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Victorian Aboriginal Child Care Agency Co-Op. Ltd

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VACCA Submission in response to the *Child Safe Organisations Issues Paper*

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Executive Summary

The Victorian Aboriginal Child Care Agency (VACCA) welcomes the opportunity to make a submission to the Royal Commission into Institutional Responses to Child Sexual Abuse concerning the ***Child Safe Organisations Issues paper*** and offers the following observations and issues, particularly as they pertain to the Victorian Aboriginal community in which we work.

Our perspective is particularly reflective of our lead role in the child and family service system in Victoria, our Link Up program service experience and our research and program development concerning promoting cultural resilience and cultural safety in order to improve wellbeing outcomes for Aboriginal people. VACCA is aware that currently there are a range of standards and frameworks relating to what makes a child safe organisation operating across jurisdictions and there is no national system that all agencies and governments are required to adhere to. It is our view that national standards around ensuring children are safe from harm, particularly sexual abuse should be developed, implemented and independently monitored.

VACCA understands that Aboriginal children can be particularly vulnerable to perpetrators of sexual abuse. This is in part due there being a silence in relation to sex and sex education of children for many generations. Prior to colonisation it was unlikely that there was sexual abuse of children. They were cherished and kept safe by the whole community and therefore there was no need to talk about sex or provide warnings to children about this. Colonisation, dislocation and the ongoing impacts of the legacy of the stolen generations changed this. In the early days of colonisation, the customs still being practiced by Aboriginal families, sleeping together, having a different understanding of nudity (non sexual and natural) made Aboriginal women and children vulnerable and the cycle has continued to this day. This continues to be a challenge in communities living a traditional or semi traditional lifestyle. Aboriginal women removed from family and community, silenced through their experiences did not develop a language to teach their children sex education and preferred to keep their children innocent which has left them quite vulnerable. At VACCA we believe therefore, that there is a need for raising awareness of 'good

touching’/’bad touching’ in Aboriginal families and communities through culturally-designed protective behaviours programs.

VACCA is the lead Aboriginal child and family welfare organisation in Victoria, protecting and promoting the rights of Aboriginal children and young people, providing programs to reinforce Aboriginal culture and encourage best parenting practices, and advising government in relation to child abuse and neglect in the Aboriginal community. We are a state-wide Aboriginal Community Controlled organisation whose purpose is to advocate for the rights of Aboriginal children, young people and families, and provide them with services premised on human rights, self-determination, cultural respect and safety.

VACCA believes that all children have a right to feel and be safe and to live in an environment that is free from abuse, neglect and violence.

We are committed to promoting and upholding the right of Aboriginal children to maintain and celebrate their identity and culture, recognising that connection to culture is critical for children’s emotional, physical and spiritual wellbeing.

VACCA has a child safe policy which has the following key objectives:

- Set out clear expectations of staff, carers and volunteers as to what is required to keep our children safe, including knowing how to identify when a child is unsafe and being able to respond appropriately.
- Ensure our practice is focussed on preventing child abuse and neglect, intervening earlier with vulnerable children, and providing an integrated, comprehensive service response where abuse or neglect has occurred.
- Provide services in a culturally safe environment, free from abuse, neglect and violence, ensuring our work with children does not contribute to their experience of abuse and neglect.

Failure to comply with the policy may result in disciplinary action and, in more serious cases, may result in termination of employment.

As the Royal Commission is aware, there have been a range of frameworks developed including those outlined in the Issues paper. In general VACCA is in agreement with these

frameworks as a principle for ensuring organisations are child safe, particularly the DHS Best Interests Principles . However, as with most things, the challenge is in the implementation of these frameworks and policies. In the Aboriginal Cultural Competence Framework (VACCA 2008) we state

Aboriginal cultural competence is a key facet of the Victorian Best Interests framework which interprets issues of children’s safety, stability and development through the lens of age and stage, culture and gender. In other words, when assessing, planning and addressing the needs and interests of the child, due consideration is given to whether or not the child is safe, has stable relationships and a stable environment and their developmental needs are being addressed. These dimensions of safety, stability and development are understood in the context of who the child is; that is, their age and stage, their culture and their gender. These elements concerning the identity of the child provide a lens through which the other dimensions are understood. The Best Interests principles, and for our purposes the lens of culture as a fundamental element of those principles, are concerned with the needs and rights of the child to ensure their best interests are promoted throughout their experience of family services and out of home care.

As you can see for us the issue of culture is a crucial consideration for organisations wishing to be child safe for Aboriginal children. As quoted in the Victorian Child Safety Commissioner’s Guide to Creating a Child Safe organisation “If a child’s identity is denied or denigrated, they are also not being kept safe. Denying cultural safety is detrimental to their attachment needs, their emotional development, their education and their health. Every area of human development which defines the child’s best interests has a cultural component. Your culture helps define HOW you attach, HOW you express emotion, HOW you learn and HOW you stay healthy.” M. Bamblett 2005.

You may well wonder how culture assists in protecting a child from sexual abuse? It is now accepted that a child who is strong in their cultural identity is more likely to have a voice. If we accept that one of the principles of creating a child safe organisation is to ensure the voice of the child is heard and that children actively participate in the services provided by that organisation; then it is logical that the child who is strong in their identity will be better able to have a voice and participate in communicating when they feel safe and importantly

when they don't feel safe. It is critical that the voice of Aboriginal children are included in any child safety policies developed by organisations.

VACCA is committed to ensuring the services we provide to families and children, particularly those we provide out of home care services to are safe and that we are an excellent example of a child safe organisation.

As we outlined in our Working With Children Check submission we believe that there is a need to provide funding and resources to organisations to assist them in developing and maintaining child safe practices at an operational level. Supporting organisations to develop risk management strategies and making access to information less cumbersome across jurisdictions than it is currently.

VACCA provides the following responses to the specific questions posed by the Royal Commission.

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?

Every organisation should have clear policies, statements and processes covering the need for

- Signed statements concerning the agency and staff's **commitment to child safety** in all practices within the organisation, including cultural safety;
- **Clear reporting processes;**
- **Support** for children disclosing abuse and others involved including people implicated, **parents/carers, families and friends, employees or volunteers;**
- Processes **that identify, address and manage risks** to the safety and wellbeing of children and young people from within the organisation;
- Access to training in relation to perpetrator behaviours including targeting and grooming, indicators of sexual abuse and understanding sexualised behaviours;
- Clarity around the **roles and responsibilities** for each level within the agency;

- **Child safe commitments in the signed Code of Conduct for Board members and staff;**
- Choosing suitable staff and volunteers;
- Efficient management of staff/board members' Working with Children Checks;
- Provision of relevant training and supervision for those working with children and
- Enabling and promoting participation by children – ensuring children in the organisation feel they have the right to be heard.

Even more importantly, agencies must ensure that there is active translation of all these policy areas into practice. Having the best child safe policies are of no benefit if they are not actively translated into practice and all levels of the organisation from the Board through the CEO, Managers and all staff are aware of these and know precisely what it means for them in their capacity within the organisation.

One of the most critical elements of staff training for all staff should be about perpetrators and how they operate. Without some knowledge of targeting and grooming behaviours, staff are unlikely to be aware that seemingly innocent interaction with a child maybe the early stages of abuse of that child. Similarly good knowledge of sexual abuse indicators in children and how to talk to children about safety is an area rarely covered in staff development and training but may greatly enhance an organisations capacity to protect the children in their care if there staff had this knowledge.

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?

VACCA would contend that for Aboriginal children the physical environment is important in keeping children safe.

Providing child safe services

(i) Providing a culturally safe service

For Aboriginal children cultural safety and the prevention of cultural abuse is a critical issue. Strong cultural identity is fundamental to the safety and well-being of Aboriginal children and has lifetime impacts on a child's learning, health and development.

VACCA is committed to strengthening the cultural connectedness of Aboriginal children and young people with their community, fostering pride in their identity and facilitating cultural program and activities.

Providing a culturally sensitive and respectful service includes:

- Encouraging and facilitating the child's contact with their Aboriginal family, extended family, community and land.
- Providing the child with opportunities to participate in the Aboriginal community and to meet Elders and Aboriginal people from the local Aboriginal community through various cultural events.
- Where appropriate, providing information to the child about their cultural background.
- Engaging the child and their families in cultural activities such as Aboriginal artwork, sport, music, community events and cultural camps.
- Promoting positive Aboriginal role models
- Providing culturally safe care

Providing a culturally safe home includes:

- Displaying Aboriginal artwork, posters, books, a flag or artefacts to assist the child to connect to their cultural heritage and learn about Aboriginal history.
- Follow Aboriginal child rearing practices and cultural lore such as men discussing men's business with boys and women discussing women's business with girls.
- Taking the child to cultural activities and events in the community.
- Creating and facilitating opportunities for children to socialise and form significant relationships with other Aboriginal people.

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

Organisations could build in regular child safety reviews to check how they are going against a range of strategies, including:

- Agreed national standards on keeping children safe across all organisations that provide services for children
- Child Safety Policy
- Children's rights to safety and participation
- Employment of staff and volunteers
- Support (including supervision, staff development and training) of staff and volunteers
- Code of Conduct
- Reporting child safety concerns Policy

In addition an organisation could as part of its staff supervision and development construct scenarios that raise safety issues and test how staff would respond to those scenarios. This would of course need to be done in a context of having provided all the relevant training and development opportunities to staff and maybe initially beneficial to do in small groups so as not to expose individual staff members who may not know how to respond.

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

Given the high number of Aboriginal children still in the care of government departments, there is a great need for standards for any government managed services as well as those Community Sector Organisations funded by the government. Government often directly manages the most vulnerable children (secure welfare services, child protection etc) but currently are not subject to independently monitored standards.

As previously mentioned, the best policies are not going to keep children safe if they are not known, understood and actively implemented day to day by those in the

organisation (no matter their role). Again it is important to stress cultural safety for Aboriginal children as if this is not attended to, Aboriginal children are less likely to engage and participate and will not in all likelihood, tell anyone if they are feeling unsafe or are being abused.

To date those who have been coming forward to register to tell their story have a common thread to the reasons they did not tell anyone. “Who was going to believe the little black kid against the white adult (or natural child of the foster family)”

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

VACCA would suggest a universal national framework containing a number of standards that apply across all organisations, including government-managed services is essential as a number of the strategies required do not change regardless of the setting. This framework MUST consider that culture enhances an Aboriginal child’s safety and therefore should be a key component regardless of the setting. The framework could then have additional strategies for specific settings, for example out of home care would require some additional safety aspects that other settings may not. VACCA would suggest that any service providing out of home care services should have specific measures in place to ensure that all aspects of the child’s wellbeing and safety are able to be protected.

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

High quality, regular supervision, staff development and training opportunities must be in place if staff performance management systems and disciplinary processes are going to impact the levels of safety for children. It is critical that organisations have clear policies regarding these issues and that staff are made aware of these when they begin their employment.

Where there is a view that a staff member has breached the law, disciplinary processes would be bypassed to ensure the safety of children. Counselling options (part of the regular disciplinary processes) are not appropriate where the staff member has perpetrated a crime.

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

As outlined above a child safe organisation has a framework and policies that apply at all levels of the organisation including board and management. WWCC, Police checks and a preparedness to abide by the organisations policies, being active in the regular review of these and signing the code of conduct are all essential for the leadership of an organisation purporting to be child safe. Additionally, should culture be accepted in a broad framework for safety, those on boards or in management positions should be required to demonstrate respect for Aboriginal culture and an understanding of how a strong cultural identity acts to safeguard Aboriginal children, as described above. Any governance standards concerning protecting children from harm should ensure that the organisation considers children's safety as a major risk and that the Board ensures that appropriate systems and processes are in place.

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

The challenge here will always be resourcing. If it is considered best practice for an organisation to provide high quality supervision and staff development and training opportunities to enhance their child safety knowledge, then the required funds must be made available to ensure organisations have the capacity to provide this for their staff.