



# CDPP

*Australia's Federal Prosecution Service*



## Child Safety and Wellbeing Policy

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<sup>1</sup> References to the law, policies and guidelines are current as at the date of publication. Users should confirm the currency of all source material at the time of using this document.

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**A. DIRECTOR'S MESSAGE**

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1. The safety and wellbeing of children and young people is a priority for our leadership team and staff with particular emphasis in providing support for victims of child abuse crime. This policy is to be read in conjunction with our [Victims of Crime Policy](#) and is an essential resource for everyone in the Office of the Director of Public Prosecutions (Cth) (CDPP).
2. As Australia's Federal Prosecution Service, we have a significant role and responsibility for ensuring that all CDPP staff treat victims with courtesy, compassion, cultural sensitivity and respect for their dignity and entitlements. Ensuring the safety of children and respecting their rights underpins the important work of this Office.
3. The CDPP *Child Safety and Wellbeing Policy* acknowledges and demonstrates our commitment to the safety of children and young people. This policy is to be used by staff as a practical guide in ensuring that all childrelated work with children and young people is conducted in a safe manner.

**B. OUR COMMITMENT TO CHILD SAFETY**

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4. The CDPP is committed to the safety and wellbeing of children and young people and has a zero-tolerance approach to child abuse. The CDPP recognises it is the shared responsibility of all individuals to promote the rights of children and young people in Australia and prevent child abuse.
5. The CDPP's *Child Safety and Wellbeing Policy* is guided by the following considerations:
  - 5.1. Recognise children's rights and interests;
  - 5.2. Build and maintain a child safe culture and environment;
  - 5.3. Ensure all staff are aware of and comply with relevant requirements; and
  - 5.4. Provide support and protection to staff who report incidents under this policy.
6. The CDPP aims to create and maintain a child safe organisation which:
  - 6.1. Empowers and values children and young people;
  - 6.2. Engages with families and the broader community in relation to child safety issues;
  - 6.3. Adopts and implements strategies to ensure the safety of children and young people; and
  - 6.4. Takes appropriate action to promote child safety and wellbeing at all levels of the CDPP.
7. The CDPP *Child Safety and Wellbeing Policy* articulates the CDPP's commitment to upholding the ten [National Principles for Child Safe Organisations](#). These principles were developed as a key national response to the recommendation of the Royal Commission into Institutional Responses to Child Sexual Abuse to make organisations safe for children. Our policy includes the actions that will be taken to meet these national principles. It provides clear guidance and demonstrates how the CDPP across its operations, will ensure children and young people's safety and wellbeing and that they are protected from child abuse in the delivery of its prosecution services.

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**C. APPLICATION**

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8. This policy applies to all employees and persons engaged to carry out work for, or on behalf of the CDPP, including:
  - 8.1. ongoing, non-ongoing, and casual CDPP employees engaged under the [Director of Public Prosecutions Act 1983](#) or the [Australian Public Service Act 1999](#)
  - 8.2. contracted individuals and parties such as consultants and counsel, those engaged through labour-hire arrangements, service providers, and secondees into the CDPP.
9. All other stakeholders and agencies who work in partnership with the CDPP are expected to act in accordance with the principles outlined in this policy, and also abide by their own policies which seek to protect children and young people in Australia.

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**D. HOW WE WILL IMPLEMENT THE NATIONAL PRINCIPLES FOR CHILD SAFE ORGANISATIONS**

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**Zero tolerance for child abuse**

10. The CDPP will work to minimise the risks of child abuse by ensuring all employees and persons engaged to carry out work for the CDPP understand their responsibilities under this policy and supporting guidance. The policy will be incorporated into induction for all employees and be provided to external counsel as a part of their general terms and conditions. The CDPP is committed to promoting and maintaining a culture that does not permit or tolerate child abuse.

**Foster a culture where all individuals lead by example and safely disclose risks of harm to children**

11. The CDPP will embed the importance of a Child Safe environment and *Child Safe Professional Behaviours* through information and ongoing education and support to our employees. All Executive Level employees and managers are expected to lead by example and ensure employees who undertake child-related work adhere to this policy and supporting guidelines.
12. Further guidance on *Child Safe Professional Behaviours* is set out in [Annexure A](#).
13. For the purpose of this policy, child-related work refers to work activities where contact (physical, face-to-face, video-link, verbal, written or electronic) between a staff member and a child would reasonably be expected as a normal part of the work and such contact is not occasional and incidental to the work.
14. Examples of child-related work are:
  - 14.1. Witness Assistance Officers providing information and support either over the phone, internet or in person to a victim of child abuse;
  - 14.2. CDPP lawyers or counsel conferencing children and young people for the purpose of preparing for a prosecution.
15. Examples of work that is not child-related work are:
  - 15.1. An adult witness in a prosecution who brings their child with them to a meeting with a Witness Assistance Officer unless a CDPP employee has direct or indirect interaction with the child;

- 15.2. An adult witness in a prosecution who brings their child with them to a conference with a CDPP lawyer or counsel for the purpose of preparing for the prosecution unless a CDPP employee has direct or indirect interaction with the child;
- 15.3. A child or young person being present during a prosecution being conducted by CDPP staff when the child or young person is not a witness or otherwise involved in the prosecution unless a CDPP employee has direct or indirect interaction with the child or young person.

### **Adopt a preventative, proactive and participatory approach to child safety and wellbeing**

16. The CDPP will establish written guidance and practices to ensure employees and individuals engaged to carry out work for, or on behalf of the CDPP, are equipped with the required knowledge, awareness, skills, and qualifications to perform *child-related work*.

### **Regular review of policies and practices**

17. The Assistant Director responsible for the Witness Assistance Service (WAS) will regularly review at least annually, this policy and practices to ensure they are relevant, consistent, and that improvements are made where required.

## **E. ROLES, RESPONSIBILITIES**

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18. While the CDPP has limited contact with children in its operations, employees, managers, and contracted individuals all have a shared responsibility in ensuring that the CDPP's physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed.
19. These roles and responsibilities are:

<b>Role</b>	<b>Responsibilities</b>
Director	<ul style="list-style-type: none"> <li>As the Accountable Authority, the Director is responsible for the implementation of the Commonwealth Child Safe Framework within the CDPP</li> </ul>
Executive Leadership Group	<ul style="list-style-type: none"> <li>Has the responsibility to consider, endorse and oversee the strategies and policies of the CDPP</li> <li>Provide leadership in promoting a child safe environment</li> </ul>

Role	Responsibilities
Managers	<ul style="list-style-type: none"> <li>• They uphold the principles outlined in this policy</li> <li>• They lead by example and foster a culture of openness that supports individuals to safely disclose risks of harm to children and young people</li> <li>• They ensure their employees are aware of this policy and the responsibilities they have in protecting the safety of children and young people</li> <li>• Support staff to complete child safety and wellbeing training relevant to their role</li> <li>• Provide immediate feedback and take immediate action when an employee may not be meeting their obligations under this policy</li> <li>• Report issues to their relevant line manager when they become aware of a risk or suspected breach to child safety. If the suspected breach is a suspected serious breach, report the matter to the Commonwealth Solicitor for Public Prosecutions</li> </ul>
Employees	<ul style="list-style-type: none"> <li>• They are aware of and understand their responsibilities under this policy and other relevant policies</li> <li>• Their actions and behaviours support the principles that underpin the CDPP's commitment to ensuring child safety and wellbeing</li> <li>• They demonstrate respect and courtesy and adhere to the APS <a href="#">Code of Conduct</a> and <a href="#">Values and Behaviours Statement</a></li> <li>• Report risks to child safety and potential breaches of this policy</li> </ul>
Assistant Director responsible for the Witness Assistance Service	<ul style="list-style-type: none"> <li>• Maintain currency of this policy, risk assessment and any associated documents</li> <li>• Report as required to the Executive Leadership Group through the IIE/HEBP Practice Group report</li> <li>• Complete and submit the annual Child Safety Framework survey</li> <li>• Liaise with People and Communication Branch to ensure the recruitment and screening of employees working with children is carried out appropriately and to the required certifications</li> <li>• Organise training for employees about their obligations under the Commonwealth Child Safe Framework and any internal child safety policies. This is to be organised when training is provided for new prosecutors and annual training for current employees</li> <li>• Ensure all relevant staff are aware of mandatory reporting requirements</li> </ul>

Role	Responsibilities
Witness Assistance Service	<ul style="list-style-type: none"> <li>• To act as a “trusted adult” as someone who is available to speak with children regarding their concerns</li> <li>• To assist the Assistant Director responsible for the Witness Assistance Service in the organisation and delivery of training on child safety and wellbeing</li> <li>• To assist the Assistant Director responsible for the Witness Assistance Service maintain relevant and up to date information on the CDPP Victims and Witnesses intranet page and external website</li> </ul>
All staff	<ul style="list-style-type: none"> <li>• Complete child safety and wellbeing training as directed</li> <li>• Comply with the APS <a href="#">Code of Conduct</a>, the CDPP <i>Child Safety and Wellbeing Policy</i> and other relevant policies</li> <li>• Comply with applicable state, territory and Commonwealth legislation</li> <li>• Appropriately report potential risk to child safety including any breaches of this policy</li> <li>• Staff who require a Working with Children Check (however described) must comply with the appropriate legislative requirements based on the jurisdiction, including reporting a change in circumstances and mandatory reporting requirements</li> </ul>

## F. RISK MANAGEMENT

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20. This policy provides a risk-based approach to the management of child safety and wellbeing. The CDPP’s Child Safe Framework Risk Assessment is used as the basis for the management of child safety and wellbeing risks that may impact the achievement of objectives. This risk assessment will be reviewed and updated annually.

## G. TRAINING

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21. All new prosecutors and CDPP staff who perform child-related work are to be provided with training and directed to online resources regarding victims of crime as part of their induction. In addition, annual training of prosecutors on their responsibilities in liaising with victims and best practice in interacting with victims, including children will be conducted by the WAS team.
22. The WAS team are to receive annually or as required trauma informed training.

## H. REPORTING

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23. All employees, managers, and contracted individuals must immediately report to their line manager any suspected or alleged case of non-compliance with this policy in accordance with the Reporting Flowchart as set out in [Annexure B](#). If the suspected breach is a *serious breach*, then the report should be made immediately to the Commonwealth Solicitor for Public Prosecution. For the purpose of this Policy a serious breach is an incident or conduct where a child’s safety and wellbeing

may be jeopardised. The procedure for determining a suspected breach of this Policy is the same as set out in the [Procedures for Determining Suspected Breaches of the APS Code of Conduct](#).

24. Examples of a *serious breach* are:
  - 24.1. Using emotional or physical punishment to a child or young person;
  - 24.2. Sexually abusing a child or young person;
  - 24.3. Meeting a child or young person outside the office unless it is for an approved business purpose and is in the presence of another CDPP employee. An exception to this a Witness Assistance Officer conducting a court tour for the child or young person;
  - 24.4. Contacting a child or young person via the internet or social media unless it is for an approved business purpose and using an approved CDPP device;
25. All States and Territories have relevant legislative requirements on the mandatory reporting of incidents of suspected child abuse. The legal specifications of who is deemed to have a mandatory requirement to report such incidents, how and to what body, differs by [jurisdiction](#). The threshold of what constitutes child abuse, as well as the punitive consequences under law of failing to discharge those duties also differs by State and Territory.

## I. COMPLIANCE

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26. The Assistant Director responsible for the WAS team will complete annually the Child Safety Framework Survey administered by the Department of Prime Minister and Cabinet and report this to the Executive Leadership Group on submission.

## J. FURTHER INFORMATION AND SUPPORT

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27. The CDPP maintains policies and instructions for handling prosecution processes involving children such as:
  - 27.1. the [Prosecution Policy of the Commonwealth](#) which outlines the principles, factors and considerations our prosecutors must take into account in prosecuting offences against the laws of the Commonwealth;
  - 27.2. the [Victims and Witness](#) internal intranet page and CDPP website provides information on the [CDPP Victims of Crime Policy](#) which highlights the importance of treating victims with courtesy, compassion, cultural sensitivity and respect for their dignity and entitlements;
  - 27.3. the [WAS Referral Guidelines](#) require mandatory referral of all child victims within 21 days of the matter being received by the office;
  - 27.4. [Practice Group Instructions](#) HEBP 01 and 07 which addresses prosecutions involving juveniles and child complainants;
  - 27.5. the [Working with Children Checks \(WWCC\) Policy](#) which provides information on the requirements for a WWCC for employees who have direct contact with children in their role or undertake *child related work*;
  - 27.6. the [Witness and Victims](#) external web page provides information to the general public on the [Victims of Crime Policy](#) and the [National Legal Direction on WAS Referrals](#); and

- 27.7. The [CDPP's Contact Us/Feedback and Complaints](#) external web page provides an avenue for the general public to provide feedback or complaints. All complaints made to the CDPP which involve children will be investigated in accordance with the [Complaint Handling Guide: Upholding the rights of children and young people](#), published by the National Office for Child Safety, as amended from time to time.
28. The WAS team is available to provide further information on child safety and wellbeing and can assist with identifying and mitigating risks to child safety without compromising a child's right to privacy.

## K. RELEVANT LEGISLATION AND POLICY

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### International covenants, declarations and treaties

29. [Universal Declaration of Human Rights](#)
30. [Geneva Declaration of the Rights of the Child](#)
31. [United Nations Convention on the Rights of the Child](#)

### Commonwealth legislation and policy

32. [Archives Act 1983](#)
33. [General Records Authority for Child Sexual Abuse Incidents and Allegations](#)
34. [Crimes Act 1914](#)
35. [Criminal Code Act 1995](#)
36. [Public Governance, Performance and Accountability Act 2013](#)
37. [Public Service Act 1999](#)
38. [Commonwealth Child Safe Framework](#)
39. [State and Territory legislation and policy \(Working with children/working with vulnerable people requirements by jurisdiction\)](#)

## L. DEFINITIONS

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Phrase	Definition
Abuse	<p>For the purposes of the Commonwealth Child Safe Framework, abuse in relation to a child is intended to have its broadest meaning and includes:</p> <ul style="list-style-type: none"> <li>• Physical abuse</li> <li>• Sexual abuse or other exploitation of a child, including child grooming</li> <li>• Emotional/psychological abuse</li> <li>• Neglect of the child</li> <li>• Exposure to physical violence</li> </ul>

Phrase	Definition
Accountable Authority	Accountable Authority has the same meaning as in the <i>Public Governance, Performance and Accountability Act 2013</i> . In general, the Accountable Authority is the head of the Commonwealth entity
Child or young person	A child or young person is 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.
Child-related work	Child-related work refers to work activities where contact (physical, face-to-face, video-link, verbal, written or electronic) between a staff member and a child would reasonably be expected as a normal part of the work and such contact is not occasional and incidental to the work.
Commonwealth Child Safe Framework	A whole-of-government policy that sets minimum standards for creating and embedding a child safe culture and practice in Commonwealth entities.
Employee	The term employee includes an individual who is engaged as an employee, a contractor or sub-contractor, an agent, an apprentice, a consultant, a person who is self-employed, a person who is carrying out work for a sentence, a volunteer, a labour hire, or a work experience student.

## M. ANNEXURES

- A. [Child Safe Professional Behaviours](#)
- B. [Reporting Flowchart](#)

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**ANNEXURE A: CHILD SAFE PROFESSIONAL BEHAVIOURS**

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**Call 000 if a child is in immediate danger**

1. People performing child-related work in the CDPP will ensure they adhere to the following behaviours when performing the child-related work:
2. Professionally introduce yourself to children and their parent/guardian. Explain in simple language, the purpose of the contact and always use age-appropriate language whilst communicating with children.
3. Conferences with children and young people should be conducted in accordance with the CDPP witnesses conference guide;
4. Avoid using language or behaviour towards children that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate.
5. A parent or guardian should ordinarily accompany a child or young person to a meeting with CDPP staff, noting that there may be points in the meeting where prosecution staff need to speak with the child in the absence of the parent/caregiver (for example, when discussing evidence).
6. A Witness Assistance Officer should be present either in person or electronically at any meeting/conference between CDPP prosecutors and any child or young person.
7. Wherever possible, ensure that another adult is present when working with or near children.
8. Any face-to-face contact with children or young people should occur in an appropriate environment such as a designated meeting room with more than one adult present.
9. Where required to have contact with children in the course of your duties, do not have contact with these children outside of the work environment.
10. Do not have contact with a child or young person via social media.
11. All electronic contact with a child or young person must be made using CDPP approved devices. A record of all contacts made with a child or young person must be made on the CDPP case management system (caseHQ).
12. Do not use physical or emotional punishment on children.
13. The provision of gifts to a child or young person is not permitted.
14. Comply with all relevant Australian legislation including Working with Children Checks and mandatory reporting requirements.
15. Never access or use child-related data maintained by the Commonwealth to exploit or harass children.
16. Never use any computers, mobile phones, video cameras, cameras or social media to exploit or harass children, or access child abuse material through any medium.
17. Immediately report to your manager concerns or allegations of child exploitation and abuse and failure to comply with this policy in accordance with appropriate procedures.

ANNEXURE B: REPORTING FLOWCHART

