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## Response to Royal Commission Into Institutional Responses to Child Sexual Abuse.

### Issues Paper 3

### Child Safe Organisations

Prepared by  
Network of Community Activities  
September 2013.

#### **About Network**

Network of Community Activities represents 1200 OSHC Services in NSW. Approximately 820 of these Out of School Hours Services (OSHC) in NSW services and ACT, are current financial members of the organisation. Network of Community Activities is the largest membership organisation in Australia dedicated to the advocacy, promotion, resourcing and development of play and leisure activities for children 5-14 years old

Established in 1974, Network provides resource, support, training, advocacy and advice to communities and OSHC services throughout NSW. Network is a Registered Training Organisation (RTO) offering qualifications in school age care and community management. We also offer accredited child protection training for the OSHC Sector in NSW.

## Network of Community Activities 2013

Network is the secretariat for the National Outside School Hours Services Association (NOSHSA) and represents the OSHC sector on variety of national and international forums and committees.

### **Introduction**

Networks response will cover the 8 questions identified by the Royal Commission for further investigation. We have summarised our response under 5 key areas that we believe are critical for keeping children safe in institutions.

We have not sought to address each of the questions posed by the commission individually, our responses are applicable across a range of the questions and should be considered with this in mind.

We support in principle a framework for the provision of Child Safe organisations in Australia. However we strongly believe that for true efficacy the Australian Government should be focussed on developing Child Safe Communities.

The case involving Jonathon Lord has proven to us we realistically cannot provide a Child Safe organisation in communities that do not also reflect the same principles. We believe that the case provides us with an opportunity to look holistically at child abuse prevention to ensure that is addressed on many levels through the following:

- the actions of organisations in regards to service delivery
- the education and information to families and caregivers
- the education of children
- the response and education of communities to providing child safe environments
- Government investment in collaboration and information dissemination

Our organisation, represented by the CEO Ms Robyn Monro Miller, is willing to appear before the Royal Commission to provide greater detail or to answer questions that arise from our submission.

### **Current Situation.**

There are approximately 1300 Out of School Hours services (OSHC) in NSW. These services cater for 5-12 year old children and offer child care for families before school, after school and during holiday periods. Whilst the services are aimed at 5-12 year olds there is a growing number of children with a disability accessing these services up to the age of 18 years.

The YMCA currently has a large market share of services in NSW and they have been steadily increasing their market share over the past two years supported by a Department of Education policy that is tendering out services in the public school system. Currently the YMCA has 98 services in NSW.

### **Issues for Consideration**

We believe the following issues are essential elements for consideration by the Royal Commission in establishing child safe organisations.

#### **1. The policies and procedures including employment practices across OSHC services.**

Outside School Hours Services in Australia as of January 1 2012 are included in the National Quality Framework. This framework includes as part of its regulation required policies and procedures for child protection, criminal history checks, employment policies and a requirement for staff in attendance at the service to have child protection qualifications. Prior to that time the OSHC sector was required under the Quality Assurance for OSHC to have similar processes in place. On reflection the OSHC sector has been well covered when it comes to ensuring appropriate policies and procedures are in place for the safeguarding of children. Standard policies and procedures are available through our own organisation to ensure guidance in the development of a service's policies and procedures

NSW is the only state in Australia that has no mandatory qualifications or ratios in the regulations. Currently the ratios for staff and children in Outside School Hours care in NSW are not mandatory, despite other states and territories having mandatory ratios of between 1:12 and 1:15. In NSW the majority of services have accepted a voluntary requirement of 1 adult staff member to 15 children and on excursions this is reduced to 1 to 8. To protect staff and children it is common practice that a minimum of 2 staff members are present at any one time. In some case services do not apply this and there is no legal requirement to do so.

In creating a child safe organisation the implementation of policies and procedures is just one strategy in place to support the organisation. The monitoring of this process is currently undertaken by the State Government through its regulatory compliance role. In this regard the system has a number of safeguards in it but remains based on the integrity of services implementing the policies and procedures.

The heavy often onerous regulation of the OSHC sector provides safeguards that do not exist in other unregulated forms of service delivery where children are involved. In exploring the concept of child safe organisations we would urge consideration of this fact and how this may be included in a universal framework around child safe organisations. In reverse, we would also consider that some

levels of regulation detract from the quality of care able to be offered with staff overwhelmed with administration and red tape that could be eliminated and the time and energy instead focussed back into interactions with children. A review of the current regulation is scheduled for 2014 and the findings from the Royal Commission could provide useful input into that review .

### **2. Role of child safe organisations to empower children not just staff.**

The reality is that the existence of policies and procedures alone will not protect children from sexual predators and the approach for ensuring a child safe organisation is maintained must include children as partners in that process. More than 8 out of 10 children who are sexually abused know their abuser.<sup>1</sup>

Article 12 of the UNCRC<sup>2</sup> states that children have a right to have their views listened to and opinions taken into account when decision making. In the same way we view children as being able to collaborate with adults to ensure that organisations are child safe.

More information and education should be provided to children about the indicators of grooming. This information should be age appropriate but provide children with the information required to for them to be empowered to identify when a situation or relationship is not appropriate. As a community we are quick to alert children to 'stranger danger' and inappropriate touching however the means by which sexual predators engage their victims must also form part of the education. The reality is that the behaviour by a sexual predator that precipitates abuse can be present up to 12 months before the actual abuse takes place.<sup>3</sup>

Information can given be to children in ways they can easily relate to such as alerting another adult if an adult requests that they keep a secret from parents and caregivers or if they are given gifts or treats that they are not allowed to tell other adults about. The messages do not have to rob children of their faith in adults but must provide them with support to identify and respond to behaviours.

The key to educating children will of course be complementary to education provided to parents, caregivers and other adults in the community so they can respond quickly to children's concerns if they arise.

### **2. Deficiencies in current working with children check systems - state based not national or international.**

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<sup>1</sup> ABS 1996,2004a

<sup>2</sup> United Nations Convention on the Rights of the Child – Australia is a signatory to this treaty.

<sup>3</sup> Wortley and Smallbone 2000

Working with Children Checks should not be relied upon to identify potential abusers. In reality this is only one factor in a suite of strategies that must be applied.

The current Working with Children checks that are applied in Australia are state and territory specific and inadequate for accurate reporting on the criminal record history of staff working in organisations. They do not provide any international data nor cover any suspicious activity that may be present.

Australia must have a national criminal record check for individual working with children. It should also liaise with Interpol to undertake similar alerts for any suspicious overseas activity or claims.

One of the challenges presented in the employment of staff is that the reference checks given are generally only of the agencies or organisation and individuals that the employee feels comfortable providing information on. It is not uncommon to hear of a staff member employed at a number of organisations and dismissed or resigned due to workplace issues and these are not known or identified by future employers as they are not listed on their resume or application.

A more effective means of consolidating some of the information provided in working with children checks would be to allow a register that identifies where an individual has previously worked with children. This register would be available to employers through the online system so reference checks can be completed transparently.

Employers could have an option to identify when an employee leaves their organisation and advise that the employee in their opinion had no impediments to their knowledge for them to continue working with children.

### **3. Grooming behaviours and the identified deficiencies in the system to seek support for grooming issues.**

Network in responding to the Jonathon Lord case reviewed the processes currently in place for supporting staff and children in creating child safe organisations. We identified in the course of that investigation a gap in the provision of support and information in grooming behaviours that precipitates abuse occurring.

Organisations with unclear boundaries around contact with children can be magnets for people who wish to groom children for sexual abuse. By educating services, parents and the wider community on the strategies used to groom

children you can create environments that will deter infiltration by sexual abusers.<sup>4</sup>

We identified a lack of focus in the current child protection training on the grooming behaviours and more emphasis on recognising and responding to abuse. In addition, this information must be included in staff handbooks and service policies and procedures. A zero tolerance approach should be taken to behaviour that may be identified or considered 'grooming'. All staff members should be empowered to speak out on the topic and a formal written warning issued to any staff member where behaviour is identified that is of concern.

A search for simple, clear information for caregivers and organisations on grooming behaviours also indicated room for improvement. As a result fact sheets for services and families were developed and are free to download from the Network of Community Activities Website. (Please see attached in appendix)

These fact sheets have been well received by the sector and other organisations have requested access to them including the Red Cross.

A second gap identified in the response to this case was the absence of support services for potential abusers. If an individual has a drug or alcohol problem, a smoking habit, gambling addiction or is having suicidal thoughts there are resources and phone support services that they can call anonymously and receive advice and counselling. In Australia no such service exists for individuals who are having thoughts of sexually abusing a child or are currently involved in grooming or abusing a child.

In searching the Internet for support it was identified that many of the responses received from related search topics provided access to materials that will foster a desire or sense of normalcy rather than provide a perpetrator with advice or support to on how to stop. It is a sad reflection on our society when we can access with relative ease child pornography but cannot access resources to support us to eradicate it.

A helpline for potential offenders could be linked to existing support services for victims of abuse and provide a valuable opportunity to save many lives from the devastating impact of sexual abuse on children, families and the community.

In addition our Government should seek to form an international alliance with existing agencies such as the European Financial Coalition against Commercial Sexual Exploitation of Children Online (EFC)<sup>5</sup> to address the access on the

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<sup>4</sup> Wortley and Smallbone 2006

<sup>5</sup> The European Financial Coalition against Commercial Sexual Exploitation of Children Online (EFC) brings together key law enforcement agencies, the private sector and civil society in Europe. The assessment sought to identify the current trends in production, distribution and access to commercial child abuse material, based on the insight from the EFC members.

Internet to images and materials that support child abuse. We are only being tokenistic if we view the provision of child safe organisations in isolation and do not address the issues of providing and supporting child safe communities.

### **5. Impact of the Jonathon Lord case on the OSHC sector .**

Network remains gravely concerned at the impact of the Jonathon Lord case on recruitment and retention of staff in the OSHC sector. The low rate of pay and the casual or part time nature of work makes staff retention and recruitment challenging in OSHC services.

Our sector has a long and proud history of exemplary work with children and the crimes committed by Jonathon Lord should not tarnish that reputation. The crimes were not isolated to the OSHC service environment. The grooming behaviour that occurred did not just occur at the service and this must be considered in light of the future potential for any perpetrator to infiltrate the OSHC sector.

We are especially concerned that males will be deterred from joining the sector as a result of this case. Males are encouraged and welcomed to work in the OSHC sector and like our female workforce are highly valued. We have a workforce that is filled with talented and committed men who are making a positive difference in children's lives everyday. Community attitudes to their choice of work are generally positive with families valuing the influence of male role models on their children. Perceptions within the wider community can sometimes be negative regarding the choice of work for males and we believe this shows a level of ignorance about the role of the school age care educator and the job satisfaction that is received.

It is also important to recognise that the process of providing a child safe organisation is also about providing warm and supportive relationships with children. This may involve comforting a child when distressed and sharing time together. We cannot rob children of valuable relationships with adults because of the crimes of a few or fear that one of these individuals will harm our child. The reality is that organisations such as Out of School Hours Care are one of the safest places for children to gather and develop relationships with other adults. We should not vilify or adopt a siege mentality that results in relationships that are based on mistrust and a perceived lack of emotional support to our children. Any response by the Royal Commission must be based on the best interests of all children not on a knee jerk response to a premeditated crime.

The issues of provision of "Child Safe" care is magnified when managing children

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with additional needs. Questions regarding legal implications, occupational health and safety and duty of care have been largely overlooked in the quest to meet the burgeoning demands of care provision for children with additional needs utilising OSHC services.

Services have cited examples of finding it difficult to recruit and roster staff in OSHC services that are able to take on the additional requirements of a child with additional needs. This is particularly common when staff are required to assist teenage girls who are menstruating which requires last minutes rostering changes that may not always be possible. In considering child safe organisations and the requirements of these organisations to meet duty of care requirements the successful inclusion of children with high support needs must be considered in the development of a framework or recommendations.

Current finding arrangements do not support services being able to fund adequate staff and child ratios nor do the service environments allow for modifications to make them more appropriate for managing the care needs of children with high support needs. OSHC services are generally not purpose built and lack in most cases many of the features required for the provision of high support care.

There remains an absence of legal advice available to services and staff to assist them make informed decisions about provision of care that meets the requirements of a child safe organisation and the liability of the service or staff if an issue arises.

## **Conclusion**

Thank you for the opportunity to provide feedback to the Royal Commission. Our responses are not exhaustive however we hope that our input will be considered and reflected on in light of the challenges identified in creating 'Child safe organisations' in Australia.

**For Further Information.**

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# Protecting Children from Sexual Harm

## A FACT SHEET ON SEXUAL GROOMING

A lot of information exists about how to respond to sexual abuse once it has been discovered. But the best way of protecting children from harm is to be aware of the behaviours that can lead to sexual abuse before it occurs. These behaviours are called 'grooming'. Organisations with unclear boundaries around contact with children can be magnets to people who wish to 'groom' children for sexual abuse<sup>1</sup>. By learning about the strategies used to 'groom' children and their families and recognising them as inappropriate behaviours in your service you create an environment that will deter infiltration by sexual abusers<sup>2</sup>.

**Sexual abuse thrives in secrecy and ignorance.** By being alert to potential danger signs, we are better able to understand the steps we can take to keep children as safe as possible.

### What is "Grooming"?

Sexual abusers are often people we know; more than 8 out of 10 children<sup>3</sup> who are sexually abused know their abuser. They may hold responsible positions in their local community, and can be personable or charismatic. Abusers come from all classes, ethnic and religious backgrounds and may be heterosexual or homosexual. Whilst a high percentage of abusers are men, some are also women<sup>4</sup>. You cannot pick an abuser out in a crowd, however you can identify behavior that precipitates abuse. This behaviour is known as 'grooming' and research shows us that it can occur for up to 12 months before the actual sexual abuse take place<sup>5</sup>.

Grooming is defined as communication with a child where this is an intention to meet and commit a sex offence<sup>6</sup>. More generally it can be seen as the process by which an individual manipulates those around them – particularly, but not exclusively, the child – to provide opportunities to abuse and reduce the likelihood of being reported or discovered.

Research suggests that this process can be very deliberate, and while it can occur over a long period of time, sometimes this period of time is much shorter; there may not be any conscious motivation to sexually abuse a child until just before the abuse occurs. In both cases, there are often opportunities to observe and intervene, even before the would-be abuser is fully aware of what may become sexual intentions.

Unfortunately, identifying sexual grooming of children isn't always straightforward. Sometimes sexual abuse occurs as part of a pre-existing relationship in which there is genuine affection, which makes it a complex issue. But there are often clear signs that can be detected before the abuse occurs.

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1 *Understanding the Grooming or Entrapment Process, CPSU briefings*

2 *Wortley and Smallbone 2006*

3 *(ABS, 1996, 2004a)*

4 *Pritchard, 2004*

5 *Wortley and Smallbone 2000*

6 *Understanding the Grooming or Entrapment Process, CPSU briefings*

## How Do People Groom Children for Sexual Abuse?

- **By getting close to children** – child sex offenders will often seek out adults and groom them in order to get access to their children. The sex offender can create a relationship built on trust or dependency and gain access to the children through it. Some befriend parents or carers who are facing difficulties or who are vulnerable themselves.
- **By silencing children** – people who want to sexually abuse children may:
  - offer them gifts or treats, and sometimes combine these with threats about what will happen if the child says 'no' or tells someone
  - threaten them with exclusion from their peer group or loss of favour if they do not comply
  - make the child afraid of being hurt physically, or threaten what may happen to other people if the child tells
  - play on the child's embarrassment or guilt about what is happening, perhaps convincing them that no one will believe them
  - make the child believe he or she wanted it to happen.

## Signs An Adult May Be Grooming a Child for Sexual Abuse:

There may be cause for concern about the behavior of an adult or young person if they:

1. Exhibit frequent physical affection such as kissing, hugging, stroking hair or wrestling even when the child clearly does not want it or it is not required.
2. Encourage child or particular children to sit on their lap and offer regular physical comfort or reassurance to a particular child without a recognised cause.
3. Seek out opportunities to be alone with a child with no interruptions.
4. Spend most of their spare time with children and have little interest in spending time with people their own age.
5. Solicit invitations to sports, events or parties where a child will be.
6. Frequently arrive uninvited to places where the child or their family will be in a series of 'coincidences'.
7. Spend a lot of time around places like arcades, playgrounds, parks and sports venues to get to know children so they are not seen as strangers.
8. Regularly offer support to the family members of the child such as offering to babysit children for free, transport children to events, help out at social occasions involving the child or take children on outings alone.
9. Offer to drive children home or collect children from events on a regular basis.
10. Frequently walk in on children in the bathroom or their bedrooms.
11. Treat a particular child or group of children as favoured, making them feel special compared with others in a group.
12. Find out as much as possible about the child and use that information to engage the child and drive a wedge between the child and any protective adults, eg parents, teachers or coaches.
13. Purchase gifts or collect items of interest regularly for a specific child or group of children.
14. Tell secrets to a child and encourage the keeping of secrets.
15. Display ambiguous sexual behaviour, eg showing the child pictures of other children wearing swimsuits or less.
16. Display clearly inappropriate sexual behaviour, eg showing the child pornographic pictures, using explicit sexual language around children.

## What is the role of the OSHC Service Provider?

Because offenders may not enter an organisation with the explicit goal of abusing children, the focus should be on designing environments that limit the opportunities for anyone to abuse children.

The establishment of clear policy and procedures for the conduct of staff and volunteers in the service supports the maintenance of clear boundaries. The service policy should identify guidelines for staff that prevent them practicing any behaviours that may constitute 'grooming'. A zero tolerance approach to grooming behaviours should be employed at the service.

Through discussion and reflection, educators should be supported to monitor their own behaviour in order to create an environment that provides little opportunity for infiltration by a sexual abuser.

The service should provide information on staff conduct in the recruitment and orientation of all staff, volunteers and visitors. Information on 'grooming' behavior should be provided to staff and discussed as part of the staff and volunteer orientation and a zero tolerance approach taken by the service for staff, and volunteers who breach the guidelines for appropriate behavior. Staff should be encouraged to report any behavior they witness that may be considered 'grooming' and are permitted to challenge behavior when witnessed.

Guidelines for appropriate conduct and interactions must also be applied to service visitors and parents. This information can be included in family handbooks and in visitor information.

'Grooming' behavior is a community issue; the service should provide Information to families that educates them about 'grooming' and encourages them to set guidelines their family for supporting and protecting their children.

## What is the role of an OSHC Educator?

Children often will not be aware that they are being groomed and may find it very difficult to tell anyone of any sexual advances made to them. They often feel trapped before they know what has happened. Educators and parents can help protect children in their care by;

- Knowing what strategies sex offenders use to 'groom' children and families.
- Being aware of who is paying attention to a child and who their friends are. Don't ignore any unease you feel about people showing interest in a child or their family members.
- Paying attention to what adults or other children, eg siblings or friends of the child, are saying about the child's relationship with an adult or older child, eg 'He always gets Johnny to sit on his lap'.
- Being alert to any signs of 'grooming' by another adult or child and challenging it and reporting it as per the service policy.
- Never ignore a 'gut feeling' that something is wrong or not quite right – talk to your supervisor or call Network on 9212 324 for confidential advice and support.

## KEY POINTS

- Child sexual abuse thrives in secrecy.
- People who abuse children may spend up to 12 months 'grooming' a child before they commit a sexual act with them<sup>7</sup>. However the period of time spent grooming can also be short, with the impulse occurring not long before the abuse happens.
- People do not just 'groom' children, they also 'groom' the adults around them.
- Environments that have defined boundaries in regards to appropriate behavior are less likely to attract sexual abusers<sup>8</sup>.
- Educators, volunteers and visitors to the service should follow defined protocols for appropriate behavior or be excluded from the service.
- Identification of sexual grooming of children in care centres can be a complex issue. The challenge is to be vigilant without creating a siege mentality.

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7 Child Sexual Abuse in Queensland: Offender Characteristics and Modus Operandi

8 Understanding the Grooming or Entrapment Process, CPSU briefings

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