) We will not knowingly engage – directly or indirectly – anyone who poses a threat to children or young people.
- 5) 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

- 6) 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

- 7) The Framework provides minimum standards for Commonwealth entities to protect children and young people. However, it is important to understand that child safety goes beyond policies and compliance activities. While compliance with the Framework helps keep entities accountable for their child safe practices, creating a culture that prioritises the safety and wellbeing of children and young people requires genuine commitment at all levels of an organisation.
- 8) Child safe cultures are a protective factor—without a child safe culture, organisations are at a greater risk of child safety incidents occurring and being underreported, as children and young people and adults may not feel confident identifying or raising child safety concerns.
- 9) Creating policies and procedures to protect children and young people is the first step in the journey to being a child safe organisation. Leaders should demonstrate and champion child safe approaches, all employees must be made aware of the policies and procedures, and abide by them, and child safety incidents must be acknowledged and managed appropriately by employees and the broader organisation.
- 10) Maintaining a child safe culture requires ongoing effort and continuous improvement. Protecting children and young people is everybody's business. Regardless of the size of an organisation or how often they interact with children and young people, every member of every organisation has a role to play in keeping children and young people safe.
- 11) The Framework comprises of 4 core requirements:
 - (a) Requirement 1: ACCC/AER to undertake risk assessments annually in relation to its activities to identify the level of responsibility for, and contact with, children and young people, evaluate risks to child safety and put in place appropriate strategies to manage identified risks.
 - (b) Requirement 2: Establish and maintain a system of training and

compliance, to make ACCC/AER employees aware of, and compliant with, the Framework and relevant legislation including working with children checks / working with vulnerable people checks and mandatory reporting requirements. A training module on the Child Safe Framework is available via [Bunya](#).

- (c) Requirement 3: Adopt and implement the [National Principles for Child Safe Organisations \(Attachment A\)](#). The National Principles outline ten elements that have been determined to be fundamental to making ACCC/AER safe for children and young people.
- (d) Requirement 4: Publish an annual statement of compliance with the Framework including an overview of the entity's child safety risk assessment (conducted under Requirement 1). A copy of the ACCC/AER Annual child safety statement of compliance, can be found on the ACCC website [here](#).

Scope/Coverage

- 12) This policy applies to all Commissioners and AER Board members, employees, contractors and consultants who conduct work for the ACCC/AER.
- 13) 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:
 - (a) direct physical contact
 - (b) face-to-face contact
 - (c) verbal communications
 - (d) written communications
 - (e) electronic and online communication

Definitions

- 14) 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

15) The ACCC/AER recognises that protecting children and young people is everybody's responsibility and that everyone at the ACCC/AER has a role to play in keeping children and young people safe.

Commissioners, AER Board members and senior executive leaders

- 16) Commissioners, AER Board Members and senior executive leaders must be aware of this policy and role model behaviours that sustain the safety of children and young people.
- 17) Senior executive leaders are responsible for ensuring that employees, consultants and contractors understand their obligations to protect children and young people when carrying out their work.
- 18) Senior executive leaders are responsible for ensuring that any business areas that have a possibility or likelihood of contact with children or young people conduct a risk assessment and put in place appropriate controls to reduce any risks to child safety.

Employees, including Commissioners, AER Board members and senior executive leaders

- 19) 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**).
- 20) When applicable all ACCC/AER employees complete the child safety training routinely. A training module on the Child Safe Framework is available via Bunya.
- 21) 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](#).
- 22) 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

23) People and Culture

- (a) People and Culture are responsible for 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.
- (b) A police check is a minimum condition of employment for ACCC/AER employees and are managed by People and Culture as part of the employee onboarding process. Additional checks such as working with children check will be identified by the business areas and administered via People and Culture.
- (c) People and Culture will work with business areas to provide guidance and support the application of mitigation strategies and controls to any potential areas of risk to child safety.

24) Risk and internal audit

- (a) Risk and internal audit will provide advice and support to business areas conducting risk assessments, including identifying appropriate controls to reduce any risks to child safety.
- (b) Risk and internal audit will provide advice and support to the Executive Office in completing the annual risk assessment.

25) Infocentre

- (a) The Infocentre will handle initial consumer complaints from outside the ACCC/AER. Any complaints in relation to child safety will be escalated to the General Manager People and Culture
- (b) External complaints in relation to child safety will be managed through the Infocentre or through PID@acc.gov.au

26) Executive Office

- (a) The Executive Office is responsible for the annual risk assessments and publishing annual statements of compliance.
- (b) The Executive Office will review this policy at least every 2 years.

The nature of our work with children or young people

27) The overwhelming majority of the ACCC and AER's functions do not involve regular interactions with children and young people.

However, ACCC and AER may have interactions with children or young persons in the following circumstances:

- (a) Via education, engagement and/or community outreach activities, such as in person site visits as part of inquiry work, public information sessions, attendance at public events or via community-based or international secondments/placements.
- (b) Via communication activities, such as internet-based communication, social media and/or publications.
- (c) When receiving inquiries and/or complaints (in particular via the Infocentre).
- (d) When executing search warrants on third party premises.
- (e) 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 and mitigation

28) Each year the ACCC will complete a risk assessment 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 controls will be put in place to manage those risks.

29) Risk assessments play an important role in creating a child safe environment where people consider and address risks to children and young people before and as they

arise. The operating environments of Commonwealth entities are frequently changing and undertaking risk assessments annually embeds regular review, identification and mitigation of possible child safety concerns. As part of the risk assessment entities should consider:

- (a) types of contact
- (b) types of risk factors
- (c) types of mitigation factors.

30) 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) Verbal communication
- (d) Written communication
- (e) Electronic and online communication.

This includes employees providing direct personal care, advisory, education or other support services, or interactions through consultations and interviews. It also includes less direct interactions, for example, where employees interact with children and young people who are accompanying their parents to a service, shopfront or conference, or where third parties are funded for activities involving children and young people.

31) A wide range of risk factors should be considered by entities, including:

- (a) The nature of the entity's work
- (b) Employee screening processes
- (c) Employee contact with children and young people and the risk of abuse
- (d) Systemic risks – weaknesses in governance and response management policies and processes (e.g. out of date corporate policies and processes)
- (e) Environmental risks (including physical, cultural and online environments)
- (f) Third party providers funded to engage with children and young people

32) Entities should put in place appropriate strategies to manage any identified child safety risks. Mitigation strategies include, but are not limited to:

- (a) Policies, training and compliance
 - Clear child safe policies and training reflect current best practice and are available and accessible.

- Child safety is embedded in an organisation's online presence, social media and communication policies and in codes of conduct
- Regular communications are made to employees regarding child safety-related issues
- Complaints policies and procedures are available and accessible for children and young people (e.g. through child-friendly versions, where possible)
- Children, young people and employees are aware of the rights of children and young people and children and young people are supported to exercise these rights
- Policies and processes that affect children and young people, including those related to the National Principles for Child Safe Organisations, are regularly reviewed and updated

(b) Child safe recruitment and screening practices

- Behaviour based interview questions are used
- Working with Children Checks are undertaken
- Reference checks are undertaken
- Police checks are undertaken
- Child safety induction training is provided to relevant employees at their commencement. A training module on the Child Safe Framework is available via [Bunya](#).

(c) Child focused and child safe environments

- Contact with children and young people occurs in visible work environments (such as glass-panelled offices and meeting rooms, and open plan offices)
- Products/materials developed for children and young people are easily accessible, e.g. child-friendly language, stored in open areas
- Contact with children and young people is culturally appropriate and interpreters who are suitably trained in working with children and young people and/or child safe matters are used if needed
- Children and young people are accompanied by a parent or guardian
- Employees are supervised, where appropriate, in situations where they have contact with children and young people, including online/virtual

contact

- Child safety is considered in the design and delivery of online and virtual spaces that may involve children and young people
- Child safety training is routinely provided to all relevant employees. A training module on the Child Safe Framework is available via [Bunya](#).

(d) Complaints handling and reporting

- Complaints/escalation and disclosure procedures are documented, easily accessible and, if possible, in child-friendly language. These procedures are communicated to employees
- Complaints and disclosures are responded to according to procedures
- Trauma informed approaches are used where relevant
- employees are aware of and follow appropriate record keeping practices Contracts and grants
- Accountable Authority Instructions include direction on child safety
- Inclusion of child safety requirements and, if relevant, key performance indicators in contracts and grants

33) In addition to the annual risk assessment, the business areas of the ACCC/AER will monitor their business activities and where this is the possibility or likelihood of contact with children or young people:

- (a) conduct a risk assessment and put in place appropriate controls to reduce any risks to child safety
- (b) document the review of risk assessments and update them regularly during the life of the relevant activity
- (c) provide copies of risk assessments to the Chief Risk Officer and General Manager, Executive Office for recording.

Contacts and advice

34) The Executive Office provide guidance to managers and employees about the Child Safe Framework and this policy.

Legislation and associated policies

35) 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.

36) Each State and Territory has legislation around working with children and vulnerable people and mandatory reporting:

- (a) 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>
- (b) Crimes Act 1914: Available online: <https://www.legislation.gov.au/Details/C2013C00369>
- (c) Criminal Code Act 1995: Available online: <https://www.legislation.gov.au/Details/C2018C00386>
- (d) Public Governance, Performance and Accountability Act 2013: Available online: <https://www.legislation.gov.au/Details/C2013A00123>
- (e) Public Service Act 1999: Available online: <https://www.legislation.gov.au/Details/C2012C00319>
- (f) Archives Act 1983: Available online: <https://www.legislation.gov.au/Details/C2016C00772>

Attachment A – National Principles

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

	<ul style="list-style-type: none"> education will be provided for employees if working or contact with children and young people from diverse backgrounds becomes a business requirement.
<p>5. People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice.</p>	<p>The ACCC/AER:</p> <ul style="list-style-type: none"> recruitment processes, selection criteria and referee checks all employees undergo a police check where a position is identified People and Culture will require working with children checks for employees who have regular contact with children and young people
<p>6. Processes to respond to complaints and concerns are child focused.</p>	<p>Although the ACCC/AER has minimal contact with children and young people there are processes in place for receiving general complaints. The organisation responds to complaints through:</p> <ul style="list-style-type: none"> Infocentre and ScamWatch calls and emails and processes Public Interest Disclosure (PID) procedures the organisation provides child-friendly and culturally safe information to the general public including children and young people, families and communities
<p>7. Employees and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training.</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. A training module on the Child Safe Framework is available via Bunya.</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 and young people a working with vulnerable people check will become a requirement of holding the position.</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>The ACCC/AER promotes child safety in physical and online environments:</p> <ul style="list-style-type: none"> • the annual risk assessment for child safety considers the physical and online environment, organisational activities and any adult/child interactions • Strategic Communications has standards for all online communications which may be accessed by children or young people and they do not specifically target children • meets its WHS responsibilities through ensuring all members of the public are safe including children and young people • 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 and young people
<p>9. Implementation of the national child safe principles is regularly reviewed and improved.</p>	<ul style="list-style-type: none"> • The Executive Office will review this policy every 2 years (after the annual risk assessment process) • the ACCC/AER will address any complaints and incidents immediately.
<p>10. Policies and procedures document how the organisation is safe for children and young people.</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 and young people, impact on children and young people, or working with children and young people'?

Yes
or No

Where it is determined there is no 'impact on or contact with children and young people', 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 and young people', then an assessment of child protection risk is required.

If it is determined to be 'contact with children and young people' or impacts children and young people 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 and young people

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

Once Risk Assessments are completed, please provide a copy to the General Manager Executive Office for recording purposes.

Please note: Once finalised, risk assessments should be retained by the line area and periodically reviewed and updated until the risks are no longer relevant or have been completely eliminated

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 and young people are expected to adhere to the following behaviours while they are performing those duties:

- treat all children and young people with respect and consider the diverse backgrounds and needs of children and young people
- use appropriate language and behaviour towards children and young people and not be harassing, abusive, sexually provocative, demeaning or culturally inappropriate
- wherever possible, ensure that another adult is present when working near children and young people
- never use any computers, mobile phones, video cameras, cameras or social media to exploit or harass children and young people, or access child and young people 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 and young people 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 and young people
- demonstrate appropriate personal and professional boundaries
- create an environment that promotes and enables children and young people's participation and is welcoming, culturally safe and inclusive for children, young people and their families
- identify and mitigate risks to children and young people'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 young person or using children and young people'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 or young person
- obtain explicit and informed consent from the child or young person and parent

or guardian of the child or young person before photographing or filming a child or young person. An explanation of how the photograph or film will be used must be provided

- ensure photographs, films, videos and DVDs present children and young people 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 or young person when sending images electronically or publishing images in any form.