

Queensland Family and Child Commission Submission

To: Royal Commission into Institutional Responses to Child Sexual Abuse Date: 11 April 2016

Topic: Consultation Paper: Institutional Responses to Child Sexual Abuse in Out-of-Home Care

Queensland Family and Child Commission

Submission contact: Emma Heller, Senior Advisor, Policy and Community Resources

PO Box 15217

Brisbane City East QLD 4002

Web: <http://www.qfcc.qld.gov.au/>

Email: info@QFCC.qld.gov.au

Phone: (07) 3900 6000

The Queensland Family and Child Commission (QFCC) is pleased to provide a submission to the Royal Commission into Institutional Responses to Child Sexual Abuse addressing key aspects of the CONSULTATION PAPER: Institutional Responses to Child Sexual Abuse in Out-of-Home Care (OOHC).

The QFCC would like to take this opportunity to recognise the extensive research and consultation undertaken by the Royal Commission and many other agencies across Australia in relation to sexual abuse in OOHC. For the purposes of this submission we, the QFCC, have chosen not to reiterate these findings and previous recommendations. Rather, this **submission will focus on providing the Royal Commission with information on initiatives currently underway in Queensland**, recent research or consultation outcomes related to **specific** key suggestions and considerations raised within the consultation paper.

Given the QFCC mandate is much broader than the terms of reference for the Royal Commission, our recommendations and advice, while not specifically addressing child sexual abuse in OOHC, will have relevance to protecting and supporting children in OOHC who have experienced abuse.

This broad consideration is intended to address certain circumstances that can increase a child's vulnerability to abuse.¹ We know children and young people who are emotionally insecure and unsupported may be more vulnerable to the attentions of offenders - dynamics to create a nurturing environment can both ultimately protect against child sexual abuse and can also open the door to sexually abusive behaviours.²

¹ United Kingdom, National Society for Prevention of Cruelty to Children (NSPCC), 2013, *Child sexual abuse: An NSPCC research briefing*, p3

² Finklehor, D., in CDCP,

Child sexual exploitation and child to child sexual abuse

QFCC's position

The QFCC recommends the Royal Commission:

- Establish a link with the newly appointed specialist steering committee, Youth Sexual Violence and Abuse Steering Committee, Department of Aboriginal and Torres Strait Islander Partnerships.
- Note the findings and suggested interventions included in the, *Preventing Youth Sexual Violence and Abuse in West Cairns and Aurukun* report.
- Note the review currently being undertaken by the QFCC in relation to children missing from OOHC. This investigation was requested by Annastacia Palaszczuk MP, Premier of Queensland. The QFCC will provide a copy of the report to the Royal Commission once released publicly.

Supporting QFCC's position

Sexual violence and abuse are experienced across all states and territories in Australia and throughout the world. Sexual violence and abuse in Australian Indigenous communities...*'has proved to be among the most difficult and confounding social problems of our time.'*³

Principal Researchers from Griffith University (Stephen Smallbone, Susan Rayment-McHugh and Dimity Smith; the Researchers), with the support and assistance of the Aurukun and West Cairns communities, a Research Advisory Committee and government, prepared the 2013, *Preventing Youth Sexual Violence and Abuse in West Cairns and Aurukun* report (the PYSVA Report). The PYSVA report was a result of attempts to build an evidence base to address youth sexual violence and assault problems identified within the two specific geographic areas.

The Griffith Youth Forensic Service (GYFS) has provided continuous state-wide assessment and intervention services for court-referred youth sexual offenders and their families since 2001.⁴ Throughout the clinical fieldwork the GYFS identified endemic problems relating to youth sexual violence and abuse in West Cairns and Aurukun.⁵ GYFS also indicated, some clinical assessments identified ecological and situational problems affecting people other than the referred client.

'in some cases problems are entrenched in the local physical and social ecology, indicating that many other young people are also at risk of sexual offending or victimisation now or in later stages of their life'.⁶

The PYSVA report discusses a number of interventions and approaches to addressing sexual violence and abuse and includes details of a response approach based on the sexual abuse prevention model

³ Griffith University, Smallbone, S., Rayment-McHugh, S., Smith, D., 2013, *Preventing Youth Sexual Violence and Abuse in West Cairns and Aurukun*, p51

⁴ Griffith University, Smallbone, S., Rayment-McHugh, S., Smith, D., 2013, *Preventing Youth Sexual Violence and Abuse in West Cairns and Aurukun*, p1

⁵ Griffith University, Smallbone, S., Rayment-McHugh, S., Smith, D., 2013, *Preventing Youth Sexual Violence and Abuse in West Cairns and Aurukun*, p1

⁶ Griffith University, Smallbone, S., Rayment-McHugh, S., Smith, D., 2013, *Preventing Youth Sexual Violence and Abuse in West Cairns and Aurukun*, p2

developed by Smallbone, Marshall and Wortley (2008).⁷ The model consists of four prevention targets to be addressed across three levels of prevention (primary, secondary and tertiary):

- (potential) offenders;
- (potential) victims;
- situations; and
- communities.⁸

Importantly, the PYSVA report also outlines the success of preventative interventions, including design, would need to be implemented in authentic partnership with the communities themselves.⁹

Following extensive considerations of the PYSVA report, the Queensland Cabinet recently released the report and media statement acknowledging:

*“the findings of this report are deeply shocking.....many of the issues it (the PYSVA Report) are disturbing and difficult to discuss...it is appropriate to release the report so we can have this important conversation in the open and address individual and community concerns.....While Aurukun and West Cairns were the focus of this report, the tragic reality is that these are not the only communities in which serious problems with sexual violence and abuse occur, this is a nation-wide issue and we all need to do more than in years past to improve the future’.*¹⁰

To progress a formal government response to youth sexual violence and abuse, the Queensland Cabinet media release also highlighted the establishment of a Youth Sexual Violence and Abuse Steering Committee (the Steering Committee), led by Justice Jones.

The Steering Committee membership is to consist of: a child safety advocate, key community representatives, heads of relevant state and federal government departments and representation for young people¹¹ and aims to:

- review, consider and respond on the *efficiency and effectiveness of the activities of all tiers of Government in response to youth sexual violence and abuse;*
- investigate the prevalence and impact of youth sexual violence and abuse issue more broadly across Queensland; and
- make *recommendations about the appropriateness of the responses to sexual violence and abuse.*¹²

⁷ Griffith University, Smallbone, S., Rayment-McHugh, S., Smith, D., 2013, *Preventing Youth Sexual Violence and Abuse in West Cairns and Aurukun*, p36

⁸ Griffith University, Smallbone, S., Rayment-McHugh, S., Smith, D., 2013, *Preventing Youth Sexual Violence and Abuse in West Cairns and Aurukun*, p37

⁹ Griffith University, Smallbone, S., Rayment-McHugh, S., Smith, D., 2013, *Preventing Youth Sexual Violence and Abuse in West Cairns and Aurukun*, p48

¹⁰ Queensland Government, Treasurer, Minister for Aboriginal and Torres Strait Islander Partnerships and Minister for Sport – The Honourable Curtis Pitt , 2016, *Youth Sexual Violence and Abuse taskforce to spearhead solutions*, Media Statements, Saturday, March 12

¹¹ Queensland Government, Treasurer, Minister for Aboriginal and Torres Strait Islander Partnerships and Minister for Sport – The Honourable Curtis Pitt , 2016, *Youth Sexual Violence and Abuse taskforce to spearhead solutions*, Media Statements, Saturday, March 12

¹² Queensland Government, Department of Aboriginal and Torres Strait Islander Partnerships, 2016, *Youth Sexual Violence and Abuse Steering Committee*, <https://www.datsip.qld.gov.au/programs-initiatives/youth-sexual-violence-and-abuse-steering-committee>, Accessed 01/04/2016

The QFCC believes the work of this Steering Committee to build on the work already in progress in relation to child sexual abuse and violence,¹³ while not specifically focussed on OOHC, will be of distinct importance to the ongoing considerations of the Royal Commission.

¹³ Queensland Government, Treasurer, Minister for Aboriginal and Torres Strait Islander Partnerships and Minister for Sport – The Honourable Curtis Pitt , 2016, *Youth Sexual Violence and Abuse taskforce to spearhead solutions*, Media Statements, Saturday, March 12

Improving the quality of data on child sexual abuse in OOHC

Contextualising our response

The difficulty with establishing a national data model or process for comparing state and territory data is there is no consistency across Australia in regards to child protection legislation, including thresholds for substantiating harm. Additionally, there is also documented concerns in relation to the capturing of data on significant harm, particularly where there is more than one harm category experienced.

Without addressing this inconsistency, data comparison across states and territories will not be able to be made. Should consistency matters be addressed, the data model proposed under section 3 would likely evolve into an evidence base to improve the safety of children from sexual abuse, guide policy and practice and assist with the review of organisational responses to abuse.

In relation to a broader consideration of data, the QFCC believes attention could be given to how data is captured and used to reduce children's vulnerability to abuse. This is particularly relevant as research indicates that domestic violence and sexual violence are often underreported.¹⁴ We need to utilise alternative measures for identifying children at potential risk, including monitoring stability.

QFCC position

- The Royal Commission consider the difficulties highlighted regarding accessing data on child sexual abuse concerns and notifications by the research team responsible for the *'Preventing Youth Sexual Violence and abuse in West Cairns and Aurukun'* report.
- The Royal Commission note the QFCC's in-principle support of the Australian Research Council (ARC) Linkage Grant application – *'Stopping Child Maltreaters: Risks and Interventions Across the Life Course'* and the potential data which may be available into the future.

Supporting QFCC's position

Difficulties accessing data on child sexual abuse

The 2013 PYSVA Report (discussed previously) was aimed at investigating the scope, dimensions and dynamics of youth sexual violence and abuse in two communities in Far North Queensland (Aurukun and Manoora; Moorooool; Manunda (West Cairns)).¹⁵ The purpose of the project was, *'to establish an initial evidence base from which to develop, implement and evaluate a suite of locally tailored, evidence-informed prevention strategies to reduce the extent and impact of youth sexual violence and abuse and related problems within (the) two communities'*.¹⁶

In the process of obtaining official records and data, the then, Department of Communities (Child Safety), were approached by the Researchers to provide records on child sexual abuse concerns and

¹⁴ Phillips, J and Vandenbroek, P (2014), Domestic, family and sexual violence in Australia: an overview of the issues, Parliamentary Research Paper, Parliament of Australia.

¹⁵ Griffith University, Smallbone, S., Rayment-McHugh, S., Smith, D., 2013, *Preventing Youth Sexual Violence and Abuse in West Cairns and Aurukun*, p1

¹⁶ Griffith University, Smallbone, S., Rayment-McHugh, S., Smith, D., 2013, *Preventing Youth Sexual Violence and Abuse in West Cairns and Aurukun*, p1

notifications for the relevant geographical areas, for 2001-2012.¹⁷ The PYSVA Report indicated the unavailability of child safety related data had imposed a '*serious limitation on the present project*'.¹⁸

The following problems relating to child sexual abuse data were noted in the report:

1. *Child safety data were centrally recorded and only at a Service Centre Level, and were not... available in relation to the specific locations of interest for the present project.*
2. *The use of different data systems over time meant that data were not available for parts of the requested time periods.*
3. *Data were recorded only according to the most serious maltreatment type, so information on Child Concern Reports and Child Safety Notifications were not available for all specific maltreatment types.*
4. *Only limited demographic information was available for children subject to a sexual abuse notification.*¹⁹

The PYSVA data capture process occurred at the same time the Queensland Child Protection Commission of Inquiry (QCPCI) were undertaking their review and report preparation to inform child protection sector reform in Queensland. In their subsequent report, the QCPCI identified a specific recommendation relating to data-recording methods for progression by the (now titled) Department of Communities, Child Safety and Disability Services (DCCSDS, to *review.... data recording methods so that the categories of harm and the categories of abuse or neglect accord with the legislative provisions of the Child Protection Act 1999.*

While the QFCC is not in a position to comment on the work undertaken by the DCCSDS since this time, we do feel the information included within the PYSVA report is relevant to the Royal Commissions deliberations on this matter.

Australian Research Council (ARC) Linkage Grant application – '*Stopping Child Maltreaters: Risks and Interventions Across the Life Course*'

*Child sexual abuse is an expression of power that damages the very basis of a child's sense of self. It inflicts psychological, emotional and social damages the very basis of a child's sense of self. It inflicts psychological, emotional and social damage that affects the child's ability to relate to self and others.*²⁰

Addressing child sexual abuse is incredibly complex and there is a considerable variation between the characteristics of offenders and the ways in which sexual offences against children are perpetrated.²¹ The QFCC has provided in-principle support for an ARC Linkage Grant, '*Stopping Child Maltreaters: Risks and Interventions Across the Life Course*' (the Project). The Project has been submitted by Professor Anna Stewart (and colleagues) from Griffith University, in partnership with QFCC, DCCSDS, the Queensland Forensic Mental Health Service, and the Queensland Mental Health Commission.

¹⁷ Griffith University, Smallbone, S., Rayment-McHugh, S., Smith, D., 2013, *Preventing Youth Sexual Violence and Abuse in West Cairns and Aurukun*, p9

¹⁸ Griffith University, Smallbone, S., Rayment-McHugh, S., Smith, D., 2013, *Preventing Youth Sexual Violence and Abuse in West Cairns and Aurukun*, p9

¹⁹ Griffith University, Smallbone, S., Rayment-McHugh, S., Smith, D., 2013, *Preventing Youth Sexual Violence and Abuse in West Cairns and Aurukun*, p9

²⁰ Laurel House North and North-West Tasmania Sexual Assault Support Services, *Adult survivors of child sexual abuse*, http://laurelhouse.org.au/?page_id=10, Accessed 22 March 2016.

²¹ Australian Institute of Criminology, Smallbone, S., and Wortley, R., 2001, *Child Sexual Abuse: Offender Characteristics and Modus Operandi*, No.193

The Project will utilise linked cross-sector administrative data to identify characteristics of persons who maltreat children and to identify intervention points for timely prevention initiatives targeting maltreatment.

The QFCC expects that the outcomes of this project will have considerable implications for policy and practice. The Project's unique focus on risk factors for child maltreatment perpetration, effective interventions, and possible intervention points has the potential to lead to sustainable improvements in services for those individuals who maltreat children.

The project's goal of utilising linked cross-sector administrative data to identify characteristics of persons who maltreat children and to identify timely prevention initiatives targeting maltreatment, will assist the QFCC to achieve its objective of supporting a high quality, evidence-based Queensland child protection and family support system.

Collectively, the research will assist QFCC to make the most of opportunities to transform child protection and provide the best possible services to vulnerable children, young people and families. The research will also assist the QFCC in providing guidance to the sector to improve practice and policy development by having access to authoritative research.

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

Oversight of the OOHC system with core oversight functions are conducted by a body external to, and independent of, the relevant jurisdictions lead department and all service providers.²²

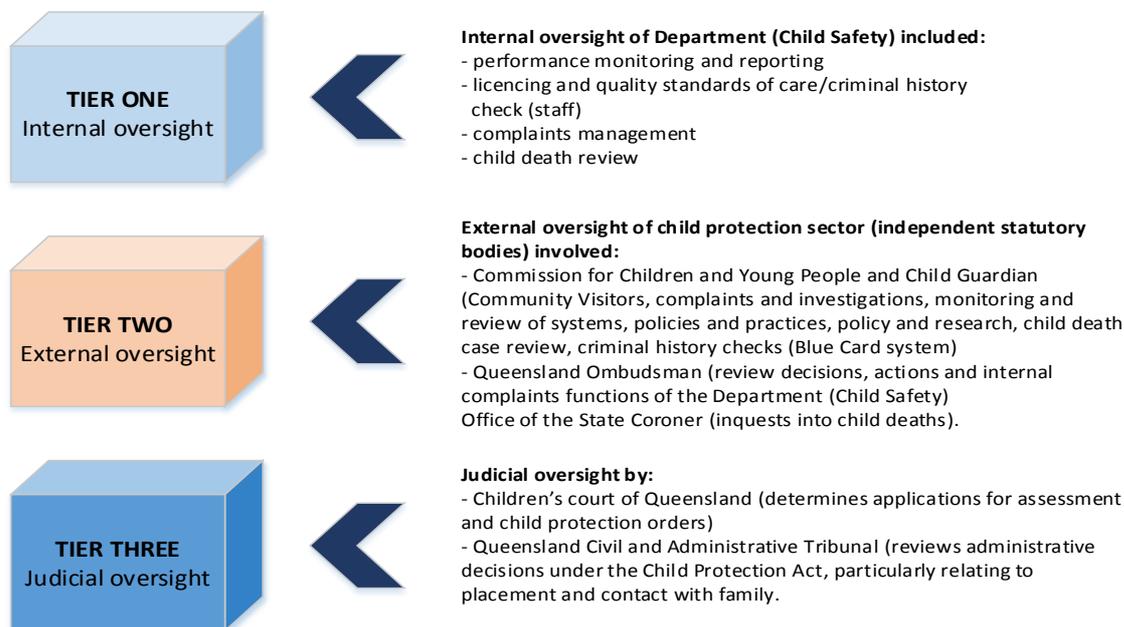
QFCC position:

The QFCC has a specific interest in the development of oversight functions given our current mandate under the *Family and Child Commission Act 2014* (FCC Act). The FCC Act provides the QFCC with responsibility for oversight of the child protection system for the purposes of promoting the safety, wellbeing and best interests of children and young people.²³ The oversight of the child protection system in Queensland has experienced a high level of reform following the recommendations of the QCPCI.

The QFCC believes the findings of the QCPCI and subsequent recommendations relating to oversight have a high degree of relevance to the Royal Commission's deliberations on this matter.

Supporting QFCC's position

Review of the Queensland child protection sectors oversight mechanisms was included in the scope of the QCPCI review. The QCPCI found that since the Crime and Misconduct Commission Inquiry in 2004 (CMC Inquiry), the level of oversight of the child protection system had considerably increased.²⁴ At the time of the 2013 QCPCI review, accountability measures consisted of a range of internal, external and judicial review mechanisms:



Throughout the public consultation (submissions and hearings) process the QCPCI recorded many criticisms of the then current child protection system and received many examples of *how children*,

²² Royal Commission into Institutional Responses to Child Sexual Abuse, 2016, *CONSULTATION PAPER: Institutional Responses to Child Sexual Abuse in Out-of-Home Care*, p59, (Question 3)

²³ Queensland Government, 2014, *Family and child Commission Act 2014*

²⁴ Queensland Government, QCPCI, 2013, *Taking Responsibility: A Roadmap for Child Protection in Queensland*, p42

*young people, parents and extended families were distressed by the apparent failure of the child protection sector to deliver timely fair and accountable services.*²⁵

This style of feedback indicated to the QCPCI despite the extensive oversight structure existing within the child protection sector, it had not been successful. Public and agency based submissions identified a range of problems relating to the then existing oversight structure including:

- The overlay of external oversight had caused duplication and complexity to the child protection system.²⁶
- The emphasis on monitoring, compliance and measuring has shifted focus away from measuring outcomes for children.²⁷
- Lack of cross-government responsibility for performance.
- Lack of public confidence.
- Despite the level of safety for children post CMC Inquiry improving, the concerns relating to monitoring and support still existed.²⁸

When considering their recommendations to strengthen oversight mechanisms, QCPCI warned that while the immediate reaction might be to increase what is already a substantial oversight model to better achieve compliance, excessive oversight could be counter-productive and create inefficiencies by diverting resources away from service delivery.²⁹ Rather the QCPCI recommended a new oversight structure that placed responsibility for performance and outcomes with each lead agency and included specifically, child protection outcomes being included within Ministerial Charter Letter and senior executive performance agreements.³⁰

This increased agency responsibility now requires all departments who have a level of child protection responsibility to establish individual quality assurance and monitoring mechanisms. The QCPCI also recognised in contrast to the 'embryonic' stage of governance capabilities at the time of the CMC Inquiry, the Department of Communities, Child Safety and Disability Services were now operating at a sophisticated level within a series of processes and systems directed at establishing accountability, had had time to develop internal controls and develop mature corporate governance and performance management.³¹

²⁵ Queensland Government, QCPCI, 2013, *Taking Responsibility: A Roadmap for Child Protection in Queensland*, p403

²⁶ Queensland Government, QCPCI, 2013, *Taking Responsibility: A Roadmap for Child Protection in Queensland*, pxxiii

²⁷ Queensland Government, QCPCI, 2013, *Taking Responsibility: A Roadmap for Child Protection in Queensland*, pxxiii

²⁸ Queensland Government, QCPCI, 2013, *Taking Responsibility: A Roadmap for Child Protection in Queensland*, p403

²⁹ Queensland Government, QCPCI, 2013, *Taking Responsibility: A Roadmap for Child Protection in Queensland*, p404

³⁰ Queensland Government, QCPCI, 2013, *Taking Responsibility: A Roadmap for Child Protection in Queensland*, pxxiii

³¹ Queensland Government, QCPCI, 2013, *Taking Responsibility: A Roadmap for Child Protection in Queensland*, p404

While the model for oversight of the child protection system post-QCPCI is relatively new and is, in some respects, still in its infancy, the revised approach demonstrates:

- The oversight function does not need to be wholly placed within the mandate of an independent statutory agency (single or multiple).
- Agencies with child protection responsibilities should be supported to develop a level of maturity and accountability for performance.
- Broader oversight functions should be complemented by a holistic commitment of all agencies intersecting with child protection to be focused on accountability, performance and outcomes.

Under the FCC Act, the QFCC has oversight of the child protection system, which is defined as the system of services provided by relevant agencies to children and young people in need of protection or at risk of harm and which also includes preventative and support services to strengthen and support families and prevent harm to children and young people. This mandate allows QFCC to focus on whole-of-system outcomes for children, young people and families. It also allows our oversight function to complement the internal oversight exercised by a range of government departments.

Improve information sharing

QFCC's position

The QFCC recommends the Royal Commission:

- consider the recent QFCC recommendations made to the DCCSDS to support the development of information sharing provisions under the *Child Protection Act 1999* review.
- consider and review the information and project details for Rumble's Quest and consider how this program could be applied nationally.

Supporting QFCC's position

Professional and organisational cultures and reluctance to share information

Cross agency information sharing

The DCCSDS has recently closed an extensive community consultation process to support the review of the *Child Protection Act 1999*. The terms of reference for this review asked agencies and community alike to consider how a new legislative framework may be established to provide for better information sharing on child protection matters.

The QFCC made the following comments and recommendations in relation to information for child protection matters:

- The expansion of information sharing provisions which allow service providers to share relevant information when supporting children and families may better enable families to get the support they need when they need it.
- The protection and care of a child should take precedence over the protection of an individual's right to privacy.³²
- The existing *Child Protection Act 1999* should be amended to broaden the services included as prescribed entities (section 159M) to allow for greater information sharing following the initial referral stage.³³
- Information sharing between government and non-government agencies should support the protection and care of children (including those unborn) and the provision of services, support and advice to children (and their families) to ultimately prevent the child from being in need of protection in a timely way.³⁴
- Acknowledge the positive impact of the QCPCI recommendation to amend information sharing provision in the existing legislative instrument to support '*appropriate information-sharing and confidentiality provisions to support community-based intake*'.³⁵
- Provided support for the legislative amendment which enabled section 159C of the *Child Protection Act 1999* to allow information sharing without the family's consent.³⁶

³² *Child Protection Act 1999* (Qld), s159B

³³ Queensland Government, QFCC, *Submission to the Department of Communities, Child Safety and Disability Services discussion paper on the review of the Child Protection Act 1999*, pg44

³⁴ Queensland Government, QFCC, *Submission to the Department of Communities, Child Safety and Disability Services discussion paper on the review of the Child Protection Act 1999*, pg44

³⁵ Queensland Government, QFCC, *Submission to the Department of Communities, Child Safety and Disability Services discussion paper on the review of the Child Protection Act 1999*, pg45

³⁶ Queensland Government, QFCC, *Submission to the Department of Communities, Child Safety and Disability Services discussion paper on the review of the Child Protection Act 1999*, pg45

While the points above related more generally to information sharing regarding child protection, they are transferable, and maintain relevancy, when also applied more specifically to child sexual abuse in OOHC.

Alternative approaches for capturing and sharing information on child's wellbeing

Rumble's Quest

If primary schools across Australia were to measure annually, the wellbeing of their students, the information gathered could be used for a range of school and state/territory purposes. These purposes could include, though might not be limited to, potentially identifying children made vulnerable from abuse or neglect and enable the wellbeing of children in out-of-home care to be measured and better understood, while still maintaining their privacy.

While this approach would be conditional on the data systems of child protection and education departments in all states or territories being able to link data, having a valid and reliable annual school-based assessment of wellbeing for children in out-of-home care would:

- identify vulnerability issues in individual children, allowing for the child to be provided with supports or interventions as required
- show how the wellbeing of children in out-of-home care changes in response to various care transitions: as they enter, remain in care, or return home from care
- allow for comparisons with cohorts of children with similar demographics, but not in care
- enable understanding of how age, sex, Indigeneity or other variables relate to wellbeing for children in care, and across care types
- allow for state and territory comparisons of the wellbeing of children in out-of-home care
- provide insight into the policies and practices that work for children, and those that compound their harm and disadvantage.

There are many references to 'children's wellbeing' or 'children being safe and well' as the desired outcomes across the spectrum of children's rights, education, healthy communities, and the child protection and family support systems. Child wellbeing also features as a desired outcome in many government agencies' and charitable organisations' mission and vision statements. However, until recently, there has not been a simple, valid and reliable way of measuring child wellbeing. As a result, a range of proxy or substitute measures are used, with no consistency of measures used between disciplines, agencies or jurisdictions.

The absence of a child wellbeing measure is noted by a number of key agencies and in a number of key reporting frameworks. These include the Productivity Commission, the National Framework for Protecting Australia's Children, the Australian Institute of Health and Welfare, and the Royal Commission, in its consultation paper on *Institutional Responses to Child Sexual Abuse in Out-of-Home Care*.

There may potentially be a way of measuring child wellbeing that may address this deficit in the future. Griffith University in Queensland has, over the last 12 years, been developing a computer game to be used in schools to measure child wellbeing in children aged 5 to 12 years. The game, called *Rumble's Quest*, is a reliable and validated measure of wellbeing, which assesses wellbeing on an overall index of wellbeing, and four sub-scales. It takes around 30 minutes for a child to play and the number of children who can play it concurrently is only limited by the availability of devices on which to play it. Children do not need to have good literacy skills, and it is suitable for Aboriginal and Torres Strait Islander children. All reporting is automated and returned to the school with individual and aggregate scores.

The development of this game has been supported by a range of commercial, charitable and government organisations, including the Commonwealth Bank, the Benevolent Society, Anglicare, the Salvation Army, the Queensland Department of Education, the Queensland Department of Communities, Child Safety and Disability Services, and the QFCC. Its development has also been supported by a number of research grants over the years from the Australian Research Council. There is growing interest in this tool at Ministerial level in a number of states in Australia. Information about this tool can be seen in the video *Introduction to Measuring Wellbeing* <https://www.realwell.org.au/>.

Child safe organisations

QFCC's position

The QFCC supports the role child safe organisations play in implementing child safe strategies aimed at protecting children and young people from harm. Key elements for consideration for children in OOHC must take into account children and young people's individual circumstances and how these may place the child at greater risk of sexual abuse.

QFCC supports the implementation of formalised information sharing arrangements which supports agencies practice as child safe organisations. Cross jurisdictional information sharing would ensure that updates could be provided immediately regarding individuals who are no longer suitable, to prevent offenders from forum shopping.³⁷

Supporting QFCC's submission

Inconsistencies between states and territories

Ongoing mechanisms for oversight and evaluation of organisations delivering OOHC to children and young people is essential. In applying the elements and principles of child safe organisations we must strive towards continuous practice improvement. Research tells us that children in the OOHC system suffer poorer outcomes compared to other children, these children face multiple challenges in the OOHC system during placement.

We have a responsibility to ensure service providers are supported with the knowledge and expertise necessary to identify and respond to children subject to or at risk of sexual abuse. Specifically, service providers could undertake the following actions in the OOHC sector, bound by relevant state/territory legislation which includes:

- national police checks of staff, carers and volunteers making them ineligible to work with children without a current Working With Children Check (WWCC)
- provide children and young people with protective behaviours training and activities
- ongoing training and supervision to staff in protecting children from sexual harm
- information sharing provisions with other government agencies and non-government organisations
- organisation policies and mission statements detailing approach to protecting children made available to public

The binding of these actions under state and federal legislation will make organisations accountable and transparent in relation to their practices which are committed to keeping children and young people safe. The variations in the application of OOHC systems nationally may mean that children may be receiving differing levels of protection.

As a priority project under the *National Framework for Protecting Australia's Children 2009 – 2020* an outline of the National Standards for Out of Home Care were developed with the intent of developing best practice in out of home care regardless of where children live.³⁸ *Unfortunately, research shows that overall, children placed in Out of Home Care generally experience poorer*

³⁷ Royal Commission into Institutional Responses to Child Sexual Abuse (2015) Commonwealth of Australia pg. 46

³⁸ An outline of National Standards for Out of Home Care (2010) Department of Families, Housing, Community Services and Indigenous Affairs together with the National Framework Implementation Working Group, pg.4

*outcomes in terms of their education (and employment), health and safety. In particular, multiple and unstable placements can have further detrimental effects on a child's development.*³⁹

Identifying and responding to abuse in OOHC

The identification and response to sexual abuse in OOHC is key to developing child safe organisations. Through the application of the child safe elements (being a child safe organisation) a holistic approach to identifying and responding to sexual abuse includes:

- Staff, volunteers and carers being trained in child sexual abuse and protective behaviours and being able to confidently identify risk factors in children's behaviour and appropriately manage disclosures of sexual harm.
- Practices which face rigorous evaluation and reflection which make children feel safe, empowered and believed.⁴⁰
- Regulation and oversight of OOHC service providers to meet legislative standards.
- Clear practice and policy guidelines which aim to prevent sexual abuse.

Current jurisdictional differences in the application of child safe organisations may mean that varying levels of protection are provided to children and young people which are inconsistent and leave some children at greater risk of sexual abuse. Differences in reporting requirements and complaint systems leave already vulnerable children without the necessary safeguards to be protected from harm.

Special consideration must also be given to protective mechanisms which can be provided to particularly vulnerable groups experiencing domestic violence, parental alcohol and drug abuse and parental mental health problems.⁴¹ Clear practice and policy guidelines must also be applied to Aboriginal and Torres Strait Islander families living in rural and remote locations. Evidence suggests that Aboriginal and Torres Strait Islander children and communities are less likely to disclose sexual harm and abuse, therefore this must be addressed in a targeted and culturally respectful manner.

Evidence based practice which encompasses critical reflection and is supported by ongoing training and evaluation will strengthen child safe practices, protecting children from sexual abuse. Under reporting of sexual abuse is a concern which can be best supported by confident and trained staff who are educated in identifying sexualised behaviours and responding appropriately.

Information Sharing

Currently the *National Framework for Protecting Australia's Children 2009-2020* provides state and territories with guiding principles for information sharing to protect children including:

- sharing information to identify, prevent and respond to child sexual abuse in OOHC contexts
- inter-jurisdictional information sharing arrangements reduces the risks for the safety of children in OOHC
- information sharing with carers about the sexual abuse histories of children in their care is vital in protecting children as well as other children in the household.⁴²

³⁹ An outline of National Standards for Out of Home Care (2010) Department of Families, Housing, Community Services and Indigenous Affairs together with the National Framework Implementation Working Group, pg.16

⁴⁰ Royal Commission into Institutional Responses to Child Sexual Abuse (March 2016) Commonwealth of Australia, pg. 25

⁴¹ National Framework for Protecting Australia's Children (2009) Commonwealth of Australia pg.21

⁴² Royal Commission into Institutional Responses to Child Sexual Abuse (2015) Commonwealth of Australia pg. 60

Compliance with sharing information is currently restricted by state and territories meeting individual legislative and privacy policies. Lack of national consistency regarding information sharing policies places children at risk of sexual harm by:

- Organisations not being advised of potential offenders in a timely manner to protect children in other jurisdictions
- Lack of detail regarding criminal offences which may have included a child but did not record a conviction
- Carers being unable to manage the risk of protecting other children in placement that be at risk⁴³
- Lack of coordination and exchange of information between service providers in the same jurisdiction⁴⁴

It is also important to note the *Exchange of Criminal History Information for People Working with Children* (ECHIPWC), provisions *do not capture all relevant information that identifies risks to children – for example, relevant misconduct findings and child protection notifications, and Victorian non-conviction charges*⁴⁵

Indigenous Overrepresentation

Research indicates that Aboriginal and Torres Strait Islander children are over represented in child protection systems nationally. Currently in Australia 35% of children in OOHC are Aboriginal and/or Torres Strait Islander.⁴⁶ Research informs us “*rates of substantiation was on average 4.3 times higher (for all types of abuse) in the Indigenous population than in the non-Indigenous population. The rates varied widely between states, with Victoria and Western Australia having a substantiation rate nearly eight times higher for Indigenous children than non-Indigenous children*”⁴⁷

Aboriginal and Torres Strait Islander children in OOHC can be better supported through child safe organisations which:

- Train and support Indigenous carers in a culturally respectful manner how to identify and respond to child sexual abuse
- Provide information resources in language which support staff, volunteers and carers
- Give consideration to Indigenous lore and community protocols in responding to child sexual abuse
- Provide adequate screening which addresses identification barriers
- Ensure assessment and reassessment of placements, carers and other adult household members routinely to include Indigenous kinship systems

⁴³ Royal Commission into Institutional Responses to Child Sexual Abuse (2015) Commonwealth of Australia pg. 63

⁴⁴ Royal Commission into Institutional Responses to Child Sexual Abuse (2015) Commonwealth of Australia pg. 64

⁴⁵ Royal Commission into Institutional Responses to Child Sexual Abuse (2015) Commonwealth of Australia pg. 68-69

⁴⁶ Australian Government, Australian Institute of Family Studies (AIFS), 2015, Children in Care, Child Family Community Australia Resource Sheet, <https://aifs.gov.au/cfca/publications/children-care>, Accessed 23 March 2016

⁴⁷ Australian Government, Australian Institute of Family Studies (AIFS), 2003, *Child abuse and neglect in Indigenous Australian Communities*, NCPC Issues No. 19, <https://aifs.gov.au/cfca/publications/child-abuse-and-neglect-indigenous-australian-communities>, Accessed 23 March 2016

Improving support for children and young people

Providing better workforce planning and development for residential care staff⁴⁸

QFCC position:

On completion and executive endorsement of “*Strengthening the sector*,” the QFCC will provide a copy of the cross-sector strategy to the Royal Commission to assist with their ongoing deliberations.

The counting rules and reporting processes for ‘stability of placement’ be improved as a matter of importance, and placement stability be identified as a core component of quality OOHC. We propose this approach to amending counting rule for stability of placement might include:

1. A cumulative count of all placements a child has experienced since first coming into care, and not just count from the child’s last continuous period of care
2. A sub-count of the number of reunification attempts a child has experienced
3. A real-time count for all children currently in the system, and a not just a retrospective count for children who have exited care
4. All children in out-of-home care, including those placed with parental agreement
5. The ability to provide details on the number of placements children experience beyond 11 placements.

Supporting QFCC’s position:

Supporting workforce planning and capacity building

Chapter 8 – A supportive and quality care environment, section 8.4 of the Consultation Paper, discusses feedback provided to the Royal Commission indicating more could be done within the OOHC environment including:

- Workforce planning;
- Practice leadership; and
- Building capacity.⁴⁹

The 10 year reform agenda established following the QCPCI aims to refocus the Queensland child protection sector and provide early intervention services to vulnerable families. This shift from risk-adverse to proactive practice will require significant change across all divisions of the sector and development of the constructs which surround it.⁵⁰ Specifically, workforce focused changes identified by QCPCI included:

- The development of a workforce planning and development strategy which reflects collaboration between government and non-government agencies, the vocational education and training sector and universities.⁵¹ The strategy is to include:
 - shared practice frameworks
 - joint training delivery
 - opportunities for joint learning

⁴⁸ Q11 – A supporting and quality care environment, p119

⁴⁹ Royal Commission into Institutional Responses to Child Sexual Abuse, 2016, *CONSULTATION PAPER: Institutional Responses to Child Sexual Abuse in Out-of-Home Care*, p119

⁵⁰ Queensland Government, QFCC, 2016, *Draft for Consultation – Strengthening the sector*, Introduction, pg2

⁵¹ Queensland Government, Queensland Child Protection Commission of Inquiry, 2013, *Taking responsibility: A roadmap for child protection in Queensland*, pg.xxxiv

- enhanced career pathways
- introduction of mandatory minimum qualifications (staged)
- a coordinated framework for training, aligning with the Australian Qualification Training Framework.⁵²
- An executive led cultural change process to develop a positive culture in the practice of child protection.⁵³
- A supported approach to developing collaborative partnerships between government and non-government service sectors.⁵⁴

The QFCC has been given responsibility to lead the development and implementation of the workforce related reform including a *sector-wide workforce planning and development strategies, increase collaboration and build capacity across the child protection and family support system*.⁵⁵

The QFCC is currently undertaking a significant scope of work to develop a workforce strategy which builds on the strengths of the existing sector, builds effective and lasting commitment and establishes a workforce strategy based on co-design principles. Additionally it is important to highlight:

- the strategy is focused on keeping vulnerable children and their families as the central consideration for all that we propose to do.
- currently, there are multiple reform agendas and industry initiatives, whether state or federally driven, influencing the development of the Queensland child protection sector. The proposed draft workforce strategy aims to work with those leading the initiatives, including the Royal Commission’s work in the OOHC space, and align them where possible, with the
- QFCC workforce strategy to reduce duplication and maximise effect across the sector.⁵⁶

Following a period of extensive face to face consultation and research, the QFCC has recently released a draft, “*Strengthening the sector: A strategy for working together for a responsive and sustainable service system across the child protection and family support sector*,” (the Strategy) for consultation.

Given the Strategy is currently in draft and may change following public consultation, at this time we will only provide the Royal Commission with the high level overview of the planned supporting outcomes and benefits for children and families addressed as part of the Strategy⁵⁷:

⁵² Queensland Government, Queensland Child Protection Commission of Inquiry, 2013, *Taking responsibility: A roadmap for child protection in Queensland*, pg.xxxiv

⁵³ Queensland Government, Queensland Child Protection Commission of Inquiry, 2013, *Taking responsibility: A roadmap for child protection in Queensland*, pg.436

⁵⁴ Queensland Government, Queensland Child Protection Commission of Inquiry, 2013, *Taking responsibility: A roadmap for child protection in Queensland*, pg.179

⁵⁵ Queensland Government, QFCC, 2016, *Draft for Consultation – Strengthening the sector*, Introduction, pg2

⁵⁶ Queensland Government, QFCC, 2016, *Draft for Consultation – Strengthening the sector*, Introduction, pg8

⁵⁷ Queensland Government, QFCC, 2016, *Draft for Consultation – Strengthening the sector*, Introduction, pg10

Vision: A capable, motivated workforce and client focused organisations

Objective: Strengthen the capacity and capability of the sector, and establish a positive culture in child protection practice

Supporting outcomes	Enhance the ability of the sector to meet the needs of children and families	Strengthen sector relationships	A proactive and positive culture in child protection practice	Establish an evidence base to inform future planning
Benefits for children and families	Vulnerable children and families receive quality services from a skilled, capable and professional workforce	Vulnerable children and their families will experience cohesive and sustainable services that work together	Vulnerable children and families will experience respectful relationships with and between people delivering services	Vulnerable children and families will be supported by strong organisations and a quality workforce

Priority actions areas identified for the first 18 months of the strategy which promote the above mentioned supporting outcomes and benefit statements include, but are not limited to:

- *Improving workforce capability and increasing its capacity.*
- *Increasing capacity and sustainability of Community Service Organisations.*
- *Undertake regional level sector development initiatives that respond to local needs and priorities.*
- *Promote a professional culture that supports reflective learning and continuous improvement.*
- *Identify suitable data collection strategies to build an informed evidence base for future planning and investment.*⁵⁸

Standardising stability data

The QFCC is of the view the current process for measuring ‘Stability of placement’ needs to be amended, and greater attention placed on improving placement stability as a core element in improving the quality of OOHC provided to children and young people in Australia.

The counting rules and reporting processes for ‘Stability of placement’ could be improved as a matter of high importance, and placement stability be identified as a core component of quality out-of-home care. The inclusion of stability data in a national data model could have a significant impact on how jurisdictions approach planning, policy, practice and process.

The QFCC notes the Royal Commission flagged the consistency with which feedback (including feedback from young people) indicated improving stability of placement for children in OOHC is essential to better protect children from the risks of child sexual abuse.⁵⁹

The QFCC supports stability as being essential for establishing a range of healthy social, emotional and physical wellbeing outcomes for children, as well as a positive life trajectory through adulthood. Stability in childhood is crucial for a child to be able to establish healthy attachments with the

⁵⁸ Queensland Government, QFCC, 2016, *Draft for Consultation – Strengthening the sector*, Introduction, pg10

⁵⁹ Royal Commission into Institutional Responses to Child Sexual Abuse, 2016, *Consultation Paper: Institutional Responses to Child Sexual Abuse in Out-of-Home Care*, p.104

primary caregiver/s, healthy relationships with others in the family and the local community. Stability is necessary to underpin consistency and predictability in relation to values, rules, expectations, or just ‘the way we do things’.

Stability plays a significant role in children being school ready and/or in experiencing school success and in minimising the number of schools a child attends and disrupted relationships with peers. Rather than establish the importance of stability, we aim to refocus decision makers on how destructive instability is and how it compounds the trauma and disadvantage experienced by already traumatised and disadvantaged children.

Stability of placement is identified in the Productivity Commission’s *Report on Government Services: Child Protection Services* (RoGS Report) as a ‘quality’ measure of service delivery; and in the Australian National Standards for Out-of-Home Care, as a core component of Standard 1. Neither the RoGS report, nor the report derived from the biennial national survey of children in out-of-home care, which is designed to report on the National Standards, accurately reports on stability.

The ‘Stability of placement’ count in the RoGS Report markedly under-counts the level of instability children in out-of-home care experience. As states and territories use the Productivity Commission’s counting rules, their reporting on placement stability is similarly flawed.

Even with the undercounting of the number of placements children experience, in 2014-15 of children who exited care across Australia, 515 had experienced between 6-10 placements, and 254 had experienced 11 or more placements. No further details are reported for the number of placements greater than 11, but in the past, there have been reports of young people having experienced considerably more than 30 placements.⁶⁰

Current counting rules

The current counting rules only count the number of placements children experience when all of the following circumstances exist:

- **The child is on orders:** Children who are on orders are included in the current stability count, yet the count does not include children placed in out-of-home care with parental agreement.
- **The child has exited care during the reporting period:** The current counting rules exclude any counts of placement stability for children currently in out-of-home care. The count only applies to children who have exited care during the reporting period (the previous financial year).
 - The Productivity Commission recognises this limitation in the RoGS Report stating, *‘There are limitations to counting stability using a cohort of children on exit from care rather than longitudinally tracking a cohort of children on their entry into care: an exit cohort is biased to children who stayed a relatively short time in care and thus were more likely to have experienced fewer placements.’*⁶¹
- **The count is for the last continuous period of out-of-home care:** Because the count of placements a child has experienced is only for the last period of out-of-home care, any placements a child has experienced in a previous period/s of care is/are not counted.

⁶⁰ Productivity Commission, 2016, *Report on Government Services: Child Protection Services* p. 15.18

⁶¹ Productivity Commission, 2016, *Report on Government Services: Child Protection Services* p. 15.18

In the current counting process, there is no cumulative count of the total number of placements a child has experienced over their lifetime since they were first brought into care. There is also no total count of the number of failed reunification attempts children have experienced over their lifetime. These are serious failures in counting placement stability and need to be remedied in child protection systems across Australia.

A similar level of accountability and accuracy in recording and reporting on the number of placements children have experienced is required to improve policy and practice to maintain stability for children in OOHC.