

**Response to the Royal Commission into Institutional Responses to Child Sexual Abuse
– Case Study 50 (Panel 8.2 Catholic community and social services)**

Response to Royal Commission – MacKillop Family Services

1. How is your agency structured and governed as an entity of the Catholic Church that provides community or social services?

- MacKillop Family Services Limited (trading as MacKillop Family Services) is incorporated as a company limited by guarantee. The organisation was established in Victoria on 1 July 1997 – an amalgamation of seven education and community services organisations operated by the Sisters of Mercy, the Christian Brothers, and the Sisters of St Joseph.
- There are six Members (owners) of the company – two from each of the founding congregations. Roles and responsibilities are set out in the MacKillop Constitution. While the Members own the company, the company has a separate legal existence and the company’s assets belong to the company.
- Members have the authority to appoint and terminate Company Directors, appoint and dismiss the CEO, approve changes to Constitution and investment policy, approve the operational direction of the company and to have an Annual General Meeting (to receive financial statements, chairperson’s report, appoint directors, deputy chairperson and chairperson, approve changes to investment policy and constitution). MacKillop meets with the Members four times per year to report on strategic direction, financial performance, budget and operational matters.
- MacKillop is governed by a Board of Directors comprising one representative of each of the three founding Congregations, and nine independent, non-executive Directors.
- The MacKillop Board has overall responsibility for the governance of the organisation. The Board oversees the achievements of organisational aims, strategic planning and review, the nurturing of the ethos and spirit of the organisation, compliance and legal obligations, financial planning and performance, risk management, agency policy review and endorsement, promotion and fundraising, and provides an accountability function to the Members, funding bodies and the community.
- The Board is comprised of individuals with a wide range of experience, including corporate governance, finance, academic, research, legal and service-user experience.
- In July 2009, Edmund Rice Community Services transferred its homelessness and out-of-home care services to MacKillop in New South Wales (NSW). In February 2014, MacKillop commenced operations (foster care) in Western Australia (WA).

2. What services does your agency operate for or provide to children?

- MacKillop is a child and family service organisation with an annual budget of \$66M (2015-16) employing approximately 800 staff and 600 volunteers operating in a broad range of service delivery areas across Victoria, NSW and WA. The majority of services are located in Victoria. The statement of purpose describes MacKillop as ‘a Catholic agency that exists to support, foster hope and promote justice for children, young people and families, particularly those who have experienced distress, disadvantage and abuse’.
- We provide **out-of-home care services**, including foster care, kinship care, residential care and lead tenant support, across Victoria, New South Wales, and Western Australia. In 2015/16, we supported over 700 children and young people living in out-of-home care. MacKillop has strong partnerships with Aboriginal Community-Controlled Organisations to provide culturally-appropriate care for Aboriginal children and young people in out-of-home care. For example, in 2015/16, we partnered with the Wirraka Maya Health Service Aboriginal Corporation in Western Australia, to recruit and support Aboriginal foster carers in Port Hedland.
- We operate 18 **family support** programs across New South Wales and Victoria. In 2015/16, we supported over 2,000 vulnerable families.
- We provide **education and training** in Victoria to young people in primary and secondary school who are disengaged, or at risk of disengaging from mainstream education. In 2015/16, 232 children and young people engaged with MacKillop’s education services.
- We operate **early intervention and specialist homelessness services** in New South Wales for young people and their families. We supported 214 young people and their families across all of

**Response to the Royal Commission into Institutional Responses to Child Sexual Abuse
– Case Study 50 (Panel 8.2 Catholic community and social services)**

these programs in 2015/16, including provision of accommodation for 15 young people across four properties in western Sydney.

- Our **disability services** in Victoria support young people with a disability to engage with local community resources and activities, and empower people with a disability and their families to be independent. In 2015-16, we provided recreational activities and programs to 250 children and young people with a disability, through our school holiday programs, recreational camps and a services for siblings of children with a disability. We provided case management support to 840 families where a member lives with a disability.
- The **Heritage and Information Service** is responsible for the preservation, safe storage, and support and release of historical records relating to former clients of MacKillop and its founding congregations. The service manages over 125,000 individual records.
- We run a **psychology clinic** in partnership with the Cairnmillar Institute School of Psychology, Counselling and Psychotherapy. The clinic was established to provide clinical assessments and therapeutic interventions for children and young people placed in our care. Services include case consultancy and review, and the promotion of reflective and evidence-based practice.
- In 2016 MacKillop became the sole provider of **Sanctuary Model training services** for Australia. The Sanctuary Model is a framework to provide trauma-informed, therapeutic responses across all areas and work of the organisation. MacKillop was externally assessed and became accredited against the Sanctuary Standards in 2015.

3. How does your agency meet the elements of a child safe institution, including:

a) How does your agency address any risks of abuse of children associated with the services you offer?

- Screening of staff, volunteers, foster carers and students on placement (criminal record checks, working with children checks and referee checks)
- Registration of carers on state-based carer registers and registration with the Victorian Institute of Teaching (Vic teaching staff only).
- Processes of supervision of staff and volunteers – minimum requirements for supervision are set out in procedures.
- Staff, volunteers and foster carers sign a Code of Conduct or equivalent.
- Clear case management processes for young people in care (in Victoria MacKillop provides case management for all children placed in out-of-home care over and above contracted cases). Each child in our out-of-home care has a Care Team (or equivalent) comprising a MacKillop case managers, the child and family (where appropriate), departmental representatives and other relevant professionals to guide care planning and review.
- Placement matching – MacKillop has a documented approach to guide placement matching of children in out-of-home care following a referral from the relevant government department. A specific trauma-informed procedure has been implemented for the management of higher risk referrals.
- Staff and volunteer learning and development including:
 - For staff – Induction training, Sanctuary training, Therapeutic Crisis Intervention (residential care and teaching staff), responding to sexualised behaviours in children and adolescents, caring for pre-pubescent children with sexual behaviour problems / harmful sexual behaviours, With Care (foundational), With Care (therapeutic residential care Vic staff only), Engaging Conversations (Front Line Leader Development), Clinical Supervision (2 Days Training), Single Session (family support) training, family and consultation workshops (Bouverie Centre).
 - For foster carers – Step by Step Assessment, Shared Stories Shared Lives, Trauma Informed Care, or equivalent.
- Dashboard reporting – the organisation reports on a range of indicators relating child safety. Monthly reports to MacKillop Executive include data on critical incidents including the response to incidents, status of investigations into quality of care, complaints and reportable conduct matters,

**Response to the Royal Commission into Institutional Responses to Child Sexual Abuse
– Case Study 50 (Panel 8.2 Catholic community and social services)**

status of compliance with criminal record checks and working with children checks. Reports are also provided to the MacKillop Board via the Audit and Risk Committee and Quality and Research Committee.

- Policy and procedures are in place regarding the management of the response to allegations of abuse.
- Recent policy amendments have been made to strengthen child safety – in the areas of governance, people and workplace (human resources) and client rights and safety.
- External monitoring and oversight:
 - External Accreditation and monitoring by DHHS and QIP (Vic) including spot audits of residential care, Children’s Guardian accreditation and monitoring (NSW) and accreditation and monitoring by the DCPFS Standards and Monitoring Unit (WA)
 - Incident reporting and investigations process into allegations of abuse (Victoria and Western Australia), mandatory reporting and reportable conduct (New South Wales)
- MacKillop complies with the sexual exploitation protocol (out-of-home care) developed in Victoria. The protocol provides a coordinated response between the Police, DHHS and community service agencies to protect children at risk of sexual exploitation.
- In February 2016 MacKillop commenced a Therapeutic Residential Care Monitoring Project in Victoria with Verso Consulting. The online application allows client observations to be collected at each shift change. Data analysis is structured into the model of care to inform practice and monitor outcomes. The data collection includes a specific focus on risk taking and the daily monitoring of sexually harmful behaviours.
- MacKillop has funded a project (commenced November 2016) with the University of Melbourne to develop and implement programs and resources to prevent sexually harmful behaviour and sexual exploitation in MacKillop residential care services informed by the Royal Commission Out-of-Home Care Consultation Paper (2016). The initiative is to be a co-designed project with children in out-of-home care.
- MacKillop is an accredited Sanctuary Model organisation. The Sanctuary Model is an organisational practice framework focussing on safety and trauma-informed practice. All MacKillop staff are trained in the Sanctuary Model.
- MacKillop has initiated a number of interventions to better hear and respond to the voice of children including:
 - Youth Advisory Groups – regionally based groups to provide young people living in residential care with an opportunity to speak with members of the senior management team about issues of concern. Ten YAGs were conducted in 2016.
 - The web-based client survey tool ‘Viewpoint’ – developed by social work practitioners specifically for use in the child, youth and family sector. MacKillop uses Viewpoint to seek feedback from clients about their care and interactions with MacKillop, in the domains of safety, communication, being informed, respect, influence/participation, responsiveness and reliability.
 - A complaints procedure has been implemented with child-friendly supporting materials to raise awareness of the process and methods of lodging complaints (including via the MacKillop website).
- In November 2016 an organisational restructure was initiated. Changes included:
 - Creation of the position of Director of Practice Quality to focus specifically on improving practice and compliance across the organisation.
 - Creation of two Principal Practitioner positions to provide clinical supervision and support case practice development across services.
 - Creating two Director of Children, Youth and Families Services positions in Victoria to replace one Director of Operations to provide greater capacity for oversight and a focus on practice quality and child safety.
- MacKillop is in the process of developing and implementing an electronic document and data interface for all clients and carers across the organisation. The system is a mobile capable platform for caseworkers to collect data on clients and carers. The system will collect, aggregate and report

**Response to the Royal Commission into Institutional Responses to Child Sexual Abuse
– Case Study 50 (Panel 8.2 Catholic community and social services)**

on data on the incidence, type and response to child sexual abuse. Implementation has commenced in foster care in NSW, WA and Victoria with the implementation of the residential care services module to follow. The implementation is due to be completed in August 2017.

b) What background checks, including criminal record checks or working with children checks are required prior to staff or volunteers undertaking any role in your agency? Do these checks apply to any Catholic priests or religious undertaking any role in your agency? Provide details if so, including if that is required by an external regulation or agency policy.

- Screening requirements apply to all MacKillop staff, volunteer, foster carers, students on placement and Board members. This would include Catholic priests or religious who may undertake a role at MacKillop.
- External regulations across the jurisdictions MacKillop operates in generally require Working with Children Checks and criminal records checks for staff in ‘client facing’ roles. MacKillop has adopted a whole of organisation approach requiring all staff (including administrative and program support roles) to possess/undergo criminal records and Working with Children Checks. This excludes staff required to be registered with the Victorian Institute of Teaching.
- Additional external screening requirements are in place – registration for carers state-based carer registers and registration with the Victorian Institute of Teaching (teaching staff in Victoria).

Employees

- MacKillop’s policies and procedures provide guidance for the screening of staff. Employees are recruited, selected and appointed according to procedures. The procedures apply to all people recruited by MacKillop and include processes for working with children and criminal record checks and referee checks.

Foster carers

- The procedures relating to the screening and assessment of volunteer carers and carers’ household members are specific to the states within which MacKillop works. In NSW and Victoria the *Step by Step Assessment* and *Shared Stories Shared Lives* programs are used to train and assess foster carers. In WA materials developed by the DCPFS are used to assess and train foster carers.

c) What external child protection and safety regulations apply to your agency? For example, the ‘reportable conduct scheme’ of the Ombudsman Act 1974 (NSW).

NSW

- Ombudsman Act 1974
 - Reportable conduct
- Children and Young Persons (Care and Protection) Act 1998 and Children and Young Persons (Care and Protection) Regulation 2012
 - Mandatory reporting
 - Authorisation of carers
- The Child Protection (Working with Children) Act 2012 (and the Child Protection (Working with Children) Regulation 2013)
 - Designated organisation (all MacKillop NSW staff and volunteers) includes all household members over 18 (foster care) and all MacKillop Board members (including non-NSW residents)
 - Information sharing (16A)
- NSW Child Safe Standards for Permanent Care
 - Accreditation of out-of-home care

Victoria

- Working with Children Act 2005 and Working with Children Regulations 2016
 - All Victorian staff and volunteers including all adults in foster care houses (excluding staff required to be registered with the Victorian Institute of Teaching)

Response to the Royal Commission into Institutional Responses to Child Sexual Abuse – Case Study 50 (Panel 8.2 Catholic community and social services)

- Crimes Amendment (Protection of Children) Act 2014 – offences created. Failure to disclose / failure to protect a child from sexual abuse.
- Children, Youth and Families Act 2005
 - Agency Accreditation – DHHS Standards
 - Best Interests Case Practice Framework
 - Mandatory reporting
- DHHS Program requirements (home-based care, residential care, lead tenant and therapeutic residential care)
- DHHS Critical client incident management instruction (Technical update 2014)
- DHHS Responding to allegations of physical or sexual assault (Technical update 2014)
- Child Safety and Wellbeing Act 2005
 - Child Safe Standards – oversight provided by the Commission for Children and Young People
- DHHS Guidelines for responding to quality of care concerns in out-of-home care (Technical update 2014)

Disability (Vic)

- Disability Act 2006
 - Complaints
- DHHS Quality of Support Guidelines (2015)
- DHHS Disability Worker Exclusion Scheme

Education (Victoria)

- Education and Training Reform Act 2006 and Education and Training Reform Regulations 2007 – Victorian Registration and Qualifications Authority and the Victorian Institute of Teaching (as a systemic Catholic school a number of these functions are mediated through the Catholic Education Office Melbourne)
- Ministerial Order No. 870 – Child Safe Standards -Managing the risk of child abuse in schools
- Children, Youth and Families Act 2005 – Mandatory reporting

Western Australia

- Child and Community Services Act 2004
 - Best Interests Principles
 - Provision and cancellation of placement arrangements
- Children and Community Services Regulations 2006
 - Approval and revocation of carers
- Working with Children (Criminal Record Checking) Act 2004 and Working with Children (Criminal Record Checking) Regulations 2005.
- Better Care Better Service: Standards for Children and young People in Protection and Care – externally assessed by the DCPFS Standards and Monitoring Unit
- The Department for Child Protection and Family Support and Non-Government Agencies Protocol for Standard of Care and Safety and Wellbeing Concerns for Children in the CEO's Care (December 2013)

d) How does your agency respond to any complaints of child sexual abuse?

- The process for reporting allegations of child sexual abuse within MacKillop are described in procedure *CO-P-008 – Incident Reporting and Review*. This procedure applies to the reporting of all critical incidents including allegations of sexual abuse. The procedure applies to all MacKillop staff in Victoria, NSW and WA.

Victoria and Western Australia

- The response to allegations of abuse of a child in MacKillop's care made in Victoria and Western Australia is set out in the procedure *CO-P-14- Responding to allegations of abuse from clients of MacKillop*. The procedure sets out the process to be followed including immediate response to the incident, protecting the child and managing the staff, reporting to police and child protection

**Response to the Royal Commission into Institutional Responses to Child Sexual Abuse
– Case Study 50 (Panel 8.2 Catholic community and social services)**

services, informing the family of children, the requirements of the Disability Worker Exclusion Scheme (Vic only), the process of investigation, monitoring and reporting of investigations.

- The procedure also includes direction on the relevant external protocols/ guidelines to be followed:
 - Victorian out-of-home care – the process is conducted following the Department of Health and Human Services *Guidelines for responding to quality of care concerns in out-of-home care: technical update 2014*. This process outlines a joint (CSO, DHHS) screening and investigation process that is coordinated by the DHHS. Police investigations take precedence.
 - Western Australia out-of-home care – the process is conducted following the ‘Department for Child Protection and Family Support and Non-government Placement Agencies Protocol for Standard of Care and Safety and Wellbeing Concerns for Children in the CEO’s Care (2013)’. The process of screening and investigation is led by the DCPFS. Police investigations take precedence.

New South Wales

- The response to allegations made by a child or young person in residential care, foster care and kinship care in NSW is contained in *NSW-P-004 Responding to allegations of abuse and complying with Reportable Conduct obligations*. The procedure sets out the process to be followed including initial assessment of the allegation of reportable conduct, initial response (immediate safety needs of child), mandatory reporting, allegations in relation to Aboriginal and Torres Strait Islander children and children from culturally and linguistically diverse backgrounds, the process of investigation, development of an action plan, final report to the NSW Ombudsman, relevant employment proceedings, involvement of Family and Community Services and Police, allegations in relation to an employee not on duty and record keeping.
- Mandatory reporting requirements specific to NSW are set out in the procedure *NSW-P-003 – Mandatory Reporting*.