

**THE ROYAL COMMISSION INTO INSTITUTIONAL  
RESPONSES TO CHILD SEXUAL ABUSE.  
CONSULTATION PAPER ON INSTITUTIONAL  
RESPONSES TO CHILD SEXUAL ABUSE IN  
OUT-OF-HOME CARE:  
COMMENTS BY FAMILIES AUSTRALIA**

**29 APRIL 2016**

**FamiliesAustralia**

# **Families Australia’s comments on The Royal Commission into Institutional Responses to Child Sexual Abuse consultation paper on institutional responses to child sexual abuse in out-of-home care**

## **Summary**

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Families Australia welcomes the Royal Commission’s focus on child sexual abuse in Out-of-Home Care and the opportunity to respond to the Consultation Paper: Institutional Responses to Child Sexual Abuse in Out-of-Home Care.

Families Australia congratulates the Royal Commission on its extensive analysis of institutional responses to child sexual abuse in Out-of-Home Care (OOHC).

Our submission is supportive of the proposed solutions to address the problems identified within the consultation paper.

Families Australia strongly recommends that the proposed solutions be progressed through the existing National Framework for Protecting Australia’s Children 2009-2020 (the National Framework).<sup>1</sup>

The National Framework provides the Royal Commission with a unique opportunity to build on the commitment of NGOs, the Commonwealth Government and State and Territory Governments to work together to improve the safety and wellbeing of children.

Building alternate implementation processes and mechanisms would further severely challenge an already stretched sector. Implementation of the National Framework’s Third Action Plan 2015-2018 includes reform areas covered in this consultation paper and has the flexibility to be informed and shaped by recommendations from the Royal Commission.

The Third Action Plan includes a strong early intervention focus. This intervention is not only early in a child’s life but also when intervention is required, such as at life stages, leaving OOHC and creating safe environments for children and young people.

Families Australia supports the individual submissions made by its member organisations in response to this Consultation Paper. In these submissions we recognise the many years of experience, expertise and commitment to the safety and wellbeing of children.

## **Introduction**

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Families Australia is a national, member-based, not-for-profit organisation that strives to improve the wellbeing of all Australian families. We work to promote a national policy environment in which the needs and interests of families, especially the most vulnerable and marginalised, are heard and addressed.

For the past decade Families Australia has helped to champion the rights of those who were placed in orphanages and other forms of institutional ‘care’ during the 20<sup>th</sup> century – the so-called ‘Forgotten Australians’. Many of these people experienced abuse as children in institutions.

Since mid-2007 Families Australia has supported families and their children by convening the ‘Coalition of Organisations Committed to the Safety and Wellbeing of Australia’s Children’ (the ‘National Coalition’). The National Coalition is a group

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<sup>1</sup> Commonwealth of Australia (2009). The National Framework for Protecting Australia’s Children 2009-2020. Canberra, ACT.

of around 200 NGOs and academics committed to the safety and wellbeing of Australia's children.

Families Australia remains strongly committed to children's rights and the UN Convention on the Rights of the Child.<sup>2</sup> In particular, we want to see an end to the institutionalisation of children except when there is absolutely no alternative.

To achieve that outcome, we support greater efforts to strengthen families to prevent the placement of children in institutional settings. We see families, in whatever form they take, as the most important building block in society and hold firm to the view that children are best raised within their family setting.

Families Australia's response to the Royal Commission's proposed solutions follows.

## **Addressing the problems**

### ***Identifying and responding to child sexual exploitation and child-to-child sexual abuse***

Families Australia agrees that current responses to the sexual exploitation of children in OOHC are inadequate and supports increased identification, reporting and recording of this form of abuse.

We agree with the need for greater coordination and development of preventative measures, including the enforcement of social media policies and education including sectors, such as OOHC, the police and child protection.

Families Australia supports the implementation of Royal Commission's recommendations on identifying and responding to child sexual exploitation and child-to-child sexual abuse through the Third Action Plan.

### ***Child-to-child sexual abuse***

Families Australia agrees that more needs to be done to better protect children from, and respond to, issues of child-to-child sexual abuse in OOHC.

We support an increase of appropriate home-based care for children with sexually harmful behaviours.

Nationally consistent identification and terminology and improvements in data collection are essential. Our member organisations have long argued for improved data capture and usage in this area. Improved coordination, collection and analysis of NGO-held data has also been of great interest to our members.

Families Australia supports the increase of adequate and sufficient treatment responses for children who display sexually harmful behaviours.

We agree that this should be supported by policies, procedures and best practice guides for preventing and responding to child-to-child sexual abuse in OOHC.

We continue to be supportive of nationally consistent accreditation and professional development training for professionals in this field.

We also support the availability of expert advice and assistance for foster carers and kinship/relative carers. This must include the availability of information about the child's background to ensure supportive and appropriate care.

### ***Data Limitations***

Families Australia acknowledges the significant improvements in data collection and recording since the endorsement of the National Framework in 2009. These improvements include the national child protection data on a unit record basis.

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<sup>2</sup> United Nations 1989. United Nations Convention on the Rights of the Child, United Nations, New York.

We also recognise the significant gaps in data collection, including reporting on sexual abuse in OOHC as well as treatment and therapeutic services data. Our members continue to advocate for improvements in these areas.

Families Australia supports improvements to national data that enables identification of trends over time, and the determination of the prevalence of child sexual abuse in OOHC.

These improvements should include disaggregation into types of abuse, the child's relationship to the abuser, outcomes or responses, circumstances of the abuse, demographics, and placement type.

We agree that a solid data system is required to enable informed analysis to facilitate the establishment of an evidence base to inform best practice and enable monitoring of responses to child sexual abuse of children in OOHC.

Families Australia also recognises the time spent by practitioners on record keeping and report writing and is also interested in systems and methods aimed at achieving better outcomes for reliable cross-jurisdictional analysis and monitoring.

Families Australia strongly supports a nationally consistent approach to the collection of data of child sexual abuse in OOHC that includes agreement on key terms and definitions across jurisdictions as described in the proposed data model.

### ***Improving regulation and oversight to prevent and respond to child sexual abuse in OOHC***

Families Australia supports greater national consistency of regulation and oversight in the following areas:

- Independent accreditation and monitoring of all government and non-government OOHC providers consistent with the National Standards for OOHC (2011).

- Assessment and authorisation of carers in accordance with minimum nationally consistent standards with regular reassessments, including child feedback.
- External and independent oversight of the OOHC system, including a complaints handling capacity.

### ***Information Sharing***

Families Australia recognises the concerns related to sharing of personal information. However, failures in the system to identify, prevent and respond to child sexual abuse in OOHC, weaknesses in inter-jurisdictional information sharing, and inadequacies in information sharing with carers about the histories of children in their care leads to the increased risk to children in OOHC.

Families Australia agrees that improvements are needed in information sharing across and within jurisdictions, including across government and non-government organisations.

This information sharing should include sharing information with the children themselves and providing opportunities for them to express their views and participate in decisions that affect them.

Strategy 3 under the National Framework's Third Action Plan includes an action to remove barriers to information sharing where there are concerns about child wellbeing.

Families Australia supports the proposed potential improvements in information sharing to better protect children in OOHC.

We particularly support the following work being progressed as part of the Third Action Plan:

- Better information on child sexual abuse for children and promoting their participation in decision making that affects them.
- Strengthened information for carers to better assist carers.

- Jurisdictional adoption of nationally consistent arrangements for intra-jurisdictional and inter-jurisdictional exchange of information related to the safety and wellbeing of children supported by adequate education and training.

### ***Child safe organisations***

Families Australia congratulates the Royal Commission on its work to identify nine key draft elements which provide a framework for an overarching approach to making organisations child safe.

Organisations responding better to children and young people to keep them safe is one of the Third Action Plan's three key strategies. The testing of the nine key elements should inform and be informed by the implementation of the Third Action Plan through the National Forum that includes NGO, Commonwealth and State and Territory child protection experts.

Families Australia supports the Royal Commission working with the National Framework's National Forum to test the nine key elements of:

- Organisational, leadership, governance and culture.
- Human resource management.
- Child safe policies and procedures.
- Child focused complaints processes.
- Education and training.
- Children's participation and empowerment.
- Family and community involvement.
- Physical and online environment.
- Review and continuous improvement.

Families Australia supports maximising opportunities to improve the approach to child safety in OOHC, including ensuring the nine key elements are embedded in OOHC organisations by working with the National Forum to ensure that implementation of the Third Action Plan includes a nationally consistent and binding approach to child safety in OOHC that includes:

- Development of regulatory, oversight, monitoring and implementation support mechanisms.
- Identification of specific challenges and considerations for the OOHC sector and particularly vulnerable groups within the OOHC setting.
- Development of nationally consistent resources and support mechanisms, and
- Identification of mechanisms to drive continued practice improvement in child safety within OOHC sector organisations.

### ***Prevention of child sexual abuse in OOHC***

Families Australia acknowledges the lack of clear policy and practice guidelines to assist carers and practitioners to educate young people in OOHC about sexual abuse prevention.

We support the Royal Commission's focus on education prevention programs tailored and targeted for children in OOHC, ongoing training and support for carers, and strategies to facilitate and support disclosures of child sexual abuse.

Families Australia strongly supports the embedding of a national strategy to prevent child sexual abuse in OOHC in the existing National Framework with the aim of:

- creating nationally consistent policy and practice expectations to prevent child sexual abuse in OOHC in Australia and to encourage disclosures at the earliest possible time, and
- developing and evaluating resources and program implementation.

### ***Improving support for children and young people***

Families Australia agrees that it is essential that all children and young people who experience sexual abuse in OOHC receive a supportive and quality care environment where they receive adequate, timely and effective therapeutic treatment and support

appropriate to their needs and circumstances.

These children and young people also need appropriate and stable placements with adequately assessed, trained and supported carers. They should be well supported and prepared to leave care with ongoing access to support, services, complaint mechanisms and records.

Families Australia recognises the need to ensure children have access to trauma-informed advocacy and support services.

Families Australia has continued to advocate for services to address the cultural needs of children from Aboriginal and Torres Strait Islander backgrounds and that appropriate support is provided by Aboriginal and Torres Strait Islander practitioners.

Families Australia also supports the provision of systematic training, supervision and support for carers and practitioners, especially in areas of therapeutic care.

Families Australia strongly supports the establishment of a nationally consistent therapeutic framework for OOHC service delivery and the embedding of this framework within the existing National Framework. This therapeutic framework should also embed consistent evaluation of child outcomes and longitudinal research to inform the development of therapeutic residential care.

## **Contacts**

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