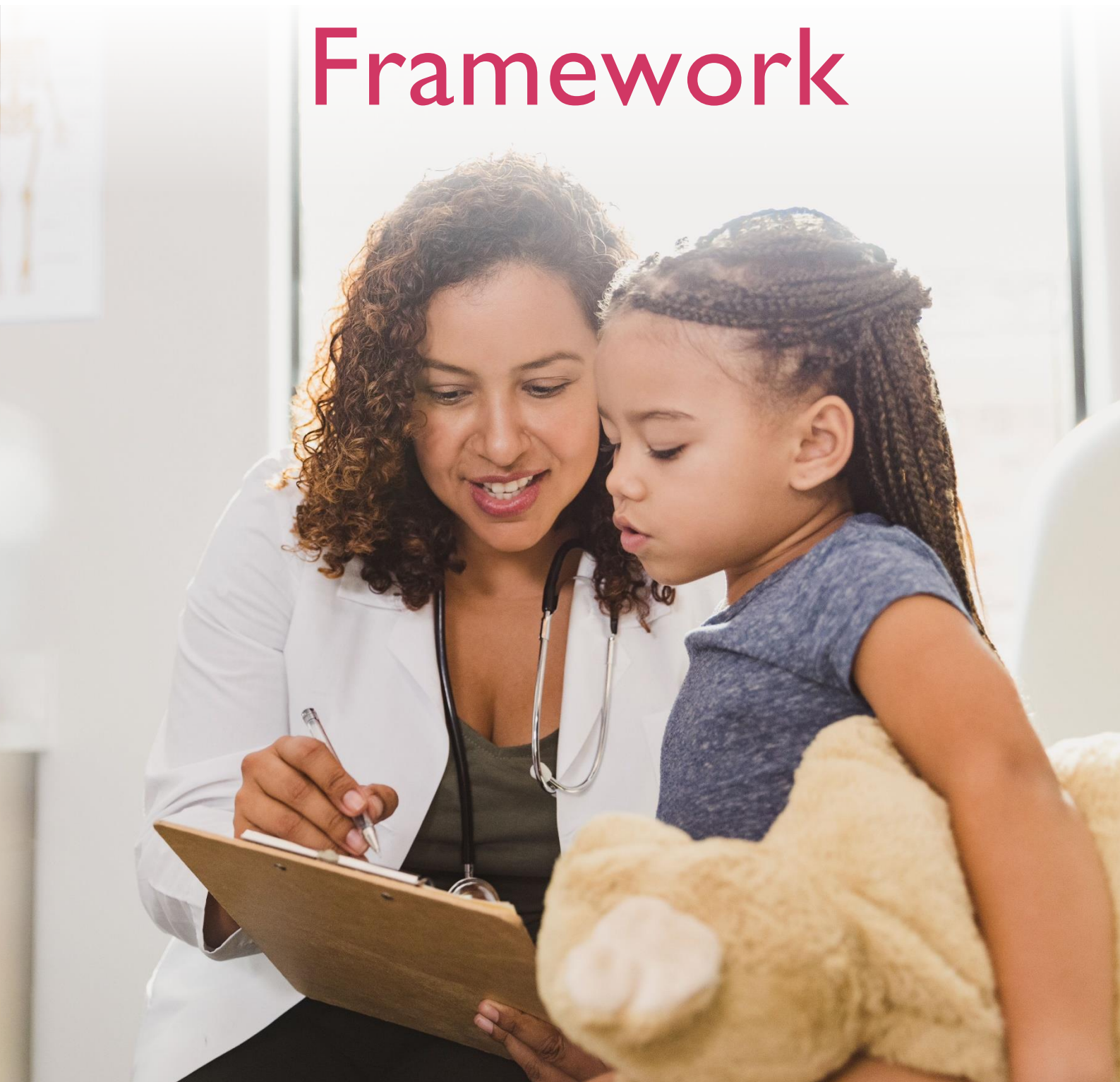




Child Safety and Wellbeing

Framework



Department of Health

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Child Safety and Wellbeing

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Acknowledgement of Country

The Department of Health would like to respectfully acknowledge that Australia is home to the world's oldest continuous cultures. We value Australia's Aboriginal and Torres Strait Islander cultures, languages, and histories. We pay respect to Aboriginal elders past and present.

To the Aboriginal children and young people that we work with, we thank you for sharing and caring for the land we learn and work on. It is important in our roles, that we listen and act upon the incredible wisdom and knowledge of Tasmanian Aboriginal children and young people, they know who they are and where they want to go. We need to use these strengths and their ideas to achieve improved health and wellbeing outcomes while ensuring children and young people feel safe and are safe within the Department.

Foreword

Every day our workers provide essential services to children and young people across Tasmania.

From bringing new life into the world and aiding those precious first moments, to providing life-changing treatment, care, and support, they are there every step of the way.

Working alongside families and caregivers to make a difference in the lives of children and young people is a privilege; ensuring they remain safe from harm is our duty.

While we each have a personal responsibility to uphold the rights of children and young people, it cannot be done alone. That is why the Department is taking a systemic approach to strengthening how we care for children and young people.

Over the coming years, we will be prioritising the implementation of the *National Principles for Child Safe Organisations (National Principles)*[1] and the *Tasmanian Child and Youth Safe Organisation Framework (the Framework)*[2], including the *Tasmanian Child and Youth Safe Standards (the Standards)*[3] and the *Universal Principle for Aboriginal Cultural Safety*[4]. Implementing the Standards is also mandatory requirement for all Tasmanian organisations that engage with children and young people under the *Child and Youth Safe Organisations Act 2023*[5].

This document outlines our approach to implementing the Standards - how this will be done and importantly, how we can each contribute.

The action we take now as Tasmania's health agency will have a profound effect on the current and future generations in our State.

I am calling on each and every one of our workers to champion the safety and wellbeing of children and young people for a safer, brighter Tasmania.



Kathrine Morgan-Wicks

Secretary, Department of Health, Tasmania



Statement of Commitment

All children and young people have the right to feel and be safe. Children and young people want to be believed and to be heard. Keeping children and young people safe is everyone's responsibility.

We are collectively and individually committed to improving the way we work with vulnerable people, with a specific focus on children and young people. Children and young people are dependent on adults to care for them, meet their basic needs, and make decisions for them. Adults are in positions of trust, and are responsible for the safety, wellbeing, and empowerment of children and young people. We have an opportunity to recognise the signs of harm to children and young people and respond accordingly, whether working directly with them or with their parents or caregivers.

We collectively and individually recognise that some children face additional risk of harm. We are committed to meeting the diverse needs and ensuring the cultural safety of:

- Aboriginal and Torres Strait Islander children and young people
- children and young people from culturally and linguistically diverse (CALD) backgrounds
- children and young people who are unable to live at home
- children and young people living with disability
- lesbian, gay, bisexual, transgender, gender diverse, intersex, queer, asexual and questioning (LGBTIQ+) children and young people.

We will put in place strategies and actions to promote child safety and wellbeing, empower, and prevent harm to children and young people. We will work towards an environment where children and young people feel safe and are safe, have their voices heard, and are involved in the decisions that affect their lives.

 Dale Webster Acting Secretary	 Shane Gregory Associate Secretary	 Brendan Docherty Deputy Secretary Hospitals and Primary Care	 Sally Badcock Acting Deputy Secretary Policy, Purchasing, Performance and Reform
 Dinesh Arya Acting Deputy Secretary CQRA / Chief Medical Officer / Chief Psychiatrist	 Rick Monty Acting Deputy Secretary Community, Mental Health and Wellbeing	 Paula Hyland Chief Executive Hospitals North West	 Joe McDonald Chief Executive Hospitals South
 Fiona Lieutier Chief Executive Hospitals North	 Michelle Searle Chief People Officer	 Craig Jeffery Chief Financial Officer	 Brent Feike Chief Information Officer
 George Clarke Chief Executive Public Health Services	 Jordan Emery Chief Executive Ambulance Tasmania	 Francine Douce Chief Nurse and Midwifery Officer	 Laura Pyszkowski Acting Director Office of the Secretary
 Lisa Howes Chief Risk Officer			

Contents

Foreword	3
Statement of Commitment	5
Contents.....	6
Introduction.....	8
Our approach.....	9
Key concepts.....	11
Implementing the Child and Youth Safe Standards.....	14
Child Safety and Wellbeing Principles.....	19
1 Leadership, governance and culture.....	19
2 Empowering children and young people.....	31
3 Involving family and community.....	40
4 Equity upheld and diverse needs respected	45
5 Managing staff and volunteers.....	52
6 Child friendly complaint processes and reporting.....	59
7 Education and development.....	67
8 Safe environments.....	74
9 Continuous improvement	83
10 Accessible and inclusive child safety and wellbeing policies.....	91
Appendix 1 - How do I contribute to child safety and wellbeing?	94
Glossary.....	99
References.....	103



Introduction

The *Child Safety and Wellbeing Framework* (the Framework) outlines the Department's commitment to strengthening child safety and wellbeing in its services, including ensuring that it upholds and meets the requirements outlined in the:

- *Tasmanian Child and Youth Safe Organisation Act 2023*
- the Tasmanian Government's *Child and Youth Safe Organisations Framework*
- the Tasmanian Government's *Child and Youth Safe Standards*
- the *Universal Principle for Aboriginal and Cultural Safety*
- the *National Principles for Child Safe Organisations*.

The Framework outlines the Department's approach to implementing the *Tasmanian Child and Youth Safe Standards* (the Standards) and the *Universal Principle for Aboriginal Cultural Safety*.

The Standards

The Department has a mandatory obligation to comply with the *Tasmanian Child and Youth Safe Standards* (the Standards) as a demonstrated commitment to the safety and wellbeing of all children and young people in Tasmania.

The Standards outline ten elements that are fundamental for making an organisation safe for children and young people.

The Standards mirror the existing *National Principles for Child Safe Organisations*.

- 1 Child safety and wellbeing is embedded in organisational leadership, governance and culture.
- 2 Children and young people are informed about their rights, participate in decisions affecting them and are taken seriously.
- 3 Families and communities are informed and involved in promoting child safety and wellbeing.
- 4 Equity is upheld and diverse needs respected in policy and practice.
- 5 People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice.
- 6 Processes to respond to complaints and concerns are child focused.
- 7 Staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training.
- 8 Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed.
- 9 Implementation of the national child safe principles is regularly reviewed and improved.
- 10 Policies and procedures document how the organisation is safe for children and young people.

The Universal Principle

In putting the *Child and Youth Safe Standards* into practice, organisations must also give effect to the *Universal Principle for Aboriginal Cultural Safety*. The Universal Principle applies to all 10 Standards.

The Universal Principle says organisations must provide an environment that ensures that the

right to Cultural Safety of Aboriginal or Torres Strait Islander children is respected.

The Framework is also informed by, and must be read and implemented parallel to, national and best practice standards, regulatory, legislative, and statutory requirements, including but not limited to those mentioned throughout this document.

The Framework is also supported a set of supporting policies, guidelines and resources that are specific to the Department's child safe approach.

Our approach

The Framework seeks to:

- Promote a child safe culture where the Department works collectively to improve the safety and wellbeing of all children and young people in its care.
- Enable the Department to empower and better anticipate the diverse needs of children, young people, their families and caregivers and adapt environments, communication and ways of working to ensure equitable, inclusive practice.
- Outline the requirements the Department must meet in relation to statutory obligations, *the Standards*, the *National Principles* and accreditation processes.
- Detail the structures, systems, and processes that enable compliance with *the Standards* and accountability for child safety and wellbeing to be demonstrated.

It pays particular attention to children and young people for whom equity and inclusion is a particularly critical safeguard, including:

- Aboriginal and Torres Strait Islander children and young people;
- children and young people from culturally and linguistically diverse (CALD) backgrounds;
- children and young people who are unable to live at home;
- children and young people living with disability; and
- Lesbian, gay, bisexual, transgender, gender diverse, intersex, queer, asexual and questioning (LGBTIQ+) children and young people.

Further it aims to minimise any risks that may impact the safety and wellbeing of children and young people, and strengthens the Department's capacity to detect and respond effectively to harm in line with the principles of trauma-informed care.[6]

Scope

The Framework applies to all services provided by the Department and funded by the Department.

All services and organisations contracted and/or funded by the Department are responsible for ensuring their organisations uphold the Standards under requirements of the *Tasmanian Child and Youth Safe Organisation Act 2023*.

Integral to compliance with The Framework is an understanding and application of whole-of-government and inter-agency requirements and strategic priorities that relate to the Department's child safety and wellbeing approach.

Shared responsibility

The Framework demonstrates a nationally consistent approach and applies to the entire Department.

Implementing the Framework is a shared responsibility across the organisation, and it details the responsibilities and requirements that must be met by all people engaged by the Department to support the health, safety, welfare, and wellbeing of children and young people.

Supporting the Framework will require prevention and risk mitigation strategies, monitoring and continuous quality improvement systems and processes to be embedded and supported at all levels.

Structure

The document includes the mandated requirements of *the Standards*, which are presented at the beginning of each document section. Each section then outlines the actions that the Department will take, or already has in place, to meet requirements of each Standard.

Consultation

The Department has sought to ensure that its child safe approach is comprehensive, robust, evidence-based, and sensitive to the needs and circumstances of all children, young people, their families, and caregivers.


The Framework has been informed by best practice research, existing global, national, and local models. It has also been developed through a collaborative and consultative process, building on existing frameworks and systems, and the advice and expertise of a wide range of stakeholders. The Department acknowledges the significant contributions of everyone involved in the development of the Framework. The contributions of all involved have helped and continue to help shape a health environment that is dedicated to the protection of the rights, safety, and wellbeing of all children and young people.

This Framework is a dynamic document. Continuing co-design, co-development, evaluation, and feedback will be used to refine this Framework over time.

Key concepts

Safeguarding children and young people

The Department and its workers have a duty of care and responsibility to safeguard children and young people. This is achieved by promoting the human rights and welfare of children and young people and protecting them from harm.



“All children have a right to feel safe and be safe”

It encompasses adopting proactive, preventative, and responsive systems, policies, and practices that ensure that children and young people do not come to harm as a result of any direct or indirect contact with the Department.

Our understanding of child safeguarding is informed by UNICEF Australia's *Child safeguarding Policy*[7], as well as the definition provided by the Child Wise Foundation[8]

Child and youth wellbeing

The *Tasmanian Child and Youth Wellbeing Framework*, developed in partnership with people who work with children, young people, and their families, defines wellbeing as:

‘...the state where a child or young person feels loved and safe; has access to material basics; has their physical, mental and emotional health needs met; is learning and participating; and has a positive sense of culture and identity.’[9]

Tasmania's definition of wellbeing is based on six domains inspired by The Nest, a national evidence-based initiative on child and youth wellbeing developed by the Australian Research Alliance for Children and Youth (ARACY).[10]

Safeguarding concerns

The Department considers a safeguarding concern to encompass:

- any actual or potential harm, loss or damage to any child or young person's rights, or
- psychological, physical, or cultural safety and welfare.

Concerns may arise from any event, circumstance, act, or omission that may have occurred while they were accessing, visiting, or

receiving health services, or where a duty of care is owed.

A safeguarding concern does not include:

- harm, loss or damage resulting from safety events in the course of evidence-based service provision; or
- clinical care in line with accepted norms or from the normal or expected progression of their clinical condition.



Implementing the Child and Youth Safe Standards

The Framework reflects the commitments, actions and policies that address each of the Standards.

It builds from a base of quality and safety approaches, and outlines both how quality and safety practices contribute to child safety and wellbeing and specific aspects of child safeguarding.

The Framework provides a foundation for strengthening child safeguarding practices and will continue to be updated as policies and processes evolve and are developed.

Actions reflected in the Framework include:

- A *Statement of Commitment* to child safety and wellbeing. The Commitment reflects the importance of children and young people's safety and wellbeing to the Health Executive and their intentions to promote children's rights and safety. It also reflects their commitment to creating an environment where children are heard and believed.
- Establishment of a Child and Young People Advisory Group to provide a process for seeking the views of children and young people on changes across the Department that affect them.
- Child safeguarding concepts are defined within the organisation to support strengthened understanding of how workers can contribute to a child safe organisation.
- Promotion of children's rights in a healthcare setting. A culture that encourages and respects children and young people's rights ensures that children are safe, listened to and heard.
- A *Child Safety and Wellbeing Policy* is established to support compliance with the Standards, National Principles and The Universal Principle and children's rights, including by the roles and responsibilities of executive and senior leaders, and all staff in the Department.
- Establishment of a Child Safety and Wellbeing Service to support the promotion of child safety and wellbeing, prevention of harm, safeguarding intelligence to identify trends, patterns and red flags, and the management of identified risks.
- Mandatory child safeguarding training for all workers within the Department is established, which will include content about mandatory reporting, professional boundaries and how to identify grooming behaviours.

- Practice Guidance on recognising the signs of harm to children and young people is developed to support staff.
- Practice Guidance on supporting disclosures of harm to children and young people is developed to ensure staff understand how children speak up and how to respond to support children.
- Development of processes for workers to raise concerns about child safeguarding within health services, including changes to the Safety Reporting and Learning System to include a separate child safeguarding event type.
- Development of a process for reporting inappropriate behaviour of workers, including child sexual abuse, to the Office of the Secretary.
- Establishment of an independent Child Safety and Wellbeing Panel to review serious child safeguarding concerns.

Supporting the Framework

Creating a system where risks are considered, we learn and follow up, and we improve

A Child Safety and Wellbeing (CSW) Service has been established to support implementation of the Framework. The CSW Service will develop additional resources, policies and protocols, and other tools to promote child safety and wellbeing over time. Their priority focus areas are outlined below.

Working alongside the Department's One Health Culture Program, the CSW Service will develop resources that define behaviours that support child safety in health services, foster an environment where children and young people are safe and feel safe, and where they can speak up and be believed.

Children, young people and workers will be involved in the development of these resources.

Child safe behaviours

Keeping children safe is everyone's business.

In addition to acting when children are at risk, the Department will communicate to children, families and carers on what they should expect from workers to support their safety and wellbeing.

Engagement with children

Involving children and young people in decisions that affect them is a central element of the Framework.

The Department will engage with children and young people in the development of strategies to keep them safe. It will also seek opportunities to receive feedback on its delivery of services to young Tasmanians. This will include supporting workshops, surveys, and engagement from community groups, such as organisations representing the Tasmanian Aboriginal children and young people, children with disabilities, the children and young people identifying with the LGBTIQ+ community, and children and families from culturally diverse backgrounds.

Policy advice and support


To support consistency across the Department, the CSW Service will provide advice and support to work areas on incorporating child safeguarding principles and considerations into their policies, protocols, and practices.

As appropriate, the CSW Service will also assist with the development of child safeguarding-specific policies and protocols, ensuring that these are available to the community via the Department's public website.

Speaking up

The Department will develop resources to promote speaking up, in consultation with children, to provide accessible pathways for children and young people to tell us if they are unsafe.

This will be supported by continued training for workers on mandatory reporting and safeguarding children and young people.



“A child safe organisation ensures workers are equipped with the knowledge, skills, and awareness to keep children and young people safe.”


Safeguarding intelligence and monitoring

Safeguarding intelligence means seeking out the signs that may indicate there is a risk to children and young people's safety and wellbeing. It involves proactive monitoring to identify improvements that need to be made to prevent harm to children.

The Department will develop processes to identify red flags, trends or patterns, or other risks that may impact children and young people's safety and wellbeing, including through the Safety Reporting and Learning System (SRLS) child safeguarding event type.

The Department will also support areas within Health to assess risks specific to different health services, including assisting with the identification of risk themes and management strategies. This will include identifying the risks for priority groups, including Aboriginal children and young people, children living with a disability, LGBTIQ+ children and young people, and children from a culturally diverse background.

The Department will develop tools to measure compliance with policies and protocols relating to child safeguarding, including the Framework.



“Ongoing feedback so that the person is aware it's still being dealt with and not just been forgotten.”

Alongside this, the independent Child Safety and Wellbeing Panel will review serious safeguarding concerns, to provide independent oversight, and development of strategies to address any systemic factors that impact children's safety and wellbeing.

Performance and improvement

The Department will measure, evaluate performance, and develop strategies for improvement, including through drawing on learnings from feedback from children and families, safeguarding intelligence, monitoring and through consultation with workers.



Child Safety and Wellbeing Principles

I Leadership, governance and culture

All adults should do what is best for children and young people. When adults make decisions, they should think about how their decisions will affect children and young people. (Convention on the Rights of the Child, Article 3)[11]

Table 1.– The Department’s ‘Leadership, governance, and culture’ key action areas

Child and Youth Safe Standard 1: Child safety and wellbeing is embedded in organisational leadership, governance, and culture.

- 1.1 The organisation makes a public commitment to child safety.
- 1.2 A child safe culture is championed and modelled at all levels of the organisation from the top down and the bottom up.
- 1.3 Governance arrangements facilitate implementation of the child safety and wellbeing policy at all levels.
- 1.4 A Code of Conduct provides guidelines for staff and volunteers on expected behavioural standards and responsibilities.
- 1.5 Risk management strategies focus on preventing, identifying, and mitigating risks to children and young people.
- 1.6 Staff and volunteers understand their obligations on information sharing and recordkeeping.

Child safe culture

A child safe organisation creates a culture, adopts strategies, and takes action to promote child and youth wellbeing and prevent harm to children and young people.

A child safe organisation consciously and systematically:

- creates an environment where children's rights, safety, and wellbeing are at the centre of thought, values, and actions;
- emphasises engagement with, and valuing of, children and young people to create conditions that reduce the likelihood of harm;
- creates conditions that increase the likelihood of identifying potential harm; and
- responds to concerns, disclosures, allegations, or suspicions.

A child safe culture encompasses the creation, adoption, and realisation of culture, strategies, and actions to promote child wellbeing and prevent harm to children and young people.

Implementing *the Standards* will ensure the Department's approach to child safety, rights and wellbeing is underpinned by the following principles:

- provide an environment that ensures the right to Cultural Safety of children who identify as Aboriginal or Torres Strait Islander is respected;
- the safety and wellbeing of children and young people is everyone's priority;

- an organisational culture of openness supports all persons to safely disclose risks of harm to children and young people;
- any child or young person harmed while receiving care or services receives appropriate care and support, as well as an honest and open explanation of what happened, why it happened and what actions have and will be taken as a result;
- safeguarding concerns are managed within a supportive, learning-based environment with a primary focus on child safety and wellbeing, a child safe culture, and continuous system improvement;
- the organisational culture remains open and aware to the risks of harm to children and young people by other children and young people, including harmful sexual behaviour;
- appropriate rigour is applied when investigating safeguarding concerns, ensuring any human error, systemic factors, misconduct, and intentional harm contributing to these concerns are properly analysed and understood so that effective strategies to eliminate or reduce risk, reoccurrence, or harm can be implemented, and that instances of

misconduct and intentional harm are addressed accordingly;

- the principles of trauma-informed care are applied to managing safeguarding concerns involving children and young people;
 - an accessible, centralised, single system is established to raise, report on, assess, classify, and appropriately act on safeguarding concerns;
 - lessons learned from safeguarding concerns are shared throughout Tasmania's publicly funded health service system to reduce risk and improve quality of care and services provided to children and young people;
 - recognise the diversity of children and young people, and their right to receive care and be informed in a way that is respectful of culture, beliefs, values, and language is embedded in organisational leadership, governance, policy, practice, and culture;
 - children and young people will receive equal access to care and be treated with respect, irrespective of geographic location, socio-economic status, culture, ethnicity, age, gender, sexual orientation, disability, religious views, health literacy levels, or other individual differences; and
 - children, young people, their families, and caregivers are aware of their rights, will be valued, supported, and encouraged to participate in decisions about their own health care, along with contributing to decision making about the Department's health care service;
- the competency of children and young people to make decisions about the things affecting their lives is acknowledged;
 - child and youth wellbeing is visible within consumer engagement and experience practices, and workers are supported, confident and competent in communicating and engaging with children and young people in a safe, transparent, inclusive, and empowering way;
 - workers are supported through ongoing education, training, and functional systems to know, understand, and practice child safe behaviours and boundaries with confidence and competence;
 - implementation of *the Standards* is regularly monitored, reviewed, and improved, including continuous quality improvement in promoting child safety, reducing risk, preventing abuse, and responding to allegations of child abuse; and
 - organisations receiving funding from the Department for child-related work have implemented *the Standards*.

Governance structure

The Department has a clear governance framework for safeguarding children and young people. The commitment to child safety and wellbeing is a shared responsibility.

A child safe culture will be developed and maintained through proactive leadership and adoption at all levels. The Department's policies, procedures and practices will also articulate that child safety and wellbeing is paramount in delivering quality and safe services to the Tasmanian community.

Worker responsibilities

All workers (including employees, contractors, volunteers and students) have a duty of care to support and protect the safety and wellbeing of children and young people accessing the Department's services or facilities. This duty of care requires workers to avoid acts or omissions which could be reasonably foreseen to injure or harm children and young people. This includes anticipating risks and taking action to prevent harm. This duty is determined through common law, *Criminal Code Act 1924 (Tas)*[12], *Civil Liability Act 2002 (Tas)*[13], *Wrongs Act 1954 (Tas)*[14], and other legislation specific to each circumstance.

Staff must adhere to safeguarding mandatory reporting requirements that comply with their legal obligations under the *Children, Young Persons and Their Families Act (1997)*[15] and as directed in internal policies and procedures.



“All workers (including employees, consultants, students, contractors and volunteers) are mandatory reporters.”

All workers have a responsibility to:

- protect the rights, safety and wellbeing of children and young people from the commencement of their role;
- contribute to a culture of child safety and wellbeing;
- act in accordance with their legal obligations and relevant statutory directions, and the Department's child safe policies, frameworks, guidelines, and procedures;
- report any witnessed, reasonably suspected, or disclosed concerns regarding the safeguarding of children and young people, or breaches of child safety and wellbeing policies or protocols all supporting the Department's child safe approach.

If a worker believes, suspects or knows that a child has been or is being abused or neglected, it is their legal obligation to report their concerns as soon as possible. As a mandatory reporter, it is a crime under the *Tasmanian Criminal Code Act (s105A)* not to report child abuse.

“A child safe organisation ensures workers are equipped with the knowledge, skills, and awareness to keep children and young people safe.”

Appendix 1 provides further advice on how workers can contribute to upholding *the Standards*.

Leader responsibilities

The Department’s leadership is responsible for championing a child safe culture through modelling and reinforcing behaviour that encourages the respectful and positive engagement with children, young people, their families, and caregivers.

The Department’s consumer engagement processes will provide an important avenue for children, young people, their families, and caregivers to offer their input into the way the Department approaches child safety and wellbeing.

Other specific roles and responsibilities are named in the Department’s child safety and wellbeing policies, guidelines, and procedures.

Roles and responsibilities in the management of safeguarding concerns

The Department’s child and young person safeguarding concern management process is administered by the following personnel or their delegates:

Secretary

The Secretary of the Department is responsible for overseeing that:

- appropriate systems, structures, and policies are in place to appropriately safeguard children and young people accessing public health services;
- systems are in place for recording and responding to all child safeguarding concerns; and
- serious child safeguarding concerns are managed appropriately.

Executive and senior leaders

Executive and senior leaders are responsible for:

- championing a child safe culture through modelling and reinforcing behaviour that encourages the respectful and positive engagement of the Department’s workers with children, young people, their families, and caregivers;
- reporting any witnessed, reasonably suspected, or disclosed concerns regarding the safeguarding of children and young people, or breaches of child safety and wellbeing policies that support the Department’s child safe approach;

- ensuring workers are clear about the process for raising concerns, how these concerns will be addressed, and what feedback they can expect to receive;
- ensuring systems are in place for reporting and responding to any witnessed, suspected, or disclosed concerns or complaints regarding the safeguarding of children and young people;
- ensuring a safe environment for children and young people to make disclosures regarding their safety and rights, and that support is in place for children, young people, their families and caregivers when disclosures are made;
- empowering workers to feel safe and supported to raise concerns about colleagues with their leaders, and responding appropriately to concerns raised - initiating disciplinary action of workers, if required;
- setting priorities and strategic directions for providing safe environments for children and young people and promoting their rights;
- identifying, assessing and actioning risks relating to safeguarding children and young people;
- monitoring organisational performance and clinical outcomes through effective and efficient oversight;
- ensuring organisational accountability and safety systems are effective in accordance with assurance and compliance programs;
- ensuring that the organisation works in partnership with consumers including Aboriginal & Torres Strait Islander, communities of diverse backgrounds and is mindful of health literacy; and
- leading and coordinating an appropriately trained, skilled and supervised workforce.

Child Safety and Wellbeing Panel

The Child Safety and Wellbeing Panel (the Panel) is an independent panel with experience and understanding of child safety and wellbeing. The Panel will:

- Review and assess all serious child safeguarding events referred by the Secretary, including completing a root cause analysis of the event.
- Conduct defined research, reviews, inspections or evaluations, providing independent advice and evidence-based solutions to the Secretary.
- Monitor the implementation of recommendations originating from reports and make recommendations for system improvements, risk avoidance and mitigation strategies to be adopted locally.

Child Safety and Wellbeing Service

The Child Safety and Wellbeing (CSW Service) is a Departmental unit with experience and understanding of child safety and wellbeing. It is the lead work area responsible for implementation of this Framework.

The general scope of the Service is to:

- support work areas to foster a child safe culture;
- develop and facilitate safeguarding education and training;
- monitor child safeguarding processes within the organisation; and
- support activities to engage with children and young people on how the Department can improve services.

Code of conduct

The Department employs a vast portfolio of workers with a range of professional and employment obligations.

The *Reportable Conduct Scheme* is a legally mandated scheme in Tasmania. It requires leaders of specific organisations to:

- report concerns of conduct related to child abuse involving a worker (including employees, contractors, volunteers and students) in their organisation to ; and
- investigate these concerns (or engage an independent investigator to do so), and report outcomes of the investigation to the Independent Regulator.

The *State Service Act 2000* (Tas), and contained *Code of Conduct* and *Principles*, provide an outline of minimum standards of behaviour and conduct that apply to worker employed by the Tasmanian Government.[16]

A *Professional Conduct Policy* which outlines the Department's commitment to positive workplace behaviours and obligations to keep everyone safe from harm, particularly children and young people is developed.

Alongside this, behavioural standards and conduct towards children and young people are detailed in a range of discipline specific and interdisciplinary professional and employment standards. These standards and codes provide further direction, boundaries, and benchmarks for practice.

Codes are not a substitute for the provisions of legislation and statutory direction. If there is conflict between these codes and standards and the law, the law takes precedence.

Professional boundaries

Professional boundaries are integral to workers establishing and maintaining healthy relationships with children, young people, their families, and caregivers. They promote optimal care for patients and protect everyone involved.

Workers must ensure the care, response, treatment, and support provided to children and young people remain within the parameters of their professional boundaries. Professional boundaries are set by legal, ethical, and organisational frameworks to maintain a safe environment for both children and young people and workers.

They are grounded in a clearly articulated ethical framework that comprises four central principles:

- beneficence (of always doing good for the patient);
- non-maleficence (of avoiding doing harm);
- respect for patient autonomy as a decision-making individual; and
- justice (treating everyone equally).[17]

The CSW Service will develop educational resources to support workers to understand and practice child safe behaviours when providing care and provide clear definition around appropriate relationships and professional boundaries between workers and children and young people.

Risk management

Risk management is the combination of culture, systems, and processes undertaken by an organisation to coordinate the identification and management of risk. Risk management activities inform decision-making and support the achievement of objectives and prevention of harm.

The Department's risk management framework outlines its approach to risk management, and aims to improve decision-making, accountability, and outcomes by embedding effective risk management into practice.[18][19]

Risks to children and young people will be identified, assessed, treated, and monitored in accordance with the Department's risk management framework.

Risks can take many forms, including environmental, operational, and cultural. They will vary across service types and change over time, requiring routine, ongoing review of child safety and wellbeing risks within a culture of continuous quality improvement.[20]

Risk management and mitigation is a core component of the Department's continuous quality improvement approach to child safety and wellbeing.


The Department will facilitate strategies to improve each business area's approach to fostering a child safe culture, and to assist in identifying risks through child safety and wellbeing risk management plans and its child safe policies, guidelines and resources.

Departmental risk management plans will:

- focus on identifying, preventing, and lowering risks to children and young people;
- identify factors and practices that disempower and/or increase the risk of harm to children and young people; and
- describe the actions taken to mitigate identified risks.

This will ensure departmental risk assessments are meaningful, identify areas for improvement and outstanding risks are escalated and progressed in a timely manner.

Alongside this, CSW Service will support the development of feedback processes suitable for children and young people to assist in continuous improvement in health services for children and young people, identification of risks and development of risk mitigation strategies.



“Children are able to tell us what would empower them to disclose abuse or what would prevent them. We need to listen.”

Information sharing and record keeping

There is an important balance between an individual's right to privacy and adequate information sharing to provide optimal care as well as protect children and young people from harm.

Information sharing between organisations and relevant personnel is necessary to:

- facilitate decision-making, assessments, and service provision relating to the safety, welfare and wellbeing of children and young people, and
- to identify, prevent, and respond to concerns and risks effectively and in a timely manner.

When information is not shared effectively, or within appropriate timeframes, it can enable harm and risks to continue to children and young people within the Department, as well as within other organisations and jurisdictions. It can also compromise the safety and wellbeing of other children and young people.

Personal information sharing is restricted by obligations under privacy legislation, confidentiality, or secrecy provisions in legislation. The Department operates in accordance with the *Right to Information Act 2009* (Tas) and *Personal Information Act 2004* (Tas) when accessing records and disclosing information. Access is granted in accordance with the law. The Department observes any requirements to withhold or redact information when necessary.[21][22]

The Department has a duty to facilitate child safety and wellbeing through appropriate and proactive information sharing, including meeting

mandatory reporting responsibilities under the *the Children, Young Persons and Their Families Act 1997* (Tas)

This includes reporting in line with the *Reportable Conduct Scheme*, which is a legally mandated scheme in Tasmania. It requires leaders of specific organisations to:

- report concerns of conduct related to child abuse involving a worker (including employees, contractors, volunteers and students) in their organisation to ; and
- investigate these concerns (or engage an independent investigator to do so), and report outcomes of the investigation to the Independent Regulator.

Alongside this, information sharing is mandated between the Department, Tasmania Police, and the Department of Justice by the *Registration to Work with Vulnerable People Act 2013* (Tas)[23]. It is critical to managing the status of worker registrations and, in turn, their engagement with the Department.

The Department is committed to promoting awareness of the right, of those who have experienced harm, to access and request amending records containing information relating to them. Ombudsman Tasmania manages complaints and decisions concerning information sharing legislation.

The *Personal Information Protection Principles* allow information sharing in certain circumstances.[24][25]

It is important that workers are aware of their information sharing responsibilities. In general, information may be shared when:

- the person the information relates to, or the person legally responsible for them, gives consent;
- there is a significant risk of serious harm or danger if the information is not shared; and
- there is a legal requirement or authorisation to disclose the information.

The Department observes sound recordkeeping principles and practices to effectively identify, prevent, and respond to harm to children and young people in a timely manner. Accurate and unobtrusive records and recordkeeping processes play a role in reducing distress and trauma to those who have experienced harm. They also increase organisational accountability to the safety, wellbeing, and protection of those who are documented in them.[26]

The Department is committed to creating and maintaining quality records regarding child safety and wellbeing. Workers must understand their obligations through the Department's records and information management policies, procedures, and training resources.

The Department will:

- ensure that the creation and management of accurate records is an integral part of leadership, governance, and culture;
- create and keep full and accurate records;

- maintain records appropriately;
- dispose of records in accordance with law and policy; and
- recognise individuals' rights to access, amend or annotate records about themselves.

Records relevant to child safety and wellbeing are disposed of in accordance with the Department's policies and procedures. These records are subject to minimum retention periods that allow for delayed disclosure and consider limitation periods for civil actions in accordance with the *Limitation Act 1974* (Tas).[27]

The Department will freeze the disposal of records relating to children, services provided to them and employees that provide the service until 2029, in accordance with a notice by the State Archivist.



2

Empowering children and young people

Children and young people have the right to give their opinion, and for adults to listen and take it seriously. (Convention on the Rights of the Child, Article 12)[11]

Table 2: The Department's 'Empowering children and young people to participate' key action areas.

<p>Child and Youth Safe Standard 2: Children and young people are informed about their rights, participate in decisions affecting them and are taken seriously.</p> <p>2.1 Children and young people are informed about all their rights, including to safety, information, and participation.</p> <p>2.2 The importance of friendships is recognised and support from peers is encouraged, to help children and young people feel safe and be less isolated.</p> <p>2.3 Where relevant to the setting or context, children may be offered access to sexual abuse prevention programs and to relevant related information in an age-appropriate way.</p> <p>2.4 Staff and volunteers are attuned to signs of harm and facilitate child-friendly ways for children to express their views, participate in decision-making and raise their concerns.</p>

Framework rights

The Department is committed to the safety, participation, and empowerment of children and young people.

The Department will foster a culture that supports and empowers children and young people to understand what child safety and wellbeing means. They will be informed about their rights and responsibilities and supported to access inclusive, age-appropriate information and resources.

The Department is committed to upholding and promoting the rights of children when accessing healthcare. The Department acknowledges the growing autonomy of each child and young person as they develop.

It endeavours to demonstrate the following rights in all aspects of care, which are based upon and adapted from:

- *Australian Charter of Healthcare Rights* [28]
- *United Nations Convention on the Rights of the Child*
- *Charter on the Rights of Children and Young People in Healthcare Services in Australia* [29]
- *Health Complaints Act 1995* [30]
- *Tasmanian Charter of Health Rights and Responsibilities* [31]

Child-focused

- The Department will consider the best interests of children and young people as a primary concern in all aspects of care.

Access to quality care

- The Department will strive to provide care that meets the needs of children and young people, is safe, well-planned, and continuous, and lives up to national standards.
- The Department will empower children, young people, their families, and caregivers to participate in all aspects of care, without being disadvantaged due to illness, disability, or other personal circumstances.
- The Department will provide an environment that ensures the right to Cultural Safety of children who identify as Aboriginal or Torres Strait Islander is respected.

Safe and supported

- The Department will keep children and young people safe from all forms of harm and care for them in an environment that is safe and makes them feel safe.
- The Department will provide every child and young person the opportunity to access and experience the support of their families, and caregivers when receiving care.

Respectful care


- The Department will treat children and young people as whole people, and respect the individual characteristics, culture, identity, beliefs and choices of themselves, their families, and caregivers.
- The Department will provide an environment that ensures the right to Cultural Safety of children who identify as Aboriginal or Torres Strait Islander is respected.



“Showing respect means you act in a way that shows you care about my safety and wellbeing. I feel safe when I feel respected.”

Participation and partnerships

- The Department will encourage and empower every child, young person, their families, and caregivers to ask questions and participate in decision-making about the things that affect them, including the care they receive.



“Even if it’s not a big thing, if it matters to you, should be able to say it.”

- The Department will be open and honest in communication, and be transparent with every child, young person, their families, and caregivers about when their care does not go to plan, why it has not, and what steps will be taken to minimise the risk of similar events occurring again.

Privacy

- The Department will respect the privacy of every child, young person, their families, and caregivers, and keep their information secure and confidential, including where required to share information with other services to protect their safety and wellbeing.

Right to information

- The Department will support every child, young person, their families, and caregivers to understand their rights and provide them with the opportunity to give informed consent.
- The Department will provide every child, young person, their families, and caregivers with clear and understandable information and support them to access assistance to help them understand and use the information when they need it.

Feedback and improvement

- The Department will strengthen the ways children and young people can provide feedback on their experiences of services.
- The Department will listen and consider the feedback and concerns of children, young people, their families, and caregivers, and (where possible) provide them with advice on how their feedback was used to inform service improvements.

Children's wellbeing


The Department observes the following principles from the Tasmanian Government's *It Takes a Tasmanian Village: Child and Youth Wellbeing Strategy* [32]

- Acknowledging that the family and extended family of the child has the primary responsibility for the care, upbringing, and development of their child/children, and to provide them with information to access available services which will assist in providing a nurturing environment for their children.
- Providing opportunities for Tasmanian Aboriginal children and young people to connect to community and country and working in partnership with Tasmanian Aboriginal people to ensure life outcomes for Tasmanian Aboriginal children and young people are equal to all Tasmanian children and youth.
- Understanding the varying relationships that influence each child and young person the Department works with.
- Providing the opportunity for, and supporting, children and young people to have a voice in decisions that affect them.
- Providing a range of education and training opportunities to ensure children and young people can participate in life-long learning and employment.
- Recognising the individuality of children and young people and treating them without discrimination and with respect.
- Providing children and young people opportunities to explore topics that interest them in a manner that supports learning and reduces anxiety.
- Providing a range of recreational and social opportunities for children and young people in the areas in which they live.
- Fulfilling preventative and statutory responsibilities against all forms of violence against children and young people.
- Supporting positive mental and physical health outcomes for children and young people.

Engagement and participation

The Department seeks to ensure that children and young people contribute to and actively participate in building an organisational culture that is safe for them.

It is vital that children and young people are aware of the ways in which they can engage with the Department and participate in decision making to the greatest possible extent.



“Sometimes people don't realise how powerful our voices are.”

The Department commits to establishing a Statewide Child and Young People Advisory Group (CYPAG). CYPAG will encourage representation from children and young people aged 12-18 years with a diverse range of backgrounds and meet every three months to provide feedback on how the Department can improve health services.

Alongside CYPAG, the Department will develop information and resources in a range of inclusive, accessible formats for children and young people their access to support access to health services.

The Department will also support engagement with children, young people, their families and caregivers to embed their contributions and representation in:

- feedback on how to improve services;
- governance and advisory committees;
- consumer engagement approaches;
- consumer complaints and concerns processes;
- risk management processes;
- professional guidance around acceptable and safe behaviour and conduct;
- the organisation of projects and events; and
- resources to support and educate children, young people, their families, and caregivers.

Approach to consumer engagement with children and young people

The Department's approach is informed by the *Tasmanian Government's Framework for Community Engagement* statewide, which provides an overarching practical, principled and evidence-based approach to engagement. It aims to improve the coordination and consistency of consumer engagement, whilst encouraging creative and innovative approaches.[33]

The Tasmanian Health Service *Consumer and Community Engagement Model of Care* is informed by change and empowerment theories. It ensures the views, advice, input and involvement of consumers and the broader community are sought and integrated into the design, planning, delivery, and evaluation of health services.[34]

These frameworks support strengthened capacity of the Department to engage effectively with children and young people and support the development of meaningful approaches to planning, facilitating, and evaluating engagement with children and young people.

The Department will observe the guiding principles that characterise effective and genuine participation as outlined by the Commissioner for Children and Young People Tasmania:

- issues are real and relevant to children themselves;
- capacity to make a difference (where possible long term or organisational change);
- links to children direct day-to-day experience;
- adequate time and resources made available;
- realistic expectations of children;
- clear goals and targets agreed with children; and
- address the promotion or protection of children's rights [35].

Engagement values

- Honesty from adults about the issue and the process.
- Inclusive – equal opportunity for participation by all.
- Inclusive – equal opportunity for participation by all groups of interested children.
- Mutual respect for children of all ages, abilities, ethnicity, social background, gender and sexual orientation.
- Information is shared with the children to enable them to make real choices.
- Children's views are taken seriously.
- Voluntary nature of children's involvement.
- Decision-making is shared.

Engagement methodology

- Clarity of purpose.
- Child-friendly meeting places, language, and structures.
- Involvement of children from the earliest possible stages.
- Training provided to help children acquire necessary skills.
- Methods of involvement developed in collaboration with children.
- Adult support provided where needed.
- Strategy developed for sustainability.

Communication

The Department seeks to ensure that children, young people, their families, and caregivers understand its commitment to child safety and wellbeing.

Child safe approach, policies, and resources will be publicly available, in clear, accessible, and age-appropriate formats.

Workers will have a sound knowledge of the rights of children and young people, and the accountabilities that accompany those rights.

The Department's child safe approach will:

- create an environment that is inclusive and safe, enabling, empowering children and young people to speak up if they feel unsafe and to express their views, concerns, and queries;
- acknowledge the strengths and abilities of children and young people, supporting them to participate to the best possible extent regardless of their abilities, sex, gender, or social, economic, or cultural background;
- model and champion the empowerment and participation of children and young people through all levels of the organisation, including executive and senior leadership;
- facilitate and support workers to empower and engage with children and young people, encouraging their participation; and

- encourage the active sharing and promotion of accessible, age-appropriate information and resources detailing the rights of children and young people.

The Department's child safe approach and associated resources will support children, young people, their families, and caregivers to understand the organisation's commitment to child safety and wellbeing and provide access to education information, including:

- internal and external support services;
- complaint processes;
- prevention programs, including sexual abuse prevention when relevant;
- understanding safety and wellbeing;
- rights and the right to safety;
- identifying and raising concerns about harm from other children and young people, including harmful sexual behaviour;
- opportunities for participation and engagement;
- recognising safe environments;
- understanding protective strategies, and
- their roles and responsibilities in helping to ensure the safety and wellbeing of their peers.

The Department will provide age-appropriate platforms to regularly seek the views of children, young people, their families, and caregivers and encourage their participation in decision-making.

Opportunities for participation will be documented and regularly reviewed.

Workers will be supported to assist children, young people, their families, and caregivers to access, understand and use these services through ongoing guidance, education, and training.

The Department commits to ensuring its child safe approach is communicated through:

- the Department's public website;
- internal communication channels;
- recruitment and induction processes;
- training and education related to child safety and wellbeing; and
- age-appropriate and health literate formats for children, young people, their families, and caregivers.



3

Involving family and community

Families and caregivers have the responsibility to help children and young people learn to exercise their rights, and to ensure that their rights are protected. (Convention on the Rights of the Child, Article 5) [11]

Table 3: The Department's 'Involving family and community' key action areas.

Child and Youth Safe Standard 3: Families and communities are informed and involved in promoting child safety.

- 3.1 Families participate in decisions affecting their child.
- 3.2 The organisation engages and openly communicates with families and the community about its child safe approach and relevant information is accessible.
- 3.3 Families and communities have a say in the development and review of the organisation's policies and practices.
- 3.4 Families, carers and the community are informed about the organisation's operations and governance.

Shared Decision-Making

The Department is committed to protecting the best interests of children and young people by respecting and facilitating the role of families and caregivers.

The Department observes Article 18 of the *United Nations Convention on the Rights of the Child*, which states that:

'Parents, carers or significant others with caring responsibilities have the primary responsibility for the upbringing and development of their child. This includes being informed about the organisation's operations and their children's progress and being involved in decisions affecting their children.'[11]

The *Children, Young Persons and Their Families Act 1997* (Tas) also recognises the role of the family and caregiver as best placed to provide care for children and young people, stating:

'The family [or caregiver] or a child [or young person] has the primary responsibility for the care, upbringing, and development of the child [or young person] and is entitled to be treated with respect at all times.'[36]

The role of the Department is to provide high-quality care to children and young people while encouraging and partnering with families and caregivers to fulfil their role in protecting and supporting them.

The Department recognises that some children and young people live apart from their family or caregivers and takes a sensitive approach to the rights and roles of any support networks in their lives. The Department also recognises that children and young people are best protected and cared for by their families and caregivers in most circumstances.

When these networks are unable to protect children and young people from harm, the Department has a duty of care to take appropriate action to ensure their safety and wellbeing.

The Department aims to empower families and caregivers, respecting their right to participate in decisions affecting their lives. The Department seeks contributions from families and caregivers about how to better create safe, supportive environments that value children and young people, respects their culture, identity, and rights, and ensures that these rights are fulfilled.

Families and caregivers will be informed about:

- their responsibility to keep children and young people safe;
- the Department's approach to child safety and wellbeing; and
- how they can become more involved in the Department's child safeguarding governance.

They will be supported to identify and raise concerns of harm to children and young people.

Engagement and participation

The Department aims to engage with children, young people, their families, and caregivers to embed their contributions and representation.

This includes:

- feedback on how to improve services;
- governance and advisory committees;
- consumer engagement approaches;
- consumer complaints and concerns processes;
- risk management processes;
- professional guidance around acceptable and safe behaviour and conduct;
- the organisation of projects and events; and

- resources to support and educate children, young people, their families, and caregivers.

The Department will observe the guiding principles that characterise effective and genuine engagement as outlined within its consumer engagement framework:

Participation

- Consumers have the right to participate in their own health, wellbeing, and welfare in a meaningful way.
- Consumers and community are involved in the design and shaping of policies and decisions relating to the Tasmanian healthcare system.

People-centred

- Meaningful engagement processes embrace the values and the needs of consumers, their families, carers, and the community.

Mutual respect

- Engagement undertaken with mutual respect and valuing each other's experiences and contributions.

Accessible and inclusive

- Consumers and their families are a diverse group. Consumer participation opportunities need to be accessible and inclusive, with flexibility and a range of options for consumer participation.
- The needs of consumers and community experiencing barriers to service access and engagement are considered.

Partnership

- Working relationships between engagement partners are built on transparent and accountable processes which are publicly provided to consumers.



Diversity

- The engagement process values and supports all consumers, carers and community to participate.

Support

- Community advisory and engagement councils taking a formal leadership role in ensuring consumers, carers and community are provided with the support to engage meaningfully with the health and community services systems.

Influence

- Consumers, carers, and community engagement influence policy, planning and system reform.

Continuous improvement

- Consumer, carer and community engagement is regularly reviewed and evaluated to drive continuous improvement.

Decision making

The Department is committed to promoting a collaborative healthcare environment where children, young people, their families, and caregivers can ask questions, are informed about their options, have their values and preferences heard, and can engage in shared decision making.

The Department's informed consent processes comply with legislation and best practice, and observe the principles outlined within the *National Safety and Quality Health Service (NSQHS) Standards*. [37]

In general, Australian law recognises that individuals aged 18 years and over have full legal capacity to make decisions relating to their own health care.

Prior to the age of 18, parents and caregivers can provide consent for children.

All Department workers (including employees, contractors, students, and volunteers) have a duty to ensure that informed consent is obtained prior to undertaking any medical treatment or examination of a child or young person under the age of 18 years.

Consent to medical treatment of a patient younger than 18 years of age may be provided by either the:

- patient (must be assessed as having capacity to fully understand the treatment, risks, and wider consequences)
- parent or legal guardian
- court
- other agencies (*The Child, Young Persons and their Families Act 1997* states that in

such circumstances whereby a child or young person is in the Secretary's custody under Section 21 of The Act, the child or young person may have their health examined or assessed without the consent of the child's guardian).

This is with the understanding that young people become increasingly competent to make decisions regarding their own health care. This competency must be observed. This competency (Gillick competence) is a common law principle that is assessed on an individual basis and depends on a range of factors.

A child or young person is 'Gillick competent' if they have a 'sufficient understanding and intelligence enabling [them] to understand fully what is being proposed.[38]



4

Equity upheld and diverse needs respected

All children and young people have rights, no matter who they are, where they live, what their parents do, what language they speak, what their religion is, their sex or gender, what their culture is, whether they have disability, whether they are rich or poor. (Convention on the Rights of the Child, Article 2.1) [11]

Table 4: The Department's 'Equity is upheld and diverse needs respected' key action areas

Child and Youth Safe Standard 4: Equity is upheld, and diverse needs respected in policy and practice.

- 4.1 The organisation, including staff and volunteers, understand children and young people's diverse circumstances, and provides support and responds to those who are vulnerable.
- 4.2 Children and young people have access to information, support and complaints processes in ways that are culturally safe, accessible and easy to understand.
- 4.3 The organisation pays particular attention to the needs of Aboriginal and Torres Strait Islander children, children living with disability, children from culturally and linguistically diverse backgrounds, those who are unable to live at home, and lesbian, gay, bisexual, transgender, intersex and asexual children and young people.

Diversity and inclusion

Department recognises and acknowledges the diverse circumstances of children and young people, enabling it to practice in a more child-centred way that empowers children and young people to participate more effectively.

The Department is focused on making sure the organisation's culture, values, and behaviours enable children, young people, their families, and caregivers:

- to be respected; and
- to have equal access to opportunities and resources.

The Department aims to actively anticipate children and young people's diverse circumstances. Through planning for inclusivity, there will be effective responses to those who are most vulnerable. This recognition enables the Department to foster a child-focused environment. It also empowers children and young people to participate and engage effectively.

Children and young people may face additional risk of harm due to a range of cultural, operational, and environmental factors. For example, vulnerabilities may be brought about by specific contextual factors, such as through societal and organisational cultures that prioritise adult voices over those of children and young people. Children and young people who face discrimination such as racism, ableism, gender-based violence, misogyny, homophobia, socio-economic disadvantages and exclusion are additionally vulnerable.[39][40]

The Department is committed to building an organisational culture that acknowledges the strengths and individual characteristics of and embraces all children and young people regardless of their abilities, sex, sexuality, gender, intersex variation, or social, economic, or cultural background. This culture creates an environment that allows all children and young people to feel safe and comfortable and where services are provided in culturally safe and inclusive ways.

The Department will:

- provide an environment that ensures the right of cultural safety is respected for all Aboriginal and Torres Strait Islander children and young people;
- practice cultural competence and inclusivity when working and communicating with children, young people, their families, and caregivers; and
- acknowledge diverse family systems and approaches to the development of children and young people.

Workers are supported to fulfil their obligations under the following legislation:

- *Anti-Discrimination Act 1998 (Tas)*[41]
- *Work Health and Safety Act 2012 (Tas)*[42]

The Department recognises that some children face additional risk of harm. The Department is committed to meeting the diverse needs and ensuring the cultural safety of:

- Aboriginal and Torres Strait Islander children and young people;
- children and young people from culturally and linguistically diverse (CALD) backgrounds;
- children and young people who are unable to live at home;
- children and young people living with disability; and
- LGBTIQ+ children and young people.

The Department will build and sustain strong cross-sectoral relationships with community-led organisations and engage those with lived experience to allow the co-design and co-development of its approach to equity and inclusion.

The Department has specialist teams dedicated to improving health outcomes for individuals, families, and communities, with a focus on:

- children and young people;
- Aboriginal and Torres Strait Islander people;
- people from culturally and linguistically diverse (CALD) backgrounds;
- other people experiencing poorer health outcomes.

These teams work with:

- all levels of government;
- community sector organisations;
- youth services, schools, and early childhood services; and
- other stakeholders.

Teams provide advice, resources, and training based on the latest evidence to work areas across the organisation.

The Department also works towards improving diversity and inclusion when providing services to all Tasmanians by:

- participating in national and state discussions about health policies, programs and priorities that affect priority populations;
- analysing information and providing expert advice;
- supporting workforce diversity; and

- providing funding to community sector organisations and building capacity within those organisations to deliver results.

Further information regarding the Department's approach to diversity and inclusion is available on the Department's website.

Aboriginal and Torres Strait Islander children and young people

The Department is committed to improving Aboriginal and Torres Strait Islander cultural respect across Tasmania's healthcare system.[43] This commitment is reflected in the *Improving Aboriginal Cultural Respect Across Tasmania's Health System Action Plan 2020 - 2026*. [44]

Cultural respect may be defined as the "recognition, protection and continued advancement of the inherent rights, cultures and traditions of Aboriginal and Torres Strait Islander people." [45] It is achieved when "the health system is safe, accessible and responsive for Aboriginal and Torres Strait Islander people and cultural values, strengths and differences are respected." [46] [see also 47; 48]

Resources are provided to support the delivery of culturally competent and responsive health care for Aboriginal and Torres Strait Islander children and young people.

Ongoing training and education support workers to achieve cultural competency through:

- e-learning modules;
- face-to-face sessions; and
- resources such as webinars and podcasts.

Alongside this, Aboriginal Health Liaison Officers and Aboriginal Health Social Workers provide emotional, social, and cultural support to Aboriginal and Torres Strait Islander children, young people, their families, and caregivers when they visit hospital.

Children and young people from culturally and linguistically diverse (CALD) backgrounds

The Department strives to provide culturally responsive health care for children and young people from culturally and linguistically diverse backgrounds and provides a range of resources to support this, such as:

- e-learning modules for workers;
- interpreter services; and
- health literacy resources.

The Department is committed to upholding the values outlined within Tasmania's *Multicultural Policy*, requiring that every child and young person:

- can freely exercise cultural, religious, and linguistic expression;
- is treated with respect and dignity, free from discrimination;
- has equitable access to affordable Tasmanian Government services;
- has the opportunity to achieve financial security;

- has an equal opportunity and responsibility to contribute to Tasmanian life; and
- is able to live safely, free from abuse, violence and fear.[49]

Children and young people who are unable to live at home

The Department works closely with the responsible Government Agency to understand the Department's application to service provision when providing care for children and young people who are unable to live at home.[50]

The Department will consider the *Under 16 Homelessness: Children and young people under 16 who are alone and at risk of or experiencing homelessness: A Policy Framework for Tasmania*, developed by the Department for Education, Children and Young People (DECYP) in the provision of services to young people who are alone and at risk of experiencing homelessness.[51]

Children and young people living with disability

The Department observes *Article 7 of the United Nations Convention on the Rights of Persons with Disabilities*.[52]

The Department shall take all necessary measures to ensure the full enjoyment by children with disabilities of all human rights and fundamental freedoms on an equal basis with other children.

In all actions concerning children with disabilities, the best interests of the child shall be a primary consideration.

The Department shall ensure that children with disabilities have the right to express their views freely on all matters affecting them, their views

being given due weight in accordance with their age and maturity, on an equal basis with other children, and to be provided with disability and age-appropriate assistance to realise that right.

The Tasmanian Government's overarching disability framework seeks to remove barriers and enable people living with disability to enjoy the same rights and opportunities as others.[53] The Department has committed to an action plan to implement the outcomes from the framework and will remain committed to future iterations.[54]

Resources are available to support the delivery of disability-confident health care for children and young people living with disability, such as e-learning modules and health literacy resources.

LGBTIQA+ children and young people

The Department is dedicated to the provision of LGBTIQA+ inclusive healthcare and is guided by the Tasmanian Government's overarching *Framework for Lesbian, Gay, Bisexual, Transgender and Intersex Tasmanians*. [55]

Resources are available to assist workers to deliver LGBTIQA+ inclusive healthcare, such as e-learning modules, discussion and inclusive language guides and glossaries.[56][57] The Department has committed to implementing systems and processes that support respectful and inclusive data collection and management.[58]

The Department will observe the guiding principles that characterise LGBTIQA+ inclusive healthcare as outlined within the *Australian Standards of Care and Treatment Guidelines for Trans and Gender Diverse Children and Adolescents*:

- individualise care;
- use respectful and affirming language;
- avoid causing harm;
- consider sociocultural factors; and
- consider legal requirements.[59]

Whole-of-government and Department-specific LGBTIQA+ reference groups inform the organisational approach to service provision and quality improvement.

The Department sets expectations that all workers:

- treat patients, clients, and colleagues with respect, regardless of their sex, sexual orientation, and gender identity;
- not assume a person's sex or gender based on things such as name, voice, or appearance;
- collect, manage, and communicate sex and gender information in an inclusive, non-discriminatory way;
- accept a person's choice; and
- follow the *State Service Code of Conduct and Principles*. [60].

Health literacy

Accessing, understanding, or appropriately using health information is difficult for many people. Workers have a role in making it easier for children, young people, their families, and caregivers to access, understand, and use health information and services.

This includes the way in which workers communicate, provide services, and respond to people's needs, including

- providing the best information to the needs of each person and checking it is understood;
- providing information in a variety of formats including written and spoken information, pictures, diagrams, models, audio-video demonstrations, and group discussions;
- using plain language;
- providing effective instructional and directional signage;
- considering the physical design and layout of services;
- having excellent telephone and reception service standards;
- helping people to complete forms; and
- providing orientation and ongoing training to workers.

The Department's *Health Literacy Action Plan* sets out a range of actions to help improve health literacy for individuals, communities, and organisations[61]. It prioritises:

- health literacy awareness[62][63];
- the development of health literate organisations and workforces; and
- the creation of partnerships to improve health outcomes.

The plan builds upon existing Departmental and cross-sector initiatives, including a statewide Health Literacy Network and health literacy campaigns. [64]

The Department provides a range of resources to support the delivery of services that improve health literacy, such as e-learning modules and a workplace toolkit.[65]

Further information about the Department's approach to health literacy is available on its website.



5

Managing staff and volunteers

Children and young people should feel confident about the standards established in an organisation, particularly in the areas of safety, health, number, and suitability of staff, as well as supervision. (Convention on the Rights of the Child, Article 3.3) [11]

Table 5: - The Department's 'Managing staff and volunteers' key action areas.

Child and Youth Safe Standard 5: People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice.

- 5.1 Recruitment, including advertising, referee checks and staff and volunteer pre-employment screening emphasise child safety and wellbeing.
- 5.2 Relevant staff and volunteers have current working with children checks or equivalent backgrounds.
- 5.3 All staff and volunteers receive an appropriate training and education and are aware of their responsibilities to children and young people, including record keeping, information sharing and reporting obligations.
- 5.4 Ongoing supervision and people management is focused on child safety and wellbeing.

Recruitment and induction

The Department is committed to upholding its ethical and legislative obligations when recruiting and inducting workers, with advertising, screening, recruitment, and induction processes underpinned by best practice standards foundational to child safety and wellbeing.

The Department will not knowingly engage, either directly or indirectly, anyone who poses a risk to children or young people.

All reasonable steps are taken to engage workers who are suited and supported to work safely with children and young people.

All workers will receive training and education around child safety and wellbeing. Workers will be aware of their responsibilities, including reporting obligations. The Department will continue to implement and monitor human resources and recruitment practices to ensure they meet the requirements of the Standards.

Human Resource policies and procedures provide a consistent foundation across the Department that promotes a safe, positive, and productive work environment. Key principles of respectful and professional behaviour contribute to child safety and wellbeing overall. The policies and procedures:

- outline the minimum requirements of all workers; and
- cover the Department's approach to recruitment, induction, and probation.

The Department's Statements of Duties will outline its commitment to child safety and wellbeing when recruiting new workers. Selection criteria and reference checks for roles involving children and young people will be updated to include safety and suitability requirements that demonstrate:

- they are valued and respected; and
- the Department is focused on meeting their diverse needs.

Recruitment advertisements for roles involving children and young people will include the Department's commitment to their safety and wellbeing.

The Tasmanian Government's *Right Job Right Person Framework* provides tools, resources, and information to support the robust recruitment and selection of workers.[66] This framework recommends using behaviourally based questions to help in determining how a potential worker may perform in the role.

The Department will adapt existing resources to provide a set of behaviourally based questions specific to recruitment of roles that work specifically with children and young people.

Departmental assessment panels comprise of multiple members to provide varying perspectives and help eliminate biases. For roles involving children and young people, panel members will need to have the appropriate experience to select the most suitable applicant.

Pre-employment requirements

Rigorous pre-employment checks allow the Department to make informed decisions about the suitability and eligibility of workers to better ensure the safety and wellbeing of all people, including children and young people.

All positions within the Department require pre-employment checks, not just those working directly with children and young people.

Specific pre-employment checks required for a position are listed as essential requirements in the Statement of Duties, as well as in job advertisements. Students and volunteers also require pre-employment checks.

The following pre-employment checks will be conducted as appropriate to each position:

- conviction checks;
- working with vulnerable people registration;
- eligibility to work checks (Immigration);
- identity checks; and
- disciplinary action in previous employment check.[67]

Working with Vulnerable People (Children) Registration

The Department is committed to delivering high-quality care and takes reasonable steps to protect the safety, security, and wellbeing of vulnerable people, including children and young people.

Under the *Registration to Work with Vulnerable People Act 2013* (Tas), workers who engage directly with children must hold a valid *Working with Vulnerable People (Children) Registration* as a condition of employment, unless they are exempt under the legislation [68]. This standardised, centralised background checking and risk assessment process deters individuals who pose a risk of harm to vulnerable people from applying for and gaining positions of trust in the Department. The Department's policies and procedures relating to employment checks and working with vulnerable people reflect the requirements within the legislation.

The Tasmanian Department of Justice administers the *Registration to Work with Vulnerable People Act 2013* (Tas). Appropriate information sharing is essential to preserving the efficacy of checks.

The Department works closely with the Department of Justice to:

- share relevant information;
- maintain accurate registration details for applicable workers; and
- participate in a two-way notification process about changes in a worker's circumstances that may result in risk of harm to children or young people.

Conviction checks

Conviction checks are an employment requirement for many appointments and engagements. This also applies to non-employees such as volunteers and students. Some areas of the Department require ongoing conviction checks in accordance with legislation.

Reference checks

Reference checks consider a potential worker's suitability to perform a role. This includes relevant work history, character, and experience. Minimum standards for reference checks are outlined in policy directives. When undertaking reference checks, the Department requires a minimum of two referees, one of whom should be a recent line manager. Reference checks are undertaken in direct communication with the referee.

Conflict of interest

The Department is committed to proactively anticipating, managing, and resolving potential, perceived, or actual conflicts of interest to protect children, young people, and workers.

Conflicts of interest may arise when a worker's personal interests have the potential to compromise, or be seen to compromise, their judgement, decisions, or actions in the workplace.

Conflicts may impact the Department's ability to deliver the best possible outcomes for children and young people, and may arise due to several factors, including family, financial, professional, or social reasons.[69]

There are discipline-specific codes of practice available detailing the need to manage conflicts of interest. These codes particularly relate to interactions with, and provision of services to, children and young people, their families, and caregivers. Whenever possible, providing services to anyone a worker has a close

personal relationship with should be avoided. This is due to the:

- lack of objectivity,
- possible discontinuity of care, and
- risks to the patient and worker.

Effectively managing conflicts of interest is an essential component:

- of making decisions in the public interest, and
- in building public trust in the Department.

Workers can access resources to manage conflicts of interest and are encouraged to take an 'if in doubt, declare' approach

Performance and professional development

Frequent, open, and supportive supervision is an effective safeguard within organisation and professional settings

The Department will maintain a focus on safeguarding through performance and professional development programs, conversations, and agreements.

Managers and workers are encouraged to have regular, quality discussions to build an understanding of development needs, and behaviour and performance expectations.

Departmental services are expected to provide a means for ongoing performance development and review that:

- embeds a focus on child safety and wellbeing and
- supports all workers with practice supervision where appropriate.

Unpaid workers

Unpaid workers (including students, volunteers, and contractors) play an important role building and maintaining a child safe culture in the Department.

The Department recognises the significant contribution made by unpaid workers in the delivery of quality care to children and young people, and will support and enable them to contribute to a child safe culture.

The Department's policy directives relating to unpaid workers provide a consistent best practice approach that upholds the *National Standards for Volunteer Involvement* [70].

Alongside this, the Department has a duty of care towards unpaid workers under the *Work Health and Safety Act 2012*. Safe Work Australia provides essential guidance around protecting the health and safety of unpaid workers that is reflected in the Department's policies and procedures.[72]

Under the Department's policy directives, unpaid workers:

- support the Department's objectives and undertake their tasks in accordance with relevant legislation, directives, policies and procedures;
- fulfil their obligations under the *Work Health and Safety Act 2012*;
- not gain, or attempt to gain, information that they are unauthorised to access; and
- maintain appropriate confidentiality. [73]

Unpaid workers are bound by formal agreements that outline their rights and responsibilities, including but not limited to, the following:

- the type and duration of the activity;
- roles and responsibilities;
- the level of supervision, guidance and support;
- responsibility for induction and training;
- how relevant issues relating to induction, training, illness, injury, welfare, performance, conduct and/or behaviour will be managed;
- the name and details of contacts for each party; and
- how personal accident and liability insurance related matters will be managed.

The Department observes the following principles when engaging unpaid workers:

- unpaid workers undergo the same robust recruitment, selection, and induction processes that apply for paid workers;
- unpaid workers are aware of the Department's child safe governance and can access the Department's child safeguarding reporting processes;

- unpaid workers are aware of and agree to abide by the Department's child safe policies and procedures;
- unpaid workers have access to ongoing education and training, including mandatory induction training and annual training;
- unpaid workers are included in the Department's communications;
- unpaid workers are clearly identified when providing services;
- unpaid workers understand the Department's expectations around behaviour and conduct, for themselves and paid workers;
- unpaid workers are adequately supported and effectively managed and supervised, and participate in best practice exit procedures; and
- unpaid workers have input into the Department's quality improvement processes.



6

Child friendly complaint processes and reporting

Organisations should ensure that children and young people are properly cared for and protect them from violence, abuse and neglect by their parents, or anyone else who looks after them. (Convention on the Rights of the Child, Article 19) [11]

Table 6: The Department's 'Child friendly complaint processes and reporting' key action areas.

Child and Youth Safe Standard 6: Processes to respond to complaints and concerns are child focused.

- 6.1 The organisation has an accessible, child focused complaint handling policy which clearly outlines the roles and responsibilities of leadership, staff and volunteers, approaches to dealing with different types of complaints, breaches of relevant policies or the Code of Conduct and obligations to act and report.
- 6.2 Effective complaint handling processes are understood by children and young people, families, staff and volunteers, and are culturally safe.
- 6.3 Complaints are taken seriously and responded to promptly and thoroughly.
- 6.4 The organisation has policies and procedures in place that address reporting of complaints and concerns to relevant authorities, whether or not the law requires reporting, and co-operates with law enforcement.
- 6.5 Reporting, privacy, and employment law obligations are met.

Child and youth safeguarding concerns

The Department's commitment to a positive safety culture underpins its safety and quality improvement systems.

By improving existing systems and processes, implementing the Standards and the requirements under the *Child and Youth Safe Organisation Act 2023* will ensure that workers can record, report on, and learn from safeguarding concerns to keep children, the public, and themselves safe and supported by a no-blame philosophy.

Recent improvements include the development of reporting processes for child safeguarding concerns, including changes to the Safety Reporting and Learning System to include a separate child safeguarding concern process. Staff are encouraged to submit 'SRLS Child Safeguarding Events' to raise any concerns about the delivery of health services in a child-safe way.

This may include concerns relating to:

- behaviour and language;
- conflict of interest;
- respect and inclusion;
- interactions and relationships;
- neglect and disregard;
- physical interactions;
- privacy and confidentiality;
- sexual misconduct; and
- staffing, facilities, environment

The focus of SRLS Child Safeguarding reporting is on the delivery of health services, and the conduct of health staff, to identify and address concerns and best support workers to promote a child-safe organisation.

SRLS Child Safeguarding reports are received, triaged and assessed by the Statewide Complaints Management Oversight Unit, and when appropriate, concerns are referred to relevant staff for action. The CSWS will monitor systemic concerns derived from SRLS reports.

Additionally, the development of a process for reporting inappropriate behaviour, including child sexual abuse, to the Office of the Secretary has now been established.

In accordance with the Department's policies and procedures, safeguarding concerns and complaints will be treated seriously and responded to promptly and consistently.

The aim is to prevent harm to children and young people by:

- identifying risks; and
- taking steps to remove and reduce those risks in a culturally appropriate, safe, timely, and trauma-informed way.

The Department's safeguarding policies and procedures:

- build on existing safety event management processes;
- reflect contemporary governance and management of child safeguarding concerns;
- outline roles and responsibilities for workers; and
- detail the Department's approach to dealing with different types of safeguarding concerns, including harm to children and young people by other children and young people.

These policies and procedures reflect requirements of the *Child and Youth Safe Organisations Act 2023*, *Children, Young Persons and Their Families Act 1997*, *Registration to Work with Vulnerable People Act 2013 (Tas)*, *Health Practitioner Regulation National Law (Tasmania) Act 2010*[75], *Health Complaints Act 1995*, and other specific legislation around conduct.

Trauma-informed care

The Department will take a trauma-informed approach to the management of safeguarding concerns involving children and young people. This approach aims to:

- promote safety and trust and provide services that are responsive and appropriate to the individual affected by trauma;
- recognise the signs of trauma and the importance of early intervention and reporting, ensuring the best outcomes for children and young people; and

- considers the widespread impact of trauma, and aims to prevent re-traumatisation.

The Department will uphold the guiding principles of trauma-informed practice, including:

- safety;
- trustworthiness;
- choice;
- collaboration; and
- empowerment.[6][74]

Mandatory reporting

Mandatory reporting is the legal requirement to report a reasonable suspicion of harm or risk of harm to children, young people, and unborn babies to relevant authorities.

The Children, Young Persons and Their Families Act 1997 (Tas)

The Children, Young Persons and Their Families Act 1997 (Tas) outlines the requirements of mandatory reporters in relation to children and young people. All Departmental workers are mandatory reporters under the *Children, Young Persons and Their Families Act 1997 (Tas)*.

Anyone who has knowledge or a belief or suspicion on reasonable grounds that a child or young person has been or is being abused or neglected in accordance with *the Children, Young Persons and Their Families Act 1997 (Tas)* must report their concerns to the Strong Families, Safe Kids Advice and Referral Line (ARL) (1800 000 123), or use the [Online Contact Form](#) .

A mandatory reporter must make the notification as soon as practicable after forming a suspicion. Failing to report suspected abuse, neglect, or other conduct reportable under legislation is a criminal offence and workers may be prosecuted.

If you believe a crime has been committed, you must also contact Tasmania Police Assistance Line (131 444). If there is immediate risk to the child or young person and/or Police or medical help is required, dial 000.

Workers can access advice about their mandatory reporting requirements from the Strong Families, Safe Kids Advice and Referral Line (ARL), Child Safety Liaison Officers located in Hospitals and/or the Department's Child Safety and Wellbeing Service.

Reportable Conduct Scheme

The Reportable Conduct Scheme (RCS) was established by the *Child and Youth Safe Organisations Act 2023* and aims to enhance oversight of agencies' investigations into workers' conduct relating to child abuse.

Under the RCS, the Department must report to the Independent Regulator within three days when concerns about a worker's conduct relating to child abuse are raised and commence an investigation. The Department must share information about the investigation and report its outcomes to the Independent Regulator within set timeframes. The Statewide Complaints Management Oversight Unit has operational responsibility for meeting the Department's reporting obligations under the RCS.

Health Practitioner Regulation National Law (Tasmania) Act 2010 (Tas)

The *Health Practitioner Regulation National Law (Tasmania) Act 2010 (Tas)* outlines the requirements of mandatory reporters in relation to notifiable conduct by registered health practitioners.[75]

Any registered health practitioner who forms a reasonable belief that another registered health practitioner has behaved in a way that constitutes notifiable conduct in accordance with the *Health Practitioner Regulation National Law (Tasmania) Act 2010 (Tas)* is required to notify the relevant registration board by law.

Depending on the type of concern, an assessment must be made about the risk of harm to the public when deciding whether to make a mandatory notification. There are four concerns that may trigger a mandatory notification under the legislation:

- impairment;
- intoxication while practising;
- significant departure from accepted professional standards; and
- sexual misconduct.

Workers can access advice regarding their mandatory reporting requirements through the Australian Health Practitioner Regulation Agency (AHPRA)[76] or the Department's Statewide Complaints Management Oversight Unit, which is the Department's contact for all Apha notifications.

Reports can be made online using the [AHPRA Online Portal](#), by email or post using the downloadable 'Complaint and Concern Notification Form', or by phone.

Duty of care

All workers have a duty of care to support and protect the children and young people with whom they are professionally involved.

This duty is determined through common law, *Criminal Code Act 1924 (Tas)*, *Civil Liability Act 2002 (Tas)*, *Wrongs Act 1954 (Tas)*, and other circumstance-specific legislation.

When workers form a reasonable belief that a child or young person has been harmed or is at risk of harm, they are ethically bound to protect

the safety and wellbeing of that child or young person. This also applies if a reasonable suspicion is formed outside of work.

Failing to report suspected abuse, neglect, or other conduct reportable under legislation is a criminal offence and workers may be prosecuted.

Complaints and concerns

The Department will provide multiple pathways and platforms for children, young people, their families, and caregivers to raise concerns that best meets their individual needs, such as developmental, age, physical ability, intellectual capacity, language, technology, communication, information, cultural, support and social needs.

The Department's Statewide Complaints Management Oversight Unit (SCMOU) has overarching responsibility for providing oversight and guidance for monitoring and managing complaints. It is also responsible for the direct management of Tier 1 complaints as per Table 1 of the *Statewide Complaints Management Framework*.^[77]

SCMOU is responsible for the assessment and triage of all child safeguarding complaints including all reports pertaining to inappropriate behaviour or misconduct by an employee, in particular child sexual abuse or grooming behaviours, separate from Human Resources.

The complaints feedback process gives a person the opportunity to have their issues resolved as well as ensuring any risks are identified, and management plans are put in place to decrease the likelihood of the issue reoccurring. Complaints are recorded and managed through the Department's safety and learning system.

Public Interest Disclosure

The Department is committed to upholding the objectives of the *Public Interest Disclosures Act 2002 (Tas)*.^[78] Where there are serious or significant concerns about the improper conduct, workers can report them as a public interest disclosure in accordance with the Department's policy directives.

Departmental disclosure

Public interest disclosures to the Department can be submitted to the Secretary (as the Principal Officer) or one of the Department's Public Interest Disclosure Officers. This can be done directly or by emailing a completed [Public Interest Disclosure Form](#) to publicinterestdisclosure@health.tas.gov.au.

Integrity Commission

Public interest disclosures can be made to the Integrity Commission. The Integrity Commission is an independent statutory authority tasked with improving standards of propriety in the Tasmanian public sector through investigating and preventing public sector misconduct.

Further information on making a public interest disclosure to the Integrity Commission is available on the [Integrity Commission website](#).^[79]

Ombudsman Tasmania

Public interest disclosures can be made directly to the Ombudsman Tasmania.

The role of the Ombudsman is to investigate the administrative actions of public authorities to ensure their actions are lawful, reasonable, and fair. The Office of the Ombudsman works in an independent, impartial, and objective way to

resolve complaints and to address systemic problems to improve the quality and standard of Tasmanian public administration.

Further information on making a complaint to the Ombudsman is available on the [Ombudsman Tasmania website](#).^[80]

National Redress Scheme

The Department is committed to improving the protection and promotion of the rights, safety, and wellbeing of children and young people and will respect the needs, expectations, and preferences of any person who has experienced harm through the Department.

The Department is a member of the [National Redress Scheme](#), which was created in response to the Royal Commission into Institutional Responses to Child Sexual Abuse and acknowledges and supports people that have experienced institutional child sexual abuse.

A Direct Personal Response (DPR) is an element of the National Redress Scheme.^{[81][82]}

If a victim/survivor* of child sexual abuse applies to the scheme and are offered redress, they can also ask for a DPR from the institution responsible for the abuse.

**The terms 'victim' and 'survivor' are used to refer to people harmed or abused as children in an institutional context. In line with the 'Royal Commission into Institutional Responses to Child Sexual Abuse', the Department recognises that some people prefer 'survivor' because of the resilience and empowerment associated with the term, whereas others do not feel that they 'survived' the abuse, and that 'victim' is more appropriate. The Department also recognises that some people do not identify with either term to define their experiences.*

Harm to children and young people by other children and young people

Some children and young people experience harm by other children and young people.

A child or young person may harm themselves or their peers, intentionally or unintentionally through:

- bullying or cyberbullying;
- emotional abuse;
- online abuse;
- physical abuse;
- sexting; and
- sexual abuse or other harmful sexual behaviour.[83][84]

The Department considers the safety and wellbeing of all children and young people involved when peer-to-peer harm occurs. A child or young person who poses a risk to others may not always intend or understand the harm they are causing to themselves or their peers. They may have experienced prior harm or maltreatment and require targeted intervention and support to ensure the safety and wellbeing of themselves and others.

Research shows that children and young people who exhibit these behaviours are unlikely to continue them into adulthood if they access early support and therapeutic services.

Early identification, intervention, and a tailored therapeutic response can help to stop these behaviours and reduce the likelihood of escalation.

Instances of harm by other children and young people will be managed in accordance with Departmental policies and protocols including mandatory reporting obligations and informed by best practice approaches underpinned by the following principles:

- a contextual, systemic and trauma-informed approach is used that takes into account a child or young person's background, whole environment and supports;
- the approach used is accessible, trauma-informed and culturally safe and is non-stigmatising;
- the wellbeing of all children and young people involved is monitored and addressed;
- strong communication is maintained with the children and young people involved, their families, caregivers, and relevant agencies;
- families and caregivers are involved and empowered to play a continuing role in the management of their child or young person; and
- overarching safety plans are established that provide safe and appropriate ways of managing the child or young person's behaviour in all environments.[85][86][87][88]



7

Education and development

Organisations should take all appropriate legislative, administrative, social, and educational measures to protect children and young people from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment, or exploitation, including sexual abuse, while in their care. (Convention on the Rights of the Child, Article 19.1) [11]

Table 2. The Department's 'Education and development' key action areas.

Child and Youth Safe Standard 7: Staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training.

- 8.1 Staff and volunteers are trained and supported to effectively implement the organisation's child safety and wellbeing policy.
- 8.2 Staff and volunteers receive training and information to recognise indicators of child harm including harm caused by other children and young people.
- 8.3 Staff and volunteers receive training and information to respond effectively to issues of child safety and wellbeing and support colleagues who disclose harm.
- 8.4 Staff and volunteers receive training and information on how to build culturally safe environments for children and young people.

Indicators of harm

The Department has an opportunity to recognise signs of harm to children and young people early and respond accordingly, whether working one-on-one or with families and caregivers.

Workers will be able to refer to the Department's child safety and wellbeing protocols and guidelines for support identifying what constitutes a safeguarding concern to a child or young person.

Identifying a safeguarding concern to a child or young person may be determined from a variety of sources including:

- a disclosure made by a child, young person, their families, and caregivers, an external agency, or any other person;
- a suspicion or belief that abuse or harm has occurred or is likely to occur;
- the Department's consumer complaints and feedback processes;
- the Department's child safety and wellbeing monitoring and review processes;
- the Department's safety and quality monitoring and review processes;
- alternative review systems, such as internal audit, accreditation processes or review of medical records, and
- any action or inaction that demonstrates non-adherence to the Department's child safety and wellbeing policies and other related documents.

The Standards define that a child safe organisation ensures workers are equipped with the knowledge, skills, and awareness to keep children and young people safe. Workers have a crucial role to play in protecting children and young people from harm or abuse. They may be the best-placed, or only, adult in a child or young person's life who is able to identify and respond to signs that they are impacted by or at risk of harm, or that a person may be a perpetrator of child abuse.

Workers are positioned to identify and respond to potential harm and may observe something during their work that raises concerns about the safety of a child or young person.

A single event, a series of events over time, or an accumulation of behaviours and circumstances may indicate harm to a child or young person. [89][90][91] It is important to maintain an organisational culture that remains open to the impacts of cumulative harm to children and young people. Children and young people may not always be able to verbally disclose when harm has occurred.

Workers have a duty of care to avoid acts or omissions that could expose a child or young person with whom the Department is involved, to a reasonably foreseeable risk of injury. This means that workers must prioritise and protect the safety and wellbeing of children and young people:

- through understanding the nature and risks of harm to children and young people; and
- taking deliberate steps to reduce or eliminate risks.

The Department will provide information, ongoing education, and training for workers to help them develop awareness and insights into their attitudes towards children and young people, and hold a contemporary understanding of child development, safety, and wellbeing.

Workers will be supported to have a sound knowledge of children and young people's rights and be able to recognise indicators of child harm including harm caused by other children and young people. They will be able to prevent harm and respond in culturally appropriate and effective ways to children, young people, their families and caregivers and support their colleagues.

The Department's child safety and wellbeing policy directives will support workers to better understand and recognise these indicators and provides linkages to best practice information, including:

- understanding what constitutes harm to children and young people;
- recognising and understanding the indicators of child harm, including harm caused by other children and young people;
- understanding the rights of children and young people and recognising indicators that may detriment the rights and wellbeing of children and young people; and
- further education and resources about the indicators of child harm and the rights and wellbeing of children and young people.

Disclosures

Disclosure enables all workers to undertake protective action to address harm to children and young people and minimise the risk of future harm.

Disclosure also allows the Department to make changes to ensure harm does not occur in future. It provides an opportunity to address the risk factors that enable harm to children and young people to occur and accountability for critical failings.

The Department is committed to creating conditions that empower, encourage, and support children and young people to disclose where:

- safe adults are available and accessible for children and young people;
- children and young people are given opportunities to raise and discuss concerns;
- children and young people can access sexual abuse prevention programs and information about sexual abuse;
- children and young people are taught to support peers, and
- children and young people are provided with appropriate supports to communicate abuse.[91][92][93]

The Department acknowledges the conditions that encourage disclosure and seeks to embed these conditions wherever possible. Safe environments for disclosure must consider the diverse needs and circumstances of children and young people to uphold the principles of inclusion and accessibility.[93]

Speaking up is difficult for anyone, but it can be particularly hard for children and young people. Children and young people are most likely to disclose their experience of harm to peers and adults they trust. It is vital that children and young people have access to safe adults. It is especially important for children and young people who are separated from their families and caregivers.

Workers will be trained and confident in facilitating an environment where children and young people are encouraged and supported to disclose and be listened to and believed.

Appropriate responses to disclosure are critical. An inappropriate response to disclosure can:

- affect a child or young person's willingness to disclose again;

- exacerbate the impacts of the harm experienced;
- allow it to continue; and
- may also put other children and young people at risk of abuse.[91]

Workers will be assisted to create a safe, supportive environment for children, young people, and victims/survivors to express their views and concerns through the Department's child safety and wellbeing policy directives. These resources will assist workers to be aware of, and open to, different ways children, young people, and victims/survivors might disclose to ensure that they are supported, made safe, and believed even following tentative, unclear, or partial disclosures.

Supporting children and young people

While workers are expected to support, listen, and act when children and young people raise concerns, it may not be within their scope to counsel or investigate a disclosure made by a child, young person, or victim/survivor.

The Strong Families, Safe Kids Advice and Referral Line (ARL) and Tasmania Police are responsible for investigating reported safeguarding concerns.

A range of health professionals, internal and external, are skilled in providing medical, psychological, and other support when required. Responses to child safeguarding concerns will be trauma-informed and culturally safe.

The Department recognises that making a report does not necessarily conclude its duty of care to a child, young person, their family, or caregiver.

It is essential that any child or young person harmed while receiving care/services will receive appropriate care, support, and information, including additional care at no expense to themselves or their family/caregivers.

When a child or young person makes a disclosure, it is an opportunity for workers to:

- provide immediate support and safety, and
- assist in protecting the child or young person from harm.

- comply with mandatory reporting obligations

Workers can also continue to respond to the needs of a child or young person by:

- helping them connect to professional services that can keep them safe; and
- provide support and facilitate their recovery from harm.

The Department's child safe approach and associated resources will support children, young people, their families, and caregivers to access information on internal and external support services and complaint processes, including prevention programs.

Workers are also supported to assist children, young people, their families, and caregivers to access, understand and use these services through ongoing guidance, education, and training.

Supporting and educating workers

Safeguarding concerns can be traumatic for everyone involved. It is important that workers involved in or affected by an event have access to care and support and ongoing professional development to support child safe practices.

The Department seeks to make all workers aware of and compliant with the Standards and their commitment to child safety and wellbeing and child safe approach when providing services to children and young people and/or their family or caregivers.

The Department will work in conjunction with services to provide resources to support child safety and wellbeing in practice in accordance with the Standards, and actively promote the dissemination of information about child safe practice to workers.

The aim is to ensure workers feel supported and confident in communicating and working with children and young people in a way that is safe, empowering and encourages their participation in creating an organisation that is safe.

Workers are encouraged to seek support after receiving or being involved in a safeguarding

concern, such as from the Department's confidential Employee Assistance Program (EAP).

Workers will be supported through ongoing education and awareness, training, and functional systems to know, understand; and practice child safe behaviours and boundaries with confidence and competence.

Safeguarding education and training will be provided to ensure workers:

- understand their obligations to protect children;
- identify the risk of child abuse; and
- prevent, detect, and report any inappropriate behaviour, misconduct, or suspected child abuse.

Local systems and processes are in place to support this, and workers will be trained in how to use the systems to support effective implementation of the child safe approach.

All sections of the Department are expected to undertake child safety and wellbeing education and training as part of professional development programs. They should maintain a focus on safeguarding, with these expectations encompassed in performance and professional development conversations and agreements where relevant to the scope of practice.

Education and training should prepare and equip workers with the skills to confidently implement the child safe approach.



8

Safe environments

Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. (Convention on the Rights of the Child, Article 24) [11]

Table 3. The Department's 'Safe environments' key action areas.

Child and Youth Safe Standard 8: Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed.

8.1 Staff and volunteers identify and mitigate risks in the online and physical environments without compromising a child's right to privacy, access to information, social connections and learning opportunities.

8.2 The online environment is used in accordance with the organisation's code of conduct and child safety and wellbeing policy and practices.

8.3 Risk management plans consider risks posed by the organisational settings, activities, and the physical environment.

8.4 Organisations that contract facilities and services from third parties have procurement policies that ensure the safety of children and young people.

Physical environments

The Standards for the *Care of Children and Adolescents in Health Services* aim to ensure that quality care is provided in an environment that is safe and appropriate for the age and stage of development of a child or young person. [93]

In principle, the Department supports the observation of these Standards within our health services.

The following principles have been adapted from the Standards.

Safe people

- Leaders set expectations about behavioural standards interacting with children in physical and online environments.
- Workers are provided information about risks in the physical environment, such as grooming and other forms of abuse.
- Children and young people are provided information about safety and regularly encouraged to tell workers about negative experiences.
- Children and young people are cared for by workers specifically trained to meet their physical, psychosocial, developmental, communication and cultural needs.
- Staffing ratios are optimised.

Visibility

- Physical environments, including outdoor environments, are altered to increase natural lines of sight while respecting a child or young person's right to privacy.
- Appropriate supervision is always applied, including during transportation and off-site activities.
- Risk assessments identify areas where adults have opportunities to interact with children unsupervised.
- Access to external communication options, including telephones and internet is readily available.

Facilities

- Areas are clean, well-lit with adequate lighting and temperature control, and are adequately ventilated.
- Areas, furniture, and equipment are safe, clean, well maintained and age-appropriate.
- Entertainment and education materials are developmentally age-appropriate and protect children from psychosocial harm.
- Relevant standards and regulations are adhered to.

Privacy

- Age-appropriate separation of facilities for children, young people, and adults is undertaken.
- Children and young people have adequate spaces for sleep, rest, and relaxation.
- Effective illness, injury and hygiene management and practices are promoted and implemented, including isolation areas for infectious patients.
- Admission of children and young people considers their psychosocial history, relevant medical history, individual needs and preferences.

Access control

- Monitoring the presence of workers, visitors, carers, and contractors at all times is undertaken.
- Robust admission and release procedures are undertaken.
- Facilities for parents or caregivers to stay nearby to their child are provided.

The Department will support risk reduction in physical and online environments through the development and implementation of risk assessment and management tools, audit and monitoring tools, trend analysis, and adherence to best practice standards and statutory obligations.

National Construction Code

The Department complies with the *National Construction Code* (NCC), comprising the *Building Code of Australia and Plumbing Code of Australia*.^[94] The NCC is produced and overseen by the Australian Building Codes Board. It is a performance-based code that sets the minimum required level for the health, safety, amenity, accessibility, and sustainability of Department facilities. It aims to maximise patient safety in parallel with the NSQHS Standards. The NCC is legislated within Tasmania in relevant building and plumbing legislation. It is a nationally consistent code, with variations, additions, or deletions applied in accordance with state legislation. The Department is bound to meet health and safety requirements, building regulations and quality assurance standards under the NCC.

The *Building Act 2016* (Tas) and *Building Regulations 2016* (Tas) regulates the performance and standards of building, demolition, and plumbing work in Tasmania, including work approval processes, and all work must comply with the NCC.^{[95][96]}

NSQHS Standard Action 1.29 states:

The health service organisation maximises safety and quality of care:

- a) *through the design of the environment;*
- b) *by maintaining buildings, plant, equipment, utilities, devices, and other infrastructure that are fit for purpose.*^[97]

The Department supports the undertaking of a risk assessment of all infrastructure programs and activities at the design stage and at intervals throughout establishment to better protect children and young people from harm.

Australasian Health Facility Guidelines

The *Australasian Health Facility Guidelines* (AusHFG) provide information to assist health services and design teams to plan and design health facilities in accordance with best practice.^[98] They support the delivery of optimal patient care through provision of an appropriate physical environment.

The aims of the AusHFG are to:

- assist with the design of safe health facilities that provide privacy and dignity for patients, support contemporary models of care and the needs of carers, visitors, and staff;
- maintain public confidence in the standard of health facilities;
- achieve affordable solutions for the planning and design of health facilities; and
- promote built solutions that minimise recurrent costs and encourage operational efficiencies.

The Department is informed by the AusHFG when planning and constructing health facilities.

Australian Standards

The Department ensures that any products, services, and systems used are safe, reliable, and consistently perform as intended by selecting those that meet minimum quality and safety criteria as determined by Australian Standards.^[99]

Health Products Regulation Group

The Department acknowledges the role of the Health Products Regulation Group (HPRG) in safeguarding and enhancing the health and wellbeing of children and young people.

Appropriate information sharing arrangements are maintained to support the regulation of the safety, quality, efficacy, and timely availability of all:

- medications;
- medical devices;
- biologicals, combination products; and
- controlled drugs.

The HPRG comprises of the Therapeutic Goods Administration and the Office of Drug Control.[100][101]

Online environment

Online environments are crucial to the efficient and best practice delivery of health services. These environments provide children and young people with new ways to communicate, learn, create, and contribute to their health and wellbeing.

Digital environments carry risks, including:

- privacy;
- illegal content;
- harassment;
- cyber abuse/cyberbullying;
- misuse of personal data;
- social engineering;
- grooming; and
- child sexual abuse.[102][103]

Due to the advancing nature of technology, online protection mechanisms need to be adaptive and agile to remain effective.

The Department takes a holistic approach to responding to potential threats and harms to the safety of children and young people in its care. When managing online environments, the Department will:

- uphold the best interests of children and young people as a primary consideration; and
- identify how the rights of children can be protected and respected in the digital environment.

Ensuring children and young people's right to privacy, best practice care, and healthy development in relation to online and physical environments is guided by the Department's child safe approach and relevant protocols.

The Department is committed to the provision of safe, age-appropriate, inclusive, and participatory digital environments for children and young people that observe the principles of the *Recommendation of the Council on Children in the Digital Environment*:

- fundamental values;
- empowerment and resilience;
- proportionality and respect for human rights;
- appropriateness and inclusion; and
- shared responsibility, co-operation, and positive engagement.[103]

Online security features

The Department supports the implementation of the *'Essential Eight' Strategies to Mitigate Cyber Security Incidents* developed by the Australian Cyber Security Centre (ACSC).[104] The Department also draws upon other best practice control frameworks, including the National Institute of Standards and Technology (NIST) *Cybersecurity Framework* and the Australian Signals Directorate (ASD) *Information Security Manual* to protect Departmental information and systems from cyber threats.[105][106]

These guidance resources and mitigation strategies assist the Department to protect users against a wide range of cyber threats unique to the online environments used by the organisation.

Safety and content filters

The Department applies content filtering for email and internet browsing across the organisation.[107] Access to the Internet is filtered and audited using the Networking Tasmania Internet Filtering service.

This service is intended to reduce the likelihood of people accessing websites that are not permitted under Departmental policy, risky or illegal.

The Department's content filters block access to the following major content categories:

- inappropriate content; and
- potentially dangerous or unlawful content.[108]

Inappropriate content

The filter protects users of the Department's network against inappropriate content that falls under the following categories:

- extreme;
- gambling; and
- pornography.

Potentially Dangerous or Unlawful Content

The filter protects users of the Department's network against potentially dangerous or unlawful content that falls under the following categories:

- browser exploits;
- consumer protection;
- malicious downloads;
- potentially unwanted programs (PUPs);
- potential criminal activities;
- malicious sites;
- potential hacking/computer crime;
- spyware/adware/keyloggers;
- phishing;
- SPAM URLs;

- parked domains;
- potential illegal software;
- discrimination;
- historical revisionism;
- P2P/file sharing;
- school cheating information;
- anonymisers;
- anonymising utilities; and
- residential IP addresses.
- undertaking, applying, and advocating for quality, accurate, and reliable health information data.

Robust data access and management practices can support safety, quality improvement, and research. Access to patient health data must be appropriately reviewed, authorised, conducted, monitored, and governed.

HIMS is responsible for the approval and provision of access to data for activities including:

- quality assurance and auditing;
- clinical record review;
- service planning and development;
- benchmarking;
- education;
- patient care; and
- research purposes.

Health Information Management Services

The Department's Health Information Management Services (HIMS) ensures the Department operates in accordance with approved Australian Standards when managing health information.[109]

Functions undertaken by HIMS include:

- providing and maintaining an efficient record storage system in which information is kept safe from loss, damage, and unauthorised access;
- collecting and sharing health information in accordance with Departmental policies and statutory requirements;
- providing advice and guidance for records management to all workers including design, retention, storage and disposal for medical and corporate records;
- timely preparation, retention, and maintenance of medical records;
- ensuring the design and content of the medical record meets Australian Standards and the needs of users; and

HIMS provides information and training to all workers on a range of topics, including:

- personal information protection and confidentiality;
- alert registration and management;
- documentation basics;
- clinical coding; and
- NSQHS Standards relating to health information management.

Remote access

Remote access to the Department's network, including the ability to connect to systems from multiple locations or outside Departmental sites is overseen by, and facilitated through, the Government service provider, Networking Tasmania.[110]

Telehealth and web conferencing

Digital health service delivery is an ever-increasing modality of critical importance, particularly given Tasmania's regional, rural, and remote status. The Department expects workers to follow Departmental policies and guidance when engaging in digital health technologies.

Office of the eSafety Commissioner

The Office of the eSafety Commissioner is an independent statutory office that was created by the *Enhancing Online Safety for Children's Safety Act 2015* (Commonwealth). It coordinates and leads the online safety efforts across government, industry, and the not-for-profit community.[111] The Office of the eSafety Commissioner also provides reporting functions to protect users of digital environments, including:

- *Cyberbullying Scheme* (children and young people);
- *Adult Cyber Abuse Scheme*;
- *Online Content Scheme* (illegal and restricted content); and
- *Image-Based Abuse Scheme*

Procurement and third-party providers

The Department accounts for child safety and wellbeing when considering all third-party services, including where contact with children and young people is incidental or not standard to the funded activity.

A collaborative approach will be taken with third-party providers to manage the safeguarding of children and young people in the delivery of its services.

Providers will be:

- supported to ensure they uphold the best interests of children and young people in practice; and
- required to implement *the Standards* in their workplace, where appropriate.

Providers that implement *the Standards* will be demonstrating their leadership and commitment to child safety and wellbeing.

The Department recognises that each provider will have challenges and risks unique to their specific context when considering the safety and wellbeing of children and young people that they interact with. Each provider has a responsibility to play an active part in identifying risks and developing their own child safe approach. Whilst the Department encourages providers to utilise existing training and guidance on becoming a

child safe organisation, each individual approach must be developed with the specific needs and vulnerabilities of the children and young people the organisation interacts with in mind.

Organisational practice and policy directives should be tailored to reflect the level of risk inherent in the activities undertaken by the provider.

When complying with *the Standards*, the Department acknowledges that providers need to maintain a balance between risk management and risk aversity and ensuring that the rights and wellbeing of children and young people are upheld.

Partner agencies or organisations funded to provide goods and services through the Department are required to demonstrate adherence to Departmental policies and practices through the application of standard clauses within all funding agreements. Standard clauses within funding agreements provide scope for the Department to:

- request documentation;
- enter premises; and
- undertake quality and safety audits or reviews of the provider's compliance with any of its specified clauses, including those relating to children and young people.

Parameters are set to require providers to institute robust procedures to ensure the engagement of 'fit and proper' personnel, including but not limited to credentialling, background and reference checks, and training.

All personnel, regardless of how they are contracted, are subject to the same recruitment and selection rigour. Funding agreements also encompass *Working with Vulnerable People (Children) Registration* as determined through legislation.

Under these agreements, providers are mandated to report concerns to the Department in line with policy directives and to comply with their own legislative and statutory requirements. These requirements also apply to all downstream personnel, partners and subcontractors who are engaged by a funded partner to perform any part of a related activity, including where working with or contact with children and young people is identified. Subcontractors are required to comply with the same terms and conditions that apply to the provider through funding agreement clauses.

Where non-compliance with funding agreements and Departmental policies and procedures is identified (including where a risk to a child or young person's safety and wellbeing is identified), the Department has the capacity to:

- suspend or terminate funding arrangements; and/or
- refuse to engage personnel or require them to be replaced.

Funding agreements are monitored and evaluated during implementation, at regular intervals through the life of the agreement, and upon completion as part of a quality management approach.



9

Continuous improvement

*In all actions concerning children and young people, the best interests of the child or young person shall be a primary consideration.
(Convention on the Rights of the Child, Article 3.1) [11]*

Table 4. The Department's, 'Continuous improvement' key action areas

Child and Youth Safe Standard 9: Implementation of the Child and Youth Safe Standards is regularly reviewed and improved.

- 10.1 The organisation regularly reviews, evaluates and improves child safe practices.
- 10.2 Complaints, concerns and safety incidents are analysed to identify causes and systemic failures so to inform continuous improvement.
- 10.3 The organisation reports on the finding of relevant reviews to staff, volunteers, community, families, and children and young people.

Feedback and consumer experience

The Department is committed to enhancing the experience of children, young people, their families and caregivers accessing its services and values their feedback.

Feedback, whether it is a complaint, compliment, or suggestion, provides the Department with another mechanism to support consumer engagement and participation in health care service improvement. The Department's complaints management model is founded on a "no wrong door" approach for making a complaint or registering a concern.

This means that whether someone would like to raise a concern about a vulnerable person or make a complaint about an experience, all workers and consumers are able to access a mechanism to provide feedback about the services and care provided by the Department and its workers.

Consumer Liaison Unit

The Department's Consumer Liaison Unit (CLU) coordinates, manages, and reports on compliments and complaints across the Department. [112] The CLU is a function of the Quality and Patient Safety Service (QPSS). Feedback is received by the CLU through various channels, including:

- over the phone;
- in person;
- feedback forms;
- email;
- CM9 online enquires;
- Office of the Health Complaints Commissioner;
- Ministerial liaison/Office of the Secretary; and
- Third Party Advocacy service.

Compliments are a consumer's way of showing appreciation for the experience and treatment they have received while in the care of the Department. Compliments and associated evidence are recorded into the Department's safety and learning system by workers and finalised by the CLU.

Processing and managing complaints are also the responsibility of the CLU. The feedback process for complaints provides the opportunity for a person to have their issues resolved, as well as ensuring that any risks are identified, and management plans are put in place to decrease the likelihood of the issue reoccurring.

The Statewide Complaints Management Oversight Unit (SCMOU)

SCMOU has overarching responsibility for providing oversight and guidance for monitoring and managing complaints within the Department.[113]

SCMOU provides an additional avenue for staff and consumers to confidentially raise concerns or make complaints (independent from local units or business areas). The SCMOU undertakes complaints management processes, assesses and triages child safeguarding concerns and complaints, acts as an escalation point for complex or sensitive complaints and an alternative pathway for reporting suspected misconduct of staff, and seeks to foster a complaints management community of practice to support skill development and innovation in complaints management.

Patient experience surveys

Surveying children, young people, their families, and caregivers about their experiences enables a focus on quality improvement that is inspired by them. It identifies and verifies their experience of their health care journey. The Department is supported to analyse trends, compare, and implement improvement initiatives based on patient experience. QPSS teams oversee patient experience surveys and administer a consumer feedback form and email service.[114] The Department will enable children, young people, their families and caregivers to provide their experience through patient experience surveys that are accessible and inclusive of diversity.

Quality and safety

The Department will regularly review and improve its child safe practices in line with its *Quality Governance Framework for Tasmania Publicly Funded Health Services* and key child safety and wellbeing indicators to effectively inform continuous improvement.[114]

Reviews help to achieve the best outcomes for children, young people, their families, and caregivers and ensure the ongoing improvement of environments where children and young people feel safe and are safe.

QPSS coordinates and promotes the provision of an integrated system of healthcare that actively manages patient safety and clinical quality.[115][116][117]

The Department commits to the regular review and improvement of the implementation of the *Standards*. This includes the development of measurable objectives and targets aimed at the elimination of safeguarding concerns to children and young people. Child safety and wellbeing performance and monitoring will be implemented at all levels of the organisation, such as child safety and wellbeing audit and risk management tools.

Organisational transparency will be ensured by:

- sharing the outcomes of recommendations and lessons learnt from the review;
- investigation; and
- analysis of risks and safeguarding concerns involving children and young people.

Developing a mature system is a long-term goal that will be achieved through building on established foundations to strengthen the culture of child safety and wellbeing.

Accreditation

The primary aims of the NSQHS Standards are to protect the public from harm and to improve the quality of health service provision. Hospital and healthcare services are required to be accredited to the NSQHS Standards. The QPSS oversees the Department's compliance with the NSQHS Standards.

The Child and Youth Safe Standards reflect strong parallels with the NSQHS Standards and associated quality and safety requirements of the Department.

Performance and monitoring

Policy, Purchasing, Performance and Reform (PPPR) within the Department performs core roles including strategy and planning, purchasing, performance management, monitoring, reporting, and analysis.[118]

This includes:

- undertaking statistical analysis and reporting of public health services to support the Department in its purchasing and system management roles;
- developing and managing the Department's public reporting of official statistics on public health services and related aspects of the health system;

- managing relationships with state, national or other bodies analysing and reporting statistical information on Tasmanian health services and related aspects of the health system;
- designing, evaluating and managing effective analytical and statistical frameworks, classifications and coding schema for reporting and analysis;
- providing guidance and support for performance evaluation, statistical analysis, statistical reporting, and clinical coding; and
- contributing to national and international programs for developing statistical and reporting frameworks and tools.

Monitoring

The QPSS team monitors and reports on data and improvement opportunities in accordance with the NSQHS Standards relating to:

- risks relating to patient safety and quality;
- patient safety events;
- consumer complaints;
- consumer feedback; and
- quality improvement.

QPSS dashboards and reports

The Department's QPSS team presents three monthly electronic reports that include:

1. Safety Event/Consumer Feedback Dashboard
2. Quality Improvement Activity (QIA) Report
3. Risk/Policy/Compliance (RPAC) Dashboard

Peak governance committees

The establishment and maintenance of systems and processes that shape, enable, and oversee the management of the Department constitutes its governance arrangements. It is the activity undertaken to:

- formulate strategy;
- set policy;
- delegate responsibility;
- oversee management; and
- ensure that appropriate risk management and accountability arrangements are in place throughout the Department.[119]

To provide focus and consistency within decision-making, executive committees have been established. The Health Executive is the lead governance committee and has been established to provide oversight and direction to the public health system, strengthen systems coordination and to ensure implementation of directions set by Government. Along with the Health Executive, the Department has nine other Committees. The peak governance committees for safety and quality within the Department include:

- THS-South Quality, Safety & Clinical Risk Committee;
- THS North Healthcare Quality Executive Committee; and
- Clinical Governance & Risk Committee (NW).

Analysis and investigation

All safeguarding concerns require a level of analysis. Many of these methods described share common features across data collection, analysis, and recommendations development. The aim of analysis or investigation is to:

- understand what happened, and how and why it happened;
- identify potential mitigating factors; and
- establish further actions or improvements.

Analysis and investigation should be undertaken in a way that is proportionate to the seriousness, frequency of occurrence and severity of the concern. The level and type of analysis or investigation will depend on a range of factors, such as the:

- level of harm caused to a child or young person;
- probability of recurrence;
- complexity of factors that appear to have influenced the concern;
- the residual risk of harm; and
- extent of the impact on future care and service delivery.

The Department will use best practice analysis and investigation techniques when managing safeguarding concerns to children and young people. A variety of analysis, investigation and management methodologies are recommended within the Australian Commission on Safety and Quality in Health Care (ACSQHC) *Measurement for Improvement Toolkit* and the *Patient Safety Essentials Toolkit* by the Institute for Healthcare Improvement.[120][121]

These techniques include:

Root cause analysis

Root Cause Analysis (RCA) is the process of discovering the root causes of problems to identify appropriate solutions. RCA is defined as a collective term that describes a wide range of approaches, tools, and techniques used to uncover causes of problems.[122]

The London Protocol

The London Protocol is designed by the Clinical Safety Research Unit, Imperial College London and intends to provide a comprehensive and thoughtful investigation and analysis of a clinical incident, going beyond the more usual identification of fault and blame.[123]

Open disclosure

Open disclosure is defined as a process of providing an open, consistent approach to communicating with children, young people, their families, and caregivers following an adverse event that results in harm to a person while receiving health care.

Open disclosure is:

- a patient and consumer right and a legal obligation;
- a core health professional requirement;
- an attribute of high-quality health service organisations;
- an important part of healthcare quality improvement; and
- guided by the *Australian Open Disclosure Framework*. [124]

The Department's policy directives on Open Disclosure support the achievement of an open culture and provides statewide consistency for communication with children, young people, their families, and caregivers following unexpected health care outcomes and harm.

They ensure that any child or young person harmed will, as soon as practicable, be provided with information from services about what went wrong and why, and what that service is doing to mitigate the risk of future events in line with the *Australian Open Disclosure Framework*.

Concise Incident Analysis

The Concise Incident Analysis (CIA) methodology and tool was developed by the World Health Organization (WHO) Patient Safety Programme. CIA is defined as an analysis by a person(s) with knowledge of the incident analysis process, human factors, and effective solutions development in health care, with input gathered from patients, family members, staff, and physicians local to the event as well as organisational or external experts. [125]

Lookback review

A lookback review is a type of investigation that is used when a group of patients are or may be adversely affected by a safety event or group of safety events otherwise called an adverse group event. A lookback review must be undertaken:

- when an adverse group event occurs or is highly likely to have occurred
- where there is concern that multiple patients may be exposed to harm or risk of harm, or
- as directed by the Secretary or Minister for Health

Internal audit

The Internal Audit function is an independent and objective quality improvement and assurance activity that works to understand and assess the Department's governance, risk management, and control environment, to provide recommendations for improvement to their efficiency and efficacy.

An internal audit may assess underlying systems and procedures for compliance with the requirements of the Framework.

The overall focus of this assessment will be one of continuous improvement to Department activities and provide evidence of how the Department is a child safe organisation through its governance, leadership, operations, and culture.[126]



10

Accessible and inclusive child safety and wellbeing policies

The Department has a responsibility to ensure children's rights are protected. They can help families to protect children's rights and create an environment where children grow up and reach their potential. (Convention on the Rights of the Child, Article 4) [11]

Table 5. The Department's 'Accessible and inclusive child safety and wellbeing policies' key action areas

Child and Youth Safe Standards 10: Policies and procedures document how the organisation is safe for children and young people.

- 10.1 Policies and procedures address all national child safe principles.
- 10.2 Policies and procedures are documented and easy to understand.
- 10.3 Best practice models and stakeholder consultation informs the development of policies and procedures.
- 10.4 Leaders champion and model compliance with policies and procedures.
- 10.5 Staff and volunteers understand and implement policies and procedures.

The role of good governance

Across health organisations, the important role that well-drafted, targeted and up-to-date governance documentation plays in embedding overarching principles into organisational culture and practice is known.

Organisational policies, protocols, and operating procedures align standard practices and ensure consistent approaches across an organisation, reducing confusion and inconsistencies for staff and patients.

Governance Frameworks in the Department

The Department of Health develops a strategic approach to governance through an organisational wide Policy Framework.

This Policy Framework will bring both consistency and efficiency to the work we do. It will capture corporate and clinical policies, aligning them with national standards and relevant legislation by:

- defining responsibility and performance.
- providing review processes to ensure an ongoing response to regulatory changes and compliance requirements.
- linking governance documentation to Departmental core values and ethical standards.

Governance and Child Safeguarding

For children and young people to be safe in our community, they need to be safe in our organisations.

The Department of Health is committed to the principles that support a child and youth safe culture within our organisation. Embedding good governance processes across our organisation and into our policies and everyday practice will support this commitment.

In working towards an organisational-wide Policy Framework, the organisation will develop clear, targeted and up-to-date policies, protocols and operating procedures that will:

- support a strong child safe culture.
- ensure a strong child safe culture is recognised as key to protecting all children and young people in our care.
- enable our staff to understand and be supported in their roles maintaining a strong child safe culture.
- bring uniformity of process and response across the organisation.
- ensure children and young people in our care feel safe, supported, and heard.

In addition, the Department will establish a *Child Safety and Wellbeing Policy* to support the *Child Safety and Wellbeing Framework's* implementation, as well as to act as a policy framing document. It will requirements for all Health workers (including employees, contractors, students and volunteers), including their professional and legal responsibilities relating to child safeguarding, such as mandatory reporting requirements, as well as how workers can contribute to a child safe culture where children and young people feel safe and are safe, and are able to actively participate in the health decisions that affect their lives.

Alongside this Policy, the CSW Service will support work areas with policy guidance relating to child safeguarding to support consistency across work areas' policy, protocols, and practice guidance to their workers.

Consultation

The Department seeks to ensure that its child safe approach is comprehensive, robust, evidence-based, and sensitive to the needs and circumstances of all children, young people, their families, and caregivers.

The *Child Safety and Wellbeing Framework* was developed through a collaborative and consultative process, building on existing frameworks and systems. Best practice research, existing global, national, and local models, and consultations with a wide range of stakeholders has informed the development of the Department's approach to child safety and wellbeing in a context specific to the healthcare environment.

Engaging with the community

The Department of Health recognises the importance of engaging with, and seeking feedback from, our community, especially children and young people, and their carers to understand their experiences of our service.

While several mechanisms to support consumer feedback already exist, under the *Child Safety and Wellbeing Framework*, new initiatives will be developed to support children and young people, and their carers, to share their ideas about how the Department can strengthen its services.

To support this the Department is working toward the publication of core, relevant governance documentation onto our website for the community to access and provide feedback on.

Appendix I - How do I contribute to child safety and wellbeing?

All workers have a responsibility to protect the health, safety, welfare, and wellbeing of children and young people with whom they have contact.

The following outlines how workers can contribute to upholding the Standards and National Principles. This content is informed by advice from the Australian Human Rights Commission.

Standard 1 (National Principle 1)

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

- Prioritise the best interests of children and young people in your daily work.
- Understand your duty of care to protecting the safety and wellbeing of all children and young people.
- Know the rights of children and young people.
- Create a welcoming, inclusive and supportive environment for children and young people.
- Understand and comply with the Department's child safe policies and procedures to make sure you know how you can keep them safe.
- Be aware of and understand the governance structures and reporting lines that exist for child safety and wellbeing.

- Understand your responsibilities and legal obligations around recordkeeping and information sharing.
- Be open, transparent, and willing to listen.
- Stay informed and openly discuss issues regarding the safety and wellbeing of children and young people.
- Help identify and mitigate risks to children and young people.

Standard 2 (National Principle 2)

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

- Support children and young people to understand their rights and the Department's commitment to their safety and wellbeing.
- Help children and young people to find information about their rights, and the different ways they can raise concerns.
- Check-in regularly with children and young people.
- Let children and young people know who they can go to if they need to talk to someone.

- Encourage and empower children and young people to ask questions and participate in decision-making about the things that affect them.
- Support children and young people to know of what they can expect from you and the people around you, and what is safe and unsafe behaviour both in-person and online.
- Teach children and young people about the signs of harm and the role that they can take in protecting themselves and their peers.
- Do what you say you will do.
- Use inclusive and empowering, child-friendly language in everyday activities.
- Develop your skills to engage effectively and appropriately with children and young people.

Standard 3 (National Principle 3)

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

- Respect that families and caregivers have primary responsibility for keeping their child or young person safe.
- Involve families and caregivers in the care of their child or young person.
- Support families and caregivers to understand the rights of their child or young person.
- Help families and caregivers to find information about rights, and the different ways they can raise concerns.

- Provide families and caregivers with information that is accessible and tailored to their needs.
- Encourage and support families and caregivers to talk to their child or young person about safety and wellbeing.
- Help families and caregivers to know of what they can expect from you and the people around you, and what is safe and unsafe behaviour.
- Encourage and empower families and caregivers to provide feedback.
- Consider that a child or young person's competence to make decisions increases as they get older when making decisions that affect them.

Standard 4 (National Principle 4)

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

- Recognise the diverse backgrounds, needs and circumstances of children and young people and be alert to the challenges they may face due to their diversity.
- Tailor your communication to suit the different cultural backgrounds, needs and abilities of children and young people, and their families and caregivers.
- Make sure information and communication is age-appropriate and is provided in an appropriate language and format.
- Stay up to date with training, education, strategies, and resources available to help you meet the diverse needs of children and young people, and their families and caregivers.

- Understand and comply with the Department's policy directives on Aboriginal cultural respect, diversity and inclusion, and respectful behaviour.

Standard 5 (National Principle 5)

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

- Take up training and development opportunities to better understand how you can keep children and young people safe and well.
- Undergo appropriate background checks and communicate relevant information if anything changes.
- Understand and practice safe behaviours when providing care to children and young people.
- Understand your reporting obligations and know where to report concerns.
- Normalise and encourage appropriate behaviour between children and young people and the people around them.
- Maintain a current knowledge and understanding of child development where relevant to your role.
- Maintain relevant experience with working with children and young people where relevant to your role.
- Understand and follow policies and procedures and know your responsibilities.

Standard 6 (National Principle 6)

Processes to respond to complaints and concerns are child focused.

- Take children and young people seriously when they raise concerns and provide feedback and take action to keep them safe.
- Remain alert to the signs of harm and risks to children and young people and the ways different children and young people may disclose.
- Always raise and address concerns as soon as you recognise them.
- Normalise and encourage a safety culture of reporting and learning from all concerns.
- Understand and comply with the Department's policies and procedures about safeguarding children and young people.
- Understand and comply with your legal obligations to report harm to children and young people.
- Raise awareness about safety and wellbeing, and how to raise concerns.
- Let children and young people, and their families and caregivers know how to raise concerns, and what will happen when a concern is reported.
- Be transparent about your information sharing responsibilities and situations where you may have to tell someone else about a concern.

Standard 7 (National Principle 7)

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

- Take up training and development opportunities to better understand how you can keep children and young people safe and well.
- Be aware of local support services and resources to help support children and young people, and their families and caregivers.
- Stay up to date with the latest evidence and best practice relevant to your role.
- Talk with your manager about professional and performance development and supervision strategies that can help you better keep children and young people safe and well.
- Talk with your colleagues about how to best uphold child safety and wellbeing in practice.
- Join a professional association or peak body and encourage your peers to do the same where relevant to your practice.

Standard 8 (National Principle 8)

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

- Review if there are any risks in your work environment or if there's anything you think we can do to improve the

wellbeing and safety of children and young people.

- Help children and young people to understand what a safe environment looks like and encourage them to seek help if they come across something that makes them feel unsafe.
- Let children and young people know about spaces that are off limits or out of bounds, such as storerooms, dark areas, or staff rooms.
- Comply with the Department's policy directives regarding online environments, images, and media.
- Support children and young people to engage safely online.
- Understand what information and facilities you are allowed to access and what is restricted.

Standard 9 (National Principle 9)

Implementation of the national child safe principles is regularly reviewed and improved.

- Stay up to date with any new or changed child safe policies and procedures or legal requirements that may affect your obligations.
- Stay open to suggestions for improvement and seek advice from relevant experts if you are unsure about the best approach.
- Make suggestions if you feel something could be improved.

Standard 10 (National Principle 10)

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

- Understand and comply with the Department's child safe policies and procedures to make sure you know how you can keep them safe.
- Make sure the Department's child safe policies and procedures can effectively help you to uphold the safety and wellbeing of children and young people and make suggestions if you feel something could be improved.

Glossary

Term	Description
Accountable	To be 'required or expected to justify actions or decisions; responsible.'
Caregiver(S)	Any related or non-related person who has the responsibility for the protection, care, or custody of a dependent child or young person as a result of assuming the responsibility voluntarily, by contract, through employment, or by order of the court.
Child	Any person under 18 years of age.
Child Abuse	All forms of physical and/or emotional ill-treatment, sexual abuse, neglect, or negligent treatment or commercial or other exploitation, resulting in actual or potential harm to a child or young person's health, survival, development, or dignity in the context of a relationship of responsibility, trust, or power.
Child-Related Work/Activities	Any work or roles that involve contact directly with children and young people, or that will or may involve contact with children and young people that is a usual part of, and more than incidental to, the service provision. Contact with children and young people includes physical contact, face-to-face contact, oral communication, written communication, or electronic communication.
Cumulative Harm	Cumulative harm is the outcome of multiple episodes of abuse or neglect experienced by a child or young person. Cumulative harm refers to the effects of patterns of circumstances and events in a child or young person's life which diminish a child's sense of safety, stability and wellbeing.
Disclosure	<p>A disclosure is the process by which:</p> <ul style="list-style-type: none"> • a child or young person conveys or attempts to convey that they are being or have been harmed. • an adult conveys or attempts to convey that they were harmed as a child and/or young person.
Emotional Harm or Abuse	Inappropriate verbal or symbolic acts towards a child and/or failure over time to provide them with adequate non-physical nurturing and emotional availability. Such acts of commission or omission are likely to damage a child's self-esteem or social competence.
Family	<p>A group of people consisting of:</p> <ul style="list-style-type: none"> • the partner of the relevant person; or

Term	Description
	<ul style="list-style-type: none"> • a parent of the relevant person; or • a sibling of the relevant person; or • a child of the relevant person; or • any other person who should be treated for the purposes of this definition as a partner, parent, sibling, or child of the relevant person. This may cover situations such as stepchildren or foster children.
Gender	A person's sense of whether they are a man, woman, non-binary, agender, genderqueer, genderfluid, or a combination of one or more of these definitions. Gender can be binary (either a man or a woman), or non-binary (including people who have no binary gender at all and people who have some relationship to binary gender/s).
Gender Diverse	A term that describes a person who feels that their gender identity doesn't fit the categories associated with their assigned sex.
Grooming	Actions deliberately undertaken with the aim of befriending and establishing an emotional connection with a child or young person, to lower the child or young person's inhibitions in preparation for sexual activity with the child or young person.
Harmful Sexual Behaviour	Sexual behaviours displayed by young people that are inappropriate for their age or stage of development, or cause harm to themselves or others, are referred to as harmful sexual behaviours (HSB). HSB can range from inappropriate and problematic, through to abusive and violent behaviour.
Intersex	An intersex person is born with atypical natural variations to physical or biological sex characteristics such as variations in chromosomes, hormones or anatomy. Intersex traits are a natural part of human bodily diversity. Not all intersex people use the term intersex.
LGBTIQA+	Lesbian, Gay, Bisexual, Trans/transgender and gender diverse, Intersex, Queer/questioning, and Asexual
Mandatory Reporting	Mandatory reporting is when the law requires a person to report known or suspected cases of abuse and neglect.
Neglect	<p>Isolated incidents or a pattern of failure over time to provide for the development and wellbeing of the child or young person in one or more of the following areas:</p> <ul style="list-style-type: none"> • health • education • emotional development • nutrition

Term	Description
	<ul style="list-style-type: none"> • shelter and safe living conditions.
Open Disclosure	<p>An open discussion with a patient about an incident(s) that resulted in harm to that patient while they were receiving health care. The elements of open disclosure are an apology or expression of regret (including the word 'sorry') a factual explanation of what happened, an opportunity for the patient, their family, and carers to relate their experience, and an explanation of the steps being taken to manage the event and prevent recurrence. Open disclosure is a discussion and an exchange of information that may take place over several meetings.</p>
Physical Harm or Abuse	<p>The intentional use of physical force against a child or young person that results in – or has a high likelihood of resulting in – harm for the child or young person's health, survival, development or dignity. This includes hitting, beating, kicking, shaking, biting, strangling, scalding, burning, poisoning and suffocating.</p>
Reasonable Belief	<p>A reasonable belief is more than suspicion. There must be some objective basis for the belief. However, it is not the same as having proof and does not require certainty. For example, a person is likely to have a reasonable belief if they:</p> <ul style="list-style-type: none"> • observed the event themselves; and/or • heard directly from a child that the event occurred; and/or • received information from another credible source (including another witness).
Sexual Harm or Abuse	<p>The involvement of a child or young person in sexual activity that they do not fully comprehend, are unable to give informed consent to, or for which they are not developmentally prepared, or else that violates the laws or social taboos of society. Children and young people can be sexually abused by both adults and other children or young people who are in a position of responsibility, trust or power over the victim.</p>
Third-Party Provider	<p>Any individual or organisation which receives funding from the Department, including through grants or procurements.</p>
Transgender	<p>Of, relating to, or being a person whose gender identity, gender expression or behaviour differs from that typically associated with the sex to which they were assigned at birth.</p>
Victim And Survivor	<p>A person who has been harmed or abused as a child in an institutional context. The Department recognises that some people prefer 'survivor' because of the resilience and empowerment associated with the term. The Department recognises that some people who have experienced abuse do not feel that they 'survived' the abuse, and that 'victim' is more appropriate. The Department also recognises that some people may have taken their lives as a consequence of the abuse they experienced and that the term 'victim' is more appropriate in these circumstances.</p>

Term	Description
	The Department also recognise that some people do not identify with any of these labels to define their experiences.
Vulnerable Person	Any person who is or may be unable to take care of themselves or is unable to protect themselves against harm or exploitation by reason of age, illness, trauma or disability, or any other reason.
Workers	All employees, consultants, contractors, or volunteers engaged by the Department. This includes an individual who is engaged as an employee, a contractor or sub-contractor, an agent, an apprentice, a consultant, a person who is self-employed, a person who is carrying out work for a defined period, a volunteer, or a work experience student.
Young Person	A person who is 12 years old or older but under 18 years of age.

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