



Judge Cain
Vic Coroners Court
courtadmin@coronerscourt.vic.gov.au

Re: Recommendation 4 of COR 2016 2733 – Finding Into Death without Inquest – Dated 15 May 2021

Judge Cain

I write on behalf of the Department of the Prime Minister and Cabinet's National Office for Child Safety (the National Office) in response to Recommendation 4 of your report, *Finding into Death without Inquest*¹ (COR 2016 2733). I was deeply saddened to read of the circumstances surrounding the death of Ms ZT, and thank you for identifying failures that may have otherwise prevented her death and prevented or reduced harm to her three children.

As you know, Recommendation 4 states:

That Services Australia consider requiring all contractors who provide social services funded programs adopt a Child Safety Policy across all locations that they operate. This Policy should be State specific, refer to child clients as well as children of clients, and provide greater guidance on the signs and symptoms of child abuse and neglect. This should be supported by training for staff in recognising child abuse and neglect and how to staff may respond in these instances.

I understand that Services Australia wrote to you on 16 July 2021 advising that it does not manage funding agreements for services such as those provided by Campbell Page. These services are the responsibility of the Department of Education, Skills and Employment, or the Department of Social Services, depending on the type of service. As the agency leading policy work to improve child safety practices across the Commonwealth, the National Office is responding to Recommendation 4 on behalf of the Australian Government, in consultation with relevant agencies.

The National Office leads the development and implementation of several national priorities recommended by the Royal Commission into Institutional Responses to Child Sexual Abuse. This includes the Australian Government's child safety policy, the Commonwealth Child Safe Framework (the Framework), which was first introduced in 2019. Introduction and ongoing implementation of the Framework aims to improve the safety and wellbeing of children in their interactions with the Australian Government, and relevantly to Recommendation 4, the services and programs it funds. More information on the Framework is set out below.

The Commonwealth Child Safe Framework

The Framework² is a whole-of-government policy that sets minimum standards for Australian Government agencies to create and maintain behaviours and practices that are safe for children. The second (current) edition of the Framework came into effect in December 2020. The Framework is mandatory for all Commonwealth non-corporate entities and strongly encouraged for other entity types, such as corporate Commonwealth entities and Commonwealth companies. The four requirements of the Framework are:

¹ https://www.coronerscourt.vic.gov.au/sites/default/files/2021-05/Ms%20ZT_273316.pdf

² <https://childsafety.pmc.gov.au/what-we-do/commonwealth-child-safe-framework>





1. Undertake annual risk assessments to identify the level of responsibility for, and contact with, children, and put in place appropriate mitigation strategies.
2. 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.
3. Adopt and implement the National Principles for Child Safe Organisations.
4. Publish an annual statement of compliance with the Framework.

The National Principles for Child Safe Organisations³ (the National Principles), referred to in the third requirement of the Framework, are 10 high level principles that give organisations a nationally consistent approach for creating organisational cultures and practices that promote child safety and wellbeing. The National Principles require organisations to create, implement, and regularly review a child safety and wellbeing policy and to provide staff with appropriate child safety training so that they understand their obligations in relation to the safety and wellbeing of children, and can identify and respond to harm.

The National Office continues to monitor implementation of the Framework across the Australian Government and support agencies in their implementation with the goal of preventing harm to children, and improving systemic responses to identifying and responding to risks of harm.

More information about both the Commonwealth Child Safe Framework and the National Principles is available on the National Office website.⁴

Application of the Framework to funded third parties

The Framework also recommends that Australian Government agencies impose child safety requirements consistent with the Framework to third parties they fund. Agencies can do this by including child safety clauses in grant agreements and procurement contracts. The template clauses can be found in the Department of Finance's Supplementary Conditions to the Commonwealth Simple and Standard Grant Agreement templates⁵ and Commonwealth Procurement ClauseBank.⁶ Each Australian Government agency is responsible for deciding whether child safety requirements are appropriate to include in their funding arrangements with third parties.

Overall, the clauses aim to ensure:

- all of the third party's staff who may be working with children undergo appropriate screening and recruitment practices
- the third party takes appropriate child safety measures (e.g. through the implementation of the National Principles)⁷
- that the third party's obligations relating to child safety are replicated in subcontracts and secondary subcontracts where relevant.

³ <https://chilidsafety.pmc.gov.au/what-we-do/national-principles-child-safe-organisations>

⁴ <https://chilidsafety.pmc.gov.au/what-we-do>

⁵ <https://www.finance.gov.au/government/commonwealth-grants/tools-templates>

⁶ <https://www.finance.gov.au/government/procurement/clausebank/child-safety>

⁷ <https://chilidsafety.pmc.gov.au/what-we-do/national-principles-child-safe-organisations>





Employment services

Contracts that apply to providers such as Campbell Page are managed by the Department of Education, Skills and Employment and the Department of Social Services, depending on the type of service under consideration. Information on the safeguards in place at both these agencies is outlined below.

Department of Social Services (DSS)

In September 2021, DSS established its Child Safe Policy: DSS Funded Third Parties, which sets minimum standards for creating and embedding a child safe culture and practices in funded third parties. The policy is implemented through funding arrangements by establishing the level of contact with children, including a child safety clause in grant agreements, undertaking due diligence through the grants lifecycle and effectively managing non-compliance.

Disability Employment Services (DES) Grant Agreement 2018 – 2023 (DES Grant Agreement)

All DES Providers, including Campbell Page, are funded through the DES Grant Agreement 2018 – 2023 on a fee for service basis.

There are no child safety specific clauses in the DES Grant Agreement. The current DES Grant Agreement commenced on 1 July 2018, before the Commonwealth Child Safe Framework or DSS' Child Safety Policy was in place, and DSS is unable to unilaterally amend existing Grant Agreements. Child safety clauses will therefore be included in any new agreement from 1 July 2023.

Instead DSS has amended requirements through associated Guidelines, which interpret the Grant Agreement. This is the method generally employed for introducing refinements during a funding period.

In this case, the DES Criminal Records Check Guidelines were amended in December 2020 to enhance clause 75 of the DES Grant Agreement, which requires providers to comply with all relevant statutes, regulations, by-laws and requirements of any Commonwealth, state, territory or local authority. In particular, the Guidelines now specify that the requirements at clauses 16.5(c) and (d) of the Agreement to conduct criminal records checks include police checks and/or Working with Children Checks and/or Working with Vulnerable People Checks, depending on the state or territory.

Since 2018-19, following the introduction of the Framework, DSS has undertaken an annual compliance process to ensure all department funded organisations are compliant with child safety obligations. A Statement of Compliance is requested from each organisation annually and is completed by the CEO, or an authorised person in an equivalent position. The form seeks confirmation that the organisation and any personnel who interact with children as part of the funded grant activity have met the child safety requirements set out in the Grant Agreement. This process covers all funded organisations, it is not restricted to organisations that have the child safety clauses included in their funding arrangement.

DES Providers were asked to submit their first Statement of Compliance to DSS by 30 September 2020. All DES providers were compliant for 2019-20. Campbell Page submitted their Statement of Compliance to DSS on 4 March 2021. This has been reviewed and deemed to be compliant with child safety requirements.





Department of Education, Skills and Training (DESE)

DESE is the lead Commonwealth agency in developing child care, early learning, education, training and employment policies and programs. It launched a Child Safe Policy on 4 March 2020 to give effect to the Commonwealth Child Safe Framework. As part of the Child Safe Policy, DESE put in place measures to implement the child safety requirements consistent with the Framework in relation to third parties delivering services or activities that relate to, or may impact, children and young people. In May 2021, DESE's Internal Audit Team coordinated a review to assess the department's compliance with the Framework, with a particular focus on the management of third party relationships. The review concluded that DESE is fully compliant with the requirements of the Framework.

DESE administers a number of employment services programs, which are governed through deeds. In compliance with the requirements of the Framework, child safety clauses were inserted into the deeds of all programs⁸ for services to children, or for activities⁸ that will, or may involve contact with children that is a usual part of, and more than incidental to, the services.

All employment services providers that are subject to child safety requirements are required to:

- continue maintaining compliance with Working with Children laws and any mandatory reporting
- continue obtaining Working with Children Checks, where required
- pass on these obligations to subcontractors, where relevant.

More information on DESE's Employment Services Deeds is at **Attachment A**.

Next steps

The safety and wellbeing of children is everybody's business and children should be able to trust that all adults, particularly those working in Australian Government-funded services, will help keep them safe. The National Office is committed to continuing leadership and capability building efforts to promote and maintain child safe cultures and practices across the Australian Government, including through developing standard online training material on the Commonwealth Child Safe Framework. This training is expected to be rolled out in 2022. The National Office also convenes meetings with Australian Government agencies to discuss the Framework and share information about challenges and successes in practice. Application of child safety requirements to funded third parties has been a targeted topic of discussion in recent meetings and the National Office continues to work with Australian Government agencies to support them in this area, such as through developing resources.

The National Office is working with state and territory governments, including the Victorian Government, to establish a nationally harmonised approach to implementation of child safety in organisations, through the National Principles. As you may be aware, the Victorian Government introduced mandatory Child Safe Standards in January 2017. The Standards apply to all organisations providing services or facilities specifically for, or employing, children or young people in Victoria. The Victorian Government has committed to align their Child Safe Standards with the National Principles.

⁸ The only employment services deed that was not updated to include a child safety clause is the *Time to Work Employment Service Deed 2018-2022*, on the basis that the Time to Work program is a national voluntary in-prison employment service for Aboriginal and Torres Strait Islander peoples.





Australian Government
National Office for Child Safety



The National Office is committed to learning from systemic failures, including those identified in your report, to prevent future harm to children. I trust that this information provides insight into how Recommendation 4 of your report is being actioned. If you have any questions please do not hesitate to contact me at NationalOfficeforChildSafety@pmc.gov.au.

Kind regards

Lee Steel

First Assistant Secretary
Intergovernmental Relations and Reform Division
Department of the Prime Minister and Cabinet
5 November 2021





Department of Education, Skills and Employment – Employment Services Deeds

Deeds in scope of the child safety requirements have been classified into two Groups:

- Group 1. Deeds in which Services will be provided **directly** to children (participants under the age of 18 years old); where some contact with children will be likely; or where Services involve contact with children that is a usual part of, and more than incidental to, the Services.
- Group 2. Deeds for programs in which Providers **may** interact with children during any part of the contract term.

Further details on the two Groups are at Attachment A.1.

Employment service providers funded under Group 1 deeds are required to:

- implement the National Principles for Child Safe Organisations
- develop a risk assessment and risk minimisation strategy in relation to contact with children
- provide training and establish a compliance regime to ensure staff are aware of obligations under the Framework
- submit a statement of compliance (referred to as the Child Safety Provider Declaration) certifying its compliance with the clause, within 10 business days of 1 July each year
- notify the Department of any failure to comply.

Campbell Page is currently funded by DESE under the *jobactive Deed 2015-2022* and the *ParentsNext Deed 2018-2024*. In accordance with the annual declaration requirements in those deeds, Campbell Page submitted their Child Safety Provider Declaration to DESE on 14 July 2021.

In addition to the annual declaration, DESE monitors provider compliance with contractual requirements through six-monthly performance assessments conducted by the departmental account manager for each provider. Ongoing assurance activities such as data analytics; desktop audits; site visits of provider sites (which may include inspection of the complaints and incidents registers) and quality reviews are conducted.

Feedback provided by job seekers through the department's National Customer Service Line, and other inbound channels such as the Tip-Off Line, is also monitored and may inform targeted assurance activities. In addition, jobactive providers are contractually required to obtain and maintain Quality Assurance Framework (QAF) certification, which includes having policies and processes in place to manage operational and strategic risks, and to monitor and comply with legislative and deed requirements.

Non-compliance with the child safety clauses and other contractual requirements may constitute a breach of the deed, which is managed under the department's Breach Management Approach for employment services. The remedial action the department may exercise includes the requirement of the provider to detail specific strategies to prevent a recurrence of the breach. In addition, the department may also:

- implement additional reporting requirements to more closely monitor a provider;
- reduce a provider's share of business, referrals or payments; and
- in the most serious of cases, terminate a provider's deed.

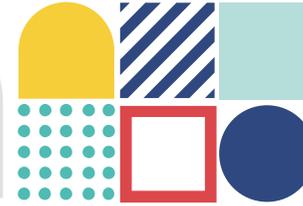




In addition to the child safety clauses, the employment services deeds also require providers to take the following actions, where relevant:

- arrange and pay for all checks of Personnel or potential Supervisors prior to their involvement in delivering services under the Deed (see, for example, clause 8.1 of the *jobactive Deed 2015-2022*).
- if an Activity or Employment involves close proximity with people who are elderly, disabled or otherwise vulnerable or Children (excluding other Participants), arrange and pay for all checks prior to a participant's involvement or placement in the Activity or Employment (see, for example, clause 8.2 of the *jobactive Deed 2015-2022*).
- not allow any Personnel or a potential Supervisor to participate in the Services, including any Activity, if such participation is prohibited by any relevant legislation or would pose a risk to other persons involved in the Services (see, for example, clause 8.3 of the *jobactive Deed 2015-2022*).

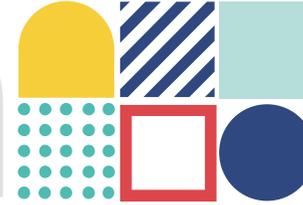
Child safety clauses will be included in the deeds for the New Employment Services Model and other new employment services programs commencing from 1 July 2022.



Deeds updated with Child Safety Clauses on 1 July 2020

Deeds in Scope	Clause
<p><u>GROUP ONE DEEDS</u> <i>Deeds in which Services will be provided directly to children (participants under the age of 18 years old), where some contact with children will be likely, or where Services involve contact with children that is a usual part of, and more than incidental to, the Services</i></p> <ul style="list-style-type: none"> • jobactive Deed 2015-2022 • jobactive Deed (Norfolk Island) 2016-2022 • New Employment Services Trial Deed 2019-2022 • ParentsNext Deed 2018-2024 • Transition to Work Deed 2016-2022 • Employability Skills Training Panel Deed 2017-2022 • Employment Facilitator and Support Services for the Local Jobs Program Deed 2020-2022 • Entrepreneurship Facilitators Deed 2019-2022 • Employment Services Deed (Yarrabah Pilot) 2018-2022 • PaTH Business Placement Partnerships Deed of Standing Offer 2020-2022 • Youth Jobs PaTH Industry Pilot Deed 2020-2021 	<p>Child Safety</p> <p>X.1A The Provider must:</p> <ul style="list-style-type: none"> (a) comply with all applicable Working with Children Laws in relation to the involvement of Child-Related Personnel in the Services, including obtaining, at the Provider's cost, all necessary Working With Children Checks however described; and (b) ensure that Working With Children Checks obtained in accordance with clause X.1A(a) remain current and that all Child-Related Personnel continue to comply with all applicable Working with Children Laws for the duration of their involvement in the Services. <p>National Principles for Child Safe Organisations and other action for the safety of Children</p> <p>X.1B The Provider must, in relation to the Services:</p> <ul style="list-style-type: none"> (a) implement, and ensure that all Child-Related Personnel implement, the National Principles for Child Safe Organisations; (b) complete and update, at least annually, a risk assessment to identify the level of responsibility the Provider and Child-Related Personnel have for Children and the level of risk of harm or abuse to Children; (c) put into place and update, at least annually, an appropriate risk management strategy to manage risks identified through the risk assessment required under clause X.1B(b); (d) provide training and establish a compliance regime to ensure that all Child-Related Personnel are aware of, and comply with: <ul style="list-style-type: none"> (i) the National Principles for Child Safe Organisations; (ii) the Provider's risk management strategy required under clause X.1B(c);





Deeds in Scope	Clause
	<ul style="list-style-type: none"> (iii) applicable Working with Children Laws, including in relation to Working With Children Checks; and (iv) relevant legislation relating to mandatory reporting of suspected child abuse or neglect, however described; and (e) at the Provider's cost, provide the Department with an annual statement of compliance with the Child Safety Obligations, in such form as may be specified by the Department. <p>X.1C With reasonable notice to the Provider, the Department may conduct a review of the Provider's compliance with the Child Safety Obligations.</p> <p>X.1D The Provider agrees to:</p> <ul style="list-style-type: none"> (a) promptly notify the Department of any failure by the Provider or any Child-Related Personnel, as relevant, to comply with the Child Safety Obligations; (b) co-operate with the Department in any review conducted by the Department of the Provider's implementation of the National Principles for Child Safe Organisations or compliance with the Child Safety Obligations; and (c) promptly, and at the Provider's cost, take such action as is necessary to rectify, to the Department's satisfaction, any failure to implement the National Principles for Child Safe Organisations or any other failure to comply with the Child Safety Obligations. <p>X.1E Wherever Child Safety Obligations may be relevant to a Subcontract, the Provider must ensure that:</p> <ul style="list-style-type: none"> (a) any Subcontract imposes on the Subcontractor the same Child Safety Obligations that the Provider has under this Deed; and (b) each Subcontract also requires the same Child Safety Obligations (where relevant) to be included by the Subcontractor in any secondary subcontracts.





Deeds in Scope	Clause
<p><u>GROUP TWO DEEDS</u> <i>Deeds for programs in which Providers may interact with children during any part of the contract term.</i></p> <ul style="list-style-type: none"> • Career Transition Assistance Trial Panel Deed 2018-2020 • Career Transition Assistance Panel Deed 2019-2022 • Harvest Trail Services Deed 2020-2023 • Harvest Trail Information Service 2020-2023 	<p>Child Safety</p> <p>X.1A The Provider must:</p> <ul style="list-style-type: none"> (a) comply with all applicable Working with Children Laws and other relevant legislation, in relation to the involvement of Child-Related Personnel in the Services, including: <ul style="list-style-type: none"> (i) obtaining, at the Provider's cost, all necessary Working With Children Checks however described; and (ii) mandatory reporting; and (b) if requested, provide the Department with, at the Provider's cost, an annual statement of compliance with clause X.1A(a) in such form as may be specified by the Department. <p>X.1B Wherever Child Safety Obligations may be relevant to a Subcontract, the Provider must ensure that:</p> <ul style="list-style-type: none"> (a) any Subcontract imposes on the Subcontractor the same Child Safety Obligations that the Provider has under this Deed; and (b) each Subcontract also requires that the same Child Safety Obligations (where relevant) to be included by the Subcontractor in any secondary subcontracts.

