



Australian Federation of Disability Organisations

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Royal Commission into Institutional Responses to Child Sexual Abuse The Australian Federation of Disability Organization's (AFDO) response to Issues Paper 3 – Child Safe Institutions

The Australian Federation of Disability Organisations (AFDO) has been established as a national voice to Government that fully represents the interests of all people with disability across Australia.

The mission of AFDO is to champion the rights of people with disability in Australia and help them participate fully in Australian life.

AFDO is pleased to make comment on Issues Paper 3 (Child Safe Institutions) and will focus on the necessary elements to ensure children with disability are free from child sexual abuse.

The discussion paper makes reference to examples of 'child safe organisation' frameworks and checklists in Australia. These frameworks and checklists contain the following elements on which we wish to comment.

- Developing an organisation wide culture of a 'child safe organisation'
- Introducing a Code of Conduct
- Establishing policies and procedures
- 'Child safe organisation' training and staff management

Developing an organisation wide culture of a 'child safe organisation'

AFDO believes that establishing an organisation-wide culture of prevention and zero tolerance to any form of child sexual abuse should be the overarching goal of all organisations which have any contact with children. We believe this culture should be framed in a 'human rights' context. Due to the heightened vulnerability of children with disability, and the high level of sexual abuse they experience, we believe that extra emphasis needs to be placed on protecting the human rights of children with disability consistent with Articles 13 and 15 of the UN Convention on the Rights of Persons with Disabilities.

All people involved in the organisation need to take responsibility for developing and adopting this culture, but the process should be initiated and implemented by the governance and management leadership of the organisation. This organisational culture is vital to ensure that policies and procedures flowing from it are effective in eliminating child sexual abuse.

Introducing a Code of Conduct

Codes of conduct are useful in personalising commitment to an organisational culture. Individuals should be required to sign a document indicating that they have read, understood and are committed to upholding a culture of prevention and zero-tolerance of any form of child sexual abuse. AFDO feels that any codes of conduct should make specific reference to the right of children with disability to be free of child sexual abuse.

The Issues Paper makes reference to the New South Wales Government Office of the Children's Guardian website which uses a model of 'dos' and 'don'ts' to develop a code of conduct to address risk factors. This model is designed to keep the code of conduct simple, which we support. Some simple 'dos' and 'don'ts' which could be included to protect children with disability could include:

- Do remember that children with a disability have the same rights as children without a disability
- Do remember that children with a disability are at higher risk of child sexual abuse
- Do listen to children with disability, they may communicate in a different way, but take their comments or complaints seriously and take action.
- Do make sure information about children's rights and complaint procedures is available in formats children with disability can access and understand.
- Do involve the family, guardian or advocate of a child with disability when appropriate.
- Don't dismiss what a child has to say just because they have an intellectual disability or learning difficulty.

Establishing policies and procedures

It is vital that organisation have policies clearly stating their commitment to creating an environment free of child sexual abuse for all children, including children with a disability. It is important that staff and people who use the service are involved in policy development to facilitate organisational ownership. In a similar way that the heightened vulnerability of children with disability to child sexual abuse is addressed in a code of conduct, AFDO believes that specific policies and procedures are required also. These policies mostly relate to additional needs children with a disability have.

These additional needs and policy responses are listed below.

Perception that children with disability do not have the same rights as children without disability

AFDO would like to reiterate a point made in their response to the Consultation Paper for the Royal Commission. AFDO submitted that, "it is possible that some institutions would consider children with disabilities as not having the same rights as children without disabilities, and therefore either inadvertently or deliberately leave them out of their considerations. Many inquiries are already revealing the high incidence of sexual abuse of children with disabilities".

Having specific policies and procedures in place to uphold the right of children with a disability to be free of child sexual abuse will reaffirm that children with disability have the same rights as children without disability.

Communicating with children with disability

Children with disability may communicate in different ways to children without a disability. Organisations need to be aware of how children with a disability communicate and respond in a way that facilitates effective communication in regard to preventing or responding to child sexual abuse.

Children with disability may use communications boards, Auslan, Makaton, gestures or other forms of non-verbal communication. Policies and procedures that are relevant to communication within the organisation need to make reference to alternate communication methods used by children with a disability.

Access to information

Access to information is part of good communication. Children with disability need to have access to information on an equal basis to children without disability. Organisations need to provide information in a range of different formats to meet the needs of children with disability and their families. These formats include large print, audio, Braille, pictorial and Auslan. Policies and procedures that are relevant to providing information to people involved in the organisation need to make reference to providing information in alternate formats. This is particularly important in providing information about complaint processes.

Perception that evidence given by children with intellectual disability or psychosocial disability is unreliable

In a previous submission by AFDO to the Royal Commission Consultation Paper we highlighted that this perception could lead to children with disability being targeted by sexual predators. There is a danger that complaints received, or evidence, from children with a disability will be disregarded or not taken seriously.

Organisational policies and procedures must require that capacity is assumed and all complaints are taken seriously. This course of action is essential in protecting the right of children with disability to be free from child sexual abuse and is also consistent with risk management frameworks.

'Child safe organisation' training and staff management

Having comprehensive codes of conduct and policies and procedures in place will not in themselves prevent child sexual abuse. Organisations need to:

- Develop a communication strategy to ensure everyone involved with the organisation is aware of the code of conduct and the policies and procedures.
- Deliver training on the organisations policies and procedures
- Ensure staff induction programs include awareness of the code of conduct and policies and procedures.
- Include compliance with policies and procedures in staff appraisal and supervision processes
- Take prompt and decisive action on any breaches of policies and procedures in relation to child sexual abuse.

Summary

AFDO welcomes the Royal Commission and hopes that the results will expose current and past incidents of child sexual abuse of children with disability. Broad systemic change is needed at organisation and sector levels to reduce the abhorrent level of child sexual abuse experience by children with disability.

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