



Royal Commission into  
Institutional Responses to  
Child Sexual Abuse

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Submission of Micah Projects Inc.  
To Issues Paper 3

# Child Safe Institutions

**supporting people**

with the **Royal Commission** into  
Institutional Responses to Child Sexual Abuse

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**HISTORICAL ABUSE NETWORK**  
FOR PEOPLE WHO EXPERIENCED ABUSE IN INSTITUTIONS,  
FOSTER CARE & DETENTION.



**MICAH PROJECTS INC**   
Breaking Social Isolation  
Building Community



Lotus Place  
ADVOCACY JUSTICE COMMUNITY

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*Attachment A*

**Royal Commission into Institutional Responses to Child Sexual Abuse**

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October 17 2013-10-03

Dear Sir/Madam,

Thank you for the opportunity to make a submission to Issues Paper 3 on Child Safe Institutions, issued by the Royal Commission into Institutional Responses to Child Sexual Abuse.

Micah Projects is a community organisation working with vulnerable individuals and families living in Brisbane, providing services for people with a wide range of needs including homelessness, mental health, and disability, historical abuse in institutions, domestic violence and social exclusion. Micah Projects implements a range of service including Find and Connect with Forgotten Australians and British Child Migrants.

Recently Micah Projects received funding from the Royal Commission into Institutional Responses to Child Sexual Abuse to provide support and advocacy services for people to provide information to the Royal Commission.

Micah Projects, through all these service areas, has extensive experience working with children and families at risk, in crisis or experiencing vulnerability in a range of areas. Many of these families are involved in the statutory child protection system.

This brief submission presents our understanding of the needs of children and families and the strategies required to keep them safe from sexual abuse in institutions.

Please contact me if you would like more information, or have any questions regarding Micah Projects or this submission.

*Karyn Walsh*

Karyn Walsh  
Coordinator, Micah Projects

LOTUS PLACE IS AN ACTIVITY OF

MICAH PROJECTS INC

Breaking Social Isolation  
Building Community



Our hope is to create justice and respond to injustice at the personal, social and structural levels in society.

We seek to work collaboratively and respectfully with Indigenous communities and agencies. Micah Projects endorses the United Nations Universal Declaration of Human Rights.

## 1. The essential elements of establishing a 'child safe organisation that protects children from sexual abuse in an institutional context. In particular, are there core strategies that should be present and others that are less critical?

As the Royal Commission discussion paper has highlighted keeping children safe takes more than conducting employment screening checks in non-government organisations or associations providing services, resources and opportunities to children.

Micah Projects in its submission to the Queensland Child Protection Commission of Inquiry identified the numerous flaws in the existing traditional child protection system which involves the early involvement of statutory agencies in suspected cases of abuse or neglect. The system is predicated on the assumption that this arrangement is effective in preventing possible or actual immediate harm. However, the evidence cited in the Micah Projects submission suggests that the evidence base supporting this model is highly questionable.<sup>1</sup>

Instead, Micah Projects draws on a family service approach to child safety which asserts that in all but a small percentage of cases children are best cared for within the family. Using a family centred and parent-child focussed approach Micah Projects advocates community based early intervention and support to the family where children feel normalised and where parents feel comfortable using services. The use of coercive statutory intervention is the line of last resort. A new and reformed child safety model of service delivery must be driven by a goal to prevent and effectively respond when a child is at risk,

Micah Projects submits that it is essential for organisations to work together to improve responses to families and children to ensure the safety and well being of children. In order for organisations to work together in an optimally collaborative manner they should do so in partnership, between funded non government services and also government and funded services and between the services and families.

In order to make such a transition, a new vision is required which is based on mutual respect of the outcomes for children and families between professional groups and providers. Such cultural change will also be contingent upon:

- Liaison officers embedded in another agency
- Shared risk assessment frameworks and appropriate responses
- Joint training
- Integrated case management
- Possible co-location and integrated services.

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<sup>1</sup> Micah Submission to Queensland Child Protection Commission of Inquiry, 2013, p: 8.

2. The evidence base for the range of strategies associated with making an organisation 'child safe'. Does this evidence base extend to the physical environment?

Micah Projects fully supports the assertion made in the introductory paragraph of Issues Paper 3 that conducting employment screening checks is only one aspect of keeping children safe from sexual abuse in the community. The Royal Commission maintains that good child safe policies and practices are needed to reduce potential risks and keep children safer in institutions.

Many organisations have been reviewing and developing child safe policies in non government organisations that

- a) Work with children directly and /or
- b) Work primarily with adults with accompanying children

***Micah Projects: An example of a Child Safe and Friendly Organisation Policy.***

The policy reinforces a values base that all children and young people in contact with Micah Projects services have a right to feel and be safe. The policy acknowledges that many of the children and young people who access the organisation's services have already suffered abuse and neglect, experienced homelessness or witnessed violence. Micah Projects considers that we have a responsibility to protect children and young people from further neglect, physical, emotional, psychological and sexual abuse and racism or discrimination on any grounds.

The Micah Projects policy is applicable to situations where:

- Abuse or neglect is disclosed by a child or young person
- Abuse or neglect of a child or young person is disclosed by a parent, carer or other individual
- Abuse, or risk of abuse, of a child or young person is suspected or reported.

Micah Projects does not treat any of the above matters as a "complaint" and considers that any of the above allegations made against a member of staff, volunteer or another service user constitutes an allegation of abuse and is potentially a crime that warrants reporting to the relevant statutory authorities.

To this end the policy and its associated procedures are applicable to:

- Responding to suspicions, allegations and disclosures of child abuse and neglect and review processes
- All aspects of the organisation's processes associated with recruitment and selection, induction and training of staff and others

The policy is informed by the obligations articulated in the guiding principles in the administration of the policy and procedures set down by the *Commission for Children and Young People and Child Guardian Act 2000* which requires the organisation to undertake an annual risk management strategy.

Some of the key elements of ensuring that Micah Projects provides child safe environment is the appointment of two contact people who are available to respond to concerns about safety and wellbeing of children and young people. This is supported by a procedure whereby at all times the Team Leader or Coordinator is the first point of contact and take the lead in responding to disclosures, allegations and suspicions of abuse or neglect of children and young people, however the contact person must be informed of the actions taken.

The contact person keeps a record of all notifications to the Department of Child Safety using designated forms and ensures they are securely filed. The contact officer ensures the Coordinator is informed and consulted as necessary in relation to all decisions and actions taken.

To facilitate effective communication, decision making and recording of actions taken, the contact person will report within the leadership structure and will call meetings if required with the Coordinator, relevant team leaders and staff to discuss any significant issues.

A further important element of creating a child safe organisation is the development and implementation of consistent, merit based recruitment and selection processes. The processes adopted by Micah Projects are consistent with the obligations under the *Commission for Children and Young People and Child Guardian Act 2000* which requires all staff, volunteers and students who provide counselling and support services to children and young people to hold and continue to hold, a positive prescribed notice (Blue Card). Furthermore all staff of Micah Projects must also submit an application for a prescribed notice (application for criminal history check) under the *Disability Services Act. 2006*.

All staff whose work is regulated under the *Commission for Children and Young People and Child Guardian Act 2000* e.g.:

- Staff may commence work immediately if they are the successful applicant and already hold a positive prescribed notice.
- Volunteers must have a valid Blue Card before they can commence at Micah Projects
- If applicants for paid or unpaid roles do not hold a current Blue Card they may not commence work.
- If a positive Blue Card cannot be issued or there is a change in criminal history then the person's employment is terminated.

At the moment Queensland legislation requires Blue Card holders to advise their employer of a change in their criminal history or if they are charged with Prior to commencing employment staff are also required to sign a written undertaking to abide by the organisational Code of Conduct and selection

criteria for staff working with children and young people requires applicants to demonstrate a commitment to maintaining a child-safe environment and respect for the needs and rights of children and young people. Micah Projects also requires potential employees to prove their identity, qualifications and professional registration where appropriate. Referee checks are also required as part of all recruitment processes including requesting that the applicant provides written consent for contact to be made with previous employer (who may not be the nominated referee).

Evidence from the USA on the most effective strategies for preventing sexual exploitation suggest that there is much to be gained by vigilant application to rigorous recruitment and selection practices.<sup>2</sup> This evidence suggests that most written references contain little or no useful information for the decision maker and instead referees should be interviewed by telephone. In this way the interviewer can pose direct and relevant contact with questions pertinent to each particular candidate under consideration. Information should always be sought on the applicant's adverse experiences and history of employment, in particular any censure, cancellation of license, disciplinary proceedings or suspensions. Such screening practices can be contentious and lead to risk adverse behaviour by organisations concerned about litigation for defamation. However, Micah Projects considers that in order to create a child safe environment, the principle consideration should always be protecting the interests of service users and their families. To this end, Micah Projects would like to propose that the Royal Commission give further consideration to providing employers with indemnities in relation to the disclosure of any concerns they may need to share with prospective employers in order to protect the well being of children in the care of organisations. Information sharing should not be driven by concerns about the possibility of litigation for defamation.

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<sup>2</sup> Gonsiorek, John. C, The Prevention of Sexual Exploitation of Clients: Hiring Practices, in Schoener, G., R., Milgrom J. H., Gonsiorek, J.C., Luepker, E. T., Conroe, R. M., *Psychotherapists' Sexual Involvement with Clients: Intervention and Prevention*, Walk-In Counselling Centre, Minneapolis, Minnesota, 1990.

### 3. How should the effectiveness of 'Child Safe Strategies be tested?

In order to maintain a child-safe, child-friendly environment, Micah Projects supports recognised best practice that policy and procedures should be reviewed annually. The Quality Manager within organisations is generally responsible for reviews of all policy and procedures, including those relating to Child Safety.

Micah Projects accepts that recognised best practice occurs when compliance with the policy and procedures is monitored through the regular supervision of staff, students and volunteers, and the Co-ordinator is responsible for reporting on the number and nature of incidents to the Board. The analysis of data, and review of the policy and procedures, may inform changes to the way services are delivered, and to staff, student and volunteer selection, support, supervision and performance monitoring.

#### 4. How Should 'Child Safe' Policies and Procedures Work in Practice?

The following highlights how such policies and procedures are employed within Micah Projects:

*A) Reporting and managing suspicions, allegations and disclosures of abuse or neglect of children and young people by their parents/carers*

Staff may have concerns that a child or young person has been harmed or is at risk of harm because the child, his/her parent, or other family member has made a disclosure to them or because of something they have observed and/or have been told about by others. This section also applies to parents with children in placement who report concerns about the care of their children to staff of Micah Projects.

As soon as staff, students or volunteers suspect that a child or young person has been harmed, or is at risk of harm from their parents/carers, they must discuss their concerns with their Team Leader. As needed, the Team Leader will discuss with the contact person.

In order to assist with decision making, staff with the assistance of the Team Leader and/or the contact person must complete the Strengths and Stressors Tracking Device. The Strengths and Stressors Tracking Device (SSTD) is an assessment tool specifically designed for use with families involved in child welfare services (*See Attachment A*). It is a 35-item assessment that focuses on six overarching familial and environmental domains, plus two Reunification domains. The process of registering a family's individual set of strengths and deficits in each of these domains assists caseworkers to identify the specific stressors associated with the family's presenting problem to facilitate supports that best meet the families' needs. At the same time, workers ascertain and can maintain a strengths-based approach to case planning and intervention.

This provides a holistic assessment of a child's needs and strengths, taking account of the role of parents, carers and environmental factors on their development.

The Team Leader is responsible for deciding the following (in consultation with the contact person and/or coordinator when needed):

- reporting the suspicion, allegation or disclosure to the Department of Child Safety;
- reporting the matter to the Queensland Police Service if it may constitute a criminal offence (e.g. sexual abuse, physical injury);
- providing support to the child/young person, following any disclosure;
- whether or not to discuss the concerns with the child's parents/carers;

- what support may be required by staff members; and
- informing the Coordinator

This process may involve discussing the concerns further with the person who reported them and with the child if appropriate, Coordinator and/or Department of Child Safety Child Safety Service Centre. Further discussion with the child or family will only be undertaken if the discussion will not jeopardise any possible ensuing investigation, or put the child, staff, or other family members at risk.

If a decision is made to report the concerns to the Department of Child Safety, a Record of Notification Form must be completed. This form summarises the child/ren and parents/carers details, a brief background of the services involvement with the family and a summary of the information collected in the Strengths and Stressors Tracking Device.

A report of concerns to the Department of Child Safety should be made by the Coordinator, Contact Person or Team Leader. At times, the initial contact may be on the phone, however in all instances a Record of Notification Form must be faxed immediately to the Child Safety Service Centre receiving the notification, and if reporting concerns based on a disclosure made by a minor, a copy of the Disclosure of Abuse by a Minor Form should also be faxed.

If the Team Leader and/or contact person considers that the disclosure or observations do not suggest that the child has been or is at risk of harm, he/she may decide not to report the matter to the Department of Child Safety. In this case, Micah Projects will continue to support the child and their family, while remaining mindful of any potential for concern, including for the siblings of the child concerned.

The Team Leader and contact person will immediately report the following types of concerns to the Department of Child Safety and Queensland Police Service without delay:

- concerns about the immediate physical safety of a child;
- all concerns about possible sexual abuse;
- matters involving serious physical abuse of a child;
- situations where a child or young person has disclosed abuse while outside the family home, without the knowledge of parents/carers, and is now due to return home

At Micah Projects, the contact person keeps a record of all reports made to the Department of Child Safety, and is also responsible for ensuring that the Coordinator is informed, and consulted when necessary, of all decisions made regarding suspicions, concerns and allegations.

The *Child Protection Act 1999* provides protection from legal liability to notifiers, and ensures that their identity will not be reported to the family by investigating officers.

Decisions about informing a child's family of disclosures and allegations, and involving the family in the response, are made on a case-by-case basis by the Team Leader and contact person. Micah Projects views the action of not informing or involving the family as an unpreferred approach, but will consider it as an option of 'last resort' where circumstances make it necessary.

Usual practice, consistent with Micah Projects Inc's philosophical approach to working with families, is that the Team Leader, in consultation with others, will inform the child's parents/carers before any action is taken, and where practicable, involve parents/carers in deliberations about how to manage and respond to disclosures and allegations. However, in keeping with our commitment to the safety and wellbeing of the child, there are some circumstances where this will not occur.

The family will not be informed prior to a report to the Department of Child Safety when:

- a child has disclosed serious physical or sexual abuse by a parent, defacto or significant other;
- a family is likely to leave the area with the child if they are aware a report is to be made;
- talking with the family is likely to have repercussions for the child or another family member (e.g. may trigger family violence); and/or
- a family has threatened staff, or staff are at risk of violence.

Possible threats to staff or other family members will also be taken into consideration in determining the approach with the child's family. In no case does the organisation require a parent's permission to consult with, or report concerns to, the Department of Child Safety or the Police.

Where staff, students or volunteers disagree with a decision made by the organisation not to report concerns to statutory authorities about harm to a child, and they intend to report these concerns themselves, they are requested to advise management prior to making the report. Staff disagreeing with organisational decisions about reporting may wish to raise matters within the organisation to inform reviews of the policy and procedures, induction and ongoing training.

*B) Reporting and managing suspicions, allegations and disclosures of abuse or neglect of children or young people by management, staff, students, volunteers or other adults within the organisation*

Management, staff and volunteers of Micah Projects must report suspicions or concerns about the behaviour of their colleagues with children or young people to the contact person or Coordinator as soon as they suspect that a child or young person has been harmed, or is at risk of harm from a co-worker. They may have arrived at these concerns because the child, their parent/carer, or another family member has made disclosures to them, or because of something they have observed and/or have been told about by others. There will not be any adverse repercussions for reporting abuse, or suspected abuse, by other staff. Staff should also report any 'boundary violation' between any member of the family and a staff member.

If the disclosure has been made by the child or young person, staff must make notes on the Disclosure of Abuse by a Minor Form as soon as possible. This record must then be forwarded immediately to the contact person.

The contact person is responsible for advising the Co-ordinator of the abuse/suspected abuse without undue delay and must ensure that the details of the allegation, actions taken and rationale are recorded and filed securely.

The Co-ordinator is responsible for:

- deciding what should happen next in respect to discussing the concerns with the child's parents/carers;
- instigating an external investigation;
- deciding about reporting the suspicion, allegation or disclosure to the Queensland Police Service and/or the Department; and
- advising the management committee.

This process may involve discussing the concerns further with the person who reported them, the child or other family members, if appropriate, and/or Queensland Police Service. Further discussion with the child or family will only be undertaken if the discussion will not jeopardise any suspected ensuing investigation, or put the child or other family members at risk.

If the Coordinator is advised that the suspected abuse has been perpetrated by a person/people connected with Micah Projects he/she or his/her nominee will inform the parents before reporting the suspicion to the statutory authority, unless talking with the family is likely to have repercussions for the child, or is likely to result in violence towards the staff person/people alleged to have committed the abuse.

In no case is the organisation required to have a parent's permission to consult with, or report information to, the Police or the Department of Child Safety.

Where it is alleged that management, staff, students, volunteers or other adults within the organisation have abused or neglected a child or young person in contact with Micah Projects, disciplinary procedures and grievance procedures are activated with due regard for procedural fairness and natural justice, the staff person's legal rights, and Micah Projects industrial obligations to the staff person. While alternative duties or arrangements for the staff person may be considered, it is more likely for the staff person to be stood down on full pay for the duration of any investigations. All matters or allegations involving a Minor and a staff person are referred to the Police and investigated by the Police.

*C) Reporting and managing suspicions, allegations and disclosures of abuse or neglect of one child by another child or an adult accessing Micah Projects Inc services*

Just as Micah Projects must safely manage risks from management, staff, students, and volunteers to children and young people in contact with services, so too must the organisation ensure that other people who access the service do not have the opportunity to abuse or vilify children or young people.

Micah Projects is committed to managing risks related to the physical and environmental settings for service delivery, and supporting staff to appropriately supervise and monitor activities/services with children and young people.

As soon as staff, students or volunteers suspect that a child or young person has been harmed by, or is at risk of harm from, another person (child or adult) accessing services, they must adhere to the policy and procedures relating to reporting and managing suspicions, allegations and disclosures of abuse or neglect of children or young people by management, staff, students, volunteers or other adults within the organisation.

It is the Coordinator's responsibility, in consultation with staff, to make determinations about the ongoing monitoring by Micah Projects staff, of those service users alleged to have abused children or young people accessing its services. Monitoring may occur in order to manage any identified risk.

*D) Complaints about how suspicions, allegations and disclosures of abuse or neglect have been managed*

Micah Projects complaints resolution processes are used to respond to complaints about how suspicions, allegations and disclosures have been managed.

## 6. The role of staff performance management systems and disciplinary processes in a “child safe organisation”.

Micah Projects agrees with the proposition that performance management systems and disciplinary processes make a significant contribution to creating child safe organisations. However Micah Projects is aware that there have been a number of incidents brought to the attention of the Royal Commission involving allegations of sexual offences against children by members of the Catholic Church and other non-government organisations. In many cases these matters have not been dealt with as potential criminal offences and subsequently were not reported to either the Police or child welfare agencies. There have been numerous highly publicised (and criticised) examples where these members of the clergy and staff of non-government organisations have simply been transferred to other places, without informing the new employer of the allegations or circumstances associated with the transfer and no mitigation of the risk to children and families coming into contact with the alleged offender..

Micah Projects is also concerned about circumstances where a child discloses child sexual abuse and the family chooses not to pursue criminal charges and instead seeks an out of court settlement with the institution (or school) or individual through a lawyer, thus keeping the abuse private. Such actions are often motivated by a desire to protect the child from further trauma associated with the criminal justice system. The Royal Commission may therefore wish to undertake investigations into

1. The prevalence of this practice of children disclosing abuse and resolving such matters via private legal action; and
2. The prevalence of substantiated child sexual abuse where notification is mandatory but where the substantiated complaint does not lead to charges being laid against the offender.

Such arrangements have frequently led to outcomes which have enabled the alleged offender to simply transfer to a new role with no notification to police or welfare agencies of the previous allegations, leaving children in the alleged offender's new location unaware of the potential risks to which they may be exposed.

## 7. The role and characteristics of governance and management leadership in creating and maintaining a 'child safe' organisational culture

Micah Projects practice framework identifies that governance is a key element in ensuring the safety and wellbeing of children. Specifically the organisation requires:

- A. Proactive human resource management through screening, recruitment, supervision and valuing the workforce.
- B. Professional development of workforce and volunteers in the developmental stages of children and young people.
- C. Provision of services to children by qualified staff to support parents with the healthy development of their children
- D. Cultural competency of staff and facilitation of access to culturally specific and age appropriate activities, resources and services
- E. Micah Projects Board is aware and manages its ethical and legislative obligations in provision of services to children and young people.<sup>3</sup>

Micah Projects is however concerned that not all organisations operate with such clear governance guidelines with respect to creating a child safe organisational culture. In particular Micah Projects is concerned that there are circumstances where an organisation may seek to withhold information from its own insurer about a complaint of child sexual abuse. Such actions are also generally accompanied by a requirement for a complainant or their parent to sign an agreement of confidentiality with associated obligations of repayment of the settlement sum for any breach of the agreement. The Royal Commission may wish to examine strategies to prevent such arrangements in the future.

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<sup>3</sup> Micah Projects Practice Framework Working with Children and Vulnerable Adults January 2013 p. 3.

8. Should there be any additional enforceable requirements for institutions or particular institutions to maintain a 'child safe' environment?

At present there exists a fundamental tension between the rights of employees to natural justice and procedural fairness in performance management and disciplinary processes and the right of children as service users to enjoy a safe and child friendly environment.

Where an employee has left their previous employment without facing an investigation, employers attempting to screen prospective employees working with children may find themselves uninformed of the true nature of the risks posed by the individual. Thus the employee is able to simply move on to another organisation with no record of the previous incident appearing on their employment record.

These circumstances, may also involve other third parties such as industrial advocates and union representatives and there is strong justification for the Commission issuing guidelines to individuals fulfilling such roles so that they do not unwittingly become complicit in the protection of potential serial offenders and the secrecy surrounding such agreements.

Micah Projects is aware that where an organisation is subject to the *Corporations Act 2001, (Cth)* then the Directors and officers of the organisation are subject to the provisions of Chapter 2D of the *Corporations Act 2001* e.g.: Ss. 181-184 dealing with fiduciary duties).<sup>4</sup>

The sexual assault of a minor is a crime and these have and do occur in facilities managed by organisations subject to the *Corporations Act*.<sup>5</sup> Such incidents may constitute a breach of a fiduciary duty under this legislation, Micah Projects calls upon the Royal Commission to ensure that all organisations managing minors have appropriate risk mitigation policies and independent complaints investigation procedures in place. Furthermore, where such incidents occur, there should be rigorous investigation and application of the significant sanctions for breaches of fiduciary duties available under the *Corporations Act*.

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<sup>4</sup> Confirmed via verbal advice from officers of the Corporations and Capital Markets Division of Federal Department of Treasury on 16 October 2013.

<sup>5</sup> Triple J 'Hack' report on 22 November 2012 '*Juveniles in Adult Prisons*' <http://www.abc.net.au/triplej/hack/stories/s3638902.htm>, cited in Commission for Children and Young People and the Child Guardian, *Contesting the Justifications for keeping 17 year olds in Adult Correctional Facilities*. p. 6 December 2012

## 9. Other Significant Child Safety issues associated with Institutional Settings operated by private organisation.

### **Seventeen year olds in adult correctional institutions.**

Micah Projects shares the concerns of the Queensland Commissioner for Children and Young People and the Child Guardian that placing 17 year old offenders and alleged offenders in adult correctional facilities places them at unacceptable risk of sexual assault and other forms of harm. As the Commissioner highlights, in maintaining this position, the Queensland Government is the only jurisdiction in Australia currently in breach of its obligations under international treaty obligations under the Convention on the Rights of the Child. This situation is further complicated by the fact that a significant proportion of these 17 year olds are currently being held in the Arthur Gorrie Remand Correctional Facility, operated by GEO under contract to the Queensland Government. GEO are a global enterprise and are presently registered with the Australian Securities and Investment Commission as the GEO Group Australia Pty Ltd.

GEO Group Australia is a wholly owned subsidiary of the GEO Group, an American based organisation. In 2003 the United States Congress enacted the Prison Rape Elimination Act of 2003 (PREA) to address the problem of sexual abuse of persons in the custody of U.S. correctional agencies. GEO Group's USA website contains a specific link providing information about GEO's zero tolerance of policy of all forms of sexual abuse and sexual harassment. When a GEO operational subsidiary, business unit or program falls within the scope of the Prison Rape Elimination Act of 2003 (PREA) and the National Standards To Prevent, Detect, and Respond To Prison Rape; Final Rule, dated, June 2012, GEO will comply with these regulations as required. GEO USA provide a 24/7 hotline to employees wishing to report an instance of rape or sexual assault within a GEO USA facility and the webpage provides basic information about their internal processes for conducting investigations of such complaints. The website is silent on what complaints procedures are available directly to prisoners.<sup>6</sup>

The facilities operated by the GEO Australia Group Pty Ltd are not covered by the same statutory obligations in respect to dealing with sexual assault within prisons they operate under contract to various State and Territory Governments in Australia and therefore their Australian website is silent on this point. In the absence of similar protections it is reasonable to assume that there is significant potential for the violation of human rights of minors held within GEO Australia Group's facilities. These minors fall within the terms of reference of the Royal Commission and Micah Projects would ask the Commission to:

- 1) Ascertain the incidence and risk of sexual assault of minors held in Queensland's adult correctional facilities

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<sup>6</sup> The GEO Group: Reporting Sexual Abuse, [http://geogroup.com/reporting\\_sexual\\_abuse\\_prea](http://geogroup.com/reporting_sexual_abuse_prea), accessed on 27 October 2013

- 2) Obtain, and if necessary scrutinise evidence of the adequacy and implications of GEO's current risk mitigation strategies for managing 17 year olds detained within adult correctional facilities in Queensland;
- 3) Examine the adequacy of young people's access to immediate and independent complaints processes.
- 4) Refer any confirmed breaches of fiduciary duties of care to children detained within their facilities to ASIC for investigation, and if appropriate, for prosecution.
- 5) Add their support to the recommendations of the Queensland Commissioner for Children and Young People to implement the Australian Human Rights Commission's recommendation to the *Committee on the Rights of the Child* for Australia to withdraw its reservation to Article 37(c) of the *United Nations Convention on the Rights of the Child*.

#### **Unaccompanied minors and children in immigration detention centres.**

In a similar vein, Micah Projects is concerned that as of 31 May 2013, there were 1,731 children in closed immigration detention facilities in Australia.<sup>7</sup> A significant proportion of these children are presently detained in facilities operated by private organisations such as Serco Pty Ltd that are subject to the operations of the Corporations Act. The risks of sexual abuse and assault faced by these children are similar (or greater given their potentially younger age) to those faced by 17 year olds currently held in adult correctional facilities in Queensland.

Serco Pty Ltd publishes their employee Code of Conduct on their website which nominates an employee 1800 ethics hotline number in Australia.<sup>8</sup> In the course of preparing this submission, Micah Projects contacted this number to clarify how the process works. The 1800 number was forwarded to a call centre in the USA who advised that it is intended that advice is provided primarily (though not exclusively) to Serco employees who wished to raise an ethical concern about an incident within a Serco facility. The call centre worker advised that all such matters are then referred to an internal complaints investigation unit within the organisation. The nature of these arrangements do not appear to offer detainees within these facilities ready access to independent complaints investigation mechanisms following an incident of child sexual abuse within a Serco facility.

For these reasons, Micah Projects submits that it is clearly within the terms of reference of the Royal Commission to examine the incidence rates and organisational responses to these risks. The Royal Commission should make every effort to ensure that where necessary, appropriate reforms are

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<sup>7</sup> Australian Human Rights Commission, 2013, How many Children in Immigration Detention Facilities,

<sup>8</sup> [http://www.serco.com/Images/Code%20of%20Conduct\\_tcm3-36896.pdf](http://www.serco.com/Images/Code%20of%20Conduct_tcm3-36896.pdf) accessed on 27 October 2013

implemented to afford these children access to the same rights and protections as other children in Australia.

Micah Projects is conscious that the *Corporations Act* does not capture all organisations with responsibility for the care of children and that a significant proportion of these organisations are captured by the legislation specific to each State and Territory jurisdiction dealing with the legislation such as the various Associations Incorporations Acts covering the vast majority of not for profit organisations. Micah Projects submits that the Royal Commission consider recommending that wherever necessary, uniform new model provisions are drafted and included in legislation of each jurisdiction to protect the human rights of children at risk of sexual abuse. These provisions should be similar to those in the *Victorian Associations Incorporation Reform Act 2012*. In particular there should be explicit provisions such as those in Part 6, Division 3 dealing with the duties of Office Holders and Part 12 which creates powers of entry, inspection and seizure of documents where necessary.

**In summary, Micah Projects would like to see the Royal Commission:**

- 1) Strengthen the existing employment screening legislation with complimentary amendments to parallel legislation which would create explicit duties for those responsible for the management and governance of organisations to ensure that their staff management systems address the particular circumstances of complaints of child sexual abuse.
- 2) Develop guidelines to assist union and industrial advocates involved in assisting accused persons.
- 3) Specifically consider the particular risks of sexual assault faced by 17 year olds held in custody in Queensland correctional facilities and make appropriate recommendations to ensure that these risks are mitigated and that they have unimpeded and immediate access to independent complaints mechanisms.
- 4) Specifically consider the particular risks of sexual assault faced by children in immigration detention facilities and make appropriate recommendations to ensure that these risks are mitigated and that they have unimpeded and immediate access to support and independent complaints mechanisms.
- 5) Consider how the provisions of the Corporations Act might be used to greater effect to ensure compliance with breaches of fiduciary duties by Directors and Officers of private and publicly listed organisations where children are detained and subjected to sexual assault.

## STRENGTHS AND STRESSORS TOOL (Instructions)

<b>Strengths and Stressors Tracking Device</b>		
<b>Who:</b> Caseworker, family	<b>Where:</b> Agency, home setting	<b>How:</b> Practitioner led, one- on-one
<p>The Strengths and Stressors Tracking Device (SSTD) is an assessment tool specifically designed for use with families involved in child welfare services. It is a 35-item assessment that focuses on six overarching familial and environmental domains, plus two Reunification domains. The process of registering a family's individual set of strengths and deficits in each of these domains assists caseworkers to identify the specific stressors associated with the family's presenting problem to facilitate supports that best meet the families' needs. At the same time, workers ascertain a can maintain a strengths-based approach to case planning and intervention.</p> <p>Each domain taps a number of relevant subscales, including: (A) Environment (Housing, Safety, Income/Employment, Financial Management, Food and Nutrition, Personal Hygiene, Transportation, Learning Environment) (B) Social Support (Relationships, Regular Services, Emergency services, Motivation for Support) (C) Family/Caregiver Skills (Parenting skills, Adult Supervision, Disciplinary Practices) (D) Family Interaction (Parent-Child Relationship, Expectations of Child, Marital Relationship) (E) Family Safety (Physical/ Sexual/ Emotional Abuse, Neglect, Domestic Violence) (F) Child Well-being (Child's Physical Health, Mental Health, Child's Behaviour, Child's Relationships with significant others) Reunification scales: (G) Caregiver/ Child Ambivalence (Reunification); (H) Readiness for Reunification (Reunification)</p>		
<p><b>Outcomes</b></p> <ul style="list-style-type: none"> <li>• Increased knowledge of family's ecological environment and a subjective inventory of families' well being, as well as safety and risk factors</li> <li>• Increased ability for worker and families to collaboratively identify critical areas requiring support</li> <li>• Improved quality of case planning by allowing program planners determine where worker's interventions have contributed the most significant amount of change, and what areas may need to be addressed.</li> </ul>		
<p><b>Continued on the next page</b></p>		

<ul style="list-style-type: none"> <li>• Improved evaluation and decision-making regarding case planning, the need for additional assessment, formal progress reviews, reunification, placement and case closure</li> <li>• Strengthened family engagement in response to acknowledgement of strengths.</li> </ul>	
<b>How you do it</b>	
<b>Step 1 Introduce the form to parent</b>	<ul style="list-style-type: none"> <li>• The form should be completed by the primary caseworker. It can be done in partnership with parent caregiver.</li> <li>• The SSTD has no specific instructions on how the caseworker and family should complete the form together; this process may be adapted to suit the caseworker's individual assessment style and approach.</li> </ul>
<b>Scoring</b>	
<b>Step 1 Sum the scores for each domain</b>	For each item, the family condition can be rated -3 = A Serious Stressor -2 = A Moderate Stressor -1 = A Mild Stressor 0 = Adequate or Community Norm +1 = A Mild Strength +2 = A Clear Strength
<b>Step 2 Calculate the mean score for each domain</b>	<ul style="list-style-type: none"> <li>• Calculating the mean scores on each subscale</li> <li>• Identify the specific stressors associated with the family's presenting problem based on the domain with highest stressor (-) mean score.</li> <li>• Identify family strengths based on domain with highest strength (+) score</li> </ul>
<b>Step 3 Track changes over time</b>	<ul style="list-style-type: none"> <li>• Readminister assessment prior to case closure and calculate mean scores.</li> <li>• Track the number of mean changes (e.g. from stressor to strength) by comparing scores at pre-intervention to case closure.</li> <li>• Identify which program areas rated the highest mean change, based on difference from intake to closure.</li> </ul>
<b>Step 5 Present the scores in graphical form (optional)</b>	<ul style="list-style-type: none"> <li>• Mean scores for each subscale can be calculated and presented graphically. This information allows family members, workers, and other individuals involved in the case to more easily determine the outcome of the intervention. See Table 1 for an example developed using Excel software.</li> </ul>

**Table 1. Jones' family SSTD**  
*(Intake: Feb 2009, Closure: July 2010)*



**Notes on using the scale**

- The SSTD is not designed to be a purely objective measure of client family life, living conditions or other areas under assessment. Rather, it is a subjective inventory of a family's strengths and stressors. For example, one family's strength (not changing residence) may be another family's stressor (not changing residence), so the key measure of change is determined in terms of increase in the items that have been recorded as strengths.
- The SSTD may be used at intervals to assist with evaluation and decision making. The instrument may be used at intervals to track changes in skills and behaviours over time. This may be particularly useful in the case of court orders which are directed at specific conditions and family members. Results of the SSTD may provide a precise measure of progress which caseworkers may share with the court in order to support any decisions or actions implemented throughout the program.

