

Office of the Independent Regulator

March 2024

The Child and Youth Safe Organisations Framework





Acknowledgement of Country

Acknowledgment of Lived Experience



Before we begin

- We recognise the subject of child and youth safety in institutional settings may cause distress.
- If at any time you feel that you need to step away, please do so.
- Support services are listed on our website:
www.oir.tas.gov.au/resources

Introductions

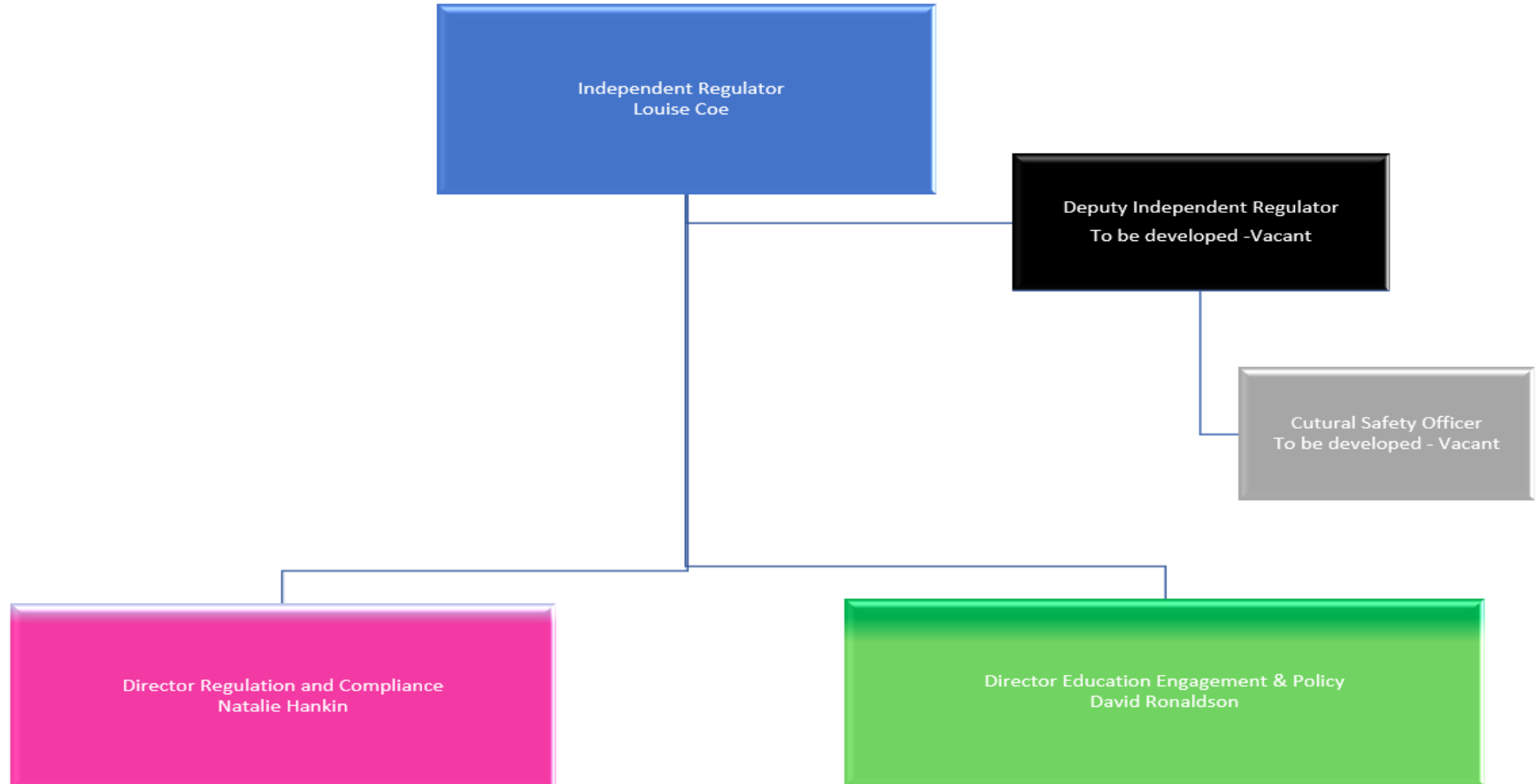
The Office of the Independent Regulator

- Louise Coe – The Independent Regulator
- Robyn Noyman – Executive Officer
- David Ronaldson – Director Education, Engagement and Policy
- Nat Hankin – Director Regulation and Compliance

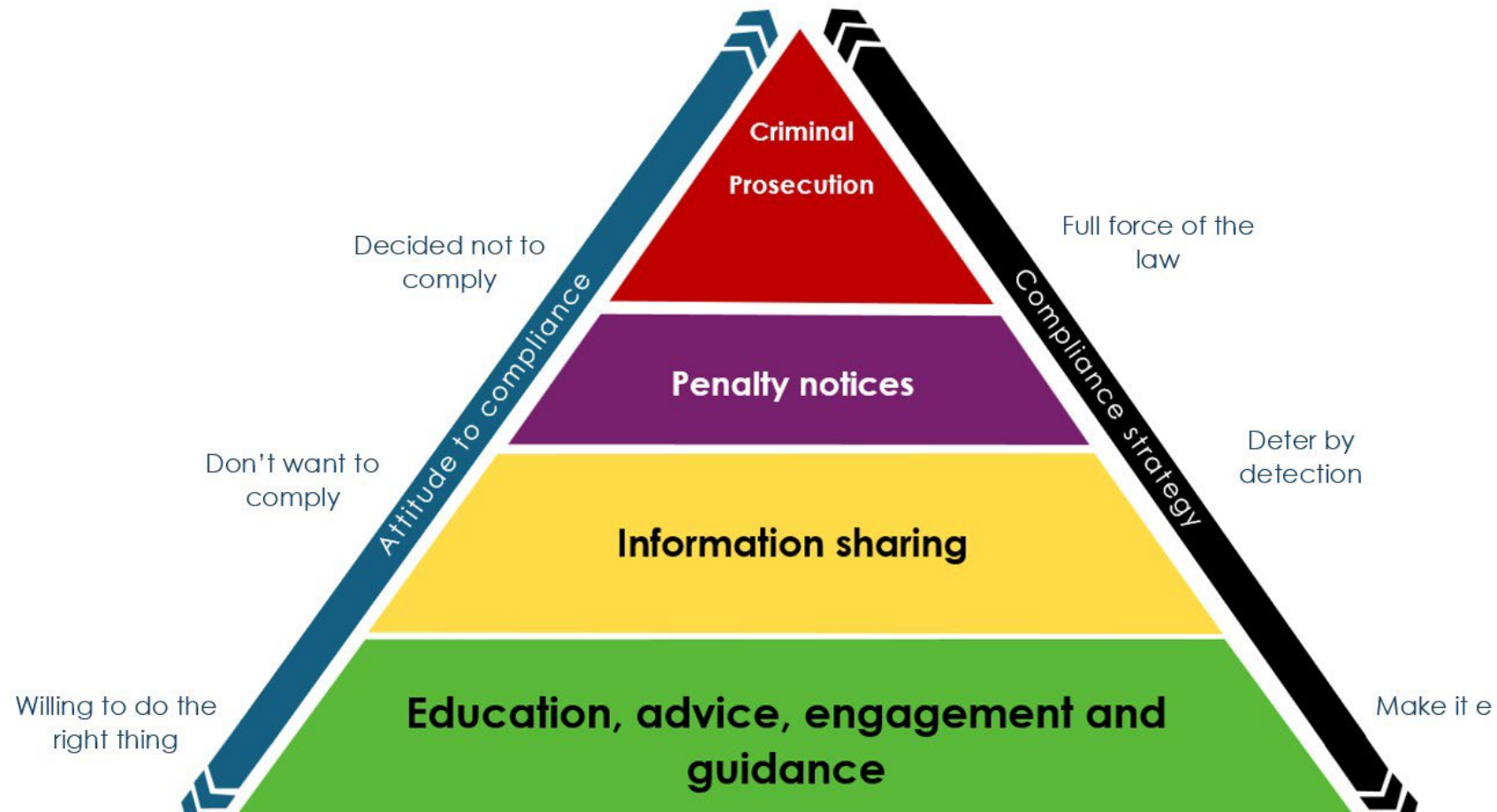
- Attendees.



OIR Structure and Role



Compliance approach



Today's Session Covers

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- The Children and Youth Safe Organisations Framework
 - Office of the Independent Regulator
 - The Child and Youth Safe Standards
 - The Reportable Conduct Scheme
 - Information Sharing
- Support for Organisations
- The 'Parking Lot'
- Time for one on one discussions.



Where did the Framework come from?

The Royal Commission into Institutional Responses to Child Sexual Abuse 2012 – 2015

2017 Royal Commission Final Report

“(A) child safe institution (is) one that **consciously and systematically**:

- creates conditions that reduce the likelihood of harm to children
- responds appropriately to disclosures, allegations or suspicions of harm.
- creates conditions that increase the likelihood of identifying and reporting harm”.

Commission of Inquiry into the Tasmanian Governments Responses to Child Sexual Abuse in Institutional Settings 2021- 2023.

Final Report August 2023

The Child and Youth Safe Organisations Act 2023. If your organisation works with children and young people, it could be legally required to comply with the Child and Youth Safe Organisations Framework from 2024 onwards.

National Principles for Child Safe Organisations

What is the Framework

- The Child and Youth Safe Standards - *Prevention*
- The Reportable Conduct Scheme - *Response*
- Independent Regulator - *Oversight*
- Information Sharing - *Information*



Why do we need a framework?

“More than 1 in 4
Australians have
experienced child
sexual abuse, either
within or outside
institutions.”

The Commission of Inquiry into the Tasmanian
Government’s Responses to Child Sexual Abuse

in Institutional Settings.

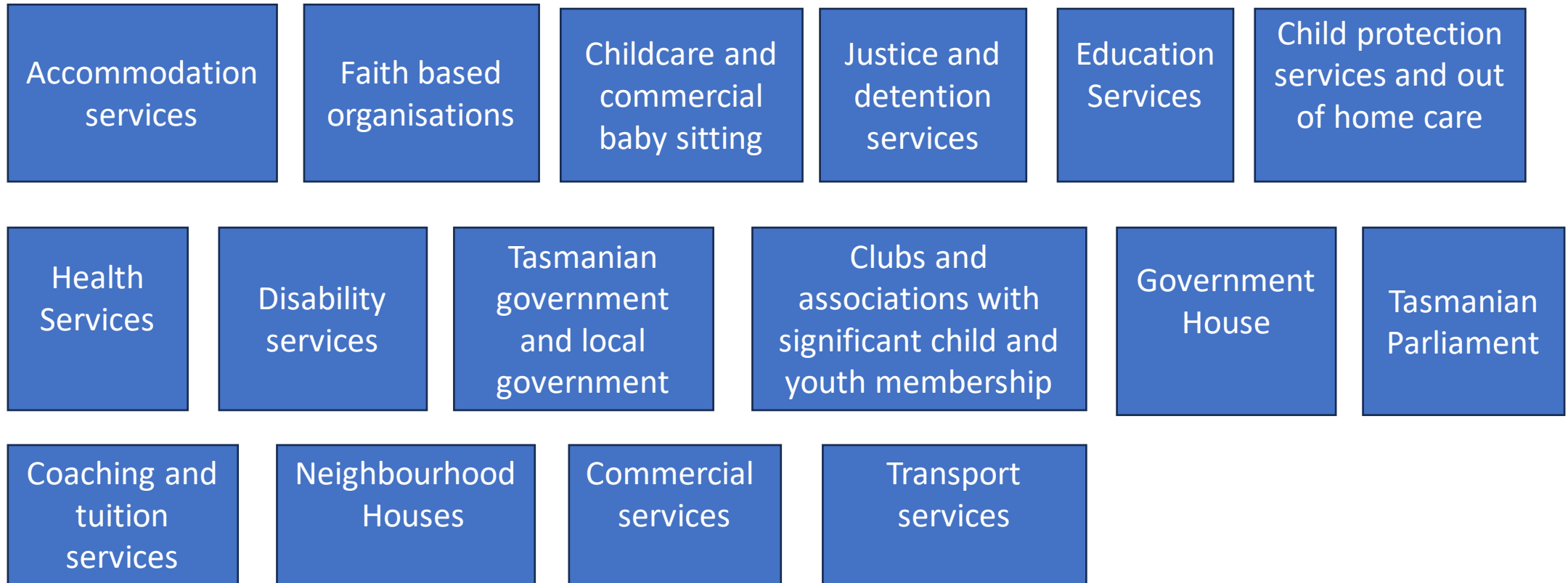
The Royal Commission – 2017

The Tasmanian Commission of Inquiry - 2023



Who does the Framework apply to?

The Child and Youth Safe Standards & The Reportable Conduct Scheme



The Child and Youth Safe Standards and Universal Principle

- The Final Report of the Royal Commission into Institutional Responses to Child Sexual Abuse highlighted that Aboriginal children are at a higher risk of abuse within institutions due to the ongoing impacts of colonisation.
- The Royal Commission also found Aboriginal children's connection to culture is a protective factor for their wellbeing, as it strengthens their sense of identity, self-esteem and attachments.
- **The Universal Principle requires organisations to create an environment that ensures the right to cultural safety for Aboriginal and Torres Strait Islander children and young people is respected.**

The Child and Youth Safe Standards - # 1

Child safety and wellbeing is embedded in organisational leadership, governance and culture.

- **This Standard Matters because** : supporting and maintaining a positive child focused culture from top to the bottom of an organisation can prevent harm to children and young people.
- **In Practice** it means ALL people in the organisation care about children and young people's safety and wellbeing above everything else. They make sure they act that way and lead others to act that way.
- **We know this because** young Tasmanians like Louis have told us "(Organisations should) show that their adults have a commitment to youth growth and development."

The Child and Youth Safe Standards - # 2

Child and young people are informed about their rights, participate in decisions affecting them and are taken seriously.

- **This Standard Matters because:** children and young people are safer when organisations acknowledge and teach them about their right to be heard, listened to, and taken seriously.
- **In Practice** it means children and young people are told about their human rights, have a say in decisions that impact them and are taken seriously.
- **We know this because** young Aboriginal Tasmanians like George have told us that people in charge of an organisation should listen to them when they speak up because: “I know me best.”

The Child and Youth Safe Standards - # 3

Families and communities are informed, and involved in promoting child safety and wellbeing.

- **This Standard Matters because:** organisations are inseparable from their communities, and both need to work together to enhance the safety of children and young people.
- **In Practice** it means families and communities know about and are involved in the organisation's child safety and wellbeing activities.
- **We know this because** young Tasmanians like Sarah told us organisations can show children and young people they're safe by: "Being friendly and honest (and having) good communication."

The Child and Youth Safe Standards - # 4

Equity is upheld and diverse needs respected in policy and practice.

- **This Standard Matters because:** just as the safety of children should not depend on where they live, their right to safety should not depend on their social or economic position, their cultural context, or their abilities and impairments.
- **In Practice** it means the rights of every child and young person are being met, and children and young people are treated with dignity, respect and fairness.
- **We know this because** young Aboriginal Tasmanians like Arial, have told us that organisations can show young people they're safe: "By being a safe space, not judging, being kind, listening and helping you when you need it."

The Child and Youth Safe Standards - # 5

People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice.

- **This Standard Matters because:** child-focused human resource practices help screen out people who are unsuitable for working with children or discourage their application for work.
- **In Practice** it means people working with children and young people are safe to work with children and young people and are respectful of them. They are taught how to keep children safe and well.
- **We know this because** young Tasmanians like Tek have told us: “Organisations can show me they’re safe for children and young people by having people who enjoy their job, so you don’t feel like they’re just paid to be there.”

The Child and Youth Safe Standards - # 6

Processes to respond to complaints and concerns are child focused.

- **This Standard Matters because:** a child-focused complaint process is an important strategy for helping children and others in organisations to make complaints.
- **In Practice** it means children, young people, families, staff and volunteers are listened to and can share problems and concerns.
- **We know this because** children and young people like Lucian have told us: “Being a child and youth safe organisation means when a health or safety issue happens, it is seriously acknowledged and taken care of.”

The Child and Youth Safe Standards - # 7

Staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training.

- **This Standard Matters because:** education and training is a core strategy in improving an organisation's capacity to protect children and can contribute to creating a child safe culture by clearly and consistently reinforcing the message that child safety is important.
- **In Practice** it means staff and volunteers build on their knowledge, so they know how to keep children and young people safe and well.
- **We know this because** young Tasmanians like Elise have told us: "Proper training is so important because without the proper training you can't connect with the young person, and you won't know how to help them properly."

The Child and Youth Safe Standards - # 8

Physical and online environments promote safety and wellbeing while minimizing the opportunity for children and young people to be harmed.

- **This Standard Matters because:** certain physical and online environments can pose a risk to children. Organisations need to be aware of these risks and strategies to mitigate them.
- **In Practice** it means children and young people are safe in online and physical spaces.
- **We know this because** young Tasmanians like Joe have told us: “I like spaces with lots of windows that are really open and welcoming.”

The Child and Youth Safe Standards - # 9

Implementation of the Child and Youth Safe Standards is regularly reviewed and improved.

- **This Standard Matters because:** an open culture encourages people to discuss difficult decisions and identify and learn from mistakes.
- **In Practice** it means the organisation keeps reviewing and improving its child safety and wellbeing practices.
- **We know this because** young Tasmanians like Bee have told us: “Don’t do what you think is the thing that’ll look most good, do the thing you know we want and need as young people.”

The Child and Youth Safe Standards - # 10

Policies and procedures document how the organisation is safe for children and young people.

- **This Standard Matters because:** the proper implementation of child safe policies and procedures is a crucial aspect of facilitating an institution's commitment to child safe practices.
- **In Practice** it means the organisation writes down how it keeps children and young people safe and well and makes sure that everyone can see these documents.
- **We know this because** young Tasmanians like Tara have told us: "By documenting that stuff and processes on paper, it stops people from like, scrambling to figure out what's going on. People know clearly what they need to do in the situation."

Guidance for Tasmanian Organisations

Information that is currently on our website:

- Draws from existing guides in NSW and Victoria
- Developed in consultation with local subject matter experts

Acknowledgement to the Department of Justice Project Team for the development of information and consultations that have occurred.

Compliance with the Child and Youth Safe Standards

- Organisations will already be doing work that demonstrates compliance with the standards.
- Think about what you're already doing and what you want to get better at.
- What could your organisation do better to make it safer for children and young people?
- A partnership approach to meet you where you are and build from that point.

What is the Reportable Conduct Scheme?

- The Reportable Conduct Scheme requires leaders of organisations in scope to
 - notify the Independent Regulator when concerns are raised about behaviour related to child abuse involving a worker
 - investigate these concerns (or engage an independent investigator to do so)
 - report back to the Independent Regulator
- 'Worker' has a broad meaning under the law establishing the Framework and includes paid and unpaid employees who are over 18 years old.

What is Reportable Conduct?

- significant emotional or psychological harm
- significant neglect
- physical violence
- a sexual offence
- sexual misconduct
- grooming
- relevant offences such as failing to report child abuse and female genital mutilation.



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Organisations



Children and Young people



Parents and Carers

What's this?

X Quick Exit

INFORMATION SHARING

- There are laws that forbid the sharing of personal information in some situations.
- For example, the *Personal Information Protection Act 2004* or the *Privacy Act 1988 (Cth)*.
- Despite these laws, leaders of organisations covered by the Child and Youth Safe Organisations Framework are permitted to share personal information in specific circumstances.
- Under the Framework, information can only be shared with certain bodies — such as the Independent Regulator, the Police, the Registrar of the Working With Vulnerable People Act— and in certain circumstances, such as for the safety of children.
- There are financial penalties for those who share information beyond these permissions.

Key Considerations

- Organisations may have **procedures and practices** in place that means they are already complying with the Framework, as opposed to starting from 'ground zero'.
- Even organisations that don't always interact with children in their day-to-day business can — **and should** — work to be child and youth safe.
- The Framework is an opportunity for organisations to **get better at** upholding the rights of children and young people, making our community safer for them in the process.
- The Framework is similar to workplace health and safety, as it represents ongoing best-practice and is **not time-limited or temporary**.

Key Considerations

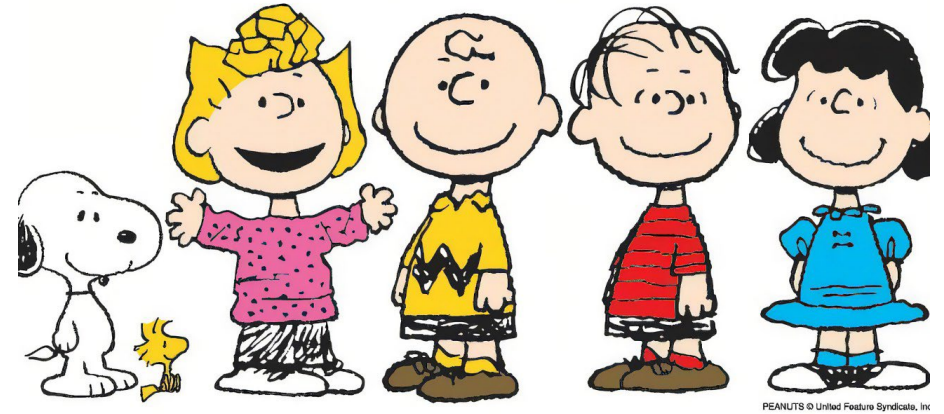
- The Reportable Conduct Scheme **doesn't** replace existing reporting obligations. But it **does** fill a gap in these existing schemes by creating oversight of organisational responses to child-related harm by workers.
- The Child and Youth Safe Standards are **principle-based**, and compliance won't be 'one-size fits all'.
- The Independent Regulator will provide **support to organisations** to meet their new legal obligations, build capability within organisations, and provide oversight of Reportable Conduct investigations.

Questions?



Activity

- How would you like to receive information / support from the OIR?
- Table Groups
 - Leader
 - Scribe
 - Reporter to whole group



The Future

- Education Packages
- Engagement Opportunities
- Monitoring of Compliance



Check the Parking Lot



Your Feedback



Thank You for your time.

- The Office of the Independent Regulator Contact Details
 - 1800 754 728
 - contact@oir.tas.gov.au

