



Response to the Royal Commission's
*Consultation Paper: Best Practice Principles
in Responding to Complaints of Child Sexual
Abuse in Institutional Contexts*

Prepared by:

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1. INTRODUCTION

- a) Anglicare Diocese of Sydney ('Anglicare Sydney') is the community care arm of the Anglican Diocese of Sydney. Anglicare Sydney operates a wide range of community services and programs across the Sydney Metropolitan and Illawarra regions of NSW; it embodies the Christian commitment to care for all people in need, as comes from Jesus' command to love your neighbour as yourself.¹
- b) Our range of services includes: counselling and family support services; community education for families; youth services; foster care and adoption services; mental health recovery services (PHaMs); disability respite; emergency relief for people in crisis; migrant and refugee services; aged care both through nursing homes and community services; opportunity shops providing low-cost clothing; emergency management services in times of disaster; and chaplains in hospitals, prisons, mental health facilities and juvenile justice institutions.
- c) Anglicare Sydney's child, youth and family support services include two Family Relationship Centres (FRC's) in Nowra and Parramatta; a foster care service; an adoption service for children including those with special needs; adolescent residential care; youth support services. We have been providing foster care and group home care since the 1980's.

1.1 Purpose of this submission

- d) The following submission responds to the *Consultation Paper: Best Practice Principles in Responding to Complaints of Child Sexual Abuse in Institutional Contexts*, released in March 2016 by the Royal Commission into Institutional Responses to Child Sexual Abuse. The submission addresses matters on which submissions are sought by the Royal Commission, as outlined on pages 32-34 of the *Consultation Paper*:
 - Suggested best practice principles, the matters that should be canvassed in complaints handling policies and how these matters might be addressed;
 - The value of independent oversight mechanisms such as reportable conduct schemes;
 - How to improve institutions' access to advice and support.

2. GENERAL OBSERVATIONS

- e) Anglicare Sydney welcomes and generally endorses the principles and procedures outlined in the Royal Commission's *Consultation Paper*.
- f) Anglicare believes that the principles, procedures and literature cited in the Consultation Paper would be helpful as a guide for practitioners. We encourage the further publication of this material.

¹ The Gospel of Matthew, chapter 22 verse 39

3. RESPONSE TO ISSUES RAISED IN CONSULTATION PAPER

3.1 Suggested Best Practice Principles

- g) Anglicare Sydney agrees with the six principles outlined in the *Consultation Paper* for a strong and effective complaints response process.

3.2 Suggested Topics of a Complaints Handling Policy

- h) Anglicare Sydney agrees with the topics outlined in the *Consultation Paper*, which should be addressed in a complaints handling policy.
- i) Anglicare also believes that complementary policies should be in place within institutions to protect staff who make complaints against other staff or who bring complaints about breakdowns in organisational culture and processes ('whistleblowers'). Staff who need to act as whistleblowers should feel safe in doing so and not be subject to bullying, harassment or retribution. Whilst it is possible in NSW for such complaints to be made anonymously to the Helpline, the Royal Commission may wish to consider the value of explicit policies in relation to the treatment of whistleblowers.

3.3 Implementing the Principles

- j) Anglicare Sydney generally agrees with the procedures outlined in the *Consultation Paper* for implementing the principles of a complaints handling policy.
- k) As a designated agency accredited to provide care to children and young people, the whole of an institution would be required to adhere to the Code of Conduct outlined in Chapter 4 of the *Consultation Paper*, not just the OOHC parts of that institution. Already in NSW, as part of the accountability outlined in section 4.2 of the *Consultation Paper*, the CEO of an institution rather than the OOHC manager signs off on reports made to the Ombudsman and receives responses from the Ombudsman. Similarly the content of an institution's Code of Conduct would also apply to staff involved in the non-OOHC parts of an institution. Conceivably in the situation of an accredited institution providing a diversity of services, the matters outlined in the *Consultation Paper* to be included in a Code of Conduct would also need to be applied to non-OOHC services such as aged care, opportunity shops and emergency relief services.
- l) Institutions may have a Reportable Conduct policy and procedures, separate to and distinct from a more general complaints handling policy. We believe that the two policies need to reference one another, to ensure that both reportable conduct and incidents that may lead to reportable conduct are fully recognised as part of complaints handling.
- m) **Training of Staff and Complementary Policies and Procedures:** Anglicare Sydney agrees that the complaints handling policy should set out how to interact with a child who discloses behaviour that might constitute sexual abuse (section 4.3 of the *Consultation Paper*). While there are many barriers to children making such disclosures, staff may also be unsure as to

what to do next when such a disclosure is made. Apart from a complaints policy and Code of Conduct:

- Staff need to be trained in how to listen to a child, how to recognise reportable conduct and procedures to follow. There may be different levels of training within an institution depending upon the role of staff and extent of staff management responsibility.
 - There needs to be a way of recording non-reportable incidents, which may be a prelude to reportable conduct.
 - Child protection needs to be included under the institution's risk assessment framework.
- n) Where institutions are sufficiently large and well resourced, an internal complaints handling unit could be set up. For small and medium-sized OOHC agencies such as our own, we believe that there will always need to be the option of contacting an external body such as the NSW Ombudsman for advice about complaints handling and to receive ongoing support.
- o) **Provision of support for victims:** Section 4.8 of the *Consultation Paper* sets out types of assistance for victims and survivors. In making sure the victim is safe, as recommended on p26, may mean immediate removal of the child by an OOHC caseworker. This may need to occur in consultation with the Police or lead department, as outlined earlier in the *Consultation Paper* (p23).
- p) Anglicare Sydney acknowledges the importance of procedures and supports for historical as well as current complaints. In our own situation, Anglicare Sydney has a well-established Pastoral Care and Assistance Scheme (PCAS) which has casework staff separate to Anglicare's OOHC. We believe that the PCAS has been sufficiently resourced and directed, to provide a proper level of assistance to victims of child sexual abuse.

3.4 Oversight of Complaints Handling – Reportable Conduct Schemes

- q) In NSW there are independent oversight bodies (Office of the Children's Guardian and NSW Ombudsman) and a range of important checking mechanisms including National Police Criminal Record Check, Working with Children Check, KiDS database, Carers' Register and legislation governing the sharing of information between relevant agencies. The strengths of this combination of oversight bodies and checking mechanisms are that they are centralised, are sufficiently resourced, are complementary, provide a picture of the history of prospective carers and allow inter-agency cooperation through the sharing of information. This last aspect is important for the swift removal of children in abuse situations.
- r) Anglicare Sydney's view is that the independence of the Office of the Children's Guardian and NSW Ombudsman from the lead department and all service providers is central to the effectiveness of this system, since both government and non-government agencies are open to scrutiny by these independent bodies.

- s) We believe that the Carers' Register provides improved monitoring and carer accountability. Expectations of carers are also clearer due to explicit screening requirements and code of conduct. Coupled with information sharing protocols for agencies, the Carers' Register is a powerful tool because agencies are not dependent upon self-reporting by prospective carers. Flags by an institution on the Carers' Register for substantiated reportable conduct or removal of carer authorisation, enables other institutions to make enquiries with the reporting institution as part of assessment of potential applicants.
- t) Regarding legislation, Anglicare Sydney believes that there should be nationally consistent arrangements based on Chapter 16A of the Children and Young Persons (Care and Protection) Act 1998 (NSW). Importantly, Chapter 16A requires prescribed bodies to provide relevant information to other prescribed bodies and explicitly prioritises the safety, welfare and wellbeing of children over confidentiality and an individual's right to privacy. All jurisdictions need to provide adequate education and training of those responsible for sharing such information, in order to promote full disclosure of matters that may affect OOHC placements.

3.5 Advice and Support for Institutions

- u) Regarding advice and support for institutions in NSW, the Office of the Children's Guardian coordinates Working with Children checks and agency accreditation. NSW Department of Family and Community Services provides the Child Protection Helpline. The NSW Ombudsman provides advice and responds to complaints.
- v) The *Consultation Paper* (p33) also raises the option of a role for peak bodies in providing advice and support. The Association of Children's Welfare Agencies (ACWA) is the peak NSW body. Anglicare Sydney believes that, provided it is sufficiently funded and resourced, ACWA would be able to provide advice and support, particularly to smaller and rural and regional agencies. ACWA has been developing a legal advice service for agencies, through the provision of a panel of preferred legal firms, including specialists.
- w) Anglicare Sydney believes that it may be more difficult for smaller institutions and institutions in rural and remote areas to achieve the improvements foreshadowed in this and previous consultation papers. It should also be recognised that these institutions have less access to complementary, specialised providers such as *New Street* (NSW Health).
- x) For the system to be effective, it will be important that institutions be adequately funded by Government to deliver the level of oversight, management and administration required to play an effective role. In smaller institutions it needs to be recognised that a lack of support roles may make it more difficult to deliver on all aspects. In larger institutions, additional support roles may exist but the challenge will be to ensure that the whole of the organisation is child safe, not simply the OOHC programs. Dedicated resources outside of the day-to-day delivery of services may be needed within institutions to effectively drive continued practice improvement in child safety.

4. CONCLUSION

- y) Anglicare Sydney appreciates the opportunity of participating in the consultation process and trusts that this submission will be of assistance in furthering the work of the Royal Commission.

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