ACT Child Safe

ACT Child Safe Standards

A Guide for Board Members and Executives

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Introduction

Who is this resource for?

This guide is for Boards, Committee Members, and Executives in organisations delivering services for children and young people. It aims to outline the roles and responsibilities of leaders and decision-makers in implementing the ACT Child Safe Standards to uphold the rights, safety, and wellbeing of children and young people.

About the ACT Child Safe Standards

The ACT Child Safe Standards (the Standards) are a set of ten guiding principles to assist organisations to improve practices to better protect and promote the rights, safety, and wellbeing of children and young people. Implementing the Standards is mandatory for all organisations providing services for children and young people in the ACT.

The Standards are part of a national effort to make organisations safer for children and young people following the Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission). The Royal Commission identified widespread systemic failings by organisations in protecting children and young people from harm.

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 to respond to 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 child safe standards is regularly reviewed and improved.
10. Policies and procedures document how the organisation is safe for children and young people.

A rights-based approach

Four guiding principles

The Standards were introduced into the Human Rights Commission Act 2005 and are grounded in the United Nations Convention on the Rights of the Child [1] (UNCRC). This means that organisations should ensure that:

- the best interests of children and young people are at the centre of decision making.
- children and young people are safe and protected from harm and abuse.
- children and young people can express their views and have their concerns taken seriously.
- children and young people are treated fairly and protected from discrimination.

Organisations must consider how policies, environments, and relationships uphold the rights of every child and young person.

The Preamble Statement

The Standards are accompanied by a preamble statement that seeks to ensure they are applied in a manner that is culturally safe and inclusive for all children and young people, including by respecting and valuing the diverse and unique identities and experiences of Aboriginal and Torres Strait Islander children and young people.

This aligns with other laws in the ACT that protect human rights, including the *Discrimination Act 1991* (ACT) and the *Multiculturalism Act* 2023 (ACT). The positive duty provisions in the *Discrimination Act 1991* require organisations to take proactive steps to eliminate discrimination and provide reasonable adjustments to accommodate a person's needs for protected attributes covered by the Act (for example, disability, age, sex, gender identity, and race).

Effective implementation of the Standards and their preamble statement can reinforce a preventative organisational approach that supports the positive duty to prevent harm and uphold children and young people's rights, safety, and wellbeing.

For more information about human rights and the Child Safe Standards, see the Understanding Children and Young People's Rights factsheet.

1. UNICEF UK. (1989). *The United Nations convention on the rights of the child.* Note, the UNCRC defines a 'child' as anyone up to the age of 18 years.

ACT protective framework for child safety

Keeping children and young people safe is everyone's responsibility. In the ACT, there are legal obligations relating to protecting children and young people under the age of 18-years-old from abuse and harm.

Information sharing provisions exist across the ACT to support the protection of children and young people, and regulators and agencies may share information to identify and act where there is a risk of child abuse or harm.

Note that if your organisation also operates in other jurisdictions (such as NSW), you will also need to meet the legislative requirements of those jurisdictions, which may differ from those of the ACT.

Reporting of child abuse and harm

Under the *Children and Young People Act 2008,* employees and volunteers in certain roles must report concerns related to sexual abuse and non-accidental physical injury of children they support. This is known as Mandatory Reporting. A mandated reporter who has a reasonable belief that a child is at risk of significant harm within their home or family environment must report this to Children, Youth, and Families (CYF). The *Children and Young People Act 2008* also requires any person who is concerned that a child is at risk of significant harm to report to CYF. This is known as Voluntary Reporting.

Any person who has a reasonable belief that a sexual offence has been committed against a child, must report this to police. It is an offense under the *Crimes Act 1900* if a person fails to report child abuse that they know is happening. In addition, where there is a substantial risk that sexual abuse will be committed, people in authority in child related organisations must take steps to prevent the sexual abuse from happening.

For more information, see the Child Safe Standards and Child Protection Reporting Factsheet

Reportable Conduct Scheme

The Reportable Conduct Scheme supports improved child safety in certain ACT organisations that work with children and young people. Under the Scheme, organisations must report allegations about child abuse and misconduct by staff and volunteers to the ACT Ombudsman. They must also develop policies and procedures to prevent and respond to child abuse.

For more information, see the Child Safe Standards and Reportable Conduct Factsheet

Working with Vulnerable People (WWVP) Scheme

The WWVP scheme aims to reduce the risk of harm or neglect to children and vulnerable people by conducting background checking of people who work or volunteer with children and young people. Any person who works or volunteers in a regulated activity must have a WWVP registration.

Employers must comply with WWVP requirements by ensuring they have identified all roles that may require a WWVP registration, checking that their employees and volunteers have the right registration type to do their specific roles, and keeping and maintaining appropriate records of WWVP registrations.

For more information, see the Child Safe Standards and Working with Vulnerable People Scheme Factsheet.

Civil Law (Wrongs) Act 2002

The *Civil Law (Wrongs) Act 2002* explicitly covers institutional child sexual and physical abuse and requires any organisation that is responsible for a child to take reasonable precautions to prevent a person associated with the organisation from perpetrating child abuse. An organisation may be considered to have breached the duty of care for any abuse perpetrated, unless it can establish that it took reasonable precautions to prevent the child abuse.

The *Civil Law (Wrongs) Act 2002* also covers vicarious liability, including where it is associated with historical abuse. If a person associated with an organisation perpetrates child abuse against a child in connection with the organisation, the organisation can be held vicariously liable for the abuse of the child. This includes both employees, and those who may be 'akin to employees', such as office holders, owners, contractors, religious clergy coaches, or clergy.

National Redress Scheme

The National Redress Scheme is available to people who have experienced historical child sexual abuse in an institution or organisation. Victim survivors may apply to the National Redress Scheme to have their past abuse acknowledged and redressed. Any organisation that is named in an application is expected to join the National Redress Scheme, and organisations may also choose to join as a means of addressing mistakes of the past and demonstrating a commitment to future child safety.

For more information about the National Redress Scheme, see Institutions | National Redress Scheme

It is the responsibility of leaders to understand their legislative obligations in relation to child safety. The above information is not intended to be comprehensive, and leaders should seek their own independent and tailored legal advice to understand requirements specific to their organisation.

Implementing the Child Safe Standards

Child Safe Standards Self Assessment

The Standards have a broad application that goes beyond child sexual abuse and covers all forms of abuse, neglect, and harm. To understand how the Standards fit together, it can be helpful to consider them across four focus areas, as presented in the Child Safe Standards Self-Assessment Guide. These four focus areas can guide leaders to consider child safe practices and identify priority areas for their organisation.

The Royal Commission found that institutional child abuse occurs when institutional culture, governance, and environmental failures occur.[2] These critical areas form Focus Area 1, which is about ensuring that legal obligations are met, there is a strong institutional culture that prioritises child safety, and appropriate systems, policies, and practices for child safety are in place and clearly communicated.

Focus area 1 – Leadership, Culture, Governance, and Environment

1	Child rights, safety, and wellbeing are embedded in organisational leadership, governance, and culture.
8	Physical and online environments promote rights, safety, and wellbeing while minimising the opportunity for children and young people to be harmed.
10	Policies and procedures document how the organisation is safe for children and young people.

Role of the ACT Children and Young People Commissioner

The ACT Children and Young People Commissioner is leading implementation of the Standards and works with existing regulators to monitor implementation progress.

The Human Rights Commission Act 2005 also includes provisions for an independent service for complaints related to discrimination, human rights, and services for children and young people (amongst other things). Organisations that provide services to children and young people can be subject to a complaint if a service is not being provided appropriately or for not implementing the Standards.

2. Commonwealth of Australia, Royal Commission into Institutional Responses to CHild Sexual Abuse, *Final Report (2017) vbl 2, Nature and cause, p16.*

Standard 1
Leadership, Governance, and Culture

Key Roles and Responsibilities

- Ensure that all legal requirements and duty of care obligations for child safety are met.
- Put in place appropriate governance frameworks to support the implementation of child safety measures.
- Promote and role model a child safe culture.

Duty of Care

Boards, Committee Members, and Executives have a legal and ethical duty to act with care and diligence and take reasonable steps to prevent foreseeable harm. Duty of care requires that where your organisation has assumed care or supervision of a child or young person, you have an obligation to protect their safety, and your organisation can be held liable for the actions of staff, volunteers, and contractors under the *Civil Law (Wrongs) Act 2002*.

Compliance with child safety standards is listed as an action that may be considered as a reasonable precaution that an organisation can take under the Act. Implementation of the Standards is therefore a key step that Boards, Committee Members, and Executives can take to identify risk, prevent harm, and protect the rights, safety, and wellbeing of children and young people in their care.

Governance and accountability

Boards, Committee Members, and Executives are responsible for setting organisational direction and establishing effective governance systems for implementing the Standards. A child-centred governance framework helps organisations to monitor child safety risks, make decisions that support child rights, safety, and wellbeing, and ensure accountability mechanisms are in place. Strong governance can also support you to ensure that child safety is prioritised even when challenges exist, such as conflict of interest or issues that may impact on organisational reputation.

Child-centred governance starts with establishing a strong commitment to child safety and ensuring that child safety is considered when setting organisational priorities, including through the implementation of clear policies and risk frameworks.

This includes the allocation of both resources and budget, so there is accountability, a tangible commitment, and recognition that it is a priority. Providing sufficient resourcing and investing in prevention not only protects children, but can also protect the organisation from financial, legal, and reputational risk.

Child safety should be a standing priority in project management decision-making and meeting agendas, supported by dedicated roles or committees, and reinforced through audits and reviews.

Effective governance also requires clear roles, responsibilities, and reporting lines for child safety, so that staff understand their obligations and leaders are accountable for upholding them. It is critical that safety and the prevention of harm is viewed as an everyday responsibility for all staff and volunteers, and that everyone is held accountable for their actions. There should be no exceptions, regardless of role, seniority, or organisational pressures.

Leading a child safe culture

Child safety needs to be championed at the leadership level for an organisation to have a child safe culture. Creating a child safe culture requires more than writing policies and procedures, and leaders have a significant role in shaping culture through role modelling appropriate behaviour. When leaders demonstrate how to interact with children and young people in a safe, respectful, and inclusive way, this sets the tone for the rest of the organisation. Staff and volunteers will take child safety seriously when they see that those in authority consistently practice child safe behaviour and child-centred decision-making.

Seeking and acting on the views of children and young people is critical to a strong child safe culture. Boards, Committee Members, and Executives should practice and model safe engagement with children and young people to seek their feedback. Where leaders role-model that they value children and young people's perspectives, it reinforces that their views are taken seriously, and demonstrates to staff and volunteers that this is an important element of child safety.

Recognising and addressing bias

In addition to role-modelling behaviours, leaders play a critical role in promoting a culture of openness and creating spaces in which it is safe for staff, children, young people, and families to speak up if they have concerns. It is important that Boards, Committee Members, and Executives do not discount risks to children and young people due to their biases or beliefs. For example, many leaders may believe that an absence of feedback or complaints implies that the organisation is child safe, when this is more likely to be an indication that staff, children, young people, and families do not consider complaints handling processes to be robust, fair, or safe.

Unconscious bias by leaders can mean that children and young people are not believed or taken seriously, behaviour of close associates or allies are overlooked, or certain interpretations of events are favoured over others. For example, minimising concerns raised by a child on the belief that the child may not be remember an event correctly or treating an adult's account as more credible than that of a child.

Leaders should ensure that they seek to acknowledge where biases exist, engage in reflective practices, and build safeguards into decision-making to ensure fair, objective, and child-centred decision-making. See the Self reflection checklist for leaders.

Modelling child safe behaviours

- Demonstrate strong professional boundaries and child safe behaviours when interacting with children and young people.
- Communicate the importance of child safety often and in multiple formats (e.g. at meetings or events, in emails to staff, in newsletters to families).
- Take the time to respectfully engage or be available to listen to children and young people by visiting your operational environment.
- Regularly ask how your staff and operational teams have sought the views of children and young people.
- Discuss reporting openly and encourage staff to speak up if they have concerns.
- Always adhere to child safe policies and procedures, to show that everyone is held accountable to the same standards.

What Boards, Committee Members, and Executives can do

- Publish a public Statement of Commitment to being child safe.
- Embed child safety into organisational vision and mission statements, strategic priorities, and operational procedures.
- Appoint a senior manager with responsibility for implementation of the Child Safe Standards.
- Document roles and responsibilities for child safety into Board charters, position descriptions, and organisational strategies/plans.
- Include child safety as a standing agenda item for board, committee, and executive meetings.
- Introduce regular monitoring and reporting on child safety, for example incident and complaints, training compliance, and legal requirements (such as WWVP registration, adherence to the Reportable Conduct Scheme) that shows trends, not just compliance, and enables a clear escalation pathway to the Board, Committee Members, and/or Executives when required.
- Include child safety messages in Board or executive communications to staff (for example, all staff emails or newsletters).
- Develop mechanisms for children, young people, and families to understand and participate in your organisation's governance mechanisms, for example:
  - Youth Advisory Groups or consultative committees.
  - Opportunities to raise questions or agenda items for Board consideration.
  - Publication of a child friendly quarterly Board summary.

Standard 8
Safe environments that prevent harm

Key Roles and Responsibilities

- Put in place appropriate child safety risk management practices.
- Ensure that there are clear expectations for conduct, supervision, and reporting.
- Ensure that your spaces are child friendly and culturally safe.

Child safety risk management

Risk management helps to keep children and young people who have contact with your organisation or service safe from harm and abuse. Identifying potential risks and mitigating them will help keep children and young people safe while also providing support to your staff and volunteers. Child safety risk management should be embedded into governance frameworks and operational processes, to ensure that risks are managed preventatively, and not only in response to incidents.

Organisations can use existing risk frameworks to manage child safety risk, for example strategic risk registers and work health and safety risk assessment procedures. However, to ensure that child safety risks are assessed and managed effectively, Boards, Committee Members, and Executives should put in place processes to understand risks at the program, project, or service level. This includes reviewing environments, activities, staffing arrangements, and vulnerabilities to understand where and how children and young people may be at risk, and what actions can be taken to mitigate this.

Child Safety Risk Management Guide

The Child Safety Risk Management Guide was developed by the National Office for Child Safety to assist organisations to understand and embed effective child safety risk management practices.

Supervision

Supervision is a key risk management strategy for the prevention of harm to children and young people, and to ensure that environments are safe and staff behaviour is visible and appropriate. This is equally important in both physical and online environments. Strong child-focused supervision is active, attentive, and appropriate to the environment and the needs of children and young people. Supervision of children and young people is critical to upholding your duty of care, protecting children and young people from harm, and providing them with the right level of support.

Boards, Committee Members, and Executives should ensure that supervision practices are tailored to the level of risk, considering things such as the design and layout of environments, nature of activities, and the age and vulnerability of children and young people. It is critical that Boards, Committee Members, and Executives have adequate staffing structures and resources, and provide oversight for continuous improvement, adapting staffing, environments, and procedures where gaps are identified.

Procurements and contracts

As a part of risk assessment, Boards, Committee Members, and Executives should consider how to embed child safe practices into procurement and contracting processes. This includes ensuring that external providers, contractors, and partners are aware of child safety requirements, adhere to expectations in respect of what constitutes child safe behaviour, and are compliant with organisational child safe policies.

Any third parties who may interact with or have access to children and young people (or their personal information) should be appropriately screened, trained, and held accountable to child safety requirements. Implementing child safety into your organisational procurement and contracting processes ensures there is a consistent approach and that expectations across all aspects of operations are well understood. This limits the opportunity for harm to children and young people through unsafe environments, unsuitable people, or poor practices that may be delivered by those not under your direct control.

Making spaces child friendly

Child safe environments must be child friendly and culturally safe. This means ensuring that spaces feel welcoming, consider children and young people's experiences, and ensure that children and young people can both *feel* safe and *be* safe. When environments are well-designed, risks are reduced and children and young people are more likely to feel safe, valued, and confident to speak up if something is wrong.

Boards, Committee Members, and Executives should seek to ensure environments that balance risks with safety and consider children and young people's sense of belonging. Whilst this can include things such as visual cues, appropriate furniture and accessible layouts, it is also about understanding that children's rights and experience must be respected. Frequently, adult-centred risk management favours restriction of access to environments, equipment, or activities that may be deemed unsafe, instead of seeking solutions in consultation with children and young people.

What Boards, Committee Members, and Executives can do

- Ensure child safety is explicitly included in your enterprise level risk management plan / strategy.
- Develop mechanisms to include children and young people in your risk management processes.
- Conduct regular risk assessment and review of all physical and online environments and implement procedures for key child safety risks (for example, physical contact, filming and photography, digital communications, and personal care).
- Develop, resource, and enforce clear expectations for supervision of children and young people.
- Create and communicate clear expectations for staff behaviour through a Code of Conduct, child safe practices or professional boundaries.
- Implement child safety requirements into your enterprise level procurement and contracting processes (for example, screening, conduct, and reporting).
- Ensure that your environments are child friendly and welcoming, with artwork, visual cues and child friendly information available.

Standard 10
Child safe policies and procedures

Key Roles and Responsibilities

- Put in place an appropriate Child Safe Policy.
- Document procedures for reporting and handling complaints.
- Ensure that policies and procedures are available and accessible to all staff, volunteers, families, children, and young people.

The importance of policies and procedures

A Child Safe Policy ensures that minimum expectations are set, and that staff, volunteers, and families have clarity on child safe practices, including staff conduct, training, and reporting of child safe concerns. Boards, Committee Members, and Executives should develop appropriate review mechanisms to ensure that the Child Safe Policy is dynamic and reflects the everyday practices that exist within your organisation. If policies and procedures do not match practices, this undermines organisational culture and sends the message that complying with the Child Safe Policy is optional. Reviewing your policies and procedures regularly and involving staff, volunteers, parents, children, and young people in review processes can help to ensure that your policies and procedures are practical, relevant, and easy to understand.

For information about how to create a child safe policy, see

- Australian Human Rights Commission: Child Safety and Wellbeing policy template
- NSW Office of the Children's Guardian: Understanding and Developing a Child Safe Policy

Boards, Committee Members, and Executives should ensure that the Child Safe Policy and procedures are communicated frequently, so that staff, volunteers, contractors, families, children, and young people understand what the policies contain, and are clear about expectations. This can look like having your policies available on your website, ensuring they are included in inductions, and providing regular messaging about what the policies contain in organisational communications.

Code of Conduct

A strong Code of Conduct sets out the behavioural expectations for staff and volunteers when engaging with children and young people and provides clarity about acceptable versus unacceptable conduct. Child safe practices can be embedded into your existing organisational Code of Conduct where your organisation has one or can be created as a set of Child Safe Practices or Professional Boundaries as a part of your Child Safe Policy. The Code of Conduct should be created in consultation with staff, volunteers, families, and children and young people involved with your service.

The Code of Conduct should be specific to your organisation and the child safety risks identified under Standard 8. Use clear language and be explicit about the type of behaviours that are positive, as well as those behaviours that are unacceptable – for example, unnecessary physical contact, swearing or derogatory language, and sexual misconduct. You may also wish to include expectations for compliance with the organisation's Child Safe Policy and all legislation related to child safety and child protection, such as WWVP checks. It is important that the Code of Conduct is tailored and flexible to account for the range of situations in which staff and volunteers may operate and provide enough guidance to navigate complex situations with confidence.

The Code of Conduct must have clear processes for reporting breaches and outline the actions and range of sanctions that will be taken if the Code of Conduct is breached. These actions should be clear, appropriate to the nature of the breach, and focus on protecting children from the risk of harm.

Addressing conflicts of interest

Under the Child Safe Policies and procedures, the safety and wellbeing of children and young people must always be the primary driver of decision-making. A key consideration for Boards, Committee Members, and Executives is managing potential conflicts of interest, which may compromise child safety procedures across recruitment, procurement, or complaints handling. This is particularly important for reporting and handling of concerns, and organisations must ensure there are mechanisms in place to respond to concerns raised about the conduct of Executives and other senior managers.

Organisations should develop a transparent process for child safety conflicts of interest to be identified and managed, for example in situations where the independence or impartiality of a misconduct investigation may be compromised due to personal or professional relationships or organisational hierarchies.

Making policies accessible

It is important that Child Safe Policies and procedures are child friendly and accessible, to ensure that everyone, including children and young people, can easily find and understand information about child rights, what safe behaviour looks like, and how to report concerns or get help. Child safety information should be available in your everyday environments, for example through posters or visual cues, so that children and young people can easily access it.

To ensure that policies and procedures are child friendly, use clear, age-appropriate language or imagery and consider how information can be presented so that it is engaging and developmentally appropriate. Involving children and young people in developing and reviewing these resources is often the best way to ensure they are appropriate, easily understood, and meaningful. To learn more about how to build your organisation's capacity to listen to children and young people effectively, see the resource "Kids can be teachers too!"

What Boards, Committee Members, and Executives can do

- Develop and implement a Child Safe Policy and ensure that it reviewed regularly.
- Engage with your stakeholders, including children, young people, and families, to seek feedback when developing and reviewing your Child Safe Policy.
- Make the Child Safe Policy available to your staff, volunteers, children and young people, and their parents/carers.
- Publish child friendly information to support your Child Safe Policy – to ensure that children and young people can understand their rights and how they will be kept safe in your organisation.
- Ensure that your Child Safe Policy includes practices that reduce the risk of child abuse, including recruitment, staff training, supervision, procurement, reporting, and complaints management.
- Ensure that your Child Safe Policy and Code of Conduct are applied to all staff, volunteers, contractors, and suppliers.
- Implement clear and proportionate actions for breaches of your Child Safe Policy or Code of Conduct.

Self reflection checklist for leaders

As a leader in my organisations, do I:	Always	Sometimes	Never
Understand Duty of Care obligations and take explicit steps to prevent harm and abuse to children and young people.	○	○	○
Consistently model child safe behaviours.	○	○	○
Demonstrate a commitment to child safety in what I do, say, and prioritise.	○	○	○
Treat all children and young people equally, regardless of age, gender, or cultural background.	○	○	○
Understand and recognise different types of bias (e.g. unconscious, cultural, credibility, organisational).	○	○	○
Recognise that some children and young people are less likely to speak up or be taken seriously and actively explore ways to change this.	○	○	○
Engage in reflective practice regarding my own personal biases and beliefs and how these may impact decision-making.	○	○	○
Have confidence that reputational considerations are never prioritised over the rights, safety, or wellbeing of a child or young person.	○	○	○
Have confidence that commercial motivations are never prioritised over adequate supervision and staffing levels.	○	○	○
Apply the same expectations for child safe behaviour to all those in the organisation, including contractors and third parties.	○	○	○
Call out and address inappropriate behaviour promptly, regardless of role, seniority, or length of tenure.	○	○	○
Take a zero-tolerance approach to the minimisation, avoidance, or dismissal of child safety concerns.	○	○	○
Have safe mechanisms for staff, children, young people, and families to raise concerns, including about senior or influential staff.	○	○	○
Encourage all staff to report and document potential conflicts of interest so these can be adequately managed.	○	○	○
Have confidence that complaints processes are independent and fair.	○	○	○
Build safeguards into decision-making processes to protect against bias (e.g., multiple people involved in decisions, and independent review where appropriate).	○	○	○
Share information about how concerns are handled, including ensuring that the child or young person is informed about outcomes.	○	○	○
Share information about lessons learned and changes made in response to complaints with staff, children, young people, and families.	○	○	○

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