

Safety and Wellbeing of Children and Young People Executive Committee – Terms of Reference

1. Purpose

The **Safety and Wellbeing of Children and Young People Executive Committee** (Committee) provides strategic direction, oversight and advice to the Secretary and Executive Board on safety and wellbeing outcomes for the children and young people who have been or are in contact with services provided by the Department for Education, Children and Young People (DECYP).

The Committee also operates as the Child and Youth Safe Governance Group to provide strategic direction and oversight of DECYP's safeguarding responsibilities, projects, policies and systems.

2. Authority

The Committee functions under the authority of the Secretary and the Executive Board (Board) and supports the Secretary's responsibilities under section 34 of the *State Service Act 2000* to ensure that DECYP operates as effectively, efficiently and economically as practicable.

Decisions, advice and recommendations of the Committee are made by consensus of a quorum of members. Where consensus cannot be reached, the Chair reserves the right to decide the matter, or escalate the matter to the Executive Board. Where Legislation, Treasurer's Instruction, or Delegated Authority require the decision to be made by the Secretary, Minister or a delegate, the Committee will provide advice on the matter to the relevant office holder (person or position) for their ultimate decision.

The Committee does not replace or reduce any member's individual responsibility for managing their respective Portfolio or Business Area, or for exercising their delegated functions.

3. Functions

To contribute to DECYP's strategic objectives and ensure all children and young people are known, well, safe and learning, the Committee undertakes the following functions:

- actively champion the safety and wellbeing of children and young people and enhance DECYP's reputation as an organisation that keeps children safe
- make decisions on matters brought to the Executive Committee requiring action and direction within the scope of the Terms of Reference.

- oversee and monitor progress of relevant strategic priorities agreed by the Board in relation to Keeping Children Safe: *Safeguarding and Children and Young People; Services for Children and Families; Schools and Early Years and Services for Youth Justice*
- provide direction and advice on – and endorse for Board approval – any whole-of-department strategies, plans and policies relevant to the safety and wellbeing of children and young people, with a focus on continuous improvement
- oversee the implementation of approved strategies, plans and policies
- monitor and review performance measures relating to the safety and quality of service delivery for children and young people (including by external providers), encompassing trends, key learnings and themes from complaints and incidents, external investigations and the outcomes of surveys (such as the Student Wellbeing and Engagement Survey)
- oversee and provide advice on the development of integrated systems and processes that support measurement and monitoring of performance data and achievement of strategic objectives relating to the safety and wellbeing of children and young people
- develop and lead responses to current and emerging safety and wellbeing issues relevant to children and young people
- oversee and provide advice on DECYP's compliance with legal and policy requirements applicable and of relevance to the Committee's functions, including but not limited to the *Children, Young Persons and their Families Act 1997*, *Child and Youth Safe Organisations Act 2023*, DECYP's *Safeguarding Framework: Safe. Secure. Supported.* and the *Child and Youth Wellbeing Strategy: It takes a Tasmanian village*
- oversee and provide strategic advice on risks relevant to the Committee's functions.

Additional scope

- Matters may be referred from other executive committees to the Committee for consideration and collaboration if the matters have significant implications for safety and wellbeing.
- From time to time, matters may also be referred to or from the Statutory Guardian Committee, such as where systemic problems or service gaps are identified that require a broader partnership approach/perspective.

In discharging its functions, the Committee will ensure:

- The rights of children and young people are upheld, particularly the right to an education, to influence decisions that affect them and to be safe from harm.
- The voices of children and young people inform their work.
- The specific needs of children and young people with a disability, children and young people in Out of Home Care, Aboriginal and Torres Strait Islander children and young people, children and young people with culturally and linguistically diverse backgrounds, LGBTIQ+ children and young people and other children and young people from marginalised groups are considered.

4. Membership

- Deputy Secretary Keeping Children Safe (Chair)
- Director Wellbeing and Inclusion (Deputy Chair)
- Director Improvement Partnerships (Northern Region)
- Director Legal Services
- Director Communication Services
- Deputy Director Industrial Relations
- Executive Director Children and Families
- *Optional as required: Executive Director Youth Justice (proxy Director Community and Custodial Youth Justice).*

Additional participants (ie senior staff or their delegate) will be required to attend meetings based on the nature, content and context of the matters to be discussed to ensure all relevant perspectives are captured. (See 'Other participants' below.)

Chairing meetings

In the absence of the Chair, the Deputy Chair will chair the meeting.

Proxies

Proxies are not permitted unless officially acting in the substantive role of a member. Observers attending on behalf of an absent member have no voting rights. Proxies must be suitably briefed prior to the meeting.

Other participants

Where a paper is submitted through a member of the Departmental Leadership Group (DLG), that DLG member, or their delegate, will be required to attend and participate in the discussion.

5. Quorum

The quorum for Committee meetings will be half the number of members (including proxies in attendance as specified above) plus one.

In the absence of a quorum, the meeting may proceed at the Chair's discretion. Any items requiring decision will be deferred to the next scheduled meeting or circulated to members for out-of-session consideration and decision.

6. Subordinate groups

The Committee has the authority to create subcommittees or subordinate groups from time to time, and as deemed necessary to assist the Committee in discharging its responsibilities. These groups may be established to investigate or progress specific issues and may be time-limited or ongoing.

Terms of reference for subordinate groups (including membership, reporting arrangements and sunset arrangements) must be specified at the time of establishment and periodically reviewed.

All subordinate groups must report to the Committee through their respective chairs.

The Secretariat coordinates communication between the Committee and any subordinate groups.

Currently approved subordinate groups to the Committee include:

- *Child and Youth Safe Organisations Act 2023* implementation
- Safeguarding Framework implementation.

7. Member behaviour and duties

The State Service Principles prescribed in the *State Service Act 2000* (section 7), the principles of good governance, and the DECYP Leadership Expectations guide the deliberations of and participation on the Committee.

Members, proxies and guests will conduct themselves in alignment with the DECYP Leadership Expectations including:

- **Accountable for Outcomes** – members of the Committee create clarity and focus on Department outcomes (beyond the day-to-day operational) by clarifying roles and actions at every conversation, understanding the intersects of the work with others, and empowering our people to achieve the outcomes that matter most for children and young people.
- **Leaders of Change** – members of the Committee anticipate and lead the systemic change that is required for the future of our children and young people, galvanising and supporting our people to embrace their role in successfully delivering change together.
- **Purposeful Action** – members of the Committee respond purposefully to the complex environment we work in by taking action that balances adaptability and stability. The Committee will leverage the knowledge and creativity of others and create pathways for our people to effectively respond to challenges and change.
- **Interpersonal Effectiveness** – members of the Committee model DECYP values and foster respectful relationships (in all directions), moving our Department towards connected ways of working, by enabling teams to resolve obstacles or issues that get in the way of being effective.
- **Personal Growth** – members of the Committee take responsibility to reflect and continuously grow, and engage in new ways of working with staff and peers to support the Department to meet its strategic direction.
- **Compassionate** – members of the Committee support the wellbeing of themselves and others while moving the system forward with courage and integrity.

8. Communication and reporting

Minutes and a current decision register will be provided to the Board after each Committee meeting. The Chair will provide updates to the Board as requested.

If a matter is deemed to have significant implications for DECYP's overall strategic direction, the Committee may make a recommendation to the Board for decision.

Where deemed relevant or appropriate by the Committee, meeting outcomes will be communicated to stakeholders. Meeting outcomes will be submitted for inclusion in DECYP's quarterly Executive Committee Communiqué for publication on the intranet. Meeting minutes and agendas will be shared with the Statutory Guardian's Committee.

The Committee receives standing reports as identified below, as well as items requested by the Chair.

Report	Frequency	Responsible/Coordinating area
<i>Child and Youth Safe Organisations Act 2023 implementation</i>	Monthly	Office of Safeguarding Children and Young People
<i>Safeguarding Framework implementation</i>	Monthly	Office of Safeguarding Children and Young People

9. Performance

The Committee maintains a work plan that is linked to DECYP's strategic objectives, relevant risks and the Committee's functions, detailing the proposed activities of the Committee during the term of its work plan. The work plan must be approved by the Board.

The Committee's performance will be routinely self-evaluated at the end of each meeting through a five-minute debrief, included as a standing agenda item. The Committee will undertake more formal performance reviews against these Terms of Reference and the Committee's work plan at least every two years. Formal review processes will include a review of membership. Periodic governance reviews will be undertaken by the Governance, Risk and Performance unit.

10. Confidentiality and privacy

Members of the Committee may receive information that is classified as Cabinet-in-confidence, commercial-in-confidence, audit-in-confidence, clinically confidential, sensitive or have privacy implications.

Members, proxies, delegates and other participants acknowledge their responsibility to adhere to legal and ethical confidentiality frameworks and maintain the confidentiality of all information.

11. Meeting protocols and secretariat

Meeting schedule

The Committee meets monthly or more frequently as required.

Accessibility

DECYP is committed to ensuring accessible workplaces, including providing virtual meeting options and ensuring that venues are accessible and appropriate for all Committee members and participants.

While Committee meetings will normally be scheduled for in-person attendance, members may also attend by electronic means, including via Microsoft Teams or a suitable alternative.

Out-of-session items

Items can be managed out of session by the Secretariat, with the approval of the Chair, where the item is urgent and must be considered before the next scheduled meeting to enable business to be progressed. Matters for decision/endorsement out-of-session require a quorum and must be recorded as an out-of-session minute at the next meeting of the Committee.¹

Secretariat

Secretariat functions will be provided by the Keeping Children Safe Portfolio.

The Secretariat is responsible for scheduling meetings, developing and circulating meeting agendas, papers, action and decision registers and minutes, progressing actions as necessary and ensuring that appropriate records are maintained in DECYP’s electronic records management system.

Business rules

The Committee, Secretariat and subordinate groups operate in accordance with the Business Rules provided at Appendix A.

12. Revision history

Version	Date of approval	Nature of amendment
V0.A	24 January 2024	Endorsed draft for Board approval
V1.0	13 February 2024	First version approved by the Board

¹ See Appendix A, C. Out-of-session papers

Appendix A: Business rules

These business rules apply to the Committee, Secretariat and subordinate groups.

A. Governance pathway

All agenda items must:

- be within the purpose and functions stated in the Committee's Terms of Reference
- have high-level implications and interdependencies across DECYP that require consideration.

(Note: an item may also have been presented to another committee or subordinate group and deemed appropriate for referral or escalation to the Committee for final decision/resolution.)

Process for progression or referral:

- The above criteria will be used by the Secretariat to assess the most appropriate pathway and guide referrals to other committees where appropriate.
- If an item does not meet the defined criteria, the Secretariat will refer the item to the requesting member who may refer it back to the relevant individual/committee/working group (for example, items relating to requests for additional budget should be referred to the Budget Committee).

All agenda papers must:

- be well-supported by appropriate consultation, including collaboration with relevant DECYP portfolios, committees and stakeholders
- contain accurate, evidence-based information to enable informed decision making
- be cleared by the relevant Committee member.

B. Agenda and meeting papers

- Committee papers must be cleared by the relevant Committee member or a member of the Executive Board.
- Agenda item proposals must be submitted on the published template through a Committee member to the Secretariat at least five business days before the meeting to OotDS.KeepingChildrenSafe@decyp.tas.gov.au to allow sufficient time for papers to be distributed and for members to read and consider the proposal. The subject line of the email with the proposal attached should clearly identify the subject matter as a proposal for inclusion on the relevant SWCYP Executive Committee meeting agenda.
- Late papers will not be accepted unless there is an urgent and justifiable reason and will only be accepted at the Chair's discretion.
- The agenda and relevant meeting papers must be distributed to members at least three business days prior to a meeting.
- Members may receive information with confidentiality and/or privacy implications. At their discretion, members may elect to further distribute these papers through appropriate internal processes, with the necessary confidentiality markings and safeguards in place.

- The Committee and the Statutory Guardian Committee will share agendas before each of their respective meetings. Any relevant decisions from meetings will also be shared between the two Committees.

C. Out-of-session papers

- When the Chair approves an item to be managed out of session, the member must use the appropriate Committee paper template and email this to the Secretariat at the below email address: OotDS.KeepingChildrenSafe@decyp.tas.gov.au.
- The member proposing the out-of-session paper must ensure all Committee members are appropriately briefed.
- Matters for out-of-session endorsement require the involvement and engagement of all Committee members.
- Responses to out-of-session matters will be collated by the Secretariat and provided to the Chair for endorsement.
- Out-of-session matters and decisions will be recorded and minuted as part of the next meeting.

D. Minutes and Communicating decisions

- The Secretariat will record and maintain the minutes and a register of decisions from each meeting.
- The draft minutes and decisions register will be distributed to all members for review within five business days after each meeting. Members may request updates to decisions, which may be discussed at the next meeting, if required, before the register is ratified.
- Authors and clearers of meeting papers will be notified of the draft outcome/decision as soon as possible after the meeting, including to confirm the accuracy of the recorded outcome (if present at the meeting).
- Members are responsible for distributing decisions within their teams as appropriate.
- Decisions will be taken as draft until approved at the next meeting.
- A communiqué will be published on the intranet each quarter, summarising relevant key decisions and outcomes.

E. Roles and responsibilities

In addition to general behaviours and duties outlined in Section 7 of the Committee's Terms of Reference:

The Chair will:

- ensure that meetings are conducted in a timely, efficient, professional and respectful manner
- ensure agenda items are covered within the time allowed, to respect the commitment and availability of members and other participants to consider and present all agenda items
- lead and encourage relevant discussion on items

- define agreed decisions, actions and outcomes (ensuring clarity on decisions recorded in the register)
- ensure conflicts of interest and matters of confidentiality and privacy are addressed.

Members will:

- attend and actively participate in all scheduled meetings, as leaders rather than technical experts
- contribute to the Committee's work plan and agenda for each meeting by identifying areas of focus
- read and review papers prior to each meeting
- engage in open and constructive conversations about issues discussed by the Committee
- in expressing their views, be mindful of acting in the best interests of DECYP as a whole
- share and disseminate information from meetings with broader teams, as appropriate
- address assigned action items raised during meetings within agreed timeframes
- seek approval through the Secretariat for staff or guests to attend to present or support a presentation
- if unable to attend and acting arrangements are in place, advise the Secretariat of the name of the proxy attending on their behalf, and fully brief the proxy on current activities, prior to the meeting.

Secretariat will:

- prepare a work plan and meeting schedule
- coordinate, prepare and issue meeting documentation e.g., agendas, decisions, papers
- maintain and update related documents as required e.g., decision register, actions register, conflicts of interest register, and ensure records are kept in accordance with relevant Retention and Disposal Schedules
- ensure members are provided with timely access to information
- coordinate the induction of new members, in consultation with the Chair, including:
 - provide copies of the Terms of Reference (including business rules) previous minutes and current action and decision registers
 - scheduling an induction meeting with the Chair and/or Secretariat
- coordinate routine self-assessment of the Committee against the Terms of Reference and other periodic reviews of the Committee's effectiveness.

F. Conflicts of interest

- To meet ethical obligations under the *State Service Act 2000*, members and proxies must declare any potential, actual or perceived conflicts of interest and manage those in consultation with the Chair.

- Conflicts of interest may relate to the member's position or content of a specific item for deliberation.
- The Chair will determine if the member is to be excused from the relevant item and/or meeting.
- The Secretariat will record any declaration of conflict of interest in the minutes of the relevant meeting.

Guidance on managing conflicts of interest can be found on the [Ethical Conduct Framework](#) intranet page.

G. Recordkeeping

The Secretariat will prepare and maintain an electronic corporate record on Content Manager of committee activities such as agendas, minutes, related papers and out-of-session papers.

Records are to be kept in accordance with the [Records Management Policy](#).

Appendix B – Executive Committee Operating Principles

As endorsed by the Secretary in March 2023.

All Executive Committees should:

- operate under a documented terms of reference approved by the EGM, that is regularly reviewed and
 - outlines alignment with DECYP's objectives / purpose
 - includes principles of good governance, responsibilities of members and reporting arrangements
- consider how the voices of children and young people inform their work
- consider the specific needs of children and young people with a disability, children and young people in Out of Home Care, Aboriginal and Torres Strait Islander children and young people, children and young people with culturally and linguistically diverse backgrounds, LGBTIQ+ children and young people and other children and young people from marginalised groups
- develop a flexible annual work plan approved by the EBM to map out activities to deliver on their Terms of Reference and contribution to overarching strategy, but can also respond to new and emerging matters
- regularly monitor and evaluate their effectiveness, including performance against their terms of reference and functions
- have a membership that is appropriately skilled, representative and sized to ensure efficient and effective operations; and demonstrates inspirational, creative and credible leadership
- consider risk implications of decisions and advice, and alignment to values, culture, and strategy
- communicate proactively about their role and activities / outcomes to staff and stakeholders including across other committees and governance groups
- comply with enabling legislation and/ or relevant requirements such as for record keeping, confidentiality, personal information protection, and management of conflicts of interest
- where relevant, have appropriate induction and training for members and attendees.

