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australia

**SUBMISSION TO THE ROYAL  
COMMISSION INTO  
INSTITUTIONAL RESPONSES TO  
CHILD SEXUAL ABUSE:  
ISSUES PAPER THREE**

**FAMILIES AUSTRALIA**

11 October 2013

## **About Families Australia**

With over 600 member organisations around Australia, Families Australia is a national, independent, not-for-profit organisation that works at the national level to promote family wellbeing.

Families Australia focuses especially on seeking policy solutions to meet the needs of the most vulnerable and marginalised families and individuals.

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## Summary

Families Australia welcomes the release of Issues Paper three by the Royal Commission into Institutional responses to Child Sexual Abuse. This submission focuses on Question Five of the Issues Paper: *should there be a universal framework for a 'child safe organisation' or should strategies be specifically tailored to particular types of institutional settings?*

We argue four propositions: first, a comprehensive nationally-consistent approach to child safe organisations should be fully implemented at the earliest possible time; second, such an approach should include a rigorous accountability and monitoring regime; third, adequate supports should be provided to organisations in developing rules suitable to their specific needs; and, finally, oversight of this approach should be undertaken through the National Framework for Protecting Australia's Children 2009-2020, the national plan to tackle child abuse and neglect.

## 1. Introduction

Families Australia welcomes the release by the Royal Commission into Institutional responses to Child Sexual Abuse of Issues Paper three regarding Child Safe Institutions. Established in 2001, Families Australia is Australia's national peak body representing and promoting the needs and interests of families. On behalf of over 600 member organisations, we work to improve national-level policies and programs relating to families.

Since 2007, Families Australia has coordinated the Coalition of Organisations Committed to the Safety and Wellbeing of Australia's Children, a consortium of over 100 major non-government community service organisations and prominent researchers from across Australia who work closely with Federal, State and Territory Governments to implement the National Framework for Protecting Australia's Children 2009-2020, Australia's first ever national plan to tackle child abuse and neglect<sup>1</sup>.

## 2. Issues

Families Australia has chosen to focus on Question 5 of the Issues Paper which seeks guidance on a matter of substantial importance to the interface of Commonwealth and State Territory responsibilities for child safety: *should there be a universal framework for a 'child safe organisation' or should strategies be specifically tailored to particular types of institutional settings?*

Based on extensive consultations with not-for-profit community service organisations that work in the fields of protecting children and other vulnerable persons, our strong view is that a nationally consistent framework for child safe institutions should be implemented at the earliest possible time. This is in line with one of the most important philosophical tenets of the National Framework for Protecting Australia's Children 2009-2020, that is, in the absence of overarching national law, there should at least be fairness, equity and equality across all Australian jurisdictions in terms of laws, policies and practices for the care and protection of children and young people as well as for carers in the out-of-home care system. In other words, we do not wish to see the perpetuation of systems that provide different, and sometimes widely diverging, responses for children and young person and their carers depending on location.

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<sup>1</sup> Details about the Coalition of Organisations Committed to the Safety and Wellbeing of Australia's Children are available at <http://www.familiesaustralia.org.au/coalition/index.htm>

The principle of moving toward a nationally consistent approach has already been agreed by the Federal, State and Territory Governments. In 2005, the Community and Disability Services Ministers' Conference (CDSMC) agreed to 'the National Framework for Creating Safe Environments for Children: Organisations, Employees and Volunteers'. This document incorporated 'Guidelines for building the capacity of child safe organisations', which included elements such as risk management, code of conduct, privacy and data collection, the participation and empowerment of children, and human resources management, education and training (Community and Disability Services Ministers' Conference 2005). Importantly, the 2005 CDSMC National Framework contained a vision that:

Preventing harm to children when they are in the care of community services organisations, or involved with their services and programs, is part of a broader vision of optimising children's wellbeing and development. The overarching aim of this Framework is to provide a more comprehensive and cohesive national approach to strengthening the capacity of organisations and systems to increase child safety.

Significantly, the 2005 CDSMC National Framework recognised that building child safe organisations would need to go beyond the limited assurances that might be provided only by mechanisms such as criminal history checking. Usefully, the National Framework highlighted the importance of building organisational cultures that reduced the potential for harm, including through risk management approaches and consulting with children and seeking their views about their safety in dealing with organisations.

While the 2005 CDSMC National Framework and its guidelines represent important steps forward, progress has remained slow in moving toward the comprehensive implementation of a nationally consistent child safe organisation framework. At present, State and Territory Governments have a range of differing laws relating to working with children and other vulnerable persons and building child safe organisations. We note, for example, that not all States allocate resources to support the building of child safe organisations. Only some States require community or private organisations to demonstrate compliance with minimum standards in terms of child safe policies and procedures. Of concern, we note that the 2005 CDSMC National Framework and its guidelines remain voluntary in nature and there is no mechanism to monitor and report on compliance.

Our view is that the 2005 CDSMC National Framework and guidelines should form an important basis for new nationally consistent standards for child safe organisations. However, such a new regime should go further. It should include legally enforceable provisions that organisations meet agreed national minimum policy and practice standards and support should be offered to organisations to meet the national standards. There should be a rigorous accountability and quality assurance framework established to ensure that standards are applied uniformly across the country. Broad and consistent guidance on risk management principles and protocols should be provided to enable a consistent national approach to be applied in a variety of local institutional settings while enabling specific strategies to be developed suitable to particular institutional settings. To that end, a set of guidance tools would assist organisations to manage risks.

More recent commitments by the Council of Australian Governments and the non-government sector to work towards effective policy and practices in regard to child safety in institutional and

organisational settings should also be noted. In 2009, the Council of Australian Governments adopted the National Framework for Protecting Australia's Children 2009-2020, with the aim of making 'a substantial and sustained reduction in child abuse and neglect in Australia over time'. In partnership with the NGO sector under the auspices of the Coalition of Organisations Committed to the Safety and Wellbeing of Australia's Children, to date, the National Framework for Protecting Australia's Children 2009-2020 has overseen the appointment of the National Children's Commissioner, the development of national standards for out-of-home care, the establishment of the national research agenda on child protection, and the convening of the first national Child Aware Approaches Conference.

The first three-year action plan (2009-12) under the National Framework for Protecting Australia's Children 2009-2020 released a Position Paper 'Toward a Nationally Consistent Approach to Working with Children Checks'. In addition, one of the actions under supporting Outcome six ('sexual abuse and exploitation is prevented') is the implementation of a national framework for inter-jurisdictional exchange of criminal history for people working with children. The second three-year action plan (2012-15) under the National Framework for Protecting Australia's Children 2009-2020 has focused on working together across governments and non-governments sectors to improve the safety and wellbeing of Australia's children. Both Action Plans remain key elements to the achievement of child safe institutions.

Families Australia, also on behalf of the Coalition of Organisations Committed to the Safety and Wellbeing of Australia's Children, is strongly of the view that a comprehensive nationally consistent framework for child safe institutions should be developed under the auspices of the National Framework for Protecting Australia's Children 2009-2020 and through the application of the Guidelines for Building the Capacity of Child Safe organisations developed in 2007.

### **3. Recommendations**

Families Australia recommends that:

1. A comprehensive nationally-consistent approach to child safe organisations should be established at the earliest possible time based on nationally-agreed minimum standards.
2. A nationally-consistent approach should include rigorous accountability and monitoring arrangements.
3. Adequate supports and guidance tools should be provided to organisations in developing and applying rules suitable to their specific needs in line with the agreed national standards.
4. Oversight of a comprehensive nationally-consistent approach to child safe organisations should be undertaken through the National Framework for Protecting Australia's Children 2009-2020, the national plan to tackle child abuse and neglect.