

Commonwealth Child Safe Framework

FWOROCE

Annual Statement of Compliance



2020-21 Financial Year

The Commonwealth Child Safe Framework (the Framework) is a whole-of-government policy that sets minimum standards for Australian Government entities to create and maintain behaviours and practices that are safe for children¹. Under [Requirement 4](#) of the Framework, Commonwealth entities are required to publish an annual statement of compliance with the Framework including an overview of the entity's child safety risk assessment. The Annual Statement of Compliance for the 2020-21 financial year for the Fair Work Ombudsman and Registered Organisations Commission Entity (FWOROCE) is set out below.

1. FWOROCE's commitment to child safety

The FWOROCE is committed to ensuring the safety and wellbeing of children and young people in connection with our work and with our employees. FWOROCE seeks to create and maintain behaviours, practices and an organisational culture that acknowledges the importance of child safety and wellbeing. FWOROCE is committed to:

- Implementing strategies and taking action to promote child wellbeing and prevent harm to children.
- Creating an environment where children's safety and wellbeing is acknowledged during the course of interactions with children and young people.
- Genuine engagement with and valuing of children.
- Creating conditions that reduce the likelihood of harm to children.
- Creating conditions that increase the likelihood of identifying any harm.
- Reporting/responding to any concerns, disclosures, allegations, or suspicions of harm.
- Making sure staff and volunteers have the skills, confidence and knowledge to keep children safe.

2. FWOROCE's interaction with children as part of its operations

The FWOROCE is comprised of the following combination of independent bodies:

- The Office of the Fair Work Ombudsman (FWO)
- The Registered Organisations Commission (ROC)

The FWO's jurisdiction is set out in the *Fair Work Act 2009*, its main role is to promote harmonious, productive and cooperative workplace relations through advice and education; and ensure and enforce compliance with Australian workplace laws. The ROC is responsible for improving the governance and financial accountability of unions and employer associations by ensuring compliance with the *Fair Work (Registered Organisations) Act 2009* through education, monitoring, and, where appropriate, enforcement. The ROC has no direct contact or interaction in the course of its operations and the FWO has minimal direct contact or interaction with children as part of carrying out FWO operations.

The majority of FWO staff members do not interact directly with children in the performance of their duties. Although in some instances staff members may interact with children in the course of their duties - whether it be face-to-face, over the telephone, by way of electronic communication or by accessing a record pertaining to that person. These staff members may engage with children in the following instances:

- **Customer services**

Fair Work Customer Experience Officers answer telephone calls from members of the public regarding a range of employment related matters. As part of their duties, a Customer Experience Officer may, from time to time, answer a telephone enquiry from a young worker². Please note the age of a customer is not always disclosed during the course of an enquiry.

1. As defined by the Framework a child or young person is a person under 18 years of age or a person apparently less than 18 years of age if the person's age cannot be proven.

- **Compliance and enforcement activities**

Fair Work Inspectors (FWIs) promote and monitor compliance with Commonwealth workplace laws. Their role includes conducting compliance audits, investigating workplace complaints and suspected breaches and taking steps to enforce relevant Commonwealth workplace laws. In performing these functions, a FWI may speak to or interview a young worker and access a record relating to the employment of a young worker.

- **Litigation proceedings**

When undertaking litigation to remedy breaches of Commonwealth workplace laws FWO lawyers may take evidence, or otherwise deal with a young worker in the course of a litigation.

- **Education activities**

The FWO's Community Engagement Officers may have contact with children in the context of attending expos held by universities, other education providers or stakeholders (for example, having a stall/stand or delivering a presentation).

The FWO administers a Community Engagement Grants Program (CEG Program) which commenced on 1 January 2017. The program involves funding to third party providers who may in turn deliver services to children. The grant program provides funding to not-for-profit organisations to undertake a range of activities involving the provision of professional advice, information or assistance to people within the federal workplace relations system about the operation of Commonwealth workplace laws, particularly the *Fair Work Act 2009* and may include:

- legal advice sessions
- community education
- telephone or face to face advisory services
- case work services.

In the latest round of grants FWO awarded a total of \$7.2 million to five not-for-profit organisations. The CEG Program will see grants of between \$1 million and \$1.8 million provided to the organisations across four years to support people, including young workers, understand and exercise their rights under the Commonwealth workplace relations system. Funding will be provided from 1 January 2021 to 31 December 2024. One grant has been awarded to Youth Law Australia who will provide information, advice and education about Commonwealth workplace laws to young people in NSW, the Northern Territory and the ACT.

2. For the purposes of the statement a young worker is defined as a person under the age of 18.

3. Child safety risk assessment

In accordance with the requirements of the Framework, an annual risk assessment was undertaken by FWOROCE³. Five key risks were identified (four rated low and one rated medium) which resulted in an overarching risk rating of low for the Entity. A brief summary of the five identified risks is set out below in table 1 along with controls in place to address these risks.

Table 1. Child safety risk assessment August 2021

No.	Description	Control
RISK 1 - Reporting Potential Risks Rating: MEDIUM	Child (under 18) suffers from physical, sexual, emotional or psychological abuse or is neglected, and the FWOROCE fails to act promptly or appropriately by meeting the relevant state or territory mandatory reporting requirements, in response to either: <ul style="list-style-type: none"> information received through FWO channels information disclosed by a child during discussions with a FWO staff member visual observations by the FWO employee a request through the National Redress Scheme. 	<ol style="list-style-type: none"> Accessible guidance materials, training and processes that assist staff understand and comply with mandatory reporting requirements where there are concerns, suspicions or beliefs that a child or young person is or has been abused and or neglected. Procurement guidelines require compliance with the Framework by funded third parties. Applicable clauses requiring compliance with the Framework in the CEG Program agreements.
RISK 2 - Potential On-site Risks Rating: LOW	Child (under 18) suffers physical, sexual, emotional or psychological abuse on FWOROCE premises while: <ul style="list-style-type: none"> accompanying their parent who is a FWOROCE staff member participating in a work experience or other employment program sponsored by FWOROCE being interviewed by FWIs attending the FWO front counter being a contractor or employee of a contractor contracted to the FWOROCE. 	<ol style="list-style-type: none"> See Risk 1 WHS Policies and Procedures Children and Young People in the Workplace Policy Criminal records check prior to commencing employment Code of Conduct and APS values Conducting investigative interviews guide (protocols in place if the person interviewed is under 18 years of age) Security processes and procedures Complaints management process to manage complaints or requests for review from children or young workers. Internal legal advice was obtained to help identify FWO positions that may require a Working with Children Check or equivalent
RISK 3 - Potential Off-site Risks Rating: LOW	Child suffers physical, sexual, emotional or psychological abuse outside of FWO premises due to: <ul style="list-style-type: none"> FWI participating in a site visit FWO employee attending external conference or other forum. 	<ol style="list-style-type: none"> See Risk 1 See Risk 2
RISK 4 - Potential Privacy Risks Rating: LOW	Child suffers physical, sexual, emotional or psychological abuse by someone other than a FWO employee due to: <ul style="list-style-type: none"> FWO employee inappropriately or inadvertently disclosing private information (such as phone number or address) of a child to someone other than custodial parent or guardian external party inappropriately accessing private information stored on FWO databases. 	<ol style="list-style-type: none"> FWO Privacy Policy Proof of Identity and Customer Privacy at the FWO FWO Information Security Policy IT General Controls Protocol for the use of Information Audit trails and logs for accessing information
RISK 5 - National Principles for Child Safe Organisations Implementation Rating: LOW	FWOROCE fails to implement maintain the requirements outlined in the National Principles for Child Safe Organisations	<ol style="list-style-type: none"> Annual review in accordance with Requirement 4 of the Framework to publish an annual statement of compliance. The annual review will consider any necessary updates to guidance and training materials, and policies Annual review of the Child Safe Risk Register to ensure risks are contemporary and that the identified controls and treatment remain effective. Engagement with other Government agencies to ensure a consistent approach to implementing the Framework.

3. The risk assessment was undertaken in August 2021 following the end of the financial year in order to assist with the assessment of FWOROCE compliance with the framework for the 2020-21 reporting period and ensure risks and controls were contemporary for the year ahead.

4. Compliance with the Framework

The FWOROCE is fully compliant with three of the four requirements of the Framework as set out below. Following an annual review of compliance against the framework conducted in August 2021 (as detailed in table 4) it has been identified that there are further activities that can be undertaken to improve compliance with the Framework (see measures to improve compliance, see section 4.1, table 3). Whilst not all of the Principles for Child Safe Organisations National Principles (National Principles) apply to FWOROCE, noting the limited contact with children and young people, there is work underway to further imbed and improve compliance with the National Principles.

Table 2. Summary table compliance with the Framework

Requirement 1	Requirement 2	Requirement 3	Requirement 4
Undertake risk assessments annually in relation to activities of the entity, to identify the level of responsibility for, and contact with, children, evaluate risks to child safety, and put in place appropriate strategies to manage identified risks.	Establish and maintain a system of training and compliance, to make staff aware of, and compliant with, the Framework and relevant legislation, including Working with Children Checks / Working with Vulnerable People Checks and mandatory reporting requirements.	Adopt and implement the National Principles for Child Safe Organisations.	Publish an annual statement of compliance with the Framework including an overview of the entity's child safety risk assessment (conducted under Requirement 1).
Compliant	Compliant	In progress	Compliant

4.1 Measures to improve compliance

Following the 2021 review of compliance against the Framework (as detailed in table 4) it has been identified that there are activities that can be undertaken to further embed and improve compliance with the Framework. Table 3 details activities to be undertaken in the 2021-22 financial year.

Table 3. Measures to improve compliance

Required Action	Requirement	Description
1. Development of a Child Safety and Wellbeing Policy	Requirement 3, Principle 1	Development of an internal Child Safety and Wellbeing Policy that references the Entity's child safe governance arrangements including relevant policies and procedures (including information sharing and record keeping policies).
	Requirement 3, Principle 4.1 & 4.3	Entity policies related to accessibility, anti-discrimination, cultural safety, diversity and inclusion to be reviewed in line with the Framework and referenced in Child Safety and Wellbeing Policy to ensure staff understand children and young people's diverse circumstances, and provide support and respond to those who are vulnerable.
	Requirement 3, Principle 8.2	Review relevant policies to ensure child safety and wellbeing is considered in the online environment – policies to be referenced in Child Safety and Wellbeing Policy.
	Requirement 3, Principle 10	Child Safety and Wellbeing Policy to address all applicable National Child Safe Principles.
	Requirement 2	Information regarding Commonwealth offences, mandatory reporting obligations, Working with Children Checks (WWCC) / Working with Vulnerable People (WWVP) checks and any additional responsibilities under jurisdictional reportable conduct schemes to be included in the entity's Child Safety and Wellbeing Policy.
2. Feedback and Complaints Policy to be reviewed	Requirement 3, Principle 4.2 & 6	Feedback and Complaints Policy to be reviewed to ensure accessible, child-friendly and culturally safe information regarding complaints processes for children and young people is included.
3. Development of a Child safe Code of Conduct	Requirement 3, Principle 1.4	Development of a Child Safe Code of Conduct to be included in the Child Safety and Wellbeing Policy.
4. Annual risk assessment	Requirement 3, Principle 8.1	Online environment to be reviewed as part of annual risk assessment.
5. Child Safe Framework training module	Requirement 2	A further review of the online training module to ensure it includes reference to the entity's policies in relation to child safety, funding third parties who work with children (grants and procurements), ICT policies and complaints handling protocols
6. Formalisation of compliance regime	Requirement 2 & Requirement 3, principle 5.2	<p>Formalise framework compliance regime considering the need to:</p> <ul style="list-style-type: none"> formally record which (if any) positions and staff may require WWCCs or WWVPs and annually reviews position requirements monitor staff adherence to training and WWCC or WWVP requirements monitor and audit current process to ensure compliance with the Framework and other child safety issues annually review and update child safety related policies and procedures.

5. Child safety initiatives undertaken within or following the end of 2020-21 financial year

The child safety initiatives set out in the table 4 below have been undertaken within or following the end of the 2020-21 financial year. The annual review of compliance conducted following the end of the 2020-21 financial year as specified below allowed for the identification of longer term measures to improve compliance as detailed in table 3 above. Although a number a number of initiatives that were identified were implemented immediately following the review as detailing in table 4 below.

Table 4. Child safe initiatives undertaken within or following the end of the 2020-21 financial year

Initiative	Period	Description
Mandatory training	2020-21	Throughout the course of the 2020-21 financial year all new staff members have been required to complete mandatory Commonwealth Child Safe framework online training which includes information regarding: <ul style="list-style-type: none"> the obligations of any adult working with, or intending to work with, children and young people, whether on a paid or voluntary basis. the requirements under the Framework. the National Principles. relevant state and/or territory child safe legislation, including <ul style="list-style-type: none"> working with children checks or their equivalent mandatory reporting
Funded third party providers framework compliance - CEGP agreements	2020-21	All current CEGP agreements include clauses requiring compliance with the Framework and the requirement to provide an annual statement of compliance to FWOROCE.
Annual Review	Conducted following the end of the 2020-21 FY	An annual review of FWOROCE compliance with the Framework was conducted in accordance with requirement 4 of the Framework. The annual review has included several key activities: <ul style="list-style-type: none"> a review of the FWOROCE Child Safe Risk Register to ensure risks are contemporary and that the identified controls and treatment remain effective, an assessment of the progress made to date in the adoption and implementation of National Principles for Child Safe Organisations, and a review of the FWOROCE's framework compliance regime.
Training compliance	Implemented following 2020-21 FY compliance review	Automatic enrolment processes have been implemented to ensure that all new FWOROCE staff are enrolled in the mandatory internal Commonwealth Child Safe framework online training.
Funded third party providers framework compliance - procurement guidelines	Implemented following 2020-21 FY compliance review	Updates to the procurement guidelines to meet the requirements of the Framework in relation to funded third party providers. The amendments reflect the need to impose the obligations of the Framework on funded third parties in writing. In addition, compliance with the framework is now a mandatory condition to participate in a tender process.