



Australian Government  
Department of Home Affairs

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# **Child Safeguarding Framework Policy Statement**

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## Purpose

The Child Safeguarding Framework (the framework) articulates the strong commitment of the Department of Home Affairs (the Department), including the Australian Border Force (ABF), to safeguarding children and their wellbeing. The framework outlines the principles that inform the Department's approach to becoming a Child Safe Organisation, as recommended by the Royal Commission into Institutional Responses to Child Sexual Abuse (the Royal Commission), and in alignment with the Commonwealth Child Safe Framework (CCSF) and the recommendations of the Child Protection Panel (the Panel). The framework supports the implementation of Australia's international obligations under the Convention on the Rights of the Child<sup>1</sup> in a domestic operational environment.

## Scope

This framework applies to:

- all Immigration and Border Protection (IBP) workers as defined in subsection 4(1) of [the Australian Border Force Act 2015 \(Cth\)](#) (ABF Act) and
- contractors and consultants determined by the Secretary to be IBP workers (a copy of the current Secretary Determination is on the Home Affairs website at: <https://www.homeaffairs.gov.au/commitments/files/determination-workers.pdf>)

Contractors and consultants (and their personnel) who deliver services to children, or who are otherwise involved in the Department's programs, projects, or funded activities involving children, must also comply with this framework in accordance with relevant contractual obligations.

The failure to report and failure to protect provisions apply to certain Home Affairs staff and officers with responsibilities for children who have obligations under Division 273B of the [Criminal Code Act 1995 \(Cth\)](#) (Criminal Code) for failing to report child sexual abuse and failing to protect a child from such abuse.

This framework applies in any operational environment in which IBP workers administer activities under the Department's programs, including temporary, permanent migration or humanitarian visa programs, citizenship, status resolution, cancellation and detention caseloads, border clearances and border protection operations. This framework applies to airports, ports, immigration detention facilities, community housing under residence determination settings, ABF assets, state and territory departmental offices and field operations conducted by IBP workers.

## Policy statement

Children in immigration programs can be among the most vulnerable people with whom the Department engages. Home Affairs is committed to safeguarding these children from any form of physical and mental harm, including abuse, neglect and exploitation.

### **Home Affairs has zero tolerance for the abuse and exploitation of children.**

This framework outlines the Department's approach to providing a safe environment for children and their families while complying with existing legislative and policy parameters. The framework and its associated policies and procedures assist IBP workers to act consistently with Australia's international and domestic legal obligations in relation to children.

The framework recognises that it is our collective responsibility to safeguard the wellbeing of children – that is, child safeguarding is a responsibility which all IBP workers, contractors and consultants are obliged to acquit in their duties.

<sup>1</sup> United Nations, Treaty Series, vol. 1577, p. 3

All IBP workers must consider it a professional responsibility to know what is in the best interests of children in any operational environment, to promote their welfare and to keep them safe from abuse, injury or neglect. IBP workers must consider the best interests of children in immigration programs as a primary consideration in all decisions made and actions taken, where there is scope to do so.

## **Safeguarding children and their wellbeing**

Home Affairs is unique as a Commonwealth agency with responsibility for the day-to-day care and welfare of a significant number of children and their families. Home Affairs employs a range of strategies to manage programs and services and make decisions that relate to safeguarding children and their wellbeing. These strategies are informed by Australia's domestic legal framework, including relevant state and territory legislation, as well as Australia's international obligations.

By endorsing the National Framework for Protecting Australia's Children 2009-2020 (the National Framework), the Australian Government recognises that the protection of children from abuse is the responsibility and business of all Commonwealth, state and territory governments and non-governmental organisations.

The establishment of the Child Protection Panel in March 2016 demonstrated the Department's commitment to seeking independent advice on issues relating to the wellbeing and protection of children in immigration detention and immigration programs. The implementation of the Panel's recommendations is evidence that Home Affairs takes seriously its responsibility to establish and monitor reliable systems and protocols to protect these children.

In June 2018, the Australian Government released its response to the Royal Commission. For further information, see the [Royal Commission into Institutional Responses to Child Sexual Abuse](#) and the [Australian Government Annual Progress Report](#) pages on the Attorney General's Department's website). The Home Affairs Portfolio is responsible for the implementation of 69 of the Royal Commission's 409 recommendations and is also committed to the National Redress Scheme which seeks to acknowledge and address the harm suffered by survivors of institutional child sexual abuse and to support survivors to move forward with dignity and self-agency.

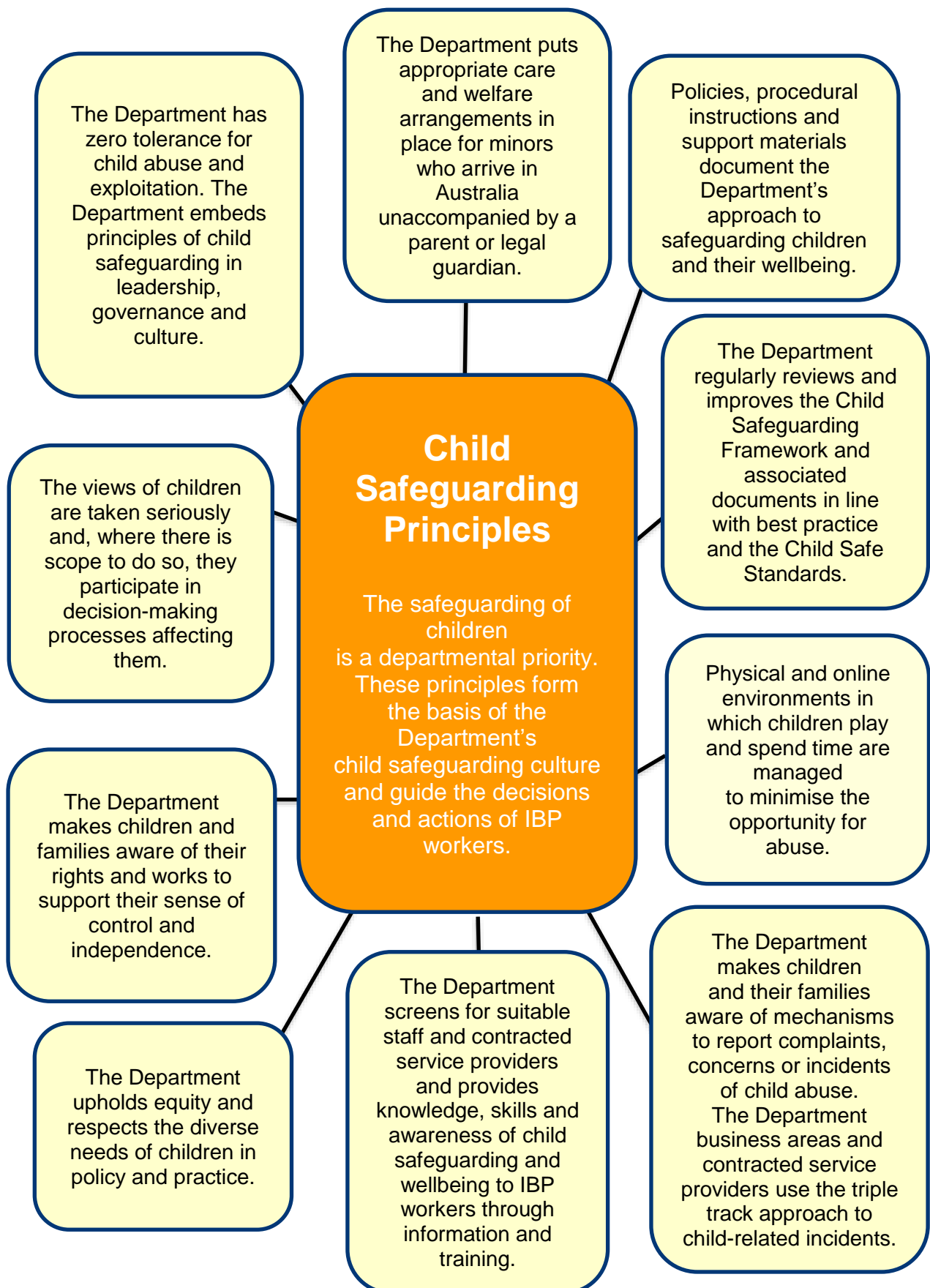
Home Affairs has now incorporated the National Principles for Child Safe Organisations (National Principles) into this framework. The National Principles have their origins in the work of the Royal Commission. The framework supports IBP workers to make Home Affairs a safe place for all children in departmental environments and improves the Department's regulatory oversight and practice.

### Failure to report and failure to protect

On 20 March 2020, new legislative provisions came into effect that make it a criminal offence for Commonwealth officers with certain responsibilities for children to fail to take action to protect those children from sexual abuse or report a child sexual abuse offence. The new failure to report and failure to protect offences were inserted into the Commonwealth Criminal Code by the [Combatting Child Sexual Exploitation Legislation Amendment Act 2019 \(Cth\)](#), and respond to the recommendations of the Royal Commission's Criminal Justice Report. The offences require relevant Commonwealth officers who exercise care, supervision or authority over children take proactive steps to protect children from and report child sexual abuse to relevant authorities.

# The Department's Child Safeguarding Principles

The following ten principles, consistent with the National Principles, should guide the decisions and actions of IBP workers engaging with children and form the basis of the Department's child safeguarding culture.



## **Core components of the Child Safeguarding Principles**

Each of the framework's Child Safeguarding Principles has a number of core components to assist IBP workers to understand the intent of the principle.

**1. *Home Affairs has zero tolerance for child abuse and exploitation. Home Affairs embeds principles of child safeguarding in leadership, governance and culture.***

- a. Home Affairs is committed to safeguarding children and their wellbeing, and the executive leadership team champions a child-safe culture.
- b. Child safeguarding is a shared responsibility at all levels of the Department and its operational agencies.
- c. Business areas that engage with children have risk management plans and registers that include a focus on identifying, mitigating and preventing risks to children.
- d. IBP workers comply with the Department's Child Protection Mandatory Behaviours Declaration, which sets out clear behavioural standards towards children.
- e. IBP workers understand their obligations for information sharing and recordkeeping.

**2. *The views of children are taken seriously and, where there is scope to do so, they participate in decision-making processes affecting them.***

- a. Children are able to express their views and, where there is scope to do so, participate in decisions that affect their lives.
- b. The importance of friendships is recognised and support from peers is encouraged, helping children feel safe and less isolated.
- c. Home Affairs supports the decision of families to inform children about sexual abuse and assists them to access child abuse prevention programs, where requested.
- d. IBP workers in child-related roles are aware of signs of child abuse and know how to respond to children who raise concerns for their own safety or the safety of other children.

**3. *Home Affairs makes children and families aware of their rights and works to support their sense of control and independence.***

- a. Home Affairs acknowledges that families have the primary responsibility for the upbringing and development of their children and, where there is scope to do so, they participate in decision-making affecting their children.
- b. Home Affairs engages in open, two-way communication with families and communities about its child safeguarding approach and relevant information is accessible.
- c. Families contribute to the development and review of the Department's policies and procedures through engagement with IBP workers.
- d. Home Affairs informs the public about its commitment and approach to child safeguarding.

**4. *Home Affairs upholds equity and respects the diverse needs of children in policy and practice.***

- a. Home Affairs actively anticipates children's diverse circumstances and responds effectively to those with additional vulnerabilities.
- b. All children have access to information, support and complaints processes.
- c. Home Affairs pays particular attention to the needs of children with disabilities and from culturally and linguistically diverse backgrounds.

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**5. Home Affairs screens for suitable staff and contracted service providers for child-related roles and provides knowledge, skills and awareness of child safeguarding to IBP workers through information and training.**

- a. Recruitment, including advertising and screening, emphasises child safety.
- b. Workers in child-related roles have working with children checks.
- c. IBP workers receive an appropriate induction, including access to relevant policies and procedures, and they complete the Child Safeguarding eLearning and sign the Department's Child Protection Mandatory Behaviours Declaration.
- d. A child safeguarding focus is part of supervision and management for IBP workers in child-related roles. Child safeguarding measures are explicitly included in performance and development agreements for IBP workers, its contractors and consultants in child-related roles.
- e. IBP workers in child-related roles receive information and training on the nature and indicators of child abuse.
- f. IBP workers in child-related roles receive information and training on safeguarding children and their wellbeing.
- g. Home Affairs supports IBP workers to develop practical skills in safeguarding children and their wellbeing.

**6. Home Affairs makes children and their families aware of mechanisms to report complaints, concerns or incidents of child abuse and the Department's business areas and contracted service providers use the triple track approach to child-related incidents.**

- a. Home Affairs has complaints handling processes and reporting systems that prioritise child-related complaints.
- b. Allegations, concerns and complaints handling policies and procedures clearly outline roles and responsibilities, approaches to dealing with different types of concerns, incidents and complaints, and obligations to act and report.
- c. IBP workers take concerns, incidents and complaints seriously, and respond to them promptly and thoroughly, using the triple track approach where applicable, and meet reporting, privacy and employment law obligations.

**7. Physical and online environments are managed to minimise the opportunity for abuse to occur.**

- a. Business areas identify and mitigate risks in the online and physical environments, where applicable, without compromising children's privacy and healthy development.
- b. IBP workers use the online environment in the Department's business environments in accordance with the Department's relevant policies and procedures on the acceptable use of information and communication technology.

**8. Home Affairs regularly reviews and improves the Child Safeguarding Framework and associated documents in line with best practice and the National Principles for Child Safe Organisations.**

- a. Home Affairs regularly reviews the framework, child safeguarding policies, procedural instructions and support materials in accordance with best practice and the requirements of the Policy and Procedural Control Framework.
- b. Complaints, concerns and incidents are analysed to identify causes and systemic failures to inform continuous improvement.

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### **9. Policies, procedural instructions and support materials document the Department's approach to safeguarding children and their wellbeing.**

- a. The Department's child-related policies, procedural instructions and support materials address the National Principles for Child Safe Organisations.
- b. The Department's child-related policies, procedural instructions and support materials are accessible and easy to understand.
- c. The executive leadership team champions and models compliance with child safeguarding policies, procedural instructions and support materials.
- d. IBP workers understand and implement child-related policies, procedural instructions and support materials.

### **10. Home Affairs puts appropriate care and wellbeing arrangements in place for minors who arrive in Australia unaccompanied by a parent or legal guardian.**

- a. Services which prepare young people for a successful transition to adulthood are delivered via contracted service providers or state/territory child welfare authorities.
- b. Unaccompanied minors reside in a care environment that offers stability and security, and service providers arrange for their health, education, social, cultural and linguistic needs to be met.
- c. Unaccompanied Humanitarian Minors Program arrangements are implemented according to the legislative framework underpinning the Minister's guardianship responsibilities, as provided by the [Immigration \(Guardianship of Children\) Act 1946 \(Cth\)](#) (IGOC Act).

## **Strategies used to safeguard children and their wellbeing**

The framework is a key component of the Department's strategic approach to the safeguarding of children and their wellbeing. The framework assists IBP workers by:

- outlining the Department's commitment to a strong, open and proactive culture that promotes awareness of child safeguarding and does not tolerate child abuse; and
- providing direction to policy guidance and operational advice and support.

Approaches which assist in the delivery of quality services, prevent abuse and enhance the wellbeing of children involved in the Department's programs include:

- considering the best interests of children as a primary consideration in all decisions and actions affecting them where there is scope to do so
- emphasising the protection and wellbeing of children as primary considerations for contracted service providers delivering programs and services on the Department's behalf
- focusing on the centrality of family in supporting children's wellbeing
- embedding an individualised management approach for families and unaccompanied minors
- developing dynamic risk-based security planning which responds directly to a child's or family's needs
- negotiating flexible service provision contracts which recognise the changing needs of children and their families
- regularly reviewing the Department's child-related policy frameworks to ensure they remain fit for purpose in light of changing contextual factors relating to children
- implementing and participating in consultative child-focused forums in the Department and the Commonwealth
- providing guidance around protective behaviours for children
- using independent observers to oversee interviews and interactions with children where applicable
- implementing and reviewing business planning processes and risk management practices in regard to child safeguarding
- continuing human resource strategies which prioritise child safeguarding including recruitment, screening and training in effective decision-making, leadership and risk assessment
- conducting quality assurance of processes and procedures affecting children



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- staying informed about contemporary child safeguarding policy and approaches
- continuing to build relationships with key stakeholders, including state and territory child welfare and law enforcement authorities
- welcoming independent scrutiny of child safeguarding practices in operational environments.

### Child safeguarding culture

Home Affairs is committed to a culture that:

- takes a preventative, proactive and participatory approach to safeguarding children and supporting their wellbeing opportunities
- values the centrality of family in children's wellbeing
- plans for and implements an approach to the management of children and families which is responsive to individual needs
- assists children, families and communities from culturally and linguistically diverse backgrounds to understand relevant child protection and welfare laws and community expectations for parenting
- requires screening of IBP workers and subcontractors working in child-related positions prior to their appointment, including obtaining and maintaining the relevant state or territory working with children clearance
- respects cultural differences in family life and parenting approaches, and encourages IBP workers and subcontractors to be aware of the potential for their own cultural biases to impact decision making
- invests in resources, including staffing arrangements that support consistency and promote family autonomy, competence and relatedness
- adapts, innovates and continuously improves; and
- is welcoming of scrutiny and accountability checks, invites expert advice and develops workable risk identification strategies.

### Implementation of the framework

Compliance with the framework is mandatory. Business areas must implement the requirements of the framework and its associated policies and procedures into their day-to-day business practices.

The framework is sufficiently broad and flexible to allow for its integration into the Department's varied business functions. Business areas must continue to incorporate the framework into new and updated policies and procedures, programs and services involving or affecting children and their families. Child Wellbeing assists business areas with implementation of the framework.

### Application to overseas based IBP workers and IBP workers in maritime environments

IBP workers who provide services to children on behalf of Home Affairs in foreign countries or work outside Australia's contiguous zone must comply with the requirements of this framework. Non-compliance with the framework may be grounds for action under the [Public Service Act 1999 \(Cth\)](#) in respect of APS staff and ABF officers, and grounds for action in accordance with the terms of the relevant contract in respect of contracted service providers.

At the same time, IBP workers working in foreign countries or working outside Australia's contiguous zone must comply with the host government's domestic law, including child-related incident reporting and pre-employment screening requirements relating to working with children. Contracted service providers must adhere to their contractual obligations, as well as the host government's domestic law.

## **Assurance**

Home Affairs undertakes a program of activities to measure progress associated with implementing the requirements in this framework, which reflects the requirements of the CCSF, and the recommendations made by the Royal Commission and the Child Protection Panel.

Home Affairs aims to assure itself that risks to children are identified, prevented, and mitigated by business areas through the implementation of controls that are aligned with the best practice requirements and obligations identified in this framework. Non-compliance with controls should be identified, reported and addressed by business areas, and assurance activities conducted to confirm that their controls are working effectively to prevent and mitigate harm to children.

## **Risk identification and management**

This framework is a key control mechanism for ensuring the safety, wellbeing and security of children, and it is informed and underpinned by the Home Affairs Risk Management Policy Framework.

In addition, business areas must actively identify child-related risks that may arise in immigration programs involving children, and must incorporate those risks into local risk registers and control mechanisms for ongoing monitoring and management and to facilitate continuous improvement.

## **Learning and development**

Home Affairs is committed to providing child safeguarding learning and development for all IBP workers to help increase their capacity to respond effectively to child protection concerns and to safeguard children in immigration programs.

IBP workers in identified child-related positions must complete the Department's mandatory Child Safeguarding eLearning before commencing in their role. Face-to-face instructor-led training on child safeguarding and considering the best interests of children is available by request from Child Wellbeing Branch.

## **Procurement and Grants**

To increase the reach of the Department's commitment to child safety, it has implemented and complies with the requirements of the CCSF to promote the protection of children in services and activities that Home Affairs funds.

Consistent with the CCSF, Home Affairs imposes child safety requirements, through written agreements, on any individuals or organisations funded to provide services directly to children, or engage in activities involving children that are a usual part of, and more than incidental to, the funded activity. This includes but is not limited to funding arrangements such as grants and procurements. The need to provide flexible, accountable service provision is important given the Department's dynamic operational environment and the variability of family life.

[Child safety clauses](#) have been prepared for use in the [Commonwealth Simple and Standard Grant Agreement templates](#), through optional Supplementary Conditions aimed at ensuring that all personnel who may be working with children are appropriately screened for that purpose. The clause also ensures that the supplier's obligations under the contract relating to child safety are replicated in subcontracts and secondary subcontracts. Clauses are available for use in the [Commonwealth ClauseBank](#) for procurement and grants.

### **Third parties operating overseas**

To the extent possible, the Department's provision of funding to third party organisations overseas should endeavour to ensure those organisations have appropriate child safe practices in place.

If the Department funds organisations that are not required to comply with Australian laws, then the existing Commonwealth Child Safety clauses may not provide adequate safeguards for children's safety. In these circumstances the responsible business area should seek legal advice on appropriate variations or alternatives to the child safety clause.

## Attachment A – Definitions

Term	Acronym (if applicable)	Definition
Carer		<p>A carer is a person or organisation who provides the routine day-to-day care for an unaccompanied minor (UAM). Carers of UAMs have no legal custodianship of these minors under the <a href="#">Immigration (Guardianship of Children) Act 1946 (Cth)</a> (IGOC Act).</p> <p>In an immigration detention facility (IDF), the carer is the service provider contracted to undertake this specific role.</p>
Child		<p>For the purposes of this framework, 'child' refers to anyone under the age of 18, consistent with the <a href="#">Convention on the Rights of the Child (CRC)</a> as well as subsection 4(b) of the <a href="#">Family Law Act 1975</a>. See also section 5CA of the <a href="#">Migration Act 1958</a>.</p> <p>(Noting state/territory jurisdictions may adopt different definitions of 'child'.<sup>2</sup>.)</p>
Child abuse		<p>All forms of abuse including<sup>3</sup>:</p> <p><b>Physical abuse:</b> the use of physical force against a child that results in harm to the child. Physically abusive behaviour includes shoving, hitting, slapping, shaking, throwing, punching, kicking, biting, burning, strangling and poisoning. It is important to differentiate behaviour which constitutes reasonable parental discipline, in line with current legislation.</p> <p><b>Emotional abuse:</b> refers to inappropriate verbal or non-verbal acts toward a child or a pattern of behaviour over time that fails to provide a child with adequate nurture and emotional availability. This includes:</p> <ul style="list-style-type: none"> <li>• rejecting</li> <li>• isolating</li> <li>• terrorising</li> <li>• ignoring</li> <li>• corrupting</li> </ul>

<sup>2</sup> For example, in NSW, a 'child' is defined as a person under the age of 16, and a 'young person' means a person who is aged 16 years or above but who is under the age of 18 years (s3 *Children and Young Persons (Care and Protection) Act 1998*). In Victoria, a 'child' is defined as a person under the age of 17 (s3 *Children, Youth and Families Act 2005*). In the ACT, a 'child' means a person under the age of 12, and a 'young person' means a person who is 12 years old or older but not yet an adult (s2 *Children and Young people Act 2008*).

<sup>3</sup> Fact Sheet No. 12 *What is child abuse and neglect?* National Children's Clearinghouse, Australian Institute of Family Studies

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Term	Acronym (if applicable)	Definition
		<p><b>Sexual abuse:</b> refers to ‘the use of a child for sexual gratification by an adult or significantly older child/adolescent’<sup>4</sup>, or ‘any act which exposes a child to, or involves a child in, sexual processes beyond his or her understanding or contrary to accepted community standards’<sup>5</sup>. Sexually abusive behaviours can include the fondling of genitals, masturbation, oral sex, vaginal or anal penetration by a penis, finger or any other object, fondling of breasts, voyeurism, exhibitionism, and exposing the child to, or involving the child in, pornography.</p> <p><b>Neglect:</b> failure to provide a child/children with the conditions that are socially expected and accepted (such as adequate food and shelter) as being essential for their physical and emotional development and wellbeing. This includes:</p> <ul style="list-style-type: none"> <li>• supervisory neglect</li> <li>• physical neglect</li> <li>• medical neglect</li> <li>• emotional neglect</li> <li>• educational neglect</li> <li>• abandonment</li> </ul> <p>Neglect may be acute, episodic or chronic.</p> <p><b>Exploitation:</b> child exploitation is the use of a child (usually by an adult or significantly older person), for their own personal benefit or interest. Behaviours indicative of child exploitation include the:</p> <ul style="list-style-type: none"> <li>• possession, control and distribution of child pornography material</li> <li>• coercion of a child to perform an inappropriate act</li> <li>• commission of abuse against a child</li> <li>• grooming of a child for future abuse</li> <li>• trafficking of a child for the purposes of slavery or prostitution.</li> </ul> <p><b>Exposure to family violence:</b> <sup>6</sup>this term has been broadly defined as ‘a child being present (hearing or seeing) while a parent or sibling is subjected to physical abuse, sexual abuse or psychological maltreatment, or is visually exposed to the damage caused to persons or property by a family member’s violent behaviour’.</p>
Child abuse material		<p>Material, irrespective of its form, which is classified as child abuse material or child pornography material.</p> <p><b>NOTE:</b> The <a href="#">Combatting Child Sexual Exploitation Legislation Amendment Act 2019</a> replaced the term ‘child pornography material’ with ‘child abuse material’ in Commonwealth legislation to reflect that this type of material fundamentally involves the abuse of children.</p>

<sup>4</sup> Tomison, A. M. (1995). Update on child sexual abuse (Issues Paper No. 5). Melbourne: National Child Protection Clearinghouse, page 2

<sup>5</sup> Broadbent, A., & Bentley, R. (1997). Child abuse and neglect Australia 1995-96 (Child Welfare Series No. 17). Canberra: Australian Institute of Health and Welfare, page 14

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

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Term	Acronym (if applicable)	Definition
		<ul style="list-style-type: none"> <li>This term has replaced references to 'child pornography material' in the <a href="#">Criminal Code Act 1995</a>, the <a href="#">Crimes Act 1914</a>, the <a href="#">Customs Act 1901</a> and the <a href="#">Telecommunications (Interception and Access) Act 1979</a>.</li> </ul> <p>The use of 'child abuse material' is consistent with international guidance, which provides that the word 'exploitation' generally involves a notion of exchange (such as monetary gain) between the abuser and the child.</p> <p>'Exploitation' may incorrectly infer that an exchange must occur between the abuser and the child in every case, which is inaccurate and misleading when we are referring to material that involves the sexual and physical abuse of children.</p>
Child pornography		Consistent with the Optional Protocol to the Convention on the Rights of the Child on Sale of Children, Child Prostitution and Child Pornography, 'child pornography' means 'any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes.' Also see Child abuse material.
Child pornography material		Material that depicts a person, or is a representation of a person, who is, or appears to be, under 18 years of age and is engaged in, or appears to be engaged in, a sexual pose or sexual activity, or is in the presence of a person who is engaged in, or appears to be engaged in, a sexual pose or activity, and does this in a way that a reasonable person would regard as being, in all the circumstances, offensive. Also see Child abuse material.
Child protection		Any activity or initiative designed to protect and respond to child abuse and the risk of child abuse.
Child protection incident		A child protection incident is a known occurrence of child abuse, or the reasonable suspicion of child abuse occurring, which must be reported to a state and territory child welfare authority (SCWA) or police in accordance with state, territory and Commonwealth requirements.
Child-related incident		Any safety or wellbeing incident involving a child, including a known occurrence of child abuse or the reasonable suspicion that child abuse is occurring or may occur in the future. This may involve, for example, a child in immigration detention or a departmental program in Australia or overseas. A child-related incident includes any child protection incidents that have occurred in the past and/or overseas prior to a child arriving in Australia.
Child-related position		<p>IBP workers and contracted service providers are classified as being in child-related positions if they:</p> <ul style="list-style-type: none"> <li>detain a child</li> <li>manage the case of a family or unaccompanied child detainee</li> </ul>

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Term	Acronym (if applicable)	Definition
		<ul style="list-style-type: none"> <li>• provide services to a child in immigration detention</li> <li>• provide services to or have contact with children as part of their role</li> <li>• supervise a child in an immigration program in Australia, and/or</li> <li>• work in the Department business environments where children may be present.</li> </ul>
Child safeguarding		This relates to the actions that Home Affairs takes to promote the safety and wellbeing of children in its care, and to protect them from harm.
Child Safeguarding Framework	the framework	<p>This framework is an overarching policy framework that provides guidance and assistance to IBP workers, contractors, consultants, service providers and stakeholders to support families and children in the Department programs.</p> <p>It reflects the best practice standards and requirements set out in the Commonwealth Child Safe Framework, the Royal Commission and the Child Protection Panel. Meeting these standards and requirements is necessary for Home Affairs to become a child safe organisation.</p>
Child safeguarding inquiry	CSI	A child safeguarding inquiry is an internal process instigated by the detention superintendent in response to a child-related incident to determine what supports are required by a child and the identified person of interest, and if any systemic issues contributed to the child-related incident. It does not replace or have any impact on the investigation of the child-related incident that may be conducted by the state or territory child welfare authority or the police.
Child wellbeing		<p>Wellbeing is the ability for a child to realise his or her own potential or self-agency, to better cope with the normal stresses of life, to live and learn productively and to be an active part of a community.</p> <p>Child wellbeing affects the immediate and future lives of children. A focus on wellbeing assists with prevention of abuse and encourages the development of healthier children, families and communities. The wellbeing of children relates to their ability to:</p> <ul style="list-style-type: none"> <li>• receive care from parents or primary caregivers</li> <li>• participate in the norms of the society within which they live</li> <li>• participate and achieve in compulsory education</li> <li>• develop physically, intellectually, emotionally and socially</li> <li>• enjoy good physical and mental health</li> <li>• achieve age-appropriate relationships with peers and adults, and</li> <li>• access and exercise their rights as a child.</li> </ul>
Commonwealth officer		The definition of Commonwealth officer at section 273B.1 of the Criminal Code is intended to bring individuals who work for, or on behalf of, the Commonwealth within the scope of the failure to protect and failure to report offences. The definition of Commonwealth officer is directed at individuals, who are considered to be a 'natural person'.

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Term	Acronym (if applicable)	Definition
		<p>Entities are not a Commonwealth officer for the purposes of this definition. The definition does not capture Commonwealth grant recipients.</p> <p>The offences will apply to locally based officers, as well as Commonwealth officers who are Australian citizens and residents and who are working overseas. The failure to protect offence will only capture those officers with children in their care, supervision or authority in their capacity as a Commonwealth officer. The failure to report offence will only capture those officers with children in their care or supervision in their capacity as a Commonwealth officer. Please seek independent legal advice for specific matters.</p> <p>The full definition at section 273B.1 of the Criminal Code provides that 'Commonwealth officer' means:</p> <ul style="list-style-type: none"> <li>• a Minister</li> <li>• a Parliamentary Secretary</li> <li>• an individual who holds an appointment under section 67 of the Constitution</li> <li>• an APS employee</li> <li>• an individual employed by the Commonwealth otherwise than under the Public Service Act 1999</li> <li>• a member of the Australian Defence Force</li> <li>• a member or special member of the Australian Federal Police</li> <li>• an individual (other than an official of a registered industrial organisation) who holds or performs the duties of an office established by or under a law of the Commonwealth, other than: <ul style="list-style-type: none"> <li>– the Corporations (Aboriginal and Torres Strait Islander) Act 2006; or</li> <li>– the Australian Capital Territory (Self-Government) Act 13 1988; or</li> <li>– the Corporations Act 2001; or</li> <li>– the Northern Territory (Self-Government) Act 1978</li> </ul> </li> <li>• an officer or employee of a Commonwealth authority</li> <li>• an individual who is: <ul style="list-style-type: none"> <li>– a contractor or subcontractor of the Commonwealth or a Commonwealth authority; or</li> <li>– an officer or employee of a contractor or subcontractor of the Commonwealth or a Commonwealth authority; or</li> <li>– assigned to work for the Commonwealth or a Commonwealth authority under a labour hire arrangement</li> </ul> </li> <li>• an individual (other than an official of a registered industrial organisation) who exercises powers, or performs functions, conferred on the person by or under a law of the Commonwealth, other than:</li> </ul>



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Term	Acronym (if applicable)	Definition
		<ul style="list-style-type: none"> <li>– the Corporations (Aboriginal and Torres Strait 30 Islander) Act 2006; or</li> <li>– the Australian Capital Territory (Self-Government) Act 1988; or</li> <li>– the Corporations Act 2001; or</li> <li>– the Northern Territory (Self-Government) Act 1978; or</li> <li>– a provision specified in the regulations</li> <li>• an individual who exercises powers, or performs functions, conferred on the individual by or under a law in force in Norfolk Island, the Territory of Christmas Island or the Territory of Cocos (Keeling) Islands (whether the law is a law of the Commonwealth or a law of the Territory concerned).</li> </ul>
Contracted service provider		Any contractor or consultant performing services for the Department who the Secretary has not determined to be an IBP worker.
Immigration programs		Activities conducted in the administration of the immigration program (temporary, permanent migration or humanitarian), citizenship, status resolution, cancellation, removal and detention caseloads, border clearances and border protection operations are within the scope for this policy.
Immigration and Border Protection workers	IBP workers	<p>As defined in section 4 of the ABF Act, an Immigration and Border Protection worker is:</p> <ul style="list-style-type: none"> <li>(a) an APS employee in the Department; or</li> <li>(b) a person covered by paragraph (d), (e) or (f) of the definition of <b>officer of Customs</b> in subsection 4(1) of the <i>Customs Act 1901</i>; or</li> <li>(c) a person covered by paragraph (f) or (g) of the definition of <b>officer</b> in subsection 5(1) of the <i>Migration Act 1958</i>; or</li> <li>(d) a person who is: <ul style="list-style-type: none"> <li>i. an employee of an Agency (within the meaning of the <i>Public Service Act 1999</i>); or</li> <li>ii. an officer or employee of a State or Territory; or</li> <li>iii. an officer or employee of an agency or authority of the Commonwealth, a State or a Territory; or</li> <li>iv. an officer or employee of the government of a foreign country, an officer or employee of an agency or authority of a foreign country or an officer or employee of a public international organisation; and whose services are made available to the Department; or</li> </ul> </li> <li>(e) a person who is: <ul style="list-style-type: none"> <li>i. engaged as a consultant or contractor to perform services for the Department; and</li> </ul> </li> </ul>

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		<p>ii. specified in a determination under subsection 5(1); or</p> <p>(f) a person who is:</p> <ul style="list-style-type: none"> <li>i. engaged or employed by a person to whom paragraph (e) or this paragraph applies; and</li> <li>ii. performing services for the Department in connection with that engagement or employment; and</li> <li>iii. specified in a determination under subsection 5(2).</li> </ul>
Immigration Guardianship of Children minor	IGOC minor	<p>A policy term that refers to a non-citizen child (under 18 years) for whom the Minister is their legally recognised guardian, as provided by the <i>Immigration (Guardianship of Children) Act 1946</i> (Cth) (IGOC Act). The IGOC Act provides that the Minister is the legal guardian of a non-citizen child who:</p> <ul style="list-style-type: none"> <li>• enters Australia as a non-citizen; and</li> <li>• has not turned 18; and</li> <li>• intends, or is intending, to become a permanent resident of Australia; and</li> <li>• did not enter Australia in the charge of, or for the purposes of living in Australia under the care of, a parent, legal guardian, or relative who is over 21 years of age.</li> </ul>
Individualised approach		<p>Home Affairs has adopted an individualised approach to the management of children and families to explicitly counter the potential impacts arising from the institutional and systemic nature of its programs and operational environments and to acknowledge the diverse and variable needs and circumstances of children.</p> <p>An individualised approach highlights the centrality of the family to children’s wellbeing by recognising the positive protective influence of family routines, dynamics and culture and the need for parents to exercise authority, autonomy and competence in relation to their children.</p> <p>An individualised approach is enquiring, respectful, adaptive, and tailored to the needs of the individual family or child and their circumstances in a departmental program.</p> <p>Operationalising the individualised approach requires flexible and responsive service delivery contracts to reduce the significant risk to the wellbeing of children or young person which occurs due to the overt regulation and scrutiny of institutional environments.</p>
Mandatory reporter		<p>A member of a class of persons upon whom state or territory legislation imposes an obligation to report a child protection incident; that is (broadly) to notify the appropriate child protection authority of concerns, suspicions or beliefs of threats to the welfare of a child. For information about mandatory reporters refer to the relevant legislation</p>

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Term	Acronym (if applicable)	Definition
		for the relevant state or territory, or refer to Reporting Child-related Incidents Procedural Instruction.
Parent or guardian		A person that provides the routine day-to-day care and parental responsibility for a minor.
Person of interest	POI	A person who has, or is suspected of having, caused harm to a child.
Protection		For the purpose of the framework, 'protection' refers to the strategies, policies, procedures and programs adopted by Home Affairs, state and territory governments, organisations, communities and individuals to protect children from abuse and exploitation. Protection of children is the legislative responsibility of Australian state and territory governments. Home Affairs works collaboratively with state and territory authorities on child protection matters.
Safeguarding		The term 'safeguarding' relates to action undertaken by Home Affairs to promote children's safety and their wellbeing. Safeguarding measures aim to ensure staff working with children in the Department care are able to protect them from exposure to harm and maintain their wellbeing. Safeguarding practices might include: <ul style="list-style-type: none"> <li>• undertaking child safeguarding inquiries into incidents to improve the Department safeguarding practices</li> <li>• considering risk factors to children when carrying out actions or making decisions, and</li> <li>• making children aware of complaint management processes.</li> </ul>
State or territory child welfare authority	SCWA	Includes any organisation, body or agency of a state or territory to which state or territory legislation requires notifications of child protection incidents to be made.
Triple track approach		The triple track approach to child-related incident management provides a holistic response by managing several components simultaneously. The triple track approach focuses on: <ul style="list-style-type: none"> <li>• the child (their family and the ongoing wellbeing of the child) and their needs</li> <li>• the person of interest (POI) (alleged to have caused the harm) and their needs, and</li> <li>• any systemic issues that may have contributed to a child-related incident.</li> </ul>
Unaccompanied Humanitarian Minor	UHM	A policy term for an eligible person under 18 years of age who arrives in Australia as part of the UHM Program without being in the charge of, or for the purpose of being cared for by, a parent as recognised under Australian law.

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Term	Acronym (if applicable)	Definition
Unaccompanied Humanitarian Minors Program	UHM Program	The UHM Program is a policy-based program that facilitates care, supervision, accommodation and support services onshore to certain non-citizen minors who have been assessed by Home Affairs as entering and residing in Australia without a parent or legal guardian. Eligible non-citizen minors may be either IGOC minors or non-IGOC minors.
Unaccompanied minor	UAM	<p>UAM has no definition in migration-related legislation and, for the purpose of this framework, it is defined as a person under 18 years of age who arrives in Australia without being in the charge of, or for the purpose of being cared for by, a parent or legal guardian as recognised under Australian law.</p> <p>UAM also refers to unaccompanied minors who are part of the Illegal Maritime Arrival (IMA) cohort and hold a Temporary Protection visa or Safe Haven Enterprise visa.</p>