



Australian Government

**Department of Immigration
and Border Protection**

Child Safeguarding Framework

Safeguarding children in our care – a shared
responsibility

Statement of Expectation

All policies and procedures within this Framework have the effect of being Directions of the Secretary and Commissioner. Section 13(5) of the *Public Service Act 1999* (Public Service Act) states that 'an APS employee must comply with any lawful and reasonable direction given by someone in the employee's Agency who has authority to give the direction'.

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About this framework

Introduction

Every day in the delivery of our programmes, the Department of Immigration and Border Protection's (the Department's) staff and contracted service providers come into contact with children and families. We provide services in every Australian state and territory and more than 60 countries across the world.

Children receiving immigration services can be among the most vulnerable people the Department engages with. We require clear principles, policies and procedures for staff and contracted service providers to safeguard children from any harm and ensure their wellbeing in all aspects of their life.

We all share a responsibility to protect children and to ensure that in all decisions relating to children their best interests are a primary consideration.

Many individuals and teams share responsibility for delivery of services or the care of children across relevant departmental programmes, including staff and contracted service providers. The Department engages contracted service providers to provide a holistic range of day-to-day services for children and their families. It is imperative that departmental staff are able to appropriately and effectively work with, and provide guidance to contracted service providers and third parties to build capacity for children, parents and families across our programmes. Departmental officers must adhere to legislative requirements and Government policy when making decisions regarding an individual's immigration pathway, including those of children.

The Department administers legislation and delivers Australian Government policy that applies to non-citizen, and in some cases, citizen children, including the *Migration Act 1958* (the Migration Act), the *Australian Border Force Act 2015* (the ABF Act) and the *Immigration (Guardianship of Children) Act 1946* (IGOC Act).

This framework is the blueprint for how the Department will continue to build and strengthen its policies, processes and systems to protect children in the delivery of all relevant departmental programmes and to maintain a child's wellbeing to assist them to meet age appropriate milestones. It also clearly establishes the Department's expectations of staff and contracted service providers, who engage, interact and work with children. It outlines high-level actions and strategies that the Department and our contracted service providers will take to provide a safe environment for children and their families, within the existing legislative and policy parameters.

All policies and procedures within this framework have the effect of being directions of the Secretary and Commissioner. Section 13(5) of the *Public Service Act 1999* (Public Service Act) states that 'an APS employee must comply with any lawful and reasonable direction given by someone in the employee's Agency who has authority to give the direction.'

The purpose of this framework

This Child Safeguarding Framework (the framework) has been developed to ensure the Department meets its child protection and wellbeing obligations and responsibilities. It provides guidance to staff and contracted service providers on their accountabilities in the delivery of relevant immigration programmes involving children. This framework forms part of a strategic approach to the Department continuing to build and strengthen its policies and relationships with external bodies including state and territory child welfare authorities, relating to the protection, wellbeing and care of children. It has been developed from an evidence base of identified best practice research.

All Australian governments, through the endorsement of the *National Framework for Protecting Australia's Children 2009–2020*, have recognised that the protection of children from abuse is everyone's responsibility.

Primary responsibility for raising children rests with parents, although some families may need greater support. Most parents have the capacity to raise happy and healthy children, but the Department has a role to identify and support those who require additional assistance. For children in immigration programmes, the welfare and protection of children is a shared responsibility between the parents/carers and the Department.

The Department also supports and assists non-citizen children who arrived in Australia without being in the charge of, or for the purpose of being cared for by, a parent or legal guardian (as recognised under Australian law), commonly referred to as unaccompanied minors (UAMs). UAMs include illegal maritime arrivals (IMAs) who are awaiting immigration status resolution, either in immigration detention or on a bridging visa, and UAMs who have been granted a visa under Australia's refugee and humanitarian programme. A UAM who holds one of these visas is generally referred to as an unaccompanied humanitarian minor (UHM).

Services for UAMs may include residential care for minors who have no other relative to care for them or case management where there is a suitable adult relative or community link who is willing and able to provide daily care and support in line with the best interests of the minor. All UHMs, including Temporary Protection visa (TPV) and Safe Haven Enterprise visa (SHEV) holders, are eligible for support under the Unaccompanied Humanitarian Minors Programme (UHM Programme).

Certain unaccompanied minors who arrive in Australia without a parent or relative who is at least 21 years old, to care for them, come under the guardianship of the Minister for Immigration and Border Protection (IGOC minors) in accordance with provisions in the IGOC Act and *Immigration (Guardianship of Children) Regulations 2001* (IGOC Regulations). The Minister remains the guardian of an IGOC minor, to the exclusion of any other guardian in Australia (including a parent who may arrive in Australia after the child), until such time as they: turn 18 years old; become an Australian citizen; leave Australia permanently; or are exempted in accordance with an order made under Section 11 of the IGOC Act by the Minister or an IGOC delegate from the Department or state and/or territory government.

For IGOC minors, the Minister as their guardian is responsible for ensuring that an IGOC minor's basic needs are met and that they are protected from harm. To assist the Minister to meet his guardianship responsibilities under the IGOC Act, the Minister delegates certain powers and functions to officers of the Department and authorities or officers in state or territory child welfare authorities. Where the Minister or the IGOC delegate places an IGOC minor in the care of a custodian, the custodian is then responsible for day-to-day care and routine consent decisions for the minor. A custodian can be an individual or an organisation.

Application of the framework

This framework applies to all departmental staff and all contracted service providers involved in the support, care and welfare of children and their families in Australia's immigration programmes. It is particularly relevant to those whose work may impact on a child's overall wellbeing, including both operational and non-contact areas such as policy, legal and human resources.

This framework is designed to be applied flexibly across relevant departmental programmes and services. Different approaches and strategies will need to be adopted to accommodate the various programmes which impact on children, for example children in held immigration detention, community detention and the UHM Programme.

This framework is also designed to complement the range of other relevant policies and procedural frameworks, including the Detention Services Manual and the Status Resolution Support Services (SRSS) Operational Procedures Manual.

Whilst this framework applies to all departmental staff and contracted service providers as prescribed above, as a part of its implementation across the whole Department, this edition will focus on the held detention, community detention and UHM Programme environments. The lead division for child safeguarding policy within the Department is the Children, Community and Settlement Services Division (CCSSD) in the Australian Border Force (ABF) Support Group.

For further information regarding this framework or matters relating to children please refer to the [Child Wellbeing Bordernet page](#) (an internal staff resource) or email the departmental Child Welfare Policy section at child.protection@border.gov.au

Principles

Safeguarding children in accordance with relevant domestic and international child protection standards is a departmental priority. These guiding principles inform all aspects of our work, including the actions of all people who may come into contact with children in the delivery of the Department's programmes.

The Department's child safeguarding principles

Recognising that children are inherently vulnerable, the following principles guide our actions and attitudes and form the basis of the Department's child safeguarding culture.

1. The Department promotes a strong, open and proactive culture that encourages awareness of child protection and wellbeing and does not tolerate child abuse.
2. Children and their families are included in decision making, where possible.
3. The safety and wellbeing of children is the shared responsibility of their parents and families. The Department works to support their self-agency in parenting.
4. The Department and its contracted service providers collaborate to manage the safeguarding and wellbeing of children in our programmes.
5. All children, their families and carers understand and are aware of safe and accessible mechanisms to report any complaints, concerns or allegations of child abuse.
6. The welfare of a child who has, or alleged to have, been abused is a primary consideration in decision making.
7. All child protection and wellbeing incidents, allegations and complaints are responded to, and reported, consistent with state and territory legislation and internal departmental reporting requirements. All incidents are managed in a timely and effective manner, ensuring appropriate support is provided to all parties in accordance with the triple track approach.
8. The Department ensures appropriate care and welfare arrangements are in place for unaccompanied minors who arrive in Australia without a parent or legal guardian.
9. The Department and its contracted service providers keep accurate and accountable records to support child safeguarding.

Quality assurance and review

This framework will be reviewed every 18 months by CCSSD based on feedback from stakeholders, changes to Government policy and enhancements in child safeguarding policies and practices either domestically or internationally. Due diligence will be used to consult with key stakeholder groups during reviews.

Assistance for affected staff

If you require personal assistance with any of the issues raised in this framework there are services available for departmental staff.

Employee Assistance Programme

The Employee Assistance Programme (EAP) provides professional and confidential counselling at no cost to staff. Staff can contact the EAP on the details below.

Davidson Trahaire Corpsych (DTC)

Phone: 1300 360 364 (24hrs a day, 7 days a week)

Website: [Davidson Trahaire Corpsych's official website.](#)

The Workplace Counselling Service

The Workplace Counselling Service, embedded within the People, Strategy and Policy Branch, complements the EAP.

The Workplace Counselling Service is available for consultations from Monday to Friday between 9 am-5 pm Eastern Standard Time. Appointments can be made for a face-to-face (where possible) or telephone consultation.

Contact the Workplace Counselling Service to arrange an appointment.

Phone: 02 8339 6113

Email: staffcounsellor@border.gov.au

Definitions

Table 1 Definitions used in this document (Note: these terms may be defined differently in the child protection legislation of each state and territory)

Term	Definition
Carer	<p>A carer is a person or organisation who provides the routine day-to-day care for an unaccompanied minor (UAM). Carers of UAMs have no legal custodianship of these minors under the IGOC Act.</p> <p>In an immigration detention facility (IDF), the carer is the service provider contracted to undertake this specific role.</p>
Child	<p>For the purposes of this framework, 'child' refers to anyone under the age of 18, consistent with the UN <i>Convention on the Rights of the Child</i> (CRC) as well as the Commonwealth <i>Family Law Act 1975</i>. Noting some state/territory jurisdictions adopt different definitions of 'child'¹.</p>

¹ For example, in NSW, a 'child' is defined as a person under the age of 16, and a 'young person' means a person who is aged 16 years or above but who is under the age of 18 years (s3 *Children and Young Persons (Care and Protection) Act 1998*). In Victoria, a 'child' is defined as a person under the age of 17 (s3 *Children, Youth and Families Act 2005*). In the ACT, a 'child' means a person under the age of 12, and a 'young person' means a person who is 12 years old or older but not yet an adult (s2 *Children and Young people Act 2008*).

Term	Definition
Child abuse	<p>All forms of abuse including²:</p> <p>Physical abuse: the use of physical force against a child that results in harm to the child. Physically abusive behaviour includes shoving, hitting, slapping, shaking, throwing, punching, kicking, biting, burning, strangling and poisoning. It is important to consider however behaviour which constitutes reasonable parental discipline, in line with current legislation.</p> <p>Emotional abuse: refers to inappropriate verbal or symbolic acts toward a child or a pattern of behaviour over time that fails to provide a child with adequate nurture and emotional availability.</p> <p>Sexual abuse: refers to 'the use of a child for sexual gratification by an adult or significantly older child/adolescent'³, or 'any act which exposes a child to, or involves a child in, sexual processes beyond his or her understanding or contrary to accepted community standards'⁴. Sexually abusive behaviours can include the fondling of genitals, masturbation, oral sex, vaginal or anal penetration by a penis, finger or any other object, fondling of breasts, voyeurism, exhibitionism, and exposing the child to, or involving the child in pornography⁵.</p> <p>Neglect: when children do not receive adequate food or shelter, medical treatment, supervision, care or nurturance to such an extent that their development is damaged or they are injured. Neglect may be acute, episodic or chronic.</p> <p>Exploitation: child exploitation is the use of a child (usually by an adult or significantly older person), for their own personal benefit or interest. Behaviours indicative of child exploitation include the:</p> <ul style="list-style-type: none"> • possession, control and distribution of child pornography material • coercion of a child to perform an inappropriate act • commission of abuse against a child • grooming of a child for future abuse • trafficking of a child for the purposes of slavery or prostitution. <p>Exposure to family violence: this term has been broadly defined as 'a child being present (hearing or seeing) while a parent or sibling is subjected to physical abuse, sexual abuse or psychological maltreatment, or is visually exposed to the damage caused to persons or property by a family member's violent behaviour'⁶.</p>
Child exploitation material	Material, irrespective of its form, which is classified as child abuse material or child pornography material.
Child pornography	In accordance with the Optional Protocol to the Convention on the Rights of the Child, 'child pornography' means 'any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes.' For further information regarding child pornography offences, refer to the <i>Criminal Code Act 1995</i> .

² Fact Sheet No. 12 *What is child abuse and neglect?* National Children's Clearinghouse, Australian Institute of Family Studies

³ Tomison, A. M. (1995). Update on child sexual abuse (Issues Paper No. 5). Melbourne: National Child Protection Clearinghouse, page 2

⁴ Broadbent, A., & Bentley, R. (1997). Child abuse and neglect Australia 1995-96 (Child Welfare Series No. 17). Canberra: Australian Institute of Health and Welfare, page 14

⁵ Bromfield, L. M. (2005). Chronic child maltreatment in an Australian Statutory child protection sample (Unpublished doctoral dissertation). Deakin University, Geelong

⁶ Higgins, D. J. (1998). *Multi-type maltreatment: Relationships between familial characteristics, maltreatment and adjustment of children and adults* (Unpublished doctoral dissertation). Deakin University, Burwood, page 104

Term	Definition
Child pornography material	Material that depicts a person, or is a representation of a person, who is, or appears to be, under 18 years of age and is engaged in, or appears to be engaged in, a sexual pose or sexual activity, or is in the presence of a person who is engaged in, or appears to be engaged in, a sexual pose or activity, and does this in a way that a reasonable person would regard as being, in all the circumstances, offensive.
Child protection	An activity or initiative designed to protect and respond to child abuse and the risk of child abuse.
Child protection incident	A child protection incident is a known occurrence of child abuse, or reasonable suspicion of child abuse occurring.
Child safeguarding	This relates to the actions that the Department takes to promote the safety and wellbeing of children in its care, and to protect them from harm.
Child Safeguarding Inquiry	Following an Initial inquiry, a Child Safeguarding Inquiry is instigated by a senior accountable officer where considered appropriate. It follows the Triple Track Approach and is an internal process which does not impede upon the investigative authorities of state and territory child welfare authorities, and law enforcement bodies.
Child wellbeing	Wellbeing is the ability for a child to realise his or her own potential, or 'self-agency', to better cope with the normal stresses of life, to live and learn productively and to be an active part of a community.
Child Wellbeing Assessment	An assessment that is undertaken independently from the process related to incident reporting that focuses on the ongoing wellbeing of children and builds protective environments designed to enhance children's social, physical, learning, behavioural, and emotional development.
Community detention	An alternative term for 'residence determination', which allows a person, who is required or permitted to be taken into immigration detention or who is in immigration detention, to reside in the community at a specified address and in accordance with certain conditions, instead of being detained at a place of immigration detention. Under the Migration Act, the Minister has a non-compellable, non-delegable power to make, vary or revoke a residence determination if he thinks it is in the public interest to do so.
Custodian	<p>Under section 7(1) of the IGOC Act the Minister (or delegate) may place an IGOC minor in the custody of a person who is willing, and deemed suitable by the Minister or IGOC delegate to be the custodian of that minor.</p> <p>A custodian has legal responsibility to provide the day-to-day care for an IGOC minor, including routine decision-making, however; non-routine decisions must be made by the IGOC delegate.</p> <p>IGOC minors are not placed with custodians in the held detention space, as carers undertake the routine caring role.</p>
Grooming	Generally refers to behaviour that makes it easier for an offender to procure a child for sexual activity. For example, an offender might build a relationship of trust with the child, and then seek to sexualise that relationship (for example by encouraging romantic feelings or exposing the child to sexual concepts through pornography).

Term	Definition
Held detention	<p>For the purposes of this framework, held detention includes all forms of detention other than community detention, including:</p> <ul style="list-style-type: none"> • alternative places of detention (APOD) • immigration detention centres (IDC) • immigration residential housing (IRH) • immigration transit accommodation (ITA) • regional processing centres (RPC)
IGOC Delegate	<p>An IGOC delegate is a person who is delegated certain guardianship powers and functions of the Minister under section 5 of the IGOC Act.</p> <p>An IGOC delegate can be an officer of the Department or of a state or territory government agency, who has been delegated by the Minister in the IGOC Instrument of Delegation.</p>
IGOC minor	<p>Under policy, an IGOC minor is a minor for whom the Minister is the legally-recognised guardian under the IGOC Act. Under s5 of the Act, a minor means a person who is less than 18 years old.</p>
Initial Inquiry	<p>An Initial Inquiry is an internal process undertaken by any departmental officer or contracted service provider who has a reasonable belief that a child has been harmed or is at risk of harm. The officer documents observations, information and disclosures, and escalates it to the relevant senior accountable officer, who will make an assessment.</p>
Legal guardian	<p>A legal guardian is a person who has been given the legal power by a statutory or judicial authority in the relevant Commonwealth or state/territory to make decisions on behalf of a child or vulnerable adult.</p> <p>For IGOC minors, the Minister is the legal guardian.</p> <p>Overseas court-appointed legal guardians require recognition under the Family Law Act 1975 for the guardianship to be recognised in Australia.</p>
Non- IGOC minor	<p>A non-IGOC minor is a policy term that refers to a UAM who entered Australia in circumstances that are not specified in the IGOC Act, and are therefore not under the Minister's guardianship.</p>
Relative	<p>Under policy, a person is a relative of a minor if there is a current connection by blood or marriage.</p> <p>For further clarification regarding the definition of 'relative', email Guardianship Policy.</p>
Self-agency	<p>The capacity of an individual to take responsibility for managing their own welfare and that of their family.</p>
Significant abuse	<p>Child abuse, as defined above, that results in significant harm to the child.</p>
State/territory-appointed guardian	<p>A family member or a friend of a minor who is at least 18 years of age, and has consented to being appointed through the relevant state/territory authority or Family Law Court to act as the legal guardian in the best interests of the minor. A state/territory guardian cannot be appointed if the child is an IGOC minor, as they are already under the guardianship of the Minister unless made exempt by the Minister under an IGOC Section 11 Order.</p>

Term	Definition
Unaccompanied humanitarian minor (UHM)	UHM is the policy term for a UAM who is residing in Australia on a visa determined by the Department to be within the scope of the UHM Programme. A majority of UHMs hold a permanent visa under Australia's refugee and humanitarian programme.
Unaccompanied minor (UAM)	UAM has no definition in migration-related legislation and for the purpose of this framework it is defined as a person under 18 years of age who arrives in Australia without being in the charge of, or for the purpose of being cared for by a parent or legal guardian as recognised under Australian law.

Child wellbeing, safeguarding and protection

What is child wellbeing?

There are several domains of child wellbeing and measures, including those that concentrate on the immediate and future lives of children. In our context, the wellbeing of a child relates to their ability to:

- participate in the norms of the society within which they live
- achieve age-appropriate milestones
- enjoy good physical health
- participate and achieve in compulsory education
- receive care from their parents or primary caregivers
- develop physically, intellectually, emotionally and socially
- socially engage with peers and adults
- form appropriate relationships with peers and adults
- participate in leisure activities
- access their rights as a child.

There is increased community acceptance that a focus on the wellbeing of children and families not only assists with the prevention of child abuse, but also encourages the development of healthier children and communities. The Department considers the wellbeing of a child is best managed by the parents or primary care givers of each child. In our environment it is necessary at times to support parents and families to achieve this goal, and to support children who do not have their parents or carers with them in Australia.

What is child safeguarding?

Child safeguarding relates to the actions that the Department takes to promote the safety and wellbeing of children in its care, to protect them from harm. Child safeguarding aims to ensure staff and contracted service providers working with, or providing services to children, protect them as best as they can within Australian Government legislative and policy parameters.

Child safeguarding covers a range of measures and responses from the Department. Examples of positive child safeguarding practice might include:

- undertaking child safeguarding inquiries to ensure that the Department understands the circumstances of an incident, and that the child's welfare is paramount in the initial process
- considering the wellbeing of children in decisions concerning them
- facilitating positive protective factors.

What is child protection?

Child protection is a broad term used to describe the programmes, policies and philosophies used to protect children from abuse. It includes strategies adopted by governments, organisations, communities and individuals. Child protection within organisations includes elements such as leadership and management, culture, human resources (for example recruitment), physical environment and infrastructure, as well as service provision.

Child abuse represents a major social problem and affects the health and wellbeing of children and families in all societies. Child abuse commonly refers to a range of different types of abuse, including physical, sexual and emotional abuse, neglect, exploitation and exposure to family violence. For further information see Table 1.

Child protection is the legislative responsibility of state and territory governments in Australia. The Department and its contracted service providers work collaboratively with state and territory child welfare authorities to best promote the safety and wellbeing of children believed to be at risk of harm.

The Department faces specific challenges with respect to child protection in the delivery of immigration services. Individuals from culturally and linguistically diverse backgrounds face additional challenges, such as:

- adjusting to living in a new country
- an uncertain immigration outcome
- English as a second language
- cumulative effects of trauma
- parenting standards across cultures.

Research indicates that there are certain characteristics that increase child abuse.⁷ These include:

- mental health issues
- exposure to family abuse or violence
- situational stress
- parental/carer substance abuse
- disability or complex medical needs.

⁷ Victorian Department of Human Services (2012) *Families with multiple and complex needs – Best Interests Case Practice Model*.

Staff and contracted service providers should also be alert to the fact that some children in the Department's care may have been victims of:

- female genital mutilation
- forced marriage
- underage marriage
- sexual servitude
- forced labour
- victims of prolonged separation from the primary care giver
- military combat, including as child soldiers.

Departmental officers should refer to guidance on the [Child Wellbeing Bordernet page](#) about Recognising Signs of Child Abuse and Responding to Disclosure of Child Abuse for assistance.

Environment

The Department contributes to the safety and wellbeing of children through a range of immigration programmes. The Department's primary child safeguarding work involves children in held detention, community detention and the UHM Programme.

Held detention

For the purposes of this framework, the terms 'detention' or 'held detention' refer to those environments within Australia only. At times, a small population of children and their families may be in held detention. While a period of detention is required for all IMAs to enable health, security and character checks, alternative arrangements are made for children wherever possible and appropriate. Children, as all other persons in held detention, have a departmental case manager to provide support and oversight of their time in held detention.

The Department owes a non-delegable duty of care to detainees in held detention in Australia. This means that where the Commonwealth contracts out the provision of services to detainees it is obliged to see that 'care is taken' and that the requisite level of care is provided with reasonable care and skill. If a detention service provider breaches its duty of care towards detainees, the Department may also be found to have breached its duty of care.

Community detention

The majority of children in detention are accommodated in community detention arrangements, where they live in residential housing within the community, with their family members or, in the case of unaccompanied minors, with a contracted carer in a group house arrangement, often with other unaccompanied minors. Children and their families in community detention are allocated a departmental case manager. They also have regular contact with contracted service providers.

The issue of the existence, nature and scope of any duty of care that may be owed by the Commonwealth to those placed into community detention has not yet been determined by a court.

The Department has adopted the position that a delegable duty of care is likely to be owed in relation to the services provided to children in community detention. A delegable duty of care is a duty that can be delegated to competent contractors. The Department is working with all of our contracted service providers to align policies, procedures and contractual obligations with this framework.

UHM Programme

The UHM Programme facilitates the provision of relevant care, accommodation, supervision and support services to UAMs who are residing in Australia on a visa determined by the Department to be within the scope of the UHM Programme. A majority of UHMs hold a permanent visa under Australia's refugee and humanitarian programme. Some minors fall under the auspices of the IGOC Act, where the Minister for Immigration and Border Protection is their legal guardian.

IGOC minors who have a carer will generally be referred by the Department to the state or territory child welfare authority (SCWA) in their state or territory of residence. Non-IGOC minors will also be referred to the SCWA if they are residing in a state or territory that accepts referrals of non-IGOC minors.

IGOC minors who do not have a carer who will provide for their day-to-day care will generally be referred by the Department to the relevant support services for placement.

Support services include access to the following:

- accommodation
- medical services
- torture and trauma services
- English language classes
- case management or case coordination
- access to education and relevant community services
- mentoring services for the purposes of transitioning to adulthood
- assistance in connecting with community networks.

The policy for exiting any minor from the UHM Programme is broadly aligned with the circumstances in which an IGOC minor is no longer under the Minister's guardianship under the IGOC Act. Therefore, the minor will usually exit the UHM Programme when one of the following occurs:

- the minor turns 18 years of age
- the minor leaves Australia permanently
- the minor is granted Australian citizenship
- (*in the case of IGOC minors only*) the provisions of the IGOC Act cease to apply to the minor because an order has been made under section 11 of the IGOC Act.

Despite a minor reaching one of these milestones, if deemed in their best interests, the Department can extend the support provided to any minor under the UHM Programme on a case by case basis.

Strategy

The Department has a range of strategies in place regarding its management of programmes relating to the care and welfare of children. In addition to being informed by Australia's domestic legal framework, including relevant state/territory legislation, Australia's international obligations under treaties such as the *UN Convention on the Rights of the Child* (CRC) are taken into consideration in these strategies.

These strategies include:

- contractual arrangements with contracted service providers
- relationships with key stakeholders, including state and territory child welfare and law enforcement authorities
- the Department's policy framework
- the Child Safeguarding Framework
- our zero tolerance culture towards child abuse
- consultation forums within the Department
- staying informed of contemporary child safeguarding approaches
- business planning processes and risk management practices
- human resource strategies, including recruitment, screening and training
- guidance around protective behaviours for children.

There are a range of other specific strategies employed under the auspices of various operational streams, including the UHM Programme, the SRSS Programme, detention (both held and community) and the Department's support to the Government of Nauru for children in the Nauru regional processing centre (RPC) and refugee children in the Nauruan community.

Extending support services for UAMs transitioning from care arrangements to independent living is one example of the strategies that is adopted.

The Department's strategies are informed by the practicalities of delivering quality services and support to build protective factors and behaviours, which contribute towards preventing child abuse and enhancing the welfare of children and families in relevant immigration pathways.

The service chain

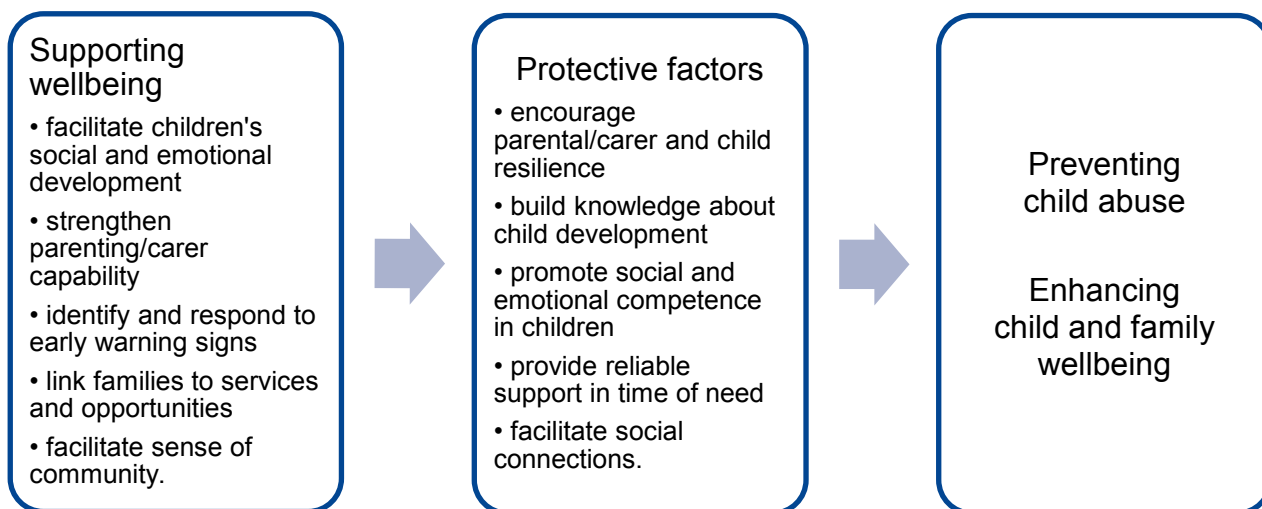


Figure 1 The Department's service chain to prevent child abuse

Culture

The Department is committed to promoting a strong, open and proactive culture that promotes awareness of child protection and does not tolerate child abuse.

As an organisation, we commit to a culture that:

- takes a preventative, proactive and participatory approach to child protection
- encourages open discussion of child protection issues
- adapts, innovates and continuously improves
- is welcoming of accountability checks and invites expert advice
- develops and implements reliable and workable risk-identification strategies.

Australian Public Service (APS) staff are required to uphold the APS Values and APS Code of Conduct. In addition to adhering to the APS Values and Code of Conduct, departmental staff are required to uphold certain values and behaviours in order to achieve our mission and vision.⁸ These are outlined in the Professional Standards Framework, Integrity Measures and Employment Suitability and Security Screening determinations and directions.

The Department is adopting a range of approaches to ensure the highest standards of integrity in our dealings, including employment suitability and minimum security clearances. Staff and contracted service providers working with children are required to undergo screening checks, sign a Child Protection Mandatory Behaviours Declaration, undertake relevant training and have specific performance and development goals incorporated into performance and development agreements. Those interacting with children are required to apply for, obtain and maintain a working with children check (or state issued equivalent), for the state of their primary employment. All staff working with children will be required to undertake relevant training.

The promotion of our culture requires a holistic approach. From the commencement of this framework, all relevant departmental staff will be provided with information sessions and training to ensure they acquit their accountability in a way that promotes child wellbeing and to ensure they are equipped to comply with

⁸ Mission: To protect Australia's border and manage the movement of people and goods across it.
Vision: We are Australia's trusted global gateway

relevant obligations under this framework. Further, child protection and wellbeing awareness training will be built into the ABF College and Learning and Development plans.

Risk management

As part of its overarching governance, financial, assurance and compliance frameworks, the Department has in place mechanisms to identify, monitor and manage general business risks, including strategic, corporate and operational risks.

The Department's Risk Management Policy Framework, which provides guidance to all departmental staff on how to manage risk, is used as the basis for the management of child protection risks that could affect successful achievement of departmental objectives.

As part of the regular review of this framework and its associated policies and processes, the risk management plan will also be updated. Individual line areas will identify, manage and monitor risk within their teams and report risks appropriately and in accordance with the Risk Management Policy Framework.

Detention services providers must also conduct regular risk assessments with respect to children and families and report all uncontrolled risks (high and above) to the Department. The Department requires contracted service providers to comply with mandatory reporting legislation and to hold open all incidents and investigations until such time as criminal justice responses are known.

This approach will assist the Department in managing risk regarding children receiving immigration services and assist us in meeting our obligations under the *Public Governance, Performance and Accountability Act 2013* (PGPA Act).

Legislative and policy framework

The Department operates within a number of environments, some of which have their own dedicated child protection systems. We provide services in every Australian state and territory and in more than 60 countries. In Australia, there is no single policy or piece of legislation that governs responses to, or prevention of, child abuse. The Council of Australian Governments (COAG) recognises that statutory child protection is the responsibility of the states and territories. Each state and territory administers their own child protection system. Australia is also subject to international obligations regarding the protection and welfare of children.

The following provides a high-level overview of the key international, Commonwealth and state-based instruments the Department works within. A list of relevant legislation is included at Appendix A.

International obligations

International human rights law provides a number of general human rights obligations with respect to the treatment of children. The CRC provides for a child's right to the provision of basic necessities, protection from exploitation and abuse, and the right to be heard. Article 3(2) of the CRC requires that all children receive 'such protection and care as is necessary for his or her wellbeing, taking into account the rights and duties of his or her parents.'

Australia ratified the CRC on 17 December 1990, and it came into force in Australia on 16 January 1991. In ratifying the CRC, Australia accepted its international obligations with respect to the treatment of children and agreed to ensure children have access to resources and skills necessary for their survival and full development. Departmental officials play an important role in promoting and protecting these human rights through programme design and delivery, decision making and compliance activities.

As a party to the CRC, Australia is required under Article 3 to take into account the principle of best interests of the child as a primary consideration in any action involving a child. It requires all legislative, administrative

and judicial bodies and institutions to systematically consider how children's rights and interests are, or will be, affected directly or indirectly by their decisions and actions. As such, the Department is required to take into account the 'best interests of the child' as a primary consideration, balanced against other considerations, when handling issues concerning the care and welfare of children.

In addition to the CRC, the need to extend particular care to children has also been stated in the *Universal Declaration of Human Rights*, the *Geneva Declaration of the Rights of the Child* of 1924 and in the *Declaration of the Rights of the Child* adopted by the General Assembly on 20 November 1959. It has also been recognised in the *International Covenant on Economic, Social and Cultural Rights* (in particular in article 10).

Under the *International Covenant on Civil and Political Rights* (ICCPR), Australia has *non-refoulement* (non-return) obligations in relation to protecting a child's inherent right to life and right not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Commonwealth legislation and policy

While statutory child protection is the responsibility of the states and territories, Commonwealth legislation contains a range of offences relating to children.

The *Criminal Code Act 1995* (the Criminal Code) has a number of offences relating to the exploitation of children via the use of services such as the internet, phone and post, including:

- child pornography material
- child abuse material
- grooming and procuring persons under the age of 16 to engage in, or submit to, sexual activity.

The Criminal Code also focuses on child sex offences committed outside Australia by Australian citizens and permanent residents, ranging from possessing child pornography and abuse material to engaging in sexual activity with children.

There are also certain requirements under the Migration Act with respect to children. Section 4AA, for example, affirms 'as a principle that a minor shall only be detained as a measure of last resort'.

Departmental officers are required to adhere to legislative requirements of the Migration Act, IGOC Act, the ABF Act and other relevant legislation and Government policy when making decisions regarding an individual's immigration pathway, including those of children.

Under the IGOC Act, the Minister is the legal guardian of certain unaccompanied minors in Australia. As guardian, the Minister has the same rights, powers, duties, obligations and liabilities as the parent or legal guardian of an unaccompanied minor would have if they were in Australia.

There may also be instances where officers come into contact with children through maritime enforcement activities, including through the boarding, searching, detaining or moving of vessels in Australia's maritime jurisdiction. Officers will be guided by the principal Commonwealth enforcement provisions, including the *Maritime Powers Act 2013* (Cth) (Maritime Powers Act). The Maritime Powers Act, which consolidates Commonwealth maritime enforcement regimes, contains a comprehensive set of powers and procedures to enforce Australian laws, including in relation to fishing, customs and migration.

It also establishes an authorisation regime, which requires an authorisation to be granted before maritime powers are exercised, other than in very limited circumstances.

In instances where enforcement activities involve children, officers should also take account of the vulnerabilities of children, as well as the child protection issues outlined in this framework, particularly with respect to the use of necessary and reasonable force.

There is also a range of other Commonwealth legislation that may need to be considered in our work with children and families, such as:

- *Family Law Act 1975*
- *Privacy Act 1988*
- *Public Service Act 1999*
- *Freedom of Information Act 1982*
- *Australian Human Rights Commission Act 1986.*

Further information about each of these instruments and how they relate to the Department's work can be found in Appendix A.

National Framework for Protecting Australia's Children 2009–20

Although there is no specific national child protection legislation, COAG has recognised that the safety and wellbeing of children is everyone's responsibility, but is the statutory responsibility of each state and territory. COAG developed the National Framework for Protecting Australia's Children as a long-term initiative with a range of aims, designed to drive improvements across all Australian jurisdictions and to deliver more integrated child protection responses. It also aims to achieve greater national consistency in critical areas.

The Department of Social Services (DSS) is the lead agency for the Commonwealth in this agreement.

More information about the [National Framework](#) is available on the DSS website

(<https://www.dss.gov.au/our-responsibilities/families-and-children/publications-articles/protecting-children-is-everyones-business>).

State and territory legislation

The Department is unique as a Commonwealth agency in that it is responsible for the day-to-day care and welfare of a significant number of children and families. The Department works in each Australian state and territory, which each have their own legislation, policies and practices for statutory child protection. Broad approaches are similar—however, there are some fundamental differences across jurisdictions, particularly in relation to mandatory reporting requirements, working with children checks and reporting abuse and neglect.

Given the different approaches to statutory child protection, the Department applies the following principles to its interaction with states and territories.

- Statutory child protection in Australia is the responsibility of the states and territories.
- The Department is developing protocols that reflect its engagement with the state authorities. Agreement to these protocols is being sought from each state or territory child protection authority.
- The Department has a responsibility for the welfare of children in immigration programmes.
- State and territory child welfare authorities have the expertise to manage child protection procedures and concerns within their jurisdictions.
- The Department will cooperate with recommendations made by state or territory child welfare authorities, or orders made under state or territory legislation, and will liaise with the state or territory at an early stage to ensure the orders can be made consistent with the Migration Act and IGOC Act.
- Where state or territory child welfare authorities and the police have completed all lines of inquiry and/or advise that they will not investigate a particular incident, the Department will continue the Child Safeguarding Inquiry and follow the triple track approach.

- All service providers contracted by the Department must adhere to relevant statutory requirements, including in relation to mandatory reporting and working with children checks (or state-issued equivalent).

Learning and development

The Department is committed to providing professional child protection learning and development for staff and contracted service providers to help increase their capacity to respond effectively to child protection concerns and to support child wellbeing.

All staff working in positions that impact children will be required to undertake mandatory learning on child protection and wellbeing and have departmental child protection training reflected in learning and development plans, with performance reviewed as part of the Performance and Development Agreement (PDA) cycle. Face-to-face, instructor-led training is being developed for staff and contracted service providers with responsibility for the day-to-day safety and security of children.

The training aims to ensure staff and contracted service providers:

- can effectively recognise, record, report and respond to child protection concerns
- are aware of the Department's expectations with respect to the protection of children from abuse, including their obligations and responsibilities (such as mandatory reporting requirements)
- are familiar with the Child Safeguarding Framework, associated policies and procedures
- understand the roles and responsibilities of all internal and external stakeholders, including state/territory child welfare authorities
- know how to access the support and services provided by the Department, contracted service providers and other third parties
- can recognise signs of stress they may be experiencing through their work and know how to seek assistance.

The Child Wellbeing Branch is responsible for coordinating the training, in conjunction with the Australian Border Force College and People Division.

Awareness raising and capacity building

The Department is committed to assisting children, parents/carers, families and communities from culturally and linguistically diverse backgrounds to understand relevant child protection laws and community expectations in Australia. Child protection and wellbeing awareness communication aims to be culturally sensitive and also involves elements of cross-cultural training.

The Department works with a range of experts and agencies to raise awareness and build capacity to:

- provide an understanding of core aspects of child abuse in a legal and cultural context
- help parents/carers, children and families identify and strengthen practices that protect children from abuse
- offer guidance on where to find help and support
- provide opportunities to share and learn about positive and harmful childrearing practices, recognising the specific challenges that raising children in a culturally and linguistically different environment presents.

Alternative and multi-disciplinary approaches are used and the following strategies adopted:

- provision of information in a range of languages to parents/carers and children
- facilitation of workshops, including positive parenting courses

- local agency support, including child welfare and police
- referrals to medical specialists, including paediatric clinicians, and broader engagement with allied health professionals
- engagement with the education system, including local schools and state Departments of Education.

Governance and accountability

Departmental staff and officers are responsible for all decisions made about the protection of children.

There are also several key, specific positions within the Department that are accountable for achieving child protection and wellbeing objectives, including:

- Deputy Commissioner, Support Group
- Deputy Commissioner, Operations Group
- First Assistant Secretary, CCSSD
- Assistant Secretary, Child Wellbeing Branch
- Detention Superintendents
- Departmental officers who are delegates under the *Immigration (Guardianship of Children) Act 1946* (IGOC Delegates).

The First Assistant Secretary, CCSSD, is responsible for ensuring adequate resources are applied to child protection and wellbeing outcomes. The Division manages the Department's:

- Child Safeguarding Framework
- child safeguarding policies
- UHM Programme policies
- contracts relating to child wellbeing programmes such as education
- policy response to the Department's responsibilities to ensure Australia meets its obligations under the UN CRC
- provision of advice to departmental stakeholders and contracted service providers in relation to services and support to children and their families in immigration programmes.

The Department's Child Wellbeing Branch provides an annual report, to the Secretary and the Commissioner, on progress against child protection objectives and performance measures. The Child Wellbeing Branch is accountable for:

- the development, implementation and review of child safeguarding policies and procedures
- the establishment and monitoring of standards for the effective documentation of individual case notes and transfer reports
- the development of professional training and development for officers required to deal with child protection and wellbeing matters, delivered in collaboration with ABF College and Learning and Development
- the provision of expert support and advice on child safeguarding matters to departmental officers and contracted service providers, including Detention Superintendents
- developing positive working relationships with operational and line areas within the Department responsible for working directly with children and their families
- the development and implementation of a quality assurance and reporting process that will provide a whole of Department perspective on its effectiveness in safeguarding children.

All departmental officers and contracted service providers are required to:

- respond effectively to a child protection incident as outlined in the Child Safeguarding Incident Response Process tables at Appendix B
- fully understand their accountabilities and roles as they apply to children
- consider the welfare of children in their decision making
- follow all departmental policies and procedures in relation to child protection and wellbeing
- keep accurate and accountable records in regard to child wellbeing.

Detention Superintendents are responsible for:

- responding effectively to a child protection incident as outlined in Appendix B and consistent with the triple track approach principle outlined on page 39 of this framework
- the effective delivery of wellbeing programs for children, and programmes that support parents, in held detention
- the identification and management of risks to children in detention
- ensuring that all information relating to the wellbeing and protection of a child is effectively captured in departmental systems and communicated to other centres, contracted service providers and other relevant stakeholders when a child moves from held detention to community detention, an RPC or into the community on a visa.

Information sharing and privacy

The Department takes a cooperative approach in its management of child safeguarding. This means actively engaging with oversight bodies, state welfare authorities and other key stakeholders in the management of the delivery of relevant services to affected children and their families and persons of interest.

Through the Department's engagement with such authorities or bodies, it is acutely aware of privacy concerns of people in immigration pathways, and adheres to relevant legislation, such as the *Australian Border Force Act 2015* and *Privacy Act 1988*, and departmental policies on appropriate management of the privacy of the individual.

Accountability

This framework sets high standards in relation to child protection and wellbeing.

Internal accountability

Internal accountability plays a critical role in ensuring our principles and objectives are upheld.

The Department has established child protection mechanisms to specifically facilitate:

- strategic direction setting
- clear lines of communication
- inquiries, complaints and concerns to be heard, and resolved in a timely manner
- accountability to sensitively manage the welfare of alleged victims, witnesses, alleged offenders and the families of each
- progression to criminal justice where relevant

- effective risk management approaches, including identification, analysis evaluation and treatment of risk
- monitoring, review and evaluation
- clearly identified and defined roles
- strong leadership, management, supervision and support.

Contracted service providers are required to have clear lines of accountability within their organisation for child protection and wellbeing management that align with this framework and sovereign nation, state and territory legislation.

There are also other areas across the Department that play a key role in protecting children. Specific accountabilities are documented in relevant child protection and wellbeing guiding policies and documents, as well as in Appendix C.

There are also external bodies that directly oversee the Department's internal operations that have a specific focus on children and families, as outlined in Appendix C.

External scrutiny and accountability

The Department's operations are highly scrutinised and it is accountable, or undertake reporting obligations, to a range of different bodies, including:

- the Australian Parliament, including through Senate Estimates hearings and Parliamentary Committees
- UN bodies
- the courts.

The public, non-government organisations, and the media also have the capacity to scrutinise the Department's dealings, particularly through freedom of information requests and ministerial correspondence.

There is a number of different external entities that have a specific focus on or interest in the portfolio's operations, including where children are involved, as outlined in Appendix C.

Child protection reporting

The Department provides immigration services in each Australian state and territory and works with children across a range of programmes and activities, including in immigration detention, community detention and the UHM Programme. As such, specific reporting requirements and processes can vary across jurisdictions and programmes. As standard practice in the event of an incident, reporting will be undertaken in a timely manner in line with relevant legislation followed by the appropriate internal response management procedures. State and territory assessments play a crucial role in informing and assisting the Department in improving its internal reporting, categorisation and prioritisation of incidents.

In addition to the Department's policy instruction, Operational Report Categorisation Framework, there are specific child protection reporting requirements, including:

- the Reporting Child-related Incidents Policy
- statutory reporting requirements in each state and territory.

CCSSD will undertake a review of incident reporting relating to children in both held and community detention with a view to aligning reporting to state-based child protection standards.

Departmental officers will be responsible for accurate and accountable record keeping, with supervisors required to review records to ensure information is recorded in an accurate, timely and comprehensive manner.

Service provider case workers will also be required to keep accurate records, with departmental contract managers accountable for providing a quality assurance approach to all matters related to children and families. Child Wellbeing Branch will be able to provide advice and support in these matters.

Reporting incidents to state and territory child welfare authorities

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.

In addition, the Department operates in many states and countries, which have varying approaches to the reporting of child related incidents. All officers and contracted service providers are required to report in line with the legislation of the jurisdiction in which the incident occurred consistent with the Department's Reporting Child-related Incidents Policy.

In instances where a departmental officer or contracted service provider is not a mandatory reporter and believes on reasonable grounds that a child has been harmed or is at risk of significant harm, it is the Department's policy that the officer will report the incident to the relevant state or territory child protection authority. Departmental officers and contracted service providers should refer to the Reporting Child-related Incidents policy for guidance on whether they are a mandatory reporter under the relevant state and territory legislation, and on how to report any incidents involving children.

Table 2 Child safeguarding governance map

Performance	Strategy
<p>We ensure effective performance through:</p> <ul style="list-style-type: none"> • clear policies and procedures • clear decision making and accountability model • consultation with relevant bodies • relevant training, resulting in highly skilled, engaged and informed staff • regular review against key performance indicators • quality assurance and review of systems and processes, including compliance with policies • effective incident response and reporting • active case management • effective contract management • information technology systems and data collection. 	<p>We are informed by:</p> <ul style="list-style-type: none"> • our domestic legal framework • Australia’s international obligations specifically under the UN CRC • Government policy • the Department’s strategic outcomes—Strategy 2020 and ABF 2020 • group and divisional business plans • the Child Safeguarding Framework • our culture • our policies, including the Department’s Risk Management Framework • relationships with key stakeholders, including state/territory child welfare authorities.
Operations	Accountability
<p>We perform a range of roles focused on:</p> <ul style="list-style-type: none"> • prevention strategies, including education and awareness raising for children, parents/carers • consistent response/incident management processes • active case management, including child wellbeing • training of staff and contracted service providers • contract management • engagement with key stakeholders, including state and territory child welfare authorities • consideration of environmental factors, including accommodation and infrastructure • arranging access to specialist services where required. 	<p>We are accountable to, scrutinised or examined by a range of external and internal bodies, including:</p> <ul style="list-style-type: none"> • Parliament, including through Senate Estimates hearings, parliamentary committees • the courts, including through judicial review • state and territory child welfare authorities • Australian National Audit Office (ANAO) • the Commonwealth and Immigration Ombudsman • Australian Human Rights Commission (AHRC) • United Nations (UN), including the United Nations High Commissioner for Refugees (UNHCR) and the UN Committee on the Rights of the Child • Minister’s Council on Asylum Seekers in Detention (MCASD) • Child Protection Panel • Joint Advisory Committee for Regional Processing Arrangements in Nauru • Integrity, Security and Assurance Division; internal reporting mechanisms.

Performance

Decisions relating to children and families in an immigration context can be complex and can sometimes carry significant consequences. To ensure a clear, structured and shared approach to child protection and wellbeing issues, the following key elements are included:

- review against child protection performance indicators
- quality assurance and review of processes and systems, including compliance with policies and procedures
- appropriately qualified staff to undertake active case management, including critical case management and regular child wellbeing assessments
- incident response and decision making
- data collection and monitoring.

Child protection performance indicators

Table 3 outlines the metrics and indicators to inform how the Department is progressing with respect to child protection. It identifies how the Department can continuously improve protection outcomes for children residing with families in detention, UAMs and UHMs. The Child Wellbeing Branch will be responsible for monitoring and reporting on these performance indicators under the three focus areas of protection, wellbeing and environment, in close consultation with the responsible areas.

Table 3 Child protection performance measures

Target outcomes		Measures
1	All relevant child protection reporting requirements are adhered to.	<ul style="list-style-type: none"> • 100% adherence to relevant requirements, including mandatory reporting obligations where applicable. • 100% of child protection incidents reported to the Department or its contractors are referred to the Child Wellbeing Branch in accordance with the Reporting Child-related Incidents Policy. • Departmental response times to make an Initial Inquiry and notify relevant authorities occur within required service standards. • Steady or decreasing length of time between incident, report/notification and response. • Accurate, accountable and timely records of actions taken. • Incidents audited to ensure reporting laws and requirements are adhered to and business improvements are identified and implemented.

Target outcomes		Measures
2	No child who has been subjected to significant abuse (alleged or otherwise) is left in an environment where they are at immediate or future risk of further abuse.	<ul style="list-style-type: none"> • 100% of all allegations will trigger a placement assessment of the Person of Interest to ensure they do not remain in an environment where they are a risk to children, including while any allegation is being assessed and investigated. • A child's placement will also be considered but a change of location will only be actioned if deemed to be in the best interests of the child • An environment where families and children are able to immediately voice allegations of abuse. • Support services and placement options are used to ensure the alleged offender is not allowed the opportunity to offend further, including where the alleged offender is a child.
3	Increase in the rate of substantiated child protection allegations. ⁹	<ul style="list-style-type: none"> • Increase in the percentage of cases finalised by state and territory child welfare authorities where the conclusion was that a child has been or was likely to have been abused.
4	Increased confidence among staff and contracted service providers that they: understand how to recognise child abuse, know what actions need to be taken, and manage effective working relationships with internal stakeholders across the Department and with state and territory child welfare authorities.	<ul style="list-style-type: none"> • All staff and contracted service providers working with children comply with compulsory training requirements. • Staff and service provider survey to measure quality and availability of information. • Feedback from key stakeholders, such as state and territory child welfare authorities and police.

⁹ This is consistent with child protection performance indicators used by the Australian Institute of Health and Welfare (AIHW). The substantiation rate is the proportion of finalised investigations where notification was made in the same reporting year, resulting in a conclusion that a child has been or is likely to be abused. It provides a measure of the accuracy with which child protection services are targeting cases for investigation. It is important to note that variations in legislation, terminology and risk thresholds make it difficult to compare data across jurisdictions.

[Source: AIHW (2006) *Child Protection and Out of Home Care Performance Indicators*]

Target outcomes		Measures
5	The wellbeing of each child is proactively managed.	<ul style="list-style-type: none"> • School-aged children in held detention will be enrolled within two weeks of arrival. • In community detention, school-aged children will be enrolled within 14 days of entering a SRSS programme. • Children with special needs are matched with associated needs-based supports and services to facilitate their education. In community detention, children with special needs are assessed on a case-by-case basis to receive needs-based support and education. • Children aged 3–5 in held detention are engaged in early learning programmes and where relevant English as a second language courses. • Children aged 0–1 in held detention have access to infant health services, and 1–3 in held detention have engagement in developmental environments. • All children in Australia’s immigration programmes have appropriate medical care available and parents are aware of access paths.
6	Children and families in our care are provided services and supports that enhance their wellbeing.	<ul style="list-style-type: none"> • Wherever possible and appropriate, families and children are placed in the community. • Immigration detention facilities have age appropriate facilities for learning development and play. • Welfare services in held detention are targeted at increasing the self-agency of parents.
7	Families, parents and carers have an understanding of the relevant child protection laws and community expectations.	<ul style="list-style-type: none"> • Positive parenting courses are offered and available to all parents within two weeks of their arrival into held detention. • Parents are invited to engage with their child’s school so they are able to assist their child with orientation and settling in to a new school environment. • On induction to a held detention or community detention environment, contracted service providers engage with parents around child safety and community expectations of child behaviour and parental responsibility.

Target outcomes		Measures
8	All child protection incidents which the Department is aware of that are under consideration by state authorities are followed up to ensure all information has been provided by the Department; all information, that will assist the Department manage the health and welfare of an alleged victim and/or alleged Person of Interest, is known to the Department.	<ul style="list-style-type: none"> • Monthly reports are provided to the First Assistant Secretary, CCSSD on the: <ul style="list-style-type: none"> ○ status of all open Child Safeguarding Inquiries, including child protection investigations being undertaken by the state and territory authorities; and ○ finalisation of all Child Safeguarding Inquiries.
9	No Child Safeguarding Inquiry or external investigation is closed <u>internally</u> by the Department or a service provider without the approval of the AS, Child Wellbeing Branch.	<ul style="list-style-type: none"> • 100% of all Child Safeguarding Inquiries are referred to the AS, Child Wellbeing Branch before being closed or transferred to a child welfare assessment.
10	Incident reports for all child protection incidents are described in clear, unambiguous language which enables the Department, law enforcement and child protection authorities to rely on the description for a full and unedited description of the incident.	<ul style="list-style-type: none"> • 100% of all incident reports are provided by contracted service providers and departmental staff in clear language. • Reports are classified as appropriate to the personal information provided in the report. • These targets will be achieved by providing appropriate training to relevant departmental staff and contracted service providers.

Contract management

The Department manages contracts that deliver a range of services for children and families. In addition to the range of procurement requirements the Department must adhere to, including Commonwealth Procurement Rules, there are specific elements that need to be addressed to protect children and promote wellbeing.

Departmental staff who manage contracts under which service provider personnel, including sub-contractors, agents and volunteers work, are required to ensure minimum child protection standards in these contracts. The contracts are regularly monitored and include:

- delivery of child and family wellbeing programmes
- adherence with requirements relating to working with children checks (or jurisdictional equivalent)
- adherence with mandatory/compulsory reporting requirements, either statutory or departmental
- reviews of all incidents of child abuse and seeing them through to logical conclusion
- compliance with any departmental standards and requirements for the categorisation and management of incidents, and the differential responses to these
- recruitment of specialists where required
- provision of information to the Department on request
- compulsory attendance at training for specific roles

- a referral to the Integrity Security and Assurance Division of any staff member where allegations are made or where a staff member or service provider is suspected of causing harm to a child
- a departmental Child Safeguarding Inquiry can be undertaken in parallel with a police and/or child protection investigation. The Department will work collaboratively with relevant authorities to complete their investigations.

The Department will continue work to strengthen service provider accountability and performance in relation to child protection and wellbeing as a matter of priority.

Data collection and monitoring

The collection of data to track progress towards achieving outcomes is an essential component of how the Department measures itself against child protection and wellbeing performance indicators.

The Department is making improvements to how child protection incidents are recorded in information technology systems to ensure data and information is accurate, reliable, able to be extracted and able to be assessed against key performance indicators.

The Department will also work with key stakeholders to improve the data we collect, its compatibility with that of other jurisdictions and how we analyse the aggregate data.

The initial phase of this work will involve the design of the data collection and monitoring system and the gathering of benchmark data and information.

The Department will also work with relevant stakeholders to ensure data collection and monitoring for child protection purposes is appropriately considered and integrated with information gathering for intelligence purposes.

Child protection and wellbeing operations

There is a range of operational activities the Department undertakes that impact children, including but not limited to:

- detention services
- services provided through the SRSS Programme
- transfers between held and community detention
- the return and removal of children and their families
- investigations and compliance operations
- the transfer of children—including unaccompanied minors—and families to and from the Nauru RPC
- visa and citizenship application processing (including at posts).

Across these programmes and operational activities, the Department adopts a range of measures that assist in protecting and supporting children. These broadly include incident reporting, contract management, service provision, case management and liaison with local authorities and key stakeholders.

Departmental staff and contracted service providers also undertake activities to:

- promote the wellbeing of children in detention
- reduce the number of children in held detention, and length of time held, and make recommendations for changes in detention accommodation for at risk children
- establish and document the facts of an incident and take immediate action to protect the child and manage the Person of Interest who poses a risk to that child
- ensure the sensitive management of all child protection allegations, assessments and resolutions
- liaise with relevant internal stakeholders and experts regarding a child's immigration pathway
- assist and collaborate with investigations by state authorities and relevant police authorities
- conduct Initial Inquiries and Child Safeguarding Inquiries regarding internal and service provider operations
- sensitively manage a child's, and where relevant their family's information
- oversee implementation of ongoing support
- escalate complex cases and general concerns.

This framework establishes a strengthened, consistent approach across our operational activities to child protection and wellbeing through the introduction of:

- a new response management process that includes individual assessments, incident reporting and specialised case management
- clearer lines of responsibility between key stakeholders, including state and territory child welfare authorities and Detention Superintendents who respond to child related incidents in community detention
- specialist roles, including skilled staff and contracted service providers, independent observers and IGOC delegates
- learning and development for staff and contracted service providers
- minimum standards with respect to the environment, information, infrastructure and services provided for children and families

- preventative measures, such as education and awareness raising for children and families.

Response management

Where child protection and/or wellbeing concerns are identified, the Department will provide an immediate response based on a differential response method. This approach involves a response commensurate with the risk level, which is assessed using a range of criteria. The primary objective of this approach is to minimise the likelihood of abuse, enhance wellbeing and achieve a systematic, consistent, needs-based approach to each situation.

The Child Welfare Support section is trained to advise on options for effective response and for working with contracted service providers, relevant stakeholders, including state and territory child welfare authorities, police, health professionals, educators and NGOs. The team plays a key role in providing advice on reporting and management of incidents, in consultation with colleagues in Detention Compliance and Removals Division, SRSS, and case management.

It is departmental policy that all incidents of child abuse must be reported to relevant state/territory authorities where the incident would constitute a mandatory report in that jurisdiction. Where a child is at immediate and significant risk of harm, departmental officers and contracted service providers must report the incident appropriately in accordance with their incident reporting procedures and the Department's Reporting Child-related Incidents Policy, to best respond to the child's immediate wellbeing. Internal incident reporting protocols should then be followed and the Child Wellbeing Branch contacted. Staff also need to be aware that failure to disclose offences to relevant state authorities may engage liabilities under the legislation of the relevant state and the Criminal Code.

Child Safeguarding Inquiries and Wellbeing Assessments

A key component of this differential approach is the individual assessment of child safety, risk and wellbeing. There are two types of assessments that can be conducted: a Child Safeguarding Inquiry; and a Child Wellbeing Assessment. Both assessments are linked to the triple track approach (Table 4) and provide information that will assist with the management of the child, the Person of Interest and systemic issues that may arise and need to be addressed.

In cases where state and territory police and/or child protection authorities are involved in the investigation and response to an incident it is the role of the Detention Superintendent or the relevant senior accountable officer to provide all assistance to effect the speedy and efficient resolution of the incident.

Child Safeguarding Inquiries

A Child Safeguarding Inquiry is undertaken to contain an environment, gather relevant information and enable an immediate decision regarding the welfare of a child and containment of the Person of Interest to prevent risk of further harm to the child. Following any report of child abuse made to the relevant authorities, a Child Safeguarding Inquiry is undertaken. The inquiry is three tiered, focusing on: the child, their family and the ongoing wellbeing of the child; the person alleged to have caused the harm; and systemic factors and learning. The inquiry will follow the triple track approach.

The inquiry involves timely responses, which include:

- assessment of the suitability of the current environment for the child and their family
- coordinating timely referrals and information-sharing
- ensuring effective implementation of decisions
- facilitating the involvement of relevant authorities and stakeholders

- identifying how the incident was reported, or would need to be reported, including ensuring compliance with relevant legislation and statutory child protection requirements
- information gathering to understand the circumstances surrounding the incident
- undertaking an internal assessment of risk to the Department, noting the state and territory child welfare authorities' legislative authority to undertake risk assessments concerning the child and family
- recommendations for ongoing services and supports.

In determining risk level and the commensurate response, the following factors are assessed:

- the child's age and ability to 'self-protect'
- the family's cultural and linguistic background
- the family environment, including health/safety concerns
- any history of abuse, neglect or incidents, as well as domestic violence
- all intelligence information held by the Department
- legislative requirements, including whether the abuse meets the statutory threshold for reporting to state and territory child welfare authorities and/or police or represents a serious violation of criminal statutes
- the parent/carer or family's ability to protect the child, including their skills/knowledge, broader family/community supports, their level of cooperation
- presence of disability or diminished ability to protect one's self from harm
- the type, severity and frequency of child abuse or child protection concerns.

The basis of the Child Safeguarding Inquiry informs the types of responses that will be taken.

The Department will continue to foster consistency in incident identification, response management and reporting across all settings where children are on immigration pathways. Examples of responses outlined in Table 4 generally focus on the victim, the alleged perpetrator and systemic issues.

Table 4 Triple track approach to Child Safeguarding Inquiry responses

Focus	Response
Child	<ul style="list-style-type: none"> • Liaison with relevant authorities, including state or territory child welfare authorities and police. • Intervention as appropriate (e.g. alternative plans for the child's and/or family's accommodation if in the best interests of the child). • Child protection response and follow-up, including crisis and case management. • Referrals to support services, including health and rehabilitative services, including longer term child wellbeing services. • Ongoing monitoring and support. • Referrals to services to strengthen family capacity to meet their children's needs.

Focus	Response
Person of Interest	<ul style="list-style-type: none"> • Action taken to prevent recurrence of alleged abuse, e.g. removing the person alleged to have caused harm from being accommodated with children. • Immediate removal from the current location and vicinity of the child and, where relevant, their family, if in the best interests of the child. The Department will wait for further guidance from the state and territory child welfare authorities' in instances where they have the jurisdiction to investigate the matter. • Reporting to state and territory child welfare authorities and other relevant authorities, including the police. • May involve a criminal justice response for the perpetrator including court action and/or criminal charges. • Rehabilitation services, including intensive education, treatment and support to prevent recurring abuse. • Ongoing monitoring and case management.
Systemic focus	<ul style="list-style-type: none"> • Did all parties enact their accountabilities? • Is there a system, communication, process or intelligence failure? • Monitor and improve case management strategies. • Examine if there was any failure regarding appropriateness of placements. • Consider how to improve processes in future, including training and communication. • Were correct referrals to counselling services and community support services undertaken? • Resolve incident status and close incident when complete.

The Department aims for children who have been the subject of a Child Safeguarding Inquiry (either as a victim or as an alleged perpetrator) to transition to the wellbeing track over time. In terms of the alleged perpetrator, the Department will not only remove them as appropriate, but also support them with respect to their rights, until criminal proceedings or investigations are resolved. Importantly, the Department will also engage and cooperate with law enforcement to prosecute or finalise incidents as necessary. Additionally where counselling or behaviour management treatment is recommended for the alleged perpetrator, the Department will liaise with its medical contractor International Health and Medical Services (IHMS) to ensure timely service provision.

The management of the Department's child protection response will also be guided by the following mandated processes and requirements:

- All allegations of child abuse will be reported by departmental staff and contracted service providers in accordance with the Reporting Child-related Incidents Policy.
- The Department has processes in place to ensure staff working with children have a working with children check in their state of domicile and all departmental staff are security cleared to a minimum baseline and undertake an Employment Suitability Check¹⁰.

¹⁰ In Australia, all adults working with children are subject to some level of pre-employment screening—known as the working with children check in most states and territories. These checks are one tool that organisations and governments can use to help ensure the right people are selected to work with children and that children are protected from child sexual abuse in institutional settings. Unfortunately, there is no single national framework setting out the requirements for obtaining working with children checks or police checks. Each state and territory has their own procedures and it is necessary to fulfil the requirements in the jurisdiction(s) in which you are working. This mechanism has been reviewed as part of the Royal Commission into Institutional Responses to Child Sexual Abuse.

- Where a child is the subject of child protection allegations or concerns the placement of that child must be formally considered by the Assistant Secretary, Child Wellbeing Branch.
- Where a state and territory child welfare authority recommends the removal of a child from the care of a parent or care giver, the Department will immediately enact that recommendation in consultation with the state authority. Where the child remains in a detention environment a guardianship assessment will be undertaken.
- Where a state and territory child welfare authority does not recommend the removal of a child from the care of a parent or care giver and the ranking departmental officer (for example, Superintendent) remains concerned for the child's welfare, they will immediately refer the matter to the Assistant Secretary, Child Wellbeing Branch for consultation with the state child welfare authority.
- In the event of immediate danger to a child, the ranking officer on duty must consider taking the child to a place of safety until the state and territory child welfare authority provides further guidance.
- Appropriate checks will be undertaken through the Department's Community Links system before a child is placed in their care.

Operational accountability sits with the officer in charge at the relevant location where an incident took place. These officers are responsible for driving the Child Safeguarding Inquiry to resolution and completing case closure requirements that will include:

- informing the child, family, Person of Interest and initial referrer of the outcome of the Child Safeguarding Inquiry. This may include information about the provision of support services or referral of the incident to the appropriate authorities. This will not include the disclosure of confidential or sensitive personal information.
- making certain that no allegation of child abuse is closed as 'completed' without prior approval from the Assistant Secretary, Child Wellbeing Branch.

Processes are reviewed every 18 months against contemporary child protection measures and states' requirements.

The Royal Commission has recommended that all state and territory governments should amend their working with children checks laws to work towards a national model. Because of this, the Department has faced some hurdles in some jurisdictions when attempting to obtain a working with children check for some staff and contracted service providers. The Child Wellbeing Branch will continue to work with relevant states and territories to progress an outcome for our staff and contracted service providers, and where possible, will expect staff to obtain a working with children check in their state of domicile.

Child Wellbeing Assessments

Child wellbeing assessments will be designed and implemented to better support outcomes for children. These assessments are designed to be used in conjunction with established case management procedures, with respect to detention and community operations. These assessments inform and facilitate the provision of services and supports to children across our programmes. Detention Superintendents are responsible for actively controlling the management of wellbeing assessments for children in held and community detention, and accurately recording actions and outcomes for children.

Wellbeing assessments can be conducted in a range of circumstances and may assist in determining whether a Child Safeguarding Inquiry is necessary.

The child wellbeing assessments will also consider a range of factors designed to enhance social, physical, learning, behavioural and emotional development, a particular focus on educational and health considerations, including:

- prenatal care and education for all expectant mothers
- compulsory education for all children aged 5–18
- preschool and early learning for children aged 3–5 in held or community detention
- appropriate programs for children aged 0–3 in held detention to support development and health
- appropriate daily routines for all children in held detention
- positive parenting and self-agency learning for all parents on an as needs basis
- education in held detention regarding Australian cultural standards and expectations of parents in nutrition, discipline, formal education, health and hygiene
- in RPCs, education regarding that country's cultural standards and expectations of parents
- English as a second language training
- sessions for IMAs on how to work with contracted service providers and their role in supporting them
- life skills for UAMs.

Child welfare case conferences

The Department will undertake an internal multi-disciplinary conference approach to complex cases. The internal case conferences will analyse departmental processes and the findings will inform improvements and on-going departmental strategy relating to child welfare. Child welfare case conferences will involve key internal and external stakeholders such as multi-disciplinary experts, including allied health professionals, contracted service providers, and the affected families themselves.

The Department will also actively engage with child welfare case conferences convened by state and territory child welfare authorities.

Specialist roles

Certain people have specific roles in the context of protecting children in immigration programmes. Some of these roles are described in this section.

Staff expertise

Recognising the particular needs of children in immigration programmes, the Department is moving toward having officers with specific skills, expertise and qualifications performing certain roles. Where the Department has a direct responsibility for the care and welfare of children, staff should have relevant qualifications, experience and/or skills necessary to perform particular roles, including in some instances to be qualified social workers. More generalist positions, including those involving child protection policy development and casework, also have specific requirements.

Child Welfare Officer positions will be established in locations where children are in immigration detention or community detention. These officers will be required to have essential qualifications to perform their roles, and should provide advice from a child wellbeing and welfare perspective. These roles may also provide support to the Department's case managers, whose primary focus is on the immigration pathway and status resolution of an individual.

The Department is committed to having staff appropriately qualified to work with children. However, the Department considers it would not be appropriate under any circumstances for departmental staff to undertake the type of forensic investigations, including the interviewing of children which are the legislated responsibility of police and child welfare authorities. All staff and contracted service providers will be made aware of the parameters of their role and responsibilities with regard to the framework when working with children in an immigration context.

Independent observers

Independent observers (IOs) are provided to unaccompanied minors and children whose parent/carer or legal representative is unavailable during formal interviews and meetings with the Department, or other agencies during immigration processes. The role of the IO is to ensure the treatment of the child is fair, appropriate and reasonable. IOs provide support to the child during processes such as entry interviews and age determination assessments.

The IO must attend the entire interview and bring any concerns about the emotional and physical wellbeing of the child to the attention of the interviewer. This includes ensuring breaks are provided when required, that the child has opportunities to ask questions and to provide moral support. The IO has no casework, legal advocacy or investigative responsibilities, nor can they act as a qualified interpreter or advocate.

IOs can be arranged through contractual arrangements under the SRSS Programme. IOs are required to have a current working with children check (or state-issued equivalent), as well as experience and/or qualifications in interacting with children.

IGOC delegates and custodians

As the legal guardian for certain unaccompanied minors in Australia under the IGOC Act, the Minister is responsible for providing care and welfare to them and for making long-term or non-routine decisions about their welfare.

The Minister can delegate certain powers and functions under the IGOC Act to Commonwealth (in practice, departmental), state or territory officers or authorities. The Minister has made an instrument under section 5 of the IGOC Act to delegate certain powers and functions to senior departmental officers and officers of state and territory child welfare authorities occupying specific positions with responsibility for the care of IGOC minors. The IGOC Instrument of Delegation (*Instrument for the guardianship of children*) is available on the departmental intranet on the Additional Instruments of Delegation and Authorisation webpage.

Under section 7 of the IGOC Act, the Minister (or IGOC delegate) has the power to place an IGOC minor under the care of any person or organisation who is willing, and whom the Minister (or IGOC delegate) considers is suitable. This person or organisation is then known as the custodian.

If the person or organisation agrees to be a custodian and accepts responsibility for an IGOC minor, they must acknowledge this in writing to the Minister (or IGOC delegate).

If the Minister considers it necessary to do so in the interests of the IGOC minor, the Minister (or IGOC delegate) may, at any time, remove an IGOC minor from the custody of the minor's custodian and place the minor in the custody of another person.

The type of delegation varies according to the service delivery stream. For example, for an IGOC minor in immigration detention, certain powers and functions are delegated to relevant departmental officers. The IGOC delegate must make important decisions relating to the care and welfare of children, such as decisions about medical treatment or education. In immigration detention, the minor is not placed with a custodian as the contracted service providers are responsible for the day-to-day care and welfare of all minors. For IGOC minors in the UHM Programme and SRSS programmes, contracted service providers act as custodians.

All IGOC delegates and custodians are required to have relevant working with children checks (or state-issued equivalent), undertake departmental child protection training and to adhere to the requirements outlined in this framework.

For IGOC minors not in detention, details of IGOC delegates, custodians and/or carers are recorded in the Department's systems. IGOC status assessment outcomes are also recorded in these systems.

For further information about the IGOC Act, responsibilities of guardians and custodians, or if you are unsure whether a child is under the guardianship of the Minister, seek advice from the UHM and Guardianship Section in the Child Wellbeing Branch.

Age determination

When it is unclear whether a detainee is an adult or a minor, the Department undertakes age determination assessments. The primary and immediate purpose of age determination is to ensure minors are accommodated and supported appropriately and safely while in immigration detention. This process ensures where possible that minors are not accommodated with unrelated adults.

Certain departmental officers have been trained to undertake age determination assessments that include completion of a theoretical course, significant supervision, mentoring and review. The age determination process used by the Department is a combination of basic background checking on the individual and a chronologically focussed interview. This is a method used to form a view as to whether a person is more likely than not to be a minor for immigration purposes and does not expose the person to harm.

The age determination process is not about determining a person's chronological age, but forming a view that the person is more likely to be over or under 18, taking a range of factors into account.

Under the Age Determination Procedures Advice Manual, all departmental staff and detention contracted service providers must take reasonable measures to identify any person in immigration detention who is under the age of 18 and, if they are informed or have a reasonable suspicion that a person accommodated in an adult facility may be under the age of 18, must immediately escalate the matter to the relevant area in accordance with the Department's instructions for referral.

For further information about the age determination assessment process, or to have an assessment undertaken, contact the Child Welfare Support section at child.protection@border.gov.au

Infrastructure, facilities and services

The Department aims to ensure infrastructure and facilities are safe for children for whom it has day-to-day responsibility. While this includes ensuring that physical infrastructure adheres to relevant safety standards, it also includes the provision of secure and protective environments that help to defend children from abuse and support their psycho-socio-emotional wellbeing.

The Department is committed to providing accommodation and facilities that:

- promote the self-agency of parents
- are safe and secure
- provide play facilities for children
- include well-illuminated active and passive activity spaces that accommodate a range of play and organised learning activities
- have minimal visible security artefacts
- facilitate staff, service provider and child, parent/carer and family interaction
- encourage the autonomy of both children and families (such as allowing children and families to make their own meals)
- include child-sized and/or child-friendly facilities where appropriate (including furniture, rest rooms, doors and drinking fountains)
- display protective information and resources
- promote self-expression
- reduce opportunities for children to be in secluded areas and enclosed spaces
- include passive surveillance to ensure a visual connection
- include spaces to encourage a sense of community.

Immigration detention

In the instance of children being accommodated in held detention the Department will ensure it provides a child-safe environment focusing on child wellbeing.

To contribute to the personal development and wellbeing of children, programmes and activities available in immigration detention facilities include:

- early childhood educational playgroups
- 'Introduction to Australia' classes
- arts and crafts activities
- cultural activities (including cooking)
- library activities
- sport and recreational facilities (including gyms and play equipment)
- communal areas where social and religious activities can be conducted.

There is also a broad range of external excursions available for children in immigration detention facilities. Examples of external excursions conducted include visits to:

- local sites such as parks, gardens, beaches, sporting facilities and playgrounds
- entertainment facilities (such as cinemas and bowling centres)
- local museums and other educational centres
- shopping centres
- places of worship.

Access to education

In upholding a child's right to education, children of compulsory school age in held detention have access to free school education in line with community standards and state or territory laws. The Department also funds access to schools for children who are accommodated in community detention and certain IMAs on Bridging E visas. There is no limit on places in relation to the enrolment of school-age immigration detainees in mainland Australia. School-age children are enrolled at local schools and attend on a full-time basis, even those in immigration detention.

Children in immigration detention also have access to educational tools such as computers and library rooms with culturally and linguistically appropriate reading material. In addition, they have access to a range of programmes and activities that aim to provide transferable life skills and development opportunities appropriate for their age group, such as cooking classes, outdoor sporting activities and sewing classes, with a view to enhancing their self-agency and enabling a smooth transition into the community. Many children in immigration detention facilities also benefit from English language classes and homework assistance classes provided by members of the community.

Access to health services

All detainees in immigration detention have access to health care at a standard comparable to the health care available to the Australian community. The Department currently has a contract with IHMS which provides and coordinates health care for detainees in immigration detention, including community detention.

Detainees entering immigration detention undergo a health induction assessment, which includes assessment for any physical and mental health issues. This assessment informs an ongoing health care plan.

IHMS provides primary health care through general practitioners, nurses, counsellors and psychologists located within immigration detention facilities. Specialist and ancillary services, including psychiatric, dental and physiotherapy, are provided by referral to an IHMS community network provider or onsite, by visiting practitioners. Emergency and acute health care is provided by local hospitals. Some immigration detention facilities have paramedics or nurses located onsite after-hours.

The health needs of detainees accommodated in the community are coordinated by IHMS, through a network of community-based providers. These detainees are assigned a GP and pharmacy and, as required, the GP will refer the detainee to other health services, such as allied and specialist services. They can make an appointment with their GP at any time and are subject to the same waiting times as any member of the Australian community accessing public health services. The costs of health provisions for community detainees are billed to IHMS and passed through to the Department.

Related documents

The Department maintains policies and guiding documents to enable a child safeguarding focus in managing the protection and wellbeing of children in immigration programmes. They are designed to meet a range of child safeguarding and wellbeing aims, including to:

- increase understanding of, and improve support relating to, child protection and wellbeing for staff, carers and children
- increase accessibility of child protection policies and protocols for all families, carers and children, taking into consideration their individual needs
- manage child protection incidents, allegations and complaints in a timely and effective manner, ensuring that appropriate support is provided, while preserving the self-respect, dignity and wellbeing of the child
- identify, mitigate, prevent, manage, report and follow-up on abuse and risks of abuse to children
- outline legislative provisions and methods to encourage best practice and thereby improve consistency across the Department
- prioritise child-safe recruitment and selection practices.

The Department's policies and procedures are categorised as follows:

- culture
- workforce management
- prevention and response
- quality assurance.

Within these categories each policy or procedure is identified as linking to any of three focus areas: protection, wellbeing and environment. The following policies, guidelines and information sheets aim to complement training, capacity building and awareness-raising strategies.

Table 5 List of Department child protection and wellbeing guiding documents

No.	Title	Description	Purpose	Focus area
Culture				
1.1	Child Safeguarding Framework	<ul style="list-style-type: none"> High-level overview of the Department’s guiding principles and requirements with respect to child protection. 	<ul style="list-style-type: none"> To ensure that all staff and contracted service providers are aware of the Department’s commitment to child protection and wellbeing. 	Protection Wellbeing
1.2	Reporting Child-related Incidents Policy	<ul style="list-style-type: none"> A detailed policy outlining when, what and how to report concerns, allegations, suspicions or incidents of child abuse. Includes mandatory reporting obligations. Includes key stakeholders who may need to be involved, including health and education services. 	<ul style="list-style-type: none"> To detail obligations and responsibilities to ensure timely, accountable responses. 	Protection
1.3	Child Protection Mandatory Behaviours	<ul style="list-style-type: none"> Outlines the relevant Mandatory Behaviour guidelines for all staff engaging with children, and aligns with the broader DIBP Code of Conduct. 	<ul style="list-style-type: none"> Ensure commitment by staff to provide safe environments for children. 	Protection
Workforce management				
2.1	Child-related Employment Policy	<ul style="list-style-type: none"> Outlines how the Department practices pre-employment screening for all applicants who will work with children. It includes employment suitability check, probity checking processes (including qualification/referee checks), consistent recruitment practices (such as advertising and interviewing) and panel member requirements. The policy applies to all new and existing departmental staff and is dependent on their role. 	<ul style="list-style-type: none"> To ensure staff are suitable to work with children. To establish a transparent, consistent recruiting process that emphasizes commitment to child protection and wellbeing. 	Protection Wellbeing

No.	Title	Description	Purpose	Focus area
2.2	working with children checks Procedural Instruction	<ul style="list-style-type: none"> • Outlines the requirements for staff working with children to obtain and hold appropriate working with children checks. • Includes information about roles requiring checks, failure to comply, confidentiality of records as well as specific state/territory requirements. 	<ul style="list-style-type: none"> • To prescribe clear requirements about obtaining and maintaining checks, to prevent those who pose an unjustifiable risk from working with children and to ensure compliance with relevant legislation. 	Protection
2.3	Self-care in child-related roles	<ul style="list-style-type: none"> • Strategies and advice for staff and contracted service providers working on issues relating to children to minimise the impact of exposure to emotionally disturbing information about children and families, including reducing the risk of vicarious trauma. • Provides information about how and where to seek help. • Provides information for managers overseeing child protection work. • Includes the need for regular, formal supervision, structured learning and development practices and safe workload allocation. 	<ul style="list-style-type: none"> • To assist staff and contracted service providers manage work-related stress arising from child protection work. • To promote competent, professional and accountable child protection practices and to monitor workloads. 	Protection Wellbeing
2.4	Guidance for Contract Managers	<ul style="list-style-type: none"> • Information for departmental staff who manage contracts under which contracted service providers work with children. • To ensure appropriate probity checking, quality assurance and reporting occurs, including regular reviews of working with children check documentation. 	<ul style="list-style-type: none"> • To ensure service provider compliance with relevant child protection legislation and policies. 	Protection

Prevention, response and wellbeing				
3.1	Child safe environments that enhance wellbeing	<ul style="list-style-type: none"> • Outlines elements that need to be considered to create child safe physical environments to the greatest extent possible. • Includes plans for reviews, audits, emergency care and hazard management. • Provides overview for staff and contracted service providers working with children on strategies to enhance child and family wellbeing, including ways to foster resilience. 	<ul style="list-style-type: none"> • To provide children and families with environments that are safe and that foster their wellbeing. • To assist with building strong, resilient children and families. 	Protection Wellbeing Environment
3.2	Individual case management (including child wellbeing assessments)	<ul style="list-style-type: none"> • To complement existing policies by specifying arrangements for case management of children on an individual basis (e.g. currently support is available for certain bandwidths within the SRSS Programme). • Identifies key stakeholders, decision and escalation points, risk assessment processes and reporting requirements for critical cases. • Outlines requirements for the regular assessment of children in our care to ensure health, behavioural and learning development is appropriate. • Provides for consistency when a child moves between facilities or between types of immigration detention. 	<ul style="list-style-type: none"> • To provide consistency for children in the services they access, including education, health and welfare support. • To monitor progress of children in our care to ensure areas of concern are recognised and responded to early. • To ensure critical child protection cases are managed effectively in a timely and proactive manner with clear lines of accountability. 	Protection Wellbeing Environment
3.3	Education policy	<ul style="list-style-type: none"> • Provides details on the approach to compulsory education for children in held and community detention; and children who are UHMs. • Provides details on early childhood learning for children 3-5 years of age. 	<ul style="list-style-type: none"> • To build the education capability of children and their families. 	Wellbeing Environment

Prevention, response and wellbeing				
3.4	Recognising signs of child abuse	<ul style="list-style-type: none"> Provides information on how to identify signs that may indicate a child is at risk of abuse. It covers indicators according to each of the different types of child abuse, including physical, sexual, emotional abuse, neglect and exploitation. It directs staff and contracted service providers to report suspicions. 	<ul style="list-style-type: none"> To ensure staff and contracted service providers can identify signs of child abuse and can respond to concerns in an appropriate and timely manner. 	Protection Wellbeing Environment
3.5	Responding to disclosures of child abuse	<ul style="list-style-type: none"> Provides advice to staff and contracted service providers about how to respond should a child disclose abuse, including information on instigation and management of Initial Inquiries. 	<ul style="list-style-type: none"> To assist staff and contracted service providers who receive disclosures of abuse from children. 	Protection Wellbeing
3.6	Including children in decision making	<ul style="list-style-type: none"> Information to encourage staff and contracted service providers to include children and their families/carers in decision making processes as appropriate. Includes information about how to establish environments and processes that encourage children to participate and engage, including child-friendly mechanisms for providing complaints or feedback. 	<ul style="list-style-type: none"> To provide children the opportunity to receive and share information to: <ul style="list-style-type: none"> reduce the likelihood of abuse through increased awareness and reporting; and enhance child wellbeing and resilience. 	Protection Wellbeing Environment
3.7	Appropriate interaction with children	<ul style="list-style-type: none"> Provides clear information to staff and contracted service providers who interact with children about appropriate behaviours. 	<ul style="list-style-type: none"> To create safe environments for children, staff and contracted service providers. 	Protection Wellbeing Environment
3.8	Internet and social media use for children	<ul style="list-style-type: none"> Policy and accompanying fact sheets for staff, contracted service providers, children and their families about how to stay safe online. Includes information about cyberbullying, trolling, sexting, unwanted contact and other inappropriate content. 	<ul style="list-style-type: none"> To ensure staff and contracted service providers can identify what constitutes safe internet usage by children. 	Protection Wellbeing Environment
3.9	Filming and photographing children	<ul style="list-style-type: none"> Outlines policies for the photographing and filming of children in our care, including what steps need to be taken if there is a need for this to occur. 	<ul style="list-style-type: none"> To ensure the privacy and security of children under the Department's duty of care is protected. 	Protection Environment

Prevention, response and wellbeing				
3.10	Protective behaviours	<ul style="list-style-type: none"> Explains the importance of positive protective factors in promoting strong children and families and gives examples of actions that can be taken. Outlines how children may best protect themselves by empowering them with protective behaviour strategies. 	<ul style="list-style-type: none"> To foster personal safety of children through empowerment and education. 	Protection Wellbeing Environment
3.11	Triple track approach to incident management	<ul style="list-style-type: none"> Focuses on the child (their family and the ongoing wellbeing of the child), the person of interest (alleged to have caused the harm) and systemic issues. It is an internal departmental tiered process, which does not impede upon the investigative requirements of state and territory child welfare authorities and law enforcement bodies. 	<ul style="list-style-type: none"> To ensure appropriate support is provided to all parties involved in child protection and wellbeing incidents, allegations and complaints. 	Protection Wellbeing
Quality assurance				
4.1	Business and process review	<ul style="list-style-type: none"> Process for conducting child protection and wellbeing policy and procedural reviews. Informed by evidence-base and data to ensure transparency, consistency and effectiveness. 	<ul style="list-style-type: none"> To foster continuous improvement in the quality of services and support to children and families. 	Protection Wellbeing Environment
4.2	Data collection and compliance	<ul style="list-style-type: none"> Outlines how information about child protection and wellbeing is to be collected and reported. Overview of how compliance with relevant legislation, instructions, codes, contractual arrangements and other requirements will be monitored within the Department. 	<ul style="list-style-type: none"> To monitor child protection and wellbeing performance. To ensure adherence to relevant requirements designed to keep children safe. 	Protection Wellbeing
4.3	Disclosure of children's information	<ul style="list-style-type: none"> Outlines how and when information about child protection issues can be shared in accordance with the Department's privacy policies. 	<ul style="list-style-type: none"> To ensure compliance with legislation while keeping children safe from abuse. 	Protection

Consultation

Internal consultation

The following internal stakeholders have been consulted in the development of this framework:

- Children, Community and Settlement Services Division
- Financial Strategy and Services Division
- Detention Services Division
- Strategic Border Command
- Detention Compliance and Removals Division
- Integrity Security and Assurance Division
- Intelligence Division
- Corporate Support Division
- Community Protection Division
- Detention Capability Review Branch
- International Division
- Legal Division
- Executive Division
- People Division.

External consultation

The following external stakeholders have been consulted in the development of this framework:

- Child Protection Panel
- Minister's Council on Asylum Seekers and Detention
- Department of Foreign Affairs and Trade
- Joint Advisory Committee's Independent Child Protection Adviser.

Appendix A—Key legislation

Key Commonwealth legislation

This framework is guided by this non-exhaustive list of Commonwealth legislation.

Title	Overview
<i>Australian Border Force Act 2015</i>	Provides for the establishment of the Australian Border Force, and its interaction with the <i>Customs Act 1901</i> , the <i>Migration Act 1958</i> , the <i>Maritime Powers Act 2013</i> and other Commonwealth laws.
<i>Australian Human Rights Commission Act 1986</i>	Establishes the Australian Human Rights Commission.
<i>Crimes Act 1914</i> <i>Criminal Code Act 1995</i>	Provides a range of provisions regarding children in the criminal process, including protection of children in proceedings for sexual offences. In addition, it also provides that a child under 10 years of age is not criminally responsible and that a child 10–14 years of age can only be criminally responsible for an offence if the child knows that his or her conduct is wrong.
<i>Family Law Act 1975</i>	Requires the court to have regard to 'the need to protect the rights of children and to promote their welfare' in any matter with which it deals under the Act. The aim of the Family Law Act with respect to children is: '...to ensure that children receive adequate and proper parenting to help them achieve their full potential, and to ensure that parents fulfil their duties, and meet their responsibilities, concerning the care, welfare and development of their children.'
<i>Family Law (Hague Convention on Intercountry Adoption) Regulations 1998</i>	Governs inter-country adoption.
<i>Migration Act 1958</i>	Provides for the entry into, and presence in, Australia of aliens, and the departure or deportation from Australia of aliens and certain other persons.
<i>Freedom of Information Act 1982</i>	Provides to members of the public rights of access to official documents of the Government of the Commonwealth and of its agencies.
<i>Public Service Act 1999</i>	Provides for the establishment and management of the Australian Public Service.

Title	Overview
<i>Immigration (Guardianship of Children) Act 1946</i>	<p>Under the IGOC Act, the Minister for Immigration and Citizenship (the Minister) is the legal guardian of certain non-citizen children who arrive in Australia.</p> <p>Specifically, the Minister is the legal guardian of a non-citizen child (referred to as an IGOC minor) who:</p> <ul style="list-style-type: none"> • is less than 18 years old; • entered Australia as a non-citizen (that is, as a person who is not an Australian citizen); • intended to become a permanent resident of Australia at their time of entry; and • did not enter Australia in the charge of, or for the purpose of living in Australia under the care of a parent, a relative who has turned 21 years of age or an intending adoptive parent of the child.
<i>Privacy Act 1988</i> <i>Privacy Amendment (Enhancing Privacy Protection) Act 2012</i>	<p>Regulates the handling of personal information about individuals, including the collection, use, storage and disclosure of personal information, and access to and correction of that information.</p> <p>Includes 13 Privacy Principles.</p>

The following is an overview of the current reporting requirements under the relevant state and territory child protection legislation. If you are unsure about whether you are affected by the relevant reporting requirements, please contact the Child Welfare Policy section child.protection@border.gov.au.

Australian Capital Territory

Children and Young People Act 2008

- Priority must be given to supporting the child's parents and other family members to provide for the wellbeing, care and protection of the child.
- The primary responsibility for providing care and protection for the child or young person lies with the child's or young person's parents and other family members.
- Every child's sense of racial, ethnic, religious, individual or cultural identity should be preserved and enhanced.

Reporting authority	Further services / information	Contact details
Office for Children, Youth and Family Support Ph: 13 22 81	<p>Care and Protection Services is responsible for facilitating coordination across government for the care and protection of children and young people.</p> <p>If you are concerned about a child and want further information on mandatory reporting, refer to Keeping Children and Young People Safe (2.1MB PDF)</p>	<p>Mandated reporters Ph: 1300 556 728 Email: Child Protection Reports</p> <p>General public Ph: 1300 556 729</p>

Source: [The Australian Institute of Family Studies, Reporting abuse and neglect, https://aifs.gov.au/cfca/publications/reporting-abuse-and-neglect](https://aifs.gov.au/cfca/publications/reporting-abuse-and-neglect)

New South Wales

New South Wales—Children and Young Persons (Care and Protection) Act 1998

- The safety, welfare and wellbeing of the child are paramount.
- A child's culture, disability, language, religion and sexuality must be taken into account and when relevant the same for those with parental responsibility for the child.
- If a child is able to form his or her own views on a matter concerning his or her safety, welfare and wellbeing, he or she must be given an opportunity to express those views freely and those views are to be given due weight in accordance with the developmental capacity of the child.

Reporting authority	Further services / information	Contact details
Department of Family and Community Services Ph: (02) 9716 2222	By law, Community Services must assess reports where a child or young person is or may be at risk of significant harm from abuse or neglect. Information about the process of reporting child welfare concerns in NSW can be found on the Department's webpage: Reporting Suspected Abuse or Neglect Resources for mandatory reporters	Child Protection Helpline Ph: 13 21 11 (TTY 1800 212 936) Non-imminent reports can also be made using eReporting For urgent reports, mandatory reporters should phone 13 36 27

Source: [The Australian Institute of Family Studies, Reporting abuse and neglect, https://aifs.gov.au/cfca/publications/reporting-abuse-and-neglect](#)

Northern Territory

Care and Protection of Children Act

- In the Northern Territory, any person who believes that a child is being, or has been, abused or neglected is required by law to report their concerns.

Reporting authority	Further services / information	Contact details
Department of Children and Families Ph: (08) 8999 2737	In the Northern Territory every person is required to report suspected child abuse and neglect. For further information about the process of reporting concerns about a child's welfare in the NT refer to the Child Abuse page of the NT Department's website.	Child Protection Hotline Ph: 1800 700 250 (24 hours)

Source: [The Australian Institute of Family Studies, Reporting abuse and neglect, https://aifs.gov.au/cfca/publications/reporting-abuse-and-neglect](#)

Queensland

Child Protection Act 1999

- A child has a right to be protected from harm or risk of harm.
- A child's family has the primary responsibility for the child's upbringing, protection and development.
- A child should have stable living arrangements, including arrangements that provide for a stable connection with the child's family and community, to the extent that is in the child's best interests and for the child's developmental, educational, emotional, health, intellectual and physical needs to be met.

Reporting authority	Further services / information	Contact details
Department of Communities, Child Safety and Disability Services Ph: (07) 3224 8045	Child Safety Services is the lead child welfare authority in QLD. For information about the process of reporting concerns about a child's welfare in QLD refer to the Reporting Child Abuse page of the Department's website. Who are mandatory reporters in QLD?	Contact numbers during business hours: Regional Intake Services To locate your nearest Child Safety Service Centre: Ph: 1800 811 810 Child Safety After Hours Service Centre Ph: 1800 177 135

Source: [The Australian Institute of Family Studies, Reporting abuse and neglect, https://aifs.gov.au/cfca/publications/reporting-abuse-and-neglect](https://aifs.gov.au/cfca/publications/reporting-abuse-and-neglect)

South Australia

Children's Protection Act 1993

- Every child has a right to be safe from harm.
- Retention within the child's own family is to be promoted as is the undesirability of withdrawing the child unnecessarily from a neighbourhood or environment within which the child has an established sense of connection.
- Allow, if possible, the child to express their own views as to their best interests.

Reporting authority	Further services / information	Contact details
Department for Education and Child Development Ph: (08) 8226 1000	The primary area of concern for Families SA is the protection of children. For information about SA mandatory reporting requirements and the process of reporting concerns about a child's welfare, refer to the Department's webpage: Protecting Children	Child Abuse Report Line Ph: 13 14 78 After hours crisis care Ph: 13 16 11 Report child abuse online See: New users instructions to register and prepare to use the system (274KB PDF)

Source: [The Australian Institute of Family Studies, Reporting abuse and neglect, https://aifs.gov.au/cfca/publications/reporting-abuse-and-neglect](https://aifs.gov.au/cfca/publications/reporting-abuse-and-neglect)

Tasmania

Children, Young Persons and Their Families Act 1997

- This legislation is strongly based on the UN CRC and reflects the view that all efforts should be directed towards accurately balancing assessment of safety and risk with strengthening positive aspects in the individual, family and community systems.
- This legislation also makes provision for the appointment, responsibilities and powers of the Commissioner for Children.

Reporting authority	Further services / information	Contact details
Department of Health and Human Services Ph: 1300 135 513	The role of Child Protection Services is to protect children and young people who are at risk of abuse or neglect. For information about the process of reporting concerns about a child's welfare in TAS refer to the Department's webpage: Child Protection Services Information about mandatory reporting can be found in the Department's Information sheet: Mandatory Reporting of Child Abuse and/or Neglect (105KB PDF)	24 hour contact number: 1300 737 639 Report child abuse online

Source: [The Australian Institute of Family Studies, Reporting abuse and neglect, https://aifs.gov.au/cfca/publications/reporting-abuse-and-neglect](https://aifs.gov.au/cfca/publications/reporting-abuse-and-neglect)

Victoria

Children, Youth and Families Act 2005

- When determining whether a decision or action is in the best interests of the child, the need to protect the child from harm, to protect his or her rights and to promote his or her development (taking into account his or her age and stage of development) must always be considered.
- There is a need to strengthen, preserve and promote positive relationships between the child and the child's parent, family members and persons significant to the child.
- The child's views and wishes, if they can be reasonably ascertained, should be given such weight as is appropriate in the circumstances.

Reporting authority	Further services / information	Contact details
Department of Health & Human Services	The Child Protection Service is specifically targeted to those children and young people at risk of significant harm. For information about child protection and mandatory reporting requirements in Victoria, refer to the Department's webpage: Child Protection	Child Protection Crisis Line (urgent concerns) Ph: 13 12 78 For a list of regional and metropolitan phone numbers, go to: Child Protection Contacts

Source: [The Australian Institute of Family Studies, Reporting abuse and neglect, https://aifs.gov.au/cfca/publications/reporting-abuse-and-neglect](https://aifs.gov.au/cfca/publications/reporting-abuse-and-neglect)

Western Australia

Children and Community Services Act 2004

- To promote the wellbeing of children, other individuals, families and communities.
- To acknowledge the primary role of parents, families and communities in safeguarding and promoting the wellbeing of children.
- To encourage and support parents, families and communities in carrying out that role.
- To provide for the protection and care of children in circumstances where their parents have not given, or are unlikely or unable to give, that protection and care.

Reporting authority	Further services / information	Contact details
Department for Child Protection and Family Support Ph: (08) 9222 2555 TTY: (08) 9325 1232	The Department for Child Protection and Family Support offers a range of services to support children and families. For further information about the process of reporting concerns about a child's welfare refer to the Department's webpage: If You are Concerned about a Child Who are mandatory reporters in WA?	Ph: (08) 9222 2555 or Country Freecall: 1800 622 258 After hours: Ph: (08) 9223 1111 or Country Freecall: 1800 199 008 If you are a mandatory reporter Ph: 1800 708 704 Download and complete a Mandatory Reporting Form (237KB PDF)

Source: [The Australian Institute of Family Studies, Reporting abuse and neglect, https://aifs.gov.au/cfca/publications/reporting-abuse-and-neglect](https://aifs.gov.au/cfca/publications/reporting-abuse-and-neglect)

Appendix B—Child Safeguarding Incident Response Process

All departmental staff and contracted service providers – Community detention

Step 1 – Mandatory reporting requirements	Step 2 – Reporting an incident to the Incident Reporting Hotline	Step 3 – Formalising the report and recording
<p>If you are a mandatory reporter for the purposes of state or territory legislation, and believe on reasonable grounds that a reportable incident has occurred, you must report the incident to the relevant state or territory child welfare authority in accordance with the mandatory reporting requirements of that state or territory.</p> <p>If you are not a mandatory reporter and believe on reasonable grounds that a child has been harmed or is at risk of significant harm, it is the Department’s policy that you will report the incident to the relevant state or territory child welfare authority.</p> <p>A child-related incident must be reported within 30 minutes of becoming aware of the incident.</p> <p>If you do not believe on reasonable grounds that a child has been harmed or is at risk of significant harm, but the incident has raised concerns, you must progress to step 2.</p> <p>In all cases, you must progress to step 2.</p>	<p><u>All</u> departmental officers and contracted service providers are responsible for immediately reporting a child-related incident or an alleged child-related incident to the Incident Reporting hotline (1800 177 105) in accordance with Standard Operating Procedures (SOPs).</p>	<p>Within four hours of completing the verbal debrief to the Incident Reporting hotline, you must document the incident with as much detail as possible and record all observations, information and disclosures in relevant departmental systems.</p>

Detention Superintendents – Community detention

Step 1 – Briefing to the Incident Hotline	Step 2 – Mandatory reporting	Step 3 – Undertaking a Child Safeguarding Inquiry	Step 4 – Closing the case
<p>A departmental officer or service provider debriefs the Incident Hotline regarding an alleged child related incident. The Incident Hotline officer must:</p> <ul style="list-style-type: none"> if the child is under the guardianship of the Minister, advise the Minister or his/her IGOC delegate make an assessment of the immediate risk to the child and the seriousness of the incident based on the observations, information and disclosures provided by the departmental officer or service provider based on the Initial Inquiry verbal debrief <p>Note: Steps 1, 2 and 3 may be completed concurrently.</p>	<p>If the Incident Hotline officer is a mandatory reporter for the purposes of state or territory legislation, and believes on reasonable grounds that a reportable incident has occurred as described in the verbal debrief, he/she must report the incident to the relevant state or territory child protection authority in accordance with the mandatory reporting requirements of that state or territory, if it has not already been reported by the briefing officer.</p> <p>If the Incident Hotline officer is not a mandatory reporter and believes on reasonable grounds that a child has been harmed or is at risk of significant harm, it is the Department's policy that he/she will report the incident to the relevant state or territory child protection authority.</p> <p>If the Incident Hotline officer does not believe the child has been harmed or is at risk of significant harm, the incident should not be reported to the state or territory child protection authority.</p> <p>For all child-related incidents, the Detention Superintendent and relevant departmental social worker must be notified. They will then determine whether to conduct a Child Safeguarding Inquiry. If the incident has been reported to the state or territory child protection authority, a Child Safeguarding Inquiry is mandatory.</p>	<p>The Detention Superintendent and departmental social worker may undertake a Child Safeguarding Inquiry.</p> <p>The Child Safeguarding Inquiry includes:</p> <ul style="list-style-type: none"> making a decision as to the child's immediate safety, including determining and acting on moving the child and/or person of interest where appropriate, to satisfy him/herself that the child is safe and not at risk of further harm in the immediate term liaising with child welfare and law enforcement authorities, to assist with any ongoing investigations liaising with the Incident Hotline and case workers to ensure case plans provide adequate support services to the child, their family and the Person of Interest providing or facilitating internal case conferencing if required completing relevant processes in line with the triple track approach principles, focusing on the welfare and safety of the child, Person of Interest, and on systemic processes and learning. <p>It is important to note that a Child Safeguarding Inquiry operates in addition to the operation of case plans provided by service provider case workers. The Child Safeguarding Inquiry will provide the opportunity for Detention Superintendents and departmental social workers to monitor and evaluate case plans, and identify any gaps.</p>	<p>4.1 Once the Detention Superintendent is satisfied that the incident has been appropriately addressed, he/she must make a recommendation to the Assistant Secretary of Child Wellbeing Branch who determines whether or not the Child Safeguarding Inquiry can be closed. Circumstances under which this recommendation would be made includes:</p> <ul style="list-style-type: none"> a determination after the Initial Inquiry that the incident did not require further action a Child Safeguarding Inquiry has satisfactorily resolved the incident and does not require further action. <p>Note: A determination may be made that even once any investigations have been closed by the relevant authority there is still a need to keep the Child Safeguarding Inquiry open to ensure appropriate services and support continue to be offered to the child. A recommendation to close the incident must not be made until the Detention Superintendent is fully satisfied that there is no further action required by the Department.</p> <p>4.2 All information and decisions must be documented and recorded in relevant departmental systems. If a decision not to proceed with a Child Safeguarding Inquiry has been made, this must be recorded and sent to the Child Welfare Support Section for evaluation.</p>

Child Safeguarding Incident Response Process – Community Detention

Initial Inquiry

What do I do if I see or hear about an incident involving a child?

Do you believe on reasonable grounds that a child has been harmed or is at risk of significant harm?

YES

NO

Report to the relevant State and Territory Child Welfare Authority and if appropriate to the police

Ring the Incident Reporting Hotline. Document and record all information in relevant departmental systems

Detention Superintendents

Ensure that the incident has been reported to the relevant state or territory child welfare authority, if appropriate

In consultation with the departmental social worker, do you believe the incident requires a Child Safeguarding Inquiry?

YES

NO

In consultation with the social worker, liaise with the relevant bodies to ensure case plans provide adequate support services to the child, their family and the person of interest

Notify the Child Welfare Support Section of your decision

Document and record all observations, information and disclosures in relevant departmental systems

Document and record all observations, information and disclosures in relevant departmental systems

Once you are satisfied that the incident has been appropriately addressed, make a recommendation to the AS, Child Wellbeing Branch to close the case

Child Safeguarding Inquiry

Appendix C—Internal and external accountability

Table 6 Primary accountability (non-exhaustive list)

Stakeholder	Areas of Responsibility
Detention Services Division (DSD)	Provides infrastructure capability and manages the provision of services to the immigration detention network and the Nauru RPC. DSD is also responsible for procuring services to support regional RPCs' settlement services.
People Division	Builds a sustainable workforce to support the delivery of departmental outcomes and government objectives through investing and valuing staff, including recruitment practices. Assists with enhanced recruitment practices in relation to child protection.
Legal Division	Provides legal services to the Department, including: specialist advice to manage legal risk; legal support; legal training; and litigation management.
Detention Compliance and Removals Division	Senior ABF staff, in particular Detention Superintendents, are responsible for managing detention centres across Australia in a way that provides for the safety and wellbeing of children in their care, and ensuring that staff under their direction understand and fulfil their obligations in relation to this work. They are also responsible for liaising with state and territory child welfare authorities and police authorities regarding active cases. Further details on the responsibilities and accountabilities of Detention Superintendents can be found under Governance and Accountability. Compliance staff who work with families and children are responsible for ensuring the best interests of the child are considered as a primary consideration in any field activity.
Community Protection Division	The Division provides the capability to assure the visa caseload by developing the frameworks, analysing the caseload for emerging trends and issues, and providing advice and support to the network. The division grants, refuses, cancels, and provides advice on complex and high-risk cases where there are health, identity, character, security or other issues. Case managers who work with children and their families are responsible for ensuring the best interests of the child are considered as a primary consideration in their case management activities.
Integrity, Security and Assurance Division (ISA)	Design and implementation of measures to manage risk, assurance, integrity and security. This includes policies and procedures, investigations, physical and cyber security, enterprise risk and assurance, Employment Suitability Checks and internal audits. The ISA also manages Freedom of Information (FOI) requests and relations with the Commonwealth Ombudsman, AHRC, Information Commissioner and the Child Protection Panel.
Contracted service providers (e.g. IHMS, Serco, ARC, SSI, Life Without Barriers)	Contracted service providers deliver immigration programmes and services in both held and community detention. Status Resolution Contracted service providers also provide services to BVE holders in the community. These providers often have the most direct interaction with children in our programmes. They have a key role in the implementation of departmental policies and procedures and preliminary management of any incident. They also have a key role in the mandatory reporting to state and territory child welfare and police authorities.

Table 7 External bodies directly overseeing the Department’s work with a focus on children and families

Body	Purpose
Department’s Child Protection Panel consists of three highly skilled and independent individuals in the fields of law enforcement, child protection and public sector accountability. The Panel is time limited but the concept may be reintroduced as required	<ul style="list-style-type: none"> • Critically review responses by the Department and its contracted service providers, in onshore detention environments and regional processing centres, to reported incidents of child abuse which occurred since 1 January 2008. • Provide independent advice to the Secretary in relation to the effectiveness and correctness of departmental and service provider policy and procedure around the management, response, and reporting of incidents of child abuse. • Make recommendations to strengthen arrangements around the management, response, and reporting of incidents of child abuse.
Minister’s Council on Asylum Seekers and Detention	<ul style="list-style-type: none"> • To provide independent advice to the Minister on policies, processes, services and programmes necessary to achieve the timely, fair, effective resolution of immigration status for people seeking migration outcomes in Australia.
Joint Advisory Committee for Nauru Regional Processing Arrangements	<ul style="list-style-type: none"> • A bilateral committee with the Government of Nauru to oversee the transfer and assessment of persons in Nauru, and related issues.

Table 8 External bodies with a focus on children and families providing external scrutiny

Body	Purpose
Australian Human Rights Commission	<ul style="list-style-type: none"> • To educate and raise public awareness about human rights • To hear and resolve complaints about breaches of human rights • To monitor human rights compliance • To develop policy and legislation.
Australian National Audit Office	<ul style="list-style-type: none"> • To provide auditing services to the Parliament and public sector entities • To provide independent assessment of public administration and assurance about public sector financial reporting, administration and accountability.
Australian Red Cross	<ul style="list-style-type: none"> • To confidentially advocate for individuals’ conditions of detention, including the maintenance of family unity • To assist with family tracing services (such as when families are separated through international conflict) <ul style="list-style-type: none"> ○ To confidentially report conditions of detention to the Department to improve the management of facilities and to progress sustainable detainee/ transferee outcomes • Australian Red Cross is also a departmental SRSS provider.
Commonwealth and Immigration Ombudsman	<ul style="list-style-type: none"> • To investigate complaints from individuals, groups or organisations about the administrative actions of Australian Government officials and agencies • To handle complaints about immigration administration • To inspect immigration detention facilities.

Body	Purpose
International Committee of the Red Cross	<ul style="list-style-type: none"> • To confidentially advocate for individuals' conditions of detention, including the maintenance of family unity • To assist with family tracing services (such as when families are separated through international conflict) • To confidentially report conditions of detention to the Department to improve the management of facilities and to progress sustainable detainee/transferee outcomes.
National Children's Commissioner	<ul style="list-style-type: none"> • To promote discussion and awareness of matters relating to the human rights of children in Australia • To undertake research, or educational or other programs, for the purpose of promoting respect for the human rights of children in Australia, and promoting the enjoyment and exercise of human rights by children in Australia • To examine existing and proposed Commonwealth enactments for the purpose of ascertaining whether they recognise and protect the human rights of children in Australia • To submit an annual report dealing with matters relating to the enjoyment and exercise of human rights by children in Australia.
<p>Royal Commission into Institutional Responses to Child Sexual Abuse</p> <p>It is currently expected to report at the end of 2017.</p>	<ul style="list-style-type: none"> • To inquire into how allegations and incidents of child sexual abuse and related matters that occurred in an institutional context have been managed and responded to • To investigate how institutions and governments can better protect children, how they can achieve best practice in reporting and responding to incidents and how to address the impact of child sexual abuse.
Senate Select Inquiry into Recent Allegations relating to Conditions and Circumstances at the Regional Processing Centre in Nauru	<ul style="list-style-type: none"> • To inquire into and report on the responsibilities of the Commonwealth Government in connection with the management and operation of the regional processing centre in Nauru.
Senate Inquiry into conditions and treatment of asylum seekers and refugees at the regional processing centres in the Republic of Nauru and Papua New Guinea	<ul style="list-style-type: none"> • Assess conditions and treatment of asylum seekers and refugees at the regional processing centres in the Republic of Nauru and Papua New Guinea • Transparency and accountability mechanisms that apply to the regional processing centres in the Republic of Nauru and Papua New Guinea • Implementation of recommendations of the Moss Review in relation to the regional processing centre in the Republic of Nauru • The extent to which the Australian-funded regional processing centres in the Republic of Nauru and Papua New Guinea are operating in compliance with Australian and international legal obligations • The extent to which contracts associated with the operation of offshore processing centres are: <ul style="list-style-type: none"> ○ delivering value for money consistent with the definition contained in the Commonwealth procurement rules ○ meeting the terms of their contracts ○ delivering services which meet Australian standards ○ any other related matter.

Body	Purpose
ACT–Office for Children, Youth and Family Support	<ul style="list-style-type: none"> • State child welfare authority responsible for child protection investigations and activities within their jurisdiction.
NSW–Department of Family and Community Services	<ul style="list-style-type: none"> • State child welfare authority responsible for child protection investigations and activities within their jurisdiction.
Qld–Department of Communities, Child Safety and Disability Services	<ul style="list-style-type: none"> • State child welfare authority responsible for child protection investigations and activities within their jurisdiction.
NT–Department of Children and Families	<ul style="list-style-type: none"> • State child welfare authority responsible for child protection investigations and activities within their jurisdiction.
WA–Department for Child Protection and Family Support	<ul style="list-style-type: none"> • State child welfare authority responsible for child protection investigations and activities within their jurisdiction.
SA–Department for Education and Child Development	<ul style="list-style-type: none"> • State child welfare authority responsible for child protection investigations and activities within their jurisdiction.
Vic.–Department of Health and Human Services	<ul style="list-style-type: none"> • State child welfare authority responsible for child protection investigations and activities within their jurisdiction.
Tas.–Department of Health and Human Services	<ul style="list-style-type: none"> • State child welfare authority responsible for child protection investigations and activities within their jurisdiction.
<p>United Nations Committee on the Rights of the Child</p> <p>A body of 18 independent experts that meets in Geneva and normally holds three sessions per year consisting of a three-week plenary and a one-week pre-sessional working group.</p>	<ul style="list-style-type: none"> • To monitor implementation of the UN CRC by its state parties • To monitor implementation of two Optional Protocols to the Convention, on involvement of children in armed conflict and on sale of children, child prostitution and child pornography • To examine regular reports submitted by states parties on how the rights are being implemented. States must submit an initial report two years after acceding to the Convention and then periodic reports every five years. The Committee examines each report and addresses its concerns and recommendations to the state party in the form of ‘concluding observations’ • To provide and publish its interpretation of the content of human rights provisions, known as general comments on thematic issues.

Appendix D—Child safeguarding in Nauru

Policies and procedures relating to the Nauru Regional Processing Centre

Nauru is a sovereign nation and child protection on Nauru is a matter for the Government of Nauru. Australia supports Nauru in their regional processing undertaking and as part of that support signs up to the Nauru Child Safeguarding Protocol for operation in the RPC. All child protection protocols within the RPC are agreed by all contracted service providers and led by the Government of Nauru Operations Managers with support from the Department.

The Government of Nauru has taken significant steps/initiatives to enhance its child protection capabilities. Such initiatives include:

- establishing a child protection unit within the Nauruan Department of Home Affairs
- developing child protection policies which have been ratified by the Government of Nauru Cabinet
- engaging UNICEF to undertake independent baseline research into child protection in Nauru
- engaging a gender violence specialist to facilitate the strengthening of family violence prevention initiatives.

Governance and legislation relating to the Nauru Regional Processing Centre

The Constitution of Nauru 1968 outlines:

- entitlement to life, liberty, security of the person, the enjoyment of property and the protection of the law
- that no person shall be subjected to torture or to treatment or punishment that is inhuman or degrading
- that a person has the right to freedom of conscience, thought and religion, including freedom to change their religion or beliefs and freedom, either alone or in community with others and in public or private, to manifest and propagate their religion or beliefs in worship, teaching, practice and observance.

Among other things, the *Asylum Seekers (Regional Processing Centre) Act 2012* (Nauru) addresses the rights of children and guardianship of unaccompanied transferee children.

Particularly, Section 14 of the *Asylum Seekers (Regional Processing Centre) Act* sets out the principle of the treatment of transferee children. Relevantly, that section provides:

It is the intention of Parliament that, in the treatment of a protected person who is a child, regard must be had to the terms of the Convention on the Rights of the Child done at New York on 20 November 1989.

The Nauru Government enacted the *Child Protection and Welfare Act 2016* and *Crimes Act 2016*. The legislative changes have significantly enhanced safeguards for children residing in Nauru.

Under the Memorandum of Understanding between the Republic of Nauru and the Commonwealth of Australia, Relating to the Transfer To and Assessment of Persons in Nauru, and Related Issues, signed on 3 August 2013 (the MOU), both governments have undertaken to make special arrangements for vulnerable people, including UAMs.

The Government of Nauru also has guardianship arrangements in place for unaccompanied children. The Nauruan Minister for Justice and Border Control (the Nauruan Minister) is the guardian of each unaccompanied child who arrives in Nauru to the exclusion of the parents and every other guardian of the child and until such time as:

- the child turns 18 years of age
- the child marries
- a parent of the child arrives in Nauru
- the Supreme or Family Court makes an order concerning the guardianship
- the child leaves Nauru permanently.

The legislation allows the Nauruan Minister to delegate his guardianship responsibility. A delegate must be a person whom the Minister is satisfied is:

- a fit and proper person to exercise the delegated power or function
- a member or employee of, or a person working as a volunteer for, a body corporate established wholly or predominantly for advancing the welfare and protection of children.

Education in Nauru

All transferee and refugee children in Nauru are able to enrol and attend local Nauruan schools under the Government of Nauru's Education Strategy. The Department and contracted service providers support the children's attendance with the provision of transport, lunch, parental connectivity to the school and education counsellor assistance.

In Nauru, a child is considered to be of compulsory school age from seven years of age until they turn seventeen. The Government of Nauru also supports early childhood learning for children between the ages of three and seven—transferee and refugee children are also able to attend these classes.

Appendix E—Acronyms and abbreviations

ABF	Australian Border Force
AHRC	Australian Human Rights Commission
ANAO	Australian National Audit Office
APS	Australian Public Service
ARC	Australian Red Cross
CCSSD	Children, Community and Settlement Services Division
COAG	Council of Australian Governments
CWB	Child Wellbeing Branch
CRC	Convention on the Rights of the Child
DIBP	Department of Immigration and Border Protection
DTC	Davidson Trahaire Corpsych
EAP	Employee Assistance Programme
ICCPR	International Covenant on Civil and Political Rights
ICRC	International Committee of the Red Cross
IGOC Act	Immigration (Guardianship of Children) Act 1946
IHMS	International Health and Medical Services
IMA	Illegal maritime arrival
IO	Independent observers
MCASD	Minister's Council on Asylum Seekers and Detention
NGO	Non-government organisations
PDA	Performance and Development Agreement
PGPA Act	Public Governance, Performance and Accountability Act 2013
RPC	Regional processing centre
SRSS	Status Resolution Support Services
The Minister	Minister for Immigration and Border Protection
UAM	Unaccompanied minors
UHM	Unaccompanied humanitarian minors
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees