



OFFICE OF THE OMBUDSMAN AND
HEALTH COMPLAINTS COMMISSIONER
TASMANIA

POLICY

Child Safe Policy & Guidelines

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ACKNOWLEDGEMENTS

The Office of the Ombudsman and Health Complaints Commissioner (the Office) acknowledges the trauma that continues to affect people with lived experience of child abuse. We are committed to being sensitive to this trauma. We will use the learnings from past wrongs to protect the rights of current and future generations of children and young people and keep them safe from harm.

We respectfully acknowledge the Tasmanian Aboriginal people as the traditional custodians of Lutruwita/Tasmania. We recognise their continuing connection to Land, Sea, Waterways, Sky, and Culture and pay our respects to Elders, past and present. Our Office is committed to establishing a culturally safe, responsive and respectful environment where Aboriginal people's rights, identity and culture are respected. We commit to improving the safety of Aboriginal children and young people and eliminating barriers to receiving support.

This policy was developed with reference to the Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings (2023), Tasmania's Child and Youth Safe Organisations Framework and in consultation with the Office's management team and all staff.

1. ABOUT THIS POLICY

1.1 PURPOSE

This policy establishes how staff of the Office, including those working across the Ombudsman, Health Complaints Commissioner, Custodial Inspector, Energy, Tasmanian National Preventive Mechanism (NPM) and Official Visitor functions, identify, respond to and report complaints, disclosures and information received in the course of their work that relate to child sexual abuse.

Throughout this policy, references to 'Ombudsman Tasmania' or 'the Office' incorporate the Ombudsman's roles as Ombudsman, Health Complaints Commissioner, Custodial Inspector, Energy Ombudsman, Tasmanian National Preventive Mechanism (NPM) and Coordinator of the Official Visitor Scheme. See Section 12. Definitions.

The policy supports the Office's commitment to being a child and youth safe organisation under the *Child and Youth Safe Organisations Act 2023* (Tas) and Tasmania's Child and Youth Safe Organisations Framework. It provides specific operational guidance supplementing the Department of Justice [Child Safety and Wellbeing Policy](#).

RELATIONSHIP TO THE DEPARTMENT OF JUSTICE CHILD SAFETY AND WELLBEING POLICY

This policy should be read together with the Department of Justice Child Safety and Wellbeing Policy and the [Child Safety and Wellbeing Procedures](#) (the DoJ Framework). The DoJ Framework is the parent framework applicable across the Department of Justice (DoJ), of which staff of this Office are employees. Where the DoJ Framework refers to 'the

Secretary', this function is fulfilled by the Ombudsman in this Office's context, as the Ombudsman is the head of entity for the purposes of the *Child and Youth Safe Organisations Act 2023* (Tas). Where the DoJ Framework refers to reporting concerns to the Secretary, staff of this Office must follow the escalation pathway in this policy (Section 3.5 Roles and Responsibilities and Section 5. Escalation Pathway). In all other respects, the DoJ Framework applies to staff of this Office. Where any provision of this policy is more specific or more stringent than the DoJ Framework, this policy prevails. This policy does not limit any obligation in the DoJ Framework, rather it is supplementary.

Mandatory Reporting – Important Notice

Nothing in this policy reduces any obligations that may apply to employees who are prescribed persons in their individual capacity under section 14 of the *Children, Young Persons and Their Families Act 1997* (Tas).

Obligations under the Reportable Conduct Scheme (*Child and Youth Safe Organisations Act 2023* (Tas)) are additional to, and do not replace, any duty to make a mandatory report under other legislation.

Failure of any adult to report the abuse of a child is a criminal offence under section 105A of the *Criminal Code Act 1924* (Tas).

If you are uncertain whether any of these obligations apply to you personally, seek guidance from your Principal Officer or the Deputy Ombudsman.

1.2 CONTEXT

In 2013, the Australian Government established the Royal Commission into Institutional Responses to Child Sexual Abuse. Its 2017 Final Report made recommendations to safeguard children in Australian institutions through improved reporting, record-keeping, information sharing, response and support.

In 2023, the Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings handed down findings identifying significant shortcomings in how Tasmanian institutions had responded to abuse. This policy reflects current best practice and legislative requirements arising from both inquiries.

From 1 January 2024, all Tasmanian government agencies are required to comply with the *Child and Youth Safe Organisations Act 2023* (Tas). This Act establishes the Child and Youth Safe Standards, a Reportable Conduct Scheme, information sharing provisions and an Independent Regulator. This Office is subject to those requirements.

1.3 SCOPE

This policy applies to all permanent, temporary and contracted employees of the Office across its functions, including:

- Ombudsman
- Right to Information
- Energy
- Health Complaints Commissioner
- Custodial Inspector
- Tasmanian National Preventive Mechanism (NPM)
- Official Visitors (Prison and Mental Health)

The term 'staff' and 'employee' in this policy means all persons engaged by the Office in any capacity, including permanent staff, fixed-term staff, contractors, consultants and Official Visitors. See Section 12. Definitions for the full explanation.

1.4 OBJECTIVE

This policy ensures that all employees:

- recognise child sexual abuse and understand how to respond
- report concerns promptly to the correct authority within the required timeframes
- handle information in a manner that protects the safety and wellbeing of children and young people
- support complainants and disclosers in a trauma-informed, person-centred way
- contribute to a child and youth safe organisational culture
- meet the Office's obligations under the [Child and Youth Safe Standards](#).

1.5 COMMITMENT STATEMENT

The Office is committed to the safety and wellbeing of children and young people. The rights, safety and welfare of children and young people are our first and paramount consideration. We recognise that child safety is everyone's responsibility. We will:

- implement the Child and Youth Safe Standards and the [Universal Principle for Aboriginal Cultural Safety](#) ensuring Aboriginal and Torres Strait Islander cultural safety
- ensure any identified or suspected risk of harm or abuse is raised and promptly reported to the required authorities
- treat all complaints, disclosures and allegations about child sexual abuse, including internal matters, seriously, promptly and with a zero-tolerance approach
- take a person-centred and trauma-informed approach in all interactions with complainants, disclosers and children
- maintain a register of all complaints and disclosures received and the Office's response to them
- share information with partner integrity agencies as permitted by law and where it promotes the safety of children and young people
- provide induction and ongoing training so all employees understand their obligations under this policy.

2. UNDERSTANDING CHILD SEXUAL ABUSE

2.1 DEFINITION

The National Strategy to Prevent and Respond to Child Sexual Abuse 2021–2030 defines child sexual abuse as any act that exposes a person aged under 18 to, or involves them in, sexual activities that:

- they do not understand
- they do not or cannot consent to
- are not accepted by the community
- are unlawful.

Child sexual abuse may occur in all settings including within families, by people the child knows or does not know, in organisations and online. It may include but is not limited to:

- sexual touching of any part of the body, whether clothed or unclothed
- preparing or encouraging a child to engage in sexual activity
- sex of any kind with a child
- persuading or forcing a child to engage in sexual activity
- sexual acts by an adult of any gender directed at a child of any gender
- voyeurism; exhibitionism
- exposing a child to or involving a child in pornography
- sexting
- child grooming includes actions undertaken with the aim of befriending and establishing an emotional connection with a child to lower their inhibitions in preparation for sexual activity.

2.2 GROOMING

Grooming describes the preparatory stage of child sexual abuse and exploitation, often undertaken to gain the trust and compliance of the child or young person and to establish secrecy and avoid disclosure. Grooming may occur in person or online. It often involves boundary breaches by adults in positions of trust. A child's parents, carers or other significant adults and organisations may also be groomed by someone intending to harm a child.

2.3 HARMFUL SEXUAL BEHAVIOUR

Harmful sexual behaviour is defined as a range of behaviours that are outside the expected range of sexual behaviour for a child or young person's age or level of development. These behaviours may harm or risk harming the child themselves or other children. Where employees encounter concerning sexual behaviour between children and young people, the same reporting obligations in this policy apply.

2.4 CULTURAL SAFETY AND DISCLOSURE

IMPACT OF CHILD SEXUAL ABUSE

Children and young people who have been sexually abused can suffer a range of psychological and behavioural effects in both the short- and long-term, including trauma, fear, mistrust, relational harm, marked personality and behaviour changes and self-identity issues. Employees must approach all disclosures with sensitivity to these impacts, using a trauma-informed approach.

ABORIGINAL AND TORRES STRAIT ISLANDER CHILDREN AND YOUNG PEOPLE

Our Office recognises that Aboriginal and Torres Strait Islander children and young people face a disproportionate risk of child sexual abuse due to the continuing impacts of colonisation, dispossession, historical mistreatment and discrimination. As a result, Aboriginal and Torres Strait Islander children and young people may face barriers to disclosing abuse, including lack of culturally safe services, distrust of authority, fear of judgment and discrimination, geographic isolation, cultural obligations, language barriers and fear of family separation. Employees must:

- approach all disclosures with cultural humility and without assumption
- where the child identifies as Aboriginal, consider involving a cultural support worker or community contact with the child's agreement
- allow time and space for disclosure in a way that is safe for them
- not allow cultural barriers to delay a safety response where a child is at immediate risk.

Truth-telling is a key concept embedded in the Universal Principle for Aboriginal Cultural Safety. Employees must approach all disclosures from Aboriginal children and young people with a commitment to believing and amplifying their voice. Practical guidance is available in the Independent Regulator's [Aboriginal Cultural Safety - Short-Guide \(pdf\)](#).

CHILDREN AND YOUNG PEOPLE FROM DIVERSE COMMUNITIES

Our Office is committed to upholding equity and respecting the diverse needs and strengths of all people we engage with, including children and young people who identify as LGBTQIA+, those who live with disability, are unable to live at home, or come from culturally and linguistically diverse (CALD) backgrounds. Barriers to disclosing abuse may include cultural and religious factors, accessibility and language barriers, isolation, limited knowledge of services, ableism, racism and discrimination (actual or perceived), and fear and mistrust of authority. Employees must:

- ensure all people are treated fairly and with respect
- provide information, support, and complaints or disclosure processes in a way that is culturally safe, accessible and easy to understand

- engage advocates, cultural support workers and independent interpretation services where necessary. Do not use family members as interpreters.

Practical guidance is available in the [National Principles for Child Safe Organisations](#) (Principle 4). See also the support resources in Section 11.2 Support Organisations for Complainants and Disclosers.

3. EMPLOYEE OBLIGATIONS

3.1 IMMEDIATE OBLIGATIONS

IMMEDIATE SAFETY – Call 000 where there is an immediate risk to a child

Strong Families, Safe Kids Advice and Referral Line: 1800 000 123

Tasmania Police (non-emergency): 131 444

Independent Regulator (suspected worker conduct): 1800 754 728
contact@oir.tas.gov.au

Registrar, Registration to Work with Vulnerable People (colleague conduct concerns):
 1300 135 513

Employees of the Office are not mandatory reporters under the *Children, Young Persons and Their Families Act 1997* (Tas) in their capacity as Office employees. However, individual employees may carry separate mandatory reporting obligations by virtue of another professional registration (for example, as registered health practitioners). All employees have an obligation under section 105A of the *Criminal Code Act 1924* (Tas) to report child abuse and failure to do so is an offence.

MANDATORY REPORTING OBLIGATIONS – PRESCRIBED PERSONS

Where an employee is a 'prescribed person' under section 14 of the *Children, Young Persons and Their Families Act 1997* (Tas), they are legally required to contact the Strong Families, Safe Kids Advice and Referral Line as soon as practicable if, in the course of their work, they believe or suspect on reasonable grounds:

- that a child is being abused or neglected, or whose safety, psychological wellbeing or interests are affected or likely to be affected by family violence;
- that there is a reasonable likelihood of a child being killed, abused or neglected by a person with whom the child resides; or
- that an unborn child is likely to be killed, abused or neglected, or requires medical treatment before birth because of the behaviour of the mother or a person with whom she resides.

This obligation applies in addition to, and does not replace, the internal reporting obligations in this policy. If you are uncertain whether you are a prescribed person, seek guidance from

your Principal Officer or the Deputy Ombudsman. Further detail is set out in the Department of Justice [Child Safety and Wellbeing Procedures](#) (Sections 5 and 8).

3.2 OBLIGATIONS WHEN CONDUCTING ACTIVITIES INVOLVING CHILDREN

When conducting inspections, visits, interviews or other processes involving children and young people, employees must inform those involved in an accessible, age-appropriate manner how they may give feedback or raise concerns.

Employees undertaking visits to youth detention or other custodial settings must be particularly attentive to signs of abuse, grooming or unsafe environments.

3.3 REPORTABLE CONDUCT

Part 4 of the *Child and Youth Safe Organisations Act 2023* (Tas) sets out the requirements of the Reportable Conduct Scheme. If an employee suspects that a colleague has behaved inappropriately against, with, or in the presence of a child or young person, whether or not the behaviour occurred in the workplace, the employee must report this immediately to their Principal Officer on the same day the suspicion arises.

The Principal Officer must escalate to the Deputy Ombudsman, who must brief the Ombudsman (as head of entity). The Ombudsman must notify the Independent Regulator in writing within 3 business days of the suspicion arising. Notification must be made via the Independent Regulator's online reportable conduct webform at oir.tas.gov.au. Where the webform is unavailable, notification should be sent by email to contact@oir.tas.gov.au.

Note: Same-day internal reporting

The DoJ Child Safety and Wellbeing Procedures do not specify a same-day internal reporting requirement. The same-day obligation in this policy is intentionally more stringent. It reflects the small size of the Office and the need to protect the 3-business-day notification window. Employees must treat same-day internal reporting as a mandatory requirement of this policy.

Reportable conduct is defined at section 7 of the *Child and Youth Safe Organisations Act 2023* (Tas) and includes significant emotional or psychological harm, significant neglect, physical violence, sexual misconduct, grooming of a child or young person and relevant offences including failing to report child abuse. Reportable conduct includes both criminal and non-criminal behaviour.

3.4 OBLIGATIONS RELATING TO ONLINE AND WRITTEN DISCLOSURES

Disclosures of child sexual abuse do not only occur in person. Employees may receive written disclosures by letter, email, online complaint form or during a document review. Where a written disclosure is received, the employee must:

- treat it with the same urgency as a verbal disclosure – call 000 if there is an immediate risk
- record receipt of the disclosure, including the date, time and method received
- report to their Principal Officer immediately.

3.5 ROLES AND RESPONSIBILITIES

ALL EMPLOYEES

- actively support a child and youth safe culture
- record and immediately report any complaint, disclosure or allegation to their Principal Officer on the same day it is received
- treat all information about child sexual abuse as confidential, disclosed only as required by law or to protect the child's safety
- follow the disclosure response guidance in Section 4.2 Responding to a Disclosure – Key Principles, and complete training as required.

PRINCIPAL OFFICERS

For each jurisdiction, the relevant Principal Officer is: Principal Officer Ombudsman, Principal Officer RTI, Principal Officer Energy, Principal Officer Health Complaints, Principal Inspection Officer (Custodial Inspector), Manager – Official Visitors, Director NPM and Business Manager (Corporate).

All Principal Officers are responsible for:

- receiving reports from employees on the same day
- immediately briefing the Deputy Ombudsman or, for Health Complaints matters, the Health Complaints Commissioner
- facilitating contact with required authorities where a child is at immediate risk
- deciding whether to report suspected reportable conduct of an employee to the Independent Regulator and maintaining the register of complaints and responses
- where the Principal Officer is not available all escalation functions pass directly to the Deputy Ombudsman.

DEPUTY OMBUDSMAN

The Deputy Ombudsman is responsible for:

- receiving briefings from Principal Officers and assess the appropriate course of action
- escalating to the Ombudsman any matter involving suspected reportable conduct or significant child safety concern
- ensuring the 3-business-day notification window to the Independent Regulator is met
- where the Deputy Ombudsman is unavailable all escalation functions pass directly to the Ombudsman.

THE OMBUDSMAN

The Ombudsman is responsible for:

- exercising final decision-making authority on complaints and referrals relating to reportable conduct or significant child safety concern as head of entity
- notifying the Independent Regulator within 3 business days where reportable conduct is suspected
- championing a child and youth safe culture across the Office
- approving information sharing with partner agencies in accordance with the Memorandum of Understanding between the Integrity Commission, Independent Regulator, Working with Vulnerable People Registrar, Commissioner for Children and Young People and the Ombudsman.
- approving this policy.

BUSINESS MANAGER

Corporate team members, including reception staff, who receive a disclosure or complaint relating to child sexual abuse must report immediately to the Business Manager. The Business Manager assumes the Principal Officer escalation role for corporate staff and must immediately notify the Deputy Ombudsman in accordance with Section 5. Escalation Pathway.

4. RECEIVING COMPLAINTS AND DISCLOSURES

4.1 WHO MAY MAKE A COMPLAINT OR DISCLOSURE

A complaint or disclosure about child sexual abuse may be received:

- directly from a child or young person (in person, by phone, in writing or online)
- from an adult on behalf of a child
- from another child or young person
- from an employee or other person who has witnessed or become aware of abuse
- through information observed or reviewed during inspections, visits, reviews or investigations; or anonymously (see Section 4.4 Anonymous Disclosures).

4.2 RESPONDING TO A DISCLOSURE – KEY PRINCIPLES

When a child or young person discloses abuse, the priority is their safety and the mitigation of further harm. Employees should follow the five principles below.

Listen

- Move to a suitable, private environment where possible
- Be calm, patient and give the child your full attention
- Let the child use their own words – do not lead, quiz or suggest details
- Use gentle, open-ended questions only: 'Can you tell me more about that?' or 'What else happened?'
- If the child has communication needs, access interpreting or communication support.

Reassure

- Let them know it is okay to talk about what happened
- Use your tone of voice and body language to convey safety and support
- Reassure them that they are not at fault
- Tell them: you believe them; they did the right thing; they are not to blame; you want to help; they can trust you.

Respect

- Acknowledge the child's courage and strength
- Do not make promises you cannot keep
- Explain that their experience will need to be reported and tell them who it will be reported to
- Engage in a manner appropriate to the child's age, communication needs and cultural background.

Prioritise Safety

- Explore the child's immediate and ongoing safety, including any current contact with the alleged perpetrator
- Where appropriate, help the child identify ways to stay safe
- This information must be reported and will assist decision-making about the response.

Explain Next Steps

- Be transparent about what you will do next. This alleviates fear and builds trust
- Let the child know you will need to tell another adult (police or child protection) who can help
- Tell the child a report is being made in a way appropriate for their age and understanding
- Let them know they can ask you about what will happen next as often as they need to.

Only reveal the disclosure to others where it is necessary. Receiving disclosures can be distressing and all employees are entitled to access confidential counselling through the Employee Assistance Program (EAP) at any time.

4.3 RECORDING AND REPORTING

An employee who receives a complaint, disclosure or allegation of child sexual abuse must:

1. Record the details as soon as practicable after the interaction (not during, unless necessary). Record: date, time and method, what was said or written, any immediate action taken and details of any third parties present.
2. Report to their Principal Officer on the same day. If unavailable, escalate to the Deputy Ombudsman. If both are unavailable, escalate directly to the Ombudsman.
3. Not investigate the abuse themselves. This is the role of Tasmania Police and child protection authorities.

Any employee may escalate a concern directly to Tasmania Police or the Strong Families Safe Kids Advice and Referral line in urgent circumstances without waiting for their Principal Officer. Any employee may also report a concern about a colleague directly to the Independent Regulator (1800 754 728 | contact@oir.tas.gov.au) or the Registrar of the Registration to Work with Vulnerable People Scheme (1300 135 513 | <https://www.justice.tas.gov.au/rwvp>).

4.4 ANONYMOUS DISCLOSURES

Where a disclosure is received anonymously, employees must:

- record as much detail as possible
- report to their Principal Officer on the same day, and not attempt to identify the discloser
- the Principal Officer and Deputy Ombudsman will assess whether the information is sufficient to warrant a referral. An anonymous disclosure containing credible information about a child at risk may still warrant immediate action.

5. ESCALATION PATHWAY

The following flowchart summarises the step-by-step escalation pathway for all employees. The Independent Regulator's [Reporting Pathways A3 Poster \(pdf\)](#) provides a concise visual guide for all reporting obligations and should be displayed in employee work areas.

Disclosure or complaint received	
1	Employee receives information about alleged child sexual abuse – verbally, in writing, by phone, email or during an inspection or visit.
Immediate safety check	
2	Is there an immediate risk to the child's safety? YES → Call 000 immediately. Then proceed to Step 3. NO → Proceed to Step 3.
Record the disclosure	
3	Record details as soon as practicable after the interaction. Do not investigate. Do not share information beyond what is necessary.
4	Report to Principal Officer

	Immediately notify the Principal Officer for your jurisdiction. If unavailable, escalate to the Deputy Ombudsman or, for Health Complaints matters, the Health Complaints Commissioner. If both are unavailable, escalate directly to the Ombudsman. Timeframe: same day.
Principal Officer notifies Deputy Ombudsman	
5	The Principal Officer briefs the Deputy Ombudsman and recommends a course of action (refer to Police, Child Safety Service, Independent Regulator or internal handling).
Ombudsman makes final decision	
6	The Deputy Ombudsman escalates to the Ombudsman. If reportable conduct is suspected, the Ombudsman must notify the Independent Regulator within 3 business days of the suspicion arising.
Referral and follow-up	
7	Make required referrals to Tasmania Police (131 444), Strong Families Safe Kids (1800 000 123), the Independent Regulator (1800 754 728) or the Registrar of the Registration to Work with Vulnerable People Scheme (1300 135 513) as appropriate. Monitor progress. Record outcome. Communicate with complainant.

6. HANDLING COMPLAINTS AND DISCLOSURES

This section covers how the Office handles child sexual abuse (CSA) complaints and disclosures. Sections 6.1 to 6.5 apply to the Ombudsman and Health Complaints Commissioner functions, which receive and formally handle complaints. The Custodial Inspector, NPM and Official Visitors functions do not have a complaints-handling function but may receive disclosures during inspections or visits. These are addressed in Section 7. Custodial Inspector, NPM and Official Visitors.

6.1 OMBUDSMAN AND HEALTH COMPLAINTS COMMISSIONER – COMPLAINT JURISDICTION

The Office will accept a CSA complaint where it relates to the actions, provision of health services or administrative response of a Tasmanian public authority (including State Government departments, government schools, youth detention facilities and out-of-home care programs), a health service provider, or any institution where the Office exercises an inspection or monitoring function.

A complaint may also be accepted where CSA occurred outside an institutional setting but was subsequently reported to a public authority or health service provider and that entity is alleged to have mishandled the report. The Office cannot investigate criminal conduct; this is a matter for Tasmania Police regardless of when it occurred.

6.2 NOT REQUIRING PRIOR REFERRAL

When a complaint relates to CSA, the Office will not require the complainant to raise their concerns first with the relevant organisation before accepting the complaint.

6.3 OPTIONS ON ACCEPTANCE

Once a CSA complaint has been accepted, the Office will review it and decide how to proceed by:

- referring the complaint to another body
- investigating the complaint
- resolving or dismissing the complaint

Important: These options relate to the Office's handling of the complaint about the way an institution responded to CSA, not to any investigation of the underlying CSA allegation itself. The underlying allegation must always be referred to Tasmania Police or child protection authorities as required by Section 5. Escalation Pathway. The Office does not investigate criminal conduct.

The Office will almost never refer a complaint back to the organisation to which it relates to conduct its own investigation into allegations of CSA. This would only occur in a very unusual situation, with the agreement of the complainant and would be closely monitored by the Office. Requirements to notify other authorities would still apply.

6.4 DECIDING WHETHER TO REFER TO ANOTHER AGENCY

When deciding whether to refer a complaint, the Office will consider:

- the type and seriousness of the conduct alleged
- whether the matter falls within jurisdiction, and
- whether there is another integrity agency (such as the Integrity Commission, Independent Regulator or Australian Health Practitioner Regulation Agency) that could more appropriately respond.

6.5 CONSULTATION, DECISION AND COMMUNICATION

After initial consideration the Office will consult the complainant on the intended approach. The Ombudsman or Health Complaints Commissioner will make a final decision and write to the complainant explaining it. Information about the progress of any investigation must be communicated regularly, in accessible plain language. If the complainant is a child, communication must be in a child-friendly format.

7. CUSTODIAL INSPECTOR, NPM AND OFFICIAL VISITORS

When undertaking inspection and visit functions, employees may receive information that gives rise to a concern about CSA. The same obligations, reporting pathway and decision-making framework that apply to the Ombudsman and Health Complaints Commissioner also apply in these contexts. Unlike complaint-handling functions, the Custodial Inspector

and NPM do not formally accept complaints, however Official Visitors may receive complaints during visits. A disclosure received during a visit or inspection carries the same reporting obligations as any other disclosure under this policy.

The Tasmanian NPM's confidentiality obligations under the *OPCAT Implementation Act 2021* (Tas) do not prevent the disclosure of information where it relates to a safeguarding concern about a child. Employees must make this clear to any person who raises a concern, so that fear of confidentiality obligations does not deter disclosure.

Children and young people in detention settings are at heightened risk of sexual abuse and ill-treatment. Custodial and detention settings create particular risks and barriers to disclosure, including:

- the alleged perpetrator may be a staff member in the same facility, with direct power over the child
- the child may have limited privacy, fear reprisal or be subject to a punitive facility culture
- isolation from family, community and independent access to reporting mechanisms
- previous experiences of trauma, abuse or heightened distrust of authority figures
- significant power imbalances between custodial staff and young people in detention.

When a concern about CSA arises during a visit or inspection, the employee must:

- ensure the child's immediate safety. Call 000 if there is an immediate risk
- record the details as soon as practicable after the interaction
- report to the relevant Principal Officer on the same day. If unavailable, escalate to the Deputy Ombudsman, who will support the development of an appropriate response plan and advise the Ombudsman
- not take investigative steps themselves and not confront the alleged perpetrator.

Where a facility establishes a response plan or safety arrangements for a child following a disclosure, the relevant inspection officer should seek to be kept informed to ensure appropriate safeguarding measures are being implemented. If not satisfied with the measures taken, the officer must escalate to the Principal Inspection Officer and Deputy Ombudsman.

Official Visitors must follow the same reporting pathway, reporting immediately to the Manager of the Official Visitors Program, who escalates to the Deputy Ombudsman in accordance with this policy.

For practical guidance on expectations for preventing and responding to abuse in places where children and young people are deprived of their liberty, refer to the joint Custodial Inspector and Tasmanian NPM [Expectations for Children and Young People \(pdf\)](#).

8. INFORMATION HANDLING AND SHARING

8.1 CONFIDENTIALITY

Details of any disclosure or allegation of child abuse or harm are treated as confidential and disclosed only as required by law or as necessary to protect the child's safety. Employees must not discuss or share information about a complaint beyond what is strictly necessary for reporting and responding.

8.2 PRIVACY

Personal information collected while handling complaints or disclosures is managed in accordance with the *Personal Information Protection Act 2004*. Employees who are uncertain about the privacy implications of sharing information should consult their Principal Officer before sharing.

8.3 RECORD KEEPING

Disclosures or allegations of child abuse or harm and the Office's response to them must be recorded in the Office's internal records as part of risk management processes. The Ombudsman will maintain a register of complaints received and the responses to them. The Deputy Ombudsman is responsible for reviewing the register annually, alongside the annual review of this Policy, and reporting findings to the Ombudsman.

8.4 INFORMATION SHARING BETWEEN INTEGRITY AGENCIES

In August 2025, a Memorandum of Understanding (MoU) was signed by the Ombudsman, Commissioner for Children and Young People, the Registrar of the Registration to Work with Vulnerable People Scheme, the Independent Regulator and the Integrity Commission. Under the MoU, parties agree to share information where:

- the information has been requested by another party to the MoU
- sharing is permitted by law
- it is ethical and appropriate to share the information, having regard to the wishes of the person to whom the information relates, the purpose for which the information was sought, its sensitivity, and whether sharing will promote the safety of children and young people.

Employees must consult with their Principal Officer and the Deputy Ombudsman before sharing any information under the MoU. The Ombudsman must approve any sharing of information.

8.5 INFORMATION SHARING UNDER THE *CHILD AND YOUTH SAFE ORGANISATIONS ACT 2023* (TAS)

Under Part 5 of the *Child and Youth Safe Organisations Act 2023* (Tas), the Office may share personal information when deemed necessary to keep a child or young person safe. Information may only be shared with certain bodies, including the Independent Regulator, Police or the Registrar under the *Registration to Work with Vulnerable People Act 2013* (Tas).

9. TRAINING AND INDUCTION

To meet Standard 7 (Education and Training) of the [Child and Youth Safe Standards](#), all employees must:

- complete induction training on this policy within 30 days of commencing with the Office
- complete a refresher on this policy at least every two years
- undertake additional training where this policy is significantly updated

The Business Manager in consultation with the Deputy Ombudsman, is responsible for maintaining a training register and ensuring training is scheduled and completed.

The Office of the Independent Regulator provides free, Tasmania-specific compliance training resources that must be incorporated into the Office's training program.

10. INTERNAL COMPLAINTS

If an employee is not satisfied with the way an allegation of child sexual abuse has been handled within the Office, they may raise their dissatisfaction with the Deputy Ombudsman. If they are not comfortable doing so, or have done so and remain concerned, they may raise it directly with the Ombudsman.

If the employee remains concerned after raising the matter with the Ombudsman, or if the concern relates to the Ombudsman's own conduct, they may consider making a public interest disclosure. A disclosure about any employee of the Office (other than the Ombudsman) can be made to the Ombudsman or the Integrity Commission. A disclosure about the Ombudsman must be made to the Tasmanian Parliament's Joint Standing Committee on Integrity under section 7(5D) of the *Public Interest Disclosures Act 2002* (Tas).

Distinction from the Ombudsman's external oversight role

The internal complaints pathway above is separate from the Ombudsman's external oversight function. Members of the public who are dissatisfied with how another Tasmanian public authority or health service provider has responded to child sexual abuse may make a complaint to the Office in its capacity as Ombudsman or Health Complaints Commissioner.

11. SUPPORT FOR EMPLOYEES AND COMPLAINANTS

11.1 SUPPORT FOR EMPLOYEES

Receiving disclosures of child sexual abuse can be distressing. All employees are entitled to access confidential counselling through the EAP at any time, particularly following a distressing interaction. Employees should also debrief with their Principal Officer after managing a disclosure. Managers should proactively check in with employees following any such interaction.

The Office accesses the EAP through the Department of Justice. The current EAP provider contact details are:

- Phone: 1300 687 327
- Email: eap@convergeintl.com.au

The Business Manager is responsible for confirming these details remain current at each policy review. In addition to the EAP, employees may access internal wellbeing support via the Department of Justice Wellbeing Support team: Phone 6165 6718 | Email wellbeing.support@justice.tas.gov.au.

11.2 SUPPORT ORGANISATIONS FOR COMPLAINANTS AND DISCLOSERS

If a complainant or discloser needs to be referred to external support, the following organisations are available:

Organisation	Contact
Emergency services	000
Tasmania Police (non-emergency)	131 444
Strong Families, Safe Kids Advice and Referral Line	1800 000 123
Independent Regulator (worker conduct concerns)	1800 754 728
Lifeline (24 hours)	131 114
Beyond Blue	1300 224 636

Organisation	Contact
Beyond Blue Webchat Support	www.beyondblue.org.au/get-support/talk-to-a-counsellor/chat
Victims of Crime Service	1300 300 238
Tasmanian Sexual Assault Support Line (24 hours, state-wide) – SASS (south) and Laurel House (north/north-west)	1800 697 877
Laurel House Northern Tasmania	(03) 6334 2740
Laurel House North West Tasmania	(03) 6431 9711
Blue Knot Foundation	1300 657 380
1800 RESPECT	1800 737 732
Suicide Call Back Service	1300 659 467
MensLine Australia	1300 789 978
Relationships Australia Tasmania	1300 364 277
Kids Helpline (and Parentline)	1800 55 1800
Family Violence Counselling and Support Service	1800 608 122
SIS – culturally appropriate, trauma-informed services for Aboriginal and Torres Strait Islander victims/survivors	www.sistas.org.au/contact

Organisation	Contact
Independent Regulator 'Raise a Matter' – online form to raise a concern about services provided to children and young people	www.oir.tas.gov.au/children-and-young-people

12. DEFINITIONS

Term	Definition
Child or young person	Anyone under the age of 18 years.
Child sexual abuse	Any act (including grooming) that exposes a child to, or involves a child in, sexual activities that are beyond their understanding, contrary to accepted community standards or outside what is permitted by law.
Child and Youth Safe Standards	The ten standards under Tasmania's Child and Youth Safe Organisations Framework, mirroring the National Principles for Child Safe Organisations.
Deputy Ombudsman	The Deputy Ombudsman of Ombudsman Tasmania has oversight and escalation functions across all jurisdictions of the Office, including Ombudsman, RTI, Energy, Custodial Inspector, Health Complaints Commissioner and NPM matters, as specified in this policy.
Employee	All persons engaged by the Office in any capacity, including permanent, fixed-term, part-time and casual staff, contractors, consultants, secondees, volunteers, university interns and Official Visitors appointed under the <i>Corrections Act 1997</i> (Tas) or <i>Mental Health Act 2013</i> (Tas).
Grooming	Any online or in-person behaviour intended to manipulate and control a child, their family, kin, caregivers, support networks or organisations, with the aim of gaining access to the child,

Term	Definition
	obtaining compliance, maintaining silence and/or avoiding discovery of sexual abuse.
Harmful sexual behaviour	A range of behaviours that are outside the expected range of sexual behaviour for a child or young person's age or level of development, which may harm or risk harming themselves or other children.
Independent Regulator	The independent regulatory body established under the <i>Child and Youth Safe Organisations Act 2023</i> (Tas) to oversee Child and Youth Safe Standards, reportable conduct and information sharing. See oir.tas.gov.au .
The Ombudsman	The Ombudsman exercises the following statutory functions: Ombudsman; Health Complaints Commissioner; Custodial Inspector; Energy Ombudsman Director, Tasmanian National Preventive Mechanism (NPM); and Coordinator of the Prison and Mental Health Official Visitor Scheme. References to 'Ombudsman Tasmania' in this policy incorporate all of these functions.
Principal Officer	The officer with primary responsibility for a jurisdiction: Principal Officer Ombudsman, Principal Officer RTI, Principal Officer Energy, Manager – Official Visitors, Principal Officer Health, Principal Inspection Officer (Custodial Inspector), Director NPM and Business Manager (Corporate). See Section 3.5 Roles and Responsibilities.
Reportable conduct	Conduct as defined in section 7 of the <i>Child and Youth Safe Organisations Act 2023</i> (Tas), including significant emotional or psychological harm, significant neglect, physical violence, sexual offences, sexual misconduct and grooming.
Trauma-informed approach	An approach that reflects awareness, sensitivity and responsiveness to trauma, prioritises safety and trust, avoids re-traumatisation and is guided by the child's needs and pace.

APPENDIX A – RELATED LEGISLATION AND RESOURCES

TASMANIAN LEGISLATION

- *Child and Youth Safe Organisations Act 2023*
- *Children, Young Persons and Their Families Act 1997*
- *Criminal Code Act 1924*
- *Ombudsman Act 1978*
- *Health Complaints Act 1995*
- *Custodial Inspector Act 2016*
- *OPCAT Implementation Act 2021*
- *Mental Health Act 2013*
- *Corrections Act 1997*
- *Registration to Work with Vulnerable People Act 2013*
- *Public Interest Disclosures Act 2002*
- *Personal Information Protection Act 2004*
- *Right to Information Act 2009*
- *Child Safety Reform Implementation Monitor Act 2024*

STATE RESOURCES

- [Department of Justice Child Safety and Wellbeing Policy](#)
- [Tasmania's Child and Youth Safe Organisations Framework](#)
- [Child and Youth Wellbeing Strategy: It Takes a Tasmanian Village \(pdf\)](#)
- [Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings \(2023\)](#)
- [2021 Independent Inquiry into the Tasmanian Department of Education's Responses to Child Sexual Abuse \(pdf\)](#)
- Office of the Independent Regulator: oir.tas.gov.au
- Child Safety Reform Implementation Monitor: oim.tas.gov.au

NATIONAL RESOURCES

- [National Strategy to Prevent and Respond to Child Sexual Abuse 2021-2030](#)
- [National Principles for Child Safe Organisations](#)
- [Safe & Supported: the National Framework for Protecting Australia's Children 2021–2031 \(pdf\)](#)
- [Australian Institute of Family Studies, 'Responding to children and young people's disclosures of abuse'](#)

INTERNATIONAL RESOURCES

- [United Nations Convention on the Rights of the Child](#)
- [United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment](#) (UNCAT) – the basis for OPCAT and the NPM mandate
- [United Nations Convention on the Rights of Persons with Disabilities](#) (CRPD) – relevant to Custodial Inspector/NPM/Official Visitor engagement with children and young people with disability

APPENDIX B – CHILD AND YOUTH SAFE STANDARDS MAPPING

This appendix maps the ten [Child and Youth Safe Standards](#) against the sections of this policy that give effect to each standard, to support compliance reporting to the Independent Regulator.

Standard	What it requires	Where addressed in this policy
Standard 1 Leadership, governance and culture	Child safety embedded in organisational leadership, governance and culture	Sections 1.4 Objective; 1.5 Commitment Statement; 3.5 Roles and Responsibilities (Ombudsman role); Document Control
Standard 2 Rights of children	Children and young people informed of their rights, participate in decisions and are taken seriously	Sections 4.1 Who May Make a Complaint or Disclosure; 4.2 Responding to a Disclosure – Key Principles; 6.5 Consultation, Decision and Communication; 7. Custodial Inspector, NPM and Official Visitors (custodial context)
Standard 3 Families and communities	Families, carers and communities informed and involved	Sections 4.1 Who May Make a Complaint or Disclosure; 4.2 Responding to a Disclosure – Key Principles (support person involvement); 11.2 Support Organisations for Complainants and Disclosers
Standard 4 Equity and diversity	Equity upheld and diverse needs respected in policy and practice	Sections 2.4 Cultural Safety and Disclosure; 4.2 Responding to a Disclosure – Key Principles (communication needs)
Standard 5 Our workers	People working with children suitable and supported to	Sections 3.3 Reportable Conduct; 3.5 Roles and

Standard	What it requires	Where addressed in this policy
	reflect child safety and wellbeing values	Responsibilities; 9. Training and Induction
Standard 6 Intervention and response	Processes to respond to complaints and concerns are child-focused	Sections 4.2 Responding to a Disclosure – Key Principles; 4.3 Recording and Reporting; 5. Escalation Pathway (flowchart); 6. Handling Complaints and Disclosures; 6.5 Consultation, Decision and Communication (timeframes)
Standard 7 Education and training	Staff equipped with knowledge and skills through ongoing training	Section 9. Training and Induction
Standard 8 Safe environments	Physical and online environments promote safety	Sections 3.4 Obligations Relating to Online and Written Disclosures; 7. Custodial Inspector, NPM and Official Visitors (custodial settings)
Standard 9 Continuous improvement	Implementation regularly reviewed and improved	Document Control (review cycle); Sections 8.3 Record Keeping (register); 9. Training and Induction (training register)
Standard 10 Policies and procedures	Policies document how the organisation is safe for children	This policy in its entirety; Appendix B – Child and Youth Safe Standards Mapping
Universal Principle for Aboriginal Cultural Safety	Applies across ALL ten Standards. Ensures Aboriginal and Torres Strait Islander children feel safe, respected and that their	Sections 2.4 Cultural Safety and Disclosure; 1.5 Commitment Statement; 9. Training and Induction (OIR Short Guide);

Standard	What it requires	Where addressed in this policy
	identity and culture are nurtured.	Acknowledgements. Applies across all sections.

DOCUMENT CONTROL

Term	Definition
Document title	Child Sexual Abuse – Policy and Guidelines
CM record number	
Version	1.0
Effective date	April 2026
Review cycle	Annual light-touch review; full review every 2 years or on legislative change
Next scheduled review	April 2027 (light-touch); April 2028 (full review)
Owner	Ombudsman Tasmania
Approved by	The Ombudsman
Prepared by	Deputy Ombudsman
Classification	OFFICIAL
Accessibility standard	WCAG 2.1 Level AA

Term	Definition
Parent policy status	Department of Justice Child Safety and Wellbeing Policy (Version 1.1, approved May 2024; next scheduled review May 2025). The Business Manager must monitor the DoJ Policy for updates and notify the Deputy Ombudsman of any revision. The Ombudsman should raise the overdue review with DoJ as part of the Office's oversight role.