

Creating Safe Environments For Children - Organisations, Employees and Volunteers



National Framework



Creating Safe Environments For Children - Organisations, Employees and Volunteers

NATIONAL VISION

Children will be safe and protected from harm when they are in the care of community services organisations or involved with their services and programs.

OVERARCHING PRINCIPLES

- Centrality of the rights, interests and safety of children
- Respect for variation between jurisdictions
- Focus upon capacity building
- Respect for natural justice and procedural fairness
- Appreciation of the complexity and cultural diversity of community services

PRIORITIES FOR ACTION -
NATIONAL SCHEDULES

GUIDELINES FOR BUILDING THE CAPACITY OF CHILD-SAFE ORGANISATIONS

EVIDENCE-BASED GUIDE FOR RISK ASSESSMENT AND DECISION-MAKING WHEN UNDERTAKING BACKGROUND CHECKING

GUIDELINES FOR EXCLUSION OF PERSONS FROM EMPLOYMENT/ VOLUNTEERING IN CHILD-RELATED AREAS

GUIDELINES FOR INFORMATION SHARING ACROSS JURISDICTIONS

CONSULTATION, IMPLEMENTATION AND REVIEW

FRAMEWORK REVIEW

NATIONAL FRAMEWORK
2005

Foreword

'Creating Safe Environments for Children - organisations, employees and volunteers' expresses commitment from Community and Disability Services Ministers to a national approach for increasing the safety of children in their dealings with community services organisations.

Ministers are unanimous about the need to work collaboratively and to provide national guidance in the interests of creating safe environments for children in community services.

This National Framework is a milestone in taking a more comprehensive national approach to creating child-safe organisations, whilst acknowledging the broad scope of community services and respecting variations between jurisdictions.

The Framework has been developed through collaboration between all jurisdictions and in cooperation with law enforcement, justice and education portfolios which share a commitment to the safety of children.

National Vision

Preventing harm to children when they are in the care of community services organisations, or involved with their services and programs, is part of a broader vision of optimising children's wellbeing and development.

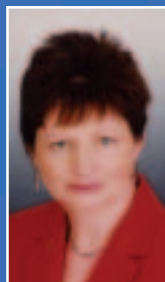
The overarching aim of this Framework is to provide a more comprehensive and cohesive national approach to strengthening the capacity of organisations and systems to increase child safety.

Context

It is now well accepted that the protection of children from harm is a public responsibility and not simply the private responsibility of parents. It is therefore imperative that public policy covers all areas where children may be at risk, including their dealings with wider society, organisations and institutions.

Organisations have a moral and legal responsibility to ensure that children in their care are safe, and community services organisations have additional obligations because of the particular vulnerability of many children in their care or utilising their services.

A range of stakeholders have specific concerns and shared interests in such an undertaking: children, young people and their families; Government Ministers; government and non-government employers; current and prospective employees and volunteers; and the wider community. This Framework attempts to address common concerns of stakeholders in the interests of children across Australia.



Senator the Hon
Kay Patterson

The Hon
Reba Meagher

The Hon
Sherryl Garbutt

The Hon
Warren Pitt

The Hon
Sheila McHale

The Hon
Jay Weatherill

The Hon
David Llewellyn

Ms
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The Hon
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Minister for
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Western
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Deputy Premier
Minister for
Health and
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Tasmania

Minister for
Children, Youth
and Family
Support
Australian Capital
Territory

Minister for
Family and
Community
Services
Northern
Territory

Scope

Effectively building the capacity of organisations to provide safe environments for children requires a preventative, strategic and participatory approach, including laws, policies, procedures and organisational practices which minimise the risk of abuse occurring.

'Creating Safe Environments for Children' acknowledges that maintaining child-safe environments extends beyond pre employment screening. Some of the strategies are focused upon the whole organisation and its governance, whilst others are more directly concerned with individuals and groups of employees and volunteers.

The national commitment to creating and maintaining child-safe environments encompasses:

- Building capacity for child-safe organisations;
- Background checking for employees and volunteers;
- Information sharing between States and Territories;
- Implementation and review of progress.

Priority attention will be given to developing national Schedules in the following areas:

- Guidelines for building the capacity of child-safe organisations;
- An evidence-based guide for risk assessment and decision-making when undertaking background checking;
- Guidelines for exclusion of persons from employment/volunteering in child-related areas;
- Guidelines for information sharing across jurisdictions.

A Strategic Approach to Implementation

'Creating Safe Environments for Children' will be progressively implemented through the adoption of guidelines provided by the national Schedules. The Schedules will outline objectives and provide guidance for realising the national commitments at the local level. Progressive development and implementation of the Schedules will allow jurisdictions to achieve more immediate outcomes whilst working towards longer-term goals.

Responsibility for implementation of the Framework resides with each of the States and Territories enabling jurisdictions to adopt an approach to implementation which reflects their local circumstances. This acknowledges that the safety of organisations will be built up over time in the context of existing priorities and State and Territory needs.

Appropriate strategies for developing commitment and accountability will be determined by each State and Territory through engaging community services and related sectors.

Consistent with best practice in public policy, the Framework will be reviewed to take account of changes and emerging needs.

Principles

The following principles reflect the characteristics of this national approach to creating safe environments for children.

- **Centrality of the rights, interests and safety of children**
The rights, interests and safety of children are the focus of a framework for child-safe environments.
- **Respect for variation between jurisdictions**
Differences between community services jurisdictions are acknowledged and respected, and jurisdictions are encouraged to develop systems and structures in keeping with local needs.
- **Focus upon capacity building**
Building the capacity of organisations to be child-safe is central to the broader goal of developing and sustaining child-safe environments.
- **Respect for natural justice and procedural fairness**
The requirement to act fairly in relation to all persons will be observed in the systems and processes developed to increase the safety of children.
- **Appreciation of the complexity and cultural diversity of community services**
The wide range of community services, their cultural diversity and unique needs are acknowledged and respected.

Definitional Explanation

For the purposes of this National Framework the United Nations Convention on the Rights of the Child is used as a guide and the following meanings apply:

"**Harm**" means physical, sexual, emotional or psychological, abuse and neglect of children.

Reference to "**a child**" or "**children**" is inclusive of children and young people up to the age of 18 years. This definition is applicable irrespective of age thresholds which might apply in other child-related areas.

It is acknowledged that the scope of agencies included within the meaning of "**community services**" varies across the jurisdictions. This National Framework is intended to apply to all those government and non-government organisations which are considered part of the community services sector within a particular jurisdiction.

National Schedules for Creating Child-Safe Environments

Guidelines for Building the Capacity of Child-Safe Organisations

Objective: to identify nationally agreed characteristics of a child-safe organisation and promote best practice which takes account of the diverse range of community services.

Building capacity for child-safe organisations means developing a culture that promotes child safety through a developmental process which effectively links with the commitment of an organisation to quality improvement.

This Schedule will guide organisational development and offer reference points against which organisations can assess their child-safe capacity.

Capacity Building initiatives are grouped according to key elements which include:

- Governance and Culture;
- Human Resources Management;
- Participation and Empowerment of Children;
- Education and Training;
- Systems to ensure Adaptation, Innovation and Continuous Improvement.

The Schedule acknowledges that building the capacity of organisations is a dynamic process involving a range of strategies, aspects of which are sequential. This is the 'building' component of 'capacity building'.

The connecting theme is the identification of practices which have been found effective in establishing, maintaining and strengthening the child-safe capacity of organisations.

Evidence-Based Guide for Risk Assessment and Decision-Making when undertaking Background Checking

Objective: to inform decision-making about acceptance or exclusion of persons in areas of child-related employment/volunteering.

The development of an evidence-based guide for risk assessment is based on the premise that protecting children from harm requires informed decision-making about whether certain persons pose a risk to children. Natural justice and procedural fairness also demand that there is a rationale for excluding persons from child-related employment, and good governance requires that organisations are clear about the foundations for decision-making.

There is an apparent need for an evidence-based guide for risk assessment and structured decision-making when undertaking background checking. Where persons are not excluded from child-related employment/volunteering there may still be a need for risk assessment.

Guidelines for Exclusion of Persons from Employment / Volunteering in Child-Related Areas

Objective: to establish standards concerning the exclusion of certain persons from child-related employment/volunteering, based on the premise that certain criminal offences or patterns of offences create an unacceptably high level of risk to children.

There is concern that where persons may be excluded from child-related employment/volunteering in one State or Territory or particular organisations within a jurisdiction, they may gravitate towards other jurisdictions and agencies with less stringent screening provisions.

Achieving a level of national coherence in relation to the offences which may lead to automatic exclusion from child-related employment/volunteering will be guided, but not restricted, by reference to the offences which may result in persons becoming registrable persons according to State or Territory legislation.

Review and Appeal processes that provide for natural justice and procedural fairness will be developed and managed within each jurisdiction.

Guidelines for Information Sharing across Jurisdictions

Objective: to progress the development of a coherent national approach to the seeking and release of information for the purposes of screening potential employees and volunteers in child-related areas.

This Schedule will identify areas in which collaboration and coordination in the exchange of information can occur. Priority will be given to the importance of the necessary information to protect children being available to those who need to know, taking into account legal and privacy issues.

The release and use of criminal history and other information is sensitive from legal, justice and administrative perspectives. It is also necessary to address concerns that limited assurance can be gained from screening which relies upon criminal convictions alone when assessing risk of harm to children.

Within the community services sector further work is needed to establish mechanisms for sharing of information nationally between agencies concerned with the protection of children. The importance of such sharing of information is echoed in the cross-jurisdiction information sharing issues within the National Plan for Foster Children, Young People and their Carers.

Next Steps

Reflecting the commitment to progressive implementation, the National Framework Schedules will be released as they are developed in collaboration between jurisdictions. The centrality of building the capacity of organisations to be child-safe will be acknowledged in the priority release of the Schedule: 'Guidelines for Building the Capacity of Child-Safe Organisations'.

This National Framework will need to be reviewed as understanding grows and new challenges emerge, and over time additional Schedules may need to be developed. Responses to these issues will be kept under review through ongoing communication and consultation within jurisdictions and nationally.

'Creating Safe Environments for Children - organisations, employees and volunteers' provides an important foundation for a more coherent and cohesive national approach to creating child-safe community services in all Australian communities.