



Policy – Child Safety and Wellbeing

Policy Statement

The Mental Health Review Tribunal (**Tribunal**) is committed to the safety and wellbeing of children and young people. The purpose of this policy is to inform all workers (staff and members) of their obligations to act ethically towards children and to give guidance on the processes that aim to ensure children’s safety and wellbeing across all areas of the Tribunal’s work.

Scope

This policy applies to all workers, including staff, members, students, volunteers, contractors and other persons within the Tribunal.

Legislation

Associated Documents

National Principles for Child Safe Organisations

Principles

1. This policy is based on the National Principles for Child Safe Organisations adopted by all Commonwealth, states and territories.
2. In addition to the existing indicators identified below, the Tribunal has projects underway that will continue to enhance the ways in which the Tribunal aims to ensure the safety and wellbeing of children and young people, including:
 - a. the development of a Consumer Engagement Framework.
 - b. the development of an inhouse course for members specialising in hearings involving children and young people.
3. The Tribunal recognises that the National Principles for Child Safe Organisations are consistent with the Human Rights Act 2019. The Tribunal is committed to creating and maintaining a work environment with promotes, protects and has a culture that is respectful of human rights (Tribunal’s Policy – Human Rights).

Policy

	Principle	Indicators
A commitment to child safety and wellbeing	1. Child safety and wellbeing is embedded in organisational leadership, governance and culture	<ul style="list-style-type: none">• Publication of a commitment to the child safety and wellbeing.• Distribution of this Child Safety & Wellbeing Policy amongst all Tribunal workers.



		<ul style="list-style-type: none"> • A child safe culture is championed and modelled at all levels of the organisation.
Taking child participation seriously	2. Children and young people are informed about their rights, participate in decisions affecting them and are taken seriously	<ul style="list-style-type: none"> • Tribunal's Guideline – Constitution of panels for minors. • All minors appearing before the Tribunal are provided with legal representation free of charge. • All minors are entitled to have a say on which support persons accompany them at their hearings. • Training is provided to all members on child and adolescent mental health.
Involving families and communities	3. Families and communities are informed and involved in promoting child safety and wellbeing	<ul style="list-style-type: none"> • The Tribunal website contains a range of resources for persons appearing before the Tribunal and their families. • Family members may attend a child's hearing as support persons. • The Tribunal considers the least restrictive way for a child to receive treatment and care, including potentially by consent of a parent.
Respecting equity and diversity	4. Equity is upheld and diverse needs respected in policy and practice	<ul style="list-style-type: none"> • Tribunal workers receive training on human rights, including in respect of the safety and wellbeing of children and cultural diversity. • Tribunal workers receive training on Aboriginal and Torres Strait Islander cultures. • Tribunal members receive training on natural justice and procedural fairness including avoidance of bias and recognition of diversity.
Ensuring that staff are suitable and supported	5. People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice	<ul style="list-style-type: none"> • All workers undergo pre-employment/pre-appointment screening. • All workers are informed about mandatory reporting obligations. • Tribunal's Guideline – Constitution of panels for minors.
Child focused complaint systems	6. Processes to respond to complaints and concerns are child focused	<ul style="list-style-type: none"> • Tribunal's Complaints and Feedback Policy is available on the Tribunal's website. • Tribunal's website contains an easy to use feedback/contact mechanism.
Staff knowledge, skills and awareness	7. Staff and volunteers are equipped with the knowledge, skill and awareness to keep children and young people staff through ongoing education and training	<ul style="list-style-type: none"> • Tribunal keeps records of matters involving children and young people. • Workers are informed about mandatory reporting obligations. • Tribunal's appointed medical members include those with



		specialisation in child and adolescent mental health.
Safety physical and online environments	8. Physical and online environments promote safety and wellbeing while minimizing the opportunity for children and young people to be harmed	<ul style="list-style-type: none"> • All hearings are conducted confidentially. No observers are approved to observe hearings involving a child. • All hearings involving children are conducted in appropriate venues identified by the relevant Authorised Mental Health Service.
Review of child safe policies and practices	9. Implementation of the national child safe principles is regularly reviewed and improved	<ul style="list-style-type: none"> • This Child Safety and Wellbeing Policy is included on the Tribunal's policy review schedule.
Documenting policies and procedures	10. Policies and procedures document how the organisation is safe for children and young people	<ul style="list-style-type: none"> • Tribunal's Executive Team champion and model compliance with policies and procedures. • This Child Safety and Wellbeing Policy and policies and documents referenced herein document how the Tribunal is safe for children and young people.

Custodian of Procedure

President, Mental Health Review Tribunal