Issues Paper 3 – Child Safe Institutions

Child Safe Organisations are those which have professional leadership teams that build good governance and strong management principles in the workplace to ensure the safety of the children and the adults who engage with them.

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?*

The essential elements for reducing the incidence of child sexual abuse in child related organisations include:

    a.   an ongoing risk analysis of the organisation and its activities to identify the potential for child sexual abuse to occur including:
        i.   the ongoing development of risk assessment and management plans; and
        ii. the establishment of a risk register which is continually updated;

    b.   recruitment practices that:
        i.   include child safe standards;
        ii.   adhere to the legislated standards including the relevant working with children check;
        iii. include reference checks; and
        iv. have probation periods where new employees are supervised and educated about the organisation's standards of practice;

    c.   establishment of policies, procedures and mechanisms to assist in the prevention of, and response to, child sexual abuse that include, but are not limited to:
        i.   child protection;
        ii.   recruitment and appointment;
        iii.   human resource management;
        iv.   training programs for staff, volunteers and children;
        v.   transportation of children;
        vi.   transition of duty of care for children from parent/carer to organisation (in loco parentis);
        vii. activities, incorporating excursions;
        viii. accommodation;
        ix.   volunteers;
        x.   communication plans within the organisation and to parents; and
        xi.   behaviour, incorporating a Code of Conduct for staff, volunteers and children;

d. a structured education and training program for all participants in child related organisations, including the children, about child sexual abuse and abuse of children in general. By educating children as well as adults organisations empower children and enable them to recognise and respond to abuse;

e. the promulgation of an easy to follow reporting procedure for child sexual abuse and abuse of children in general;

f. external auditing of child related organisations by independent bodies during licensing and accreditation reviews to ensure essential elements and core strategies to prevent child sexual abuse and child abuse in general are present and being actively implemented; and

g. a vigilant organisational leadership which promotes and maintains a culture of professional awareness and prevention of child sexual abuse.

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?*

The physical environment is a well recognised factor in studies of situational crime prevention and is, most certainly, a factor in cases of child abuse. A numbers of studies have been conducted on where offenders locate children for sexual contact, where they take them for sexual contact and strategies for being alone with children. In a paper produced by Wortley and Smallbone (2010), "Applying Situational Principles to Sexual Offenses Against Children" it is stated that 20% of extra-familial offenders said they accessed children via an organisation but only 8% said they originally joined the same organisation to access children. These statistics suggest that it is the presentation of an opportunity to offend that may result in child sexual abuse occurring. The physical environment within an organisation can potentially facilitate the perpetration of child sexual abuse by providing offenders with isolated locations which they can then utilise to abuse children.

The physical environment can serve to be the precipitating factor which facilitates the occurrence of child sexual abuse for a situational offender; it can tempt an opportunistic offender; and it can present a challenge to predatory offenders. Organisations, as part of their ongoing risk assessments, should examine those aspects of the physical environment which could, potentially, create spaces for offenders and institute appropriate responses through changes to the physical environmental, policy and procedures.

Organisations should also examine the physical environments they may encounter when children are moved away from the regular location they occupy. These types of unusual environments would include excursions to such places as shopping centres, museums and performances. Organisations also take children away on overnight camps and to sporting events which adds further risks to selecting and monitoring locations. Organisations must

also acknowledge the potential for peer sexual abuse amongst children when considering the physical environments they are going to occupy.

3. *How should the effectiveness of 'child safe' strategies be tested?*

One approach to testing the effectiveness of 'child safe' organisations is to work backwards from substantiated cases of child sexual abuse within organisations. Organisations which have had occurrences of child sexual abuse can be examined for their 'lack of effectiveness' and the absence of practices which are acknowledged as preventing child sexual abuse.

The collection of information and data around substantiations, and indeed from the personal stories of the victims who have come forward as a result the Royal Commission, can identify any common factors and circumstances which were present when abuse occurred. Asking a victim of child sexual abuse what was missing or what would have helped them at the time the abuse was occurring would be a good indicator of an organisations lack of effectiveness and how an organisation or system failed them.

Research and longitudinal studies have been done world wide on situational crime prevention and child sexual abuse. Recommendations based on the findings of research and studies have been put forward and many of these have been adopted as best practice and instituted into child related organisations within Australia. Follow on studies or audits in those organisations could now identify the success or failure of those current best practice recommendations.

4. *How 'child safe' policies and procedures work in practice.*

Policies and procedures work best in practice when they are mandatory and enforceable. Systemic change in organisations can happen glacially and cultural change can take generations. If policies and procedures are not mandatory then they are often lost in the day-to-day running of organisations or viewed as "nice to have but not essential". The very nature of child related businesses and organisations means they are exceptionally busy and hands on. Policy and procedural development can often be side lined when more pressing matters arise.

Cultural practices need to align with the policies and procedures within organisations otherwise they quite literally not worth the paper they are written on. A culture of being proactive and aware in regards to the prevention of child sexual abuse needs to be an essential element of all child related organisations. The promotion of that culture within child related organisations and employment needs to begin during the initial training of participants and employees so that from the outset they have very clear understandings of why policies and practices must be implemented and followed, and the consequences for them if they are not followed.

Given the unique circumstances of organisations, the implementation of the child safe policies and procedures are best left to each individual organisation

however each organisation should ensure they incorporate essential elements and core child safe strategies. Additional policies and procedures should also be encouraged to address the unique circumstances of individual organisations. Independent auditing of organisations, including the interviewing of staff and participants, would assist in the identification and implementation of child safe strategies in each organisation's policies and procedures.

Most youth organisations I have encountered have a range of policies and procedures in place which are implemented with varying degrees of effectiveness. The effectiveness can be dependant on a number of variables including such things as size, communications, training standards and the level of professionalism within the organisation. All policies and procedures must be tested and checked for reliability in a range of situations, not just the predictable; they must be workable by everyone within the organisation from the subject of the policy or procedure through to the person implementing it; and they must be easy to implement. Policies or procedures which are complicated and developed without consultation with those who use them do not encourage stakeholder buy in. People, by nature, avoid complication and may resist acting or responding in the face of child sexual abuse if they do not clearly understand what their role is and what they must do.

5. ***Should there be a universal framework for a 'child safe organisation' or should strategies be specifically tailored to particular types of institutional settings?***

As proposed in Question 1, there should be a set of mandatory and enforceable essential elements and core child safe strategies which should be incorporated into the policies and procedures of child related organisations. The implementation of these strategies within child related organisations should be auditable. Organisations should also be encouraged to develop additional strategies, or to tailor the core strategies from a universal framework, to encompass their particular circumstances. Mandating a universal framework with no options for tailoring brings with it the risk of writing into policy or procedure anomalies that child sex offenders can manipulate or utilise to their advantage.

6. ***The role of staff performance management systems and disciplinary processes in a 'child safe organisation'.***

Staff performance management systems and disciplinary processes are an essential element of 'child safe organisations'. Staff performance management systems provide essential feedback against a range of personnel outcomes, including training, behaviour and adherence to policies and procedures. Management expectations of behaviours in relation to child sexual abuse are clear and training can be provided to support staff performance. It also reduces the opportunities for offenders to introduce grooming behaviours which lie outside what is considered acceptable but can be difficult to identify as abusive.

When roles and responsibilities are clearly articulated, and those roles and responsibilities are linked to staff performance management discussions, there is little room for misinterpretation. This also allows organisations to invoke disciplinary action more readily when abuse has occurred. Formal approaches to staff performance management and disciplinary processes, which include reports to the relevant child protection authorities, also prevent the disappearance and reappearance of offenders in different organisations.

Disciplinary processes, which are linked to staff performance management, support the prevention of child abuse by deterring offenders who exploit opportunities and react to situations which present them with access to children. Whilst the disposition of offenders is beyond the control of organisations, changing the environment by proactively managing staff performance along with well publicised ramifications for abusive behaviour can reduce or deter their decision to offend.

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

Good governance and strong management leadership embraces the principles of accountability, transparency and integrity to create and maintain a 'child safe' organisational culture. Accountability ensures all employees and volunteers within child safe organisations are answerable for the actions and decisions they make regarding children. Child safe organisations also put in place policies and procedures to ensure all the relevant standards are adhered to during the decision making. Transparency within organisations means all employees and volunteers have clear roles and responsibilities and adhere to the necessary procedures when making decisions or exercising power in regards to the children in their care. Employees and volunteers in child safe organisations act with integrity when engaging with children. They are ethical and act in the best interests of the children. Information gained through a position of trust is never be used to exploit a child or a situation involving a child. Each child safe organisation is unique with its own set of circumstances but good governance and strong management leadership are always present to guide employees and volunteers during their interactions with children.

Management leadership also assumes the role for organisational and systemic risk assessment and management in conjunction with employees and volunteers who conduct activities with children. The ability to recognise and manage risks is an important ongoing role of governance and management leadership, and is very dependent on the ways in which children interact with organisations. Organisations which look after small children will have very different risks to those that provide outdoor activities for young teens. Risk assessment and management plans must be established and tailored by management to suit their particular organisation but be flexible enough to apply to different circumstances or activities. Good organisational governance also provides a clear procedure which allows management to make decisions about whether or not risks are acceptable. Another important

part of organisational risk assessment and management is the continuous cycle of review and adaption to ensure continuous improvement. Improvement and change is incorporated into policy and procedures to increase and improve the safety of children. Change and improvements to governance, as a result of risk assessment and management amongst other factors, is then rolled out by management through education and training.

Leadership must provide opportunities for ongoing education and training so adults can respond with confidence and professionalism to disclosures. Children must also be provided with awareness training so they can act on their own behalf and be reassured that the organisation they belong to will respond in a predictable way when they experience the trauma of sexual abuse. At a time of great stress both adults and children need management to have training, procedures and responses in place that are well articulated and known. Children and adults must feel confident that the leadership in an organisation will respond professionally when they come forward to voice their concerns.

Part of the role of governance and management leadership is to acknowledge children as full members within organisations who have rights. Children are the subject matter experts about how they are treated within organisations by adults. Adults, in positions of power in organisations, must acknowledge that they do not always know everything that children feel or experience. Sometimes adults are actually the last ones children will discuss their feelings or issues with because they feel they will not be 'believed'. Children have traditionally been viewed as immature and inexperienced members of society and their views have not always been considered or valued. This neglect of their views has been based on the assumption that their offerings do not hold merit or may be incomplete truths. Adults must recognise children are agents in their own lives; listen, believe and act when children speak; and make provisions for children to act on, make changes to, and have full membership within an organisation's culture.

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

Enforceable requirements need to be standardised across Australia to increase child safety and reduce the constant confusion around the various states and territories legislated requirements for engaging with children.

At a minimum the following should be considered enforceable for institutions in all states and territories to maintain a child safe environment:

a. Risk Assessment and Management Plan
b. Mandatory child protection qualifications, education and training programs for management and employees who are employed within organisations which would not exist without children as clients
c. Policies and procedures related to staff and volunteer behaviour and code of conducts for adults and children

d. Policies and reporting procedures for child protection and child sexual abuse
e. Recruitment and selection practices
f. Mechanisms and procedures to empower and engage children within an organisation's culture
g. Independent auditing during accreditation or licensing