

Life Without Barriers

# ROYAL COMMISSION INTO INSTITUTIONAL RESPONSES TO CHILD SEXUAL ABUSE

CASE STUDY 24: PREVENTING, AND RESPONDING TO ALLEGATIONS OF CHILD  
SEXUAL ABUSE OCCURRING IN OUT-OF-HOME CARE

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Championing opportunity for all

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## Introduction

Life Without Barriers delivers services in over 260 communities across Australia. We offer a range of programs and services to support over 5,500 clients, many with high and complex needs. Our services include family support and out of home care, disability services, community based aged care, and support to refugees and asylum seekers. We also work in the areas of mental health, homelessness and youth justice. Life Without Barriers is committed to the sensitive delivery of services reflecting our clients' previous life experiences, abilities, age, gender and cultural background. Our *Pillars of Practice* is a shared practice framework consolidating our common approaches across all our programs:



Life Without Barriers has developed an out-of-home care service model over the last ten years that now supports over 1900 children and young people across Australia. These services deliver meaningful outcomes for children and young people, with an emphasis on building safe, stable and nurturing relationships. Life Without Barriers has been at the forefront of extending foster care to include young people for whom foster care was otherwise seen as unsuitable. We strive to learn from our experience and improve each year.

We provide foster care in New South Wales, Northern Territory, South Australia, Tasmania, Queensland, Victoria, and Western Australia. We provide residential care in New South Wales, the Northern Territory, Queensland and Western Australia.

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Life Without Barriers recognises that all children and young people have important rights, including to:

- Be protected from harm;
- A safe and appropriate environment;
- Be listened to and valued; and
- Experience positive developmental outcomes. Life Without Barriers is committed to the protection and safety of the children and young people who access our services. We acknowledge that working with children and young people is a critical responsibility.

In discharging our responsibility to children and young people, Life Without Barriers works within the specific legislative, regulatory and procedural boundaries established in each state and territory of Australia. Consequently, across our organisation, there is variation in the way we perform our role in each state. The most cogent factors impacting on this variation are:

1. Jurisdictional determination of case management responsibility for children and young people in care with us - Life Without Barriers holds case management only in NSW. In all other states, Life Without Barriers is contracted to provide placement and placement support only.
2. Jurisdictional determination of investigative responsibility in relation to allegations pertaining to staff and foster carers. Life Without Barriers holds responsibility for undertaking investigations into allegations of child sexual abuse only in New South Wales.

## 1. Recruitment, assessment and training of foster and kinship carers and staff in residential care

### a. Screening of carers and staff as well as carers' household members. For example, working with children check and criminal checks.

Life Without Barriers' screening of carers, staff and carers' household members is undertaken in accordance with state and territory employment screening legislative requirements, contractual requirements and policy requirements for out-of-home care providers. In addition to this, Life without Barriers' internal policy is to conduct a National Police Check for all staff, contractors, volunteers and foster carers engaged by us, where this is not already required and conducted by state government screening agencies. The *National Probity and Suitability Checking Policy* and the *National Probity and Suitability Checking Procedure* are attachments 1 and 2.

Table 1 shows the screening we require for staff who work in out-of-home care, foster carers and household members.

There is variability across jurisdictions regarding the extent to which employers exercise decision-making about employing people with adverse information on a screening check. In some states, such as Queensland, the state government decides through the Working With Children Check and Suitability Check whether persons can be engaged in particular roles. In other states, such as South Australia, the results of checks are provided to employers, who make the decision. In New South Wales, the Working With Children Check deems a person suitable or unsuitable for child-related employment, however Life Without Barriers retains the authority to make decisions in relation to employing any person returning any adverse information via the National Police Check. Where decision-making rests with Life Without Barriers, policy requires that a risk assessment is undertaken, with the delegation to engage the person residing at a higher level in the organisation.

State	Personnel type	Check	Period of validity	Required under
NSW	Staff	National Police Check	3 years	Life Without Barriers policy
		Working With Children Check	5 years	Legislation
	Foster carers	National Police Check	3 years	Life Without Barriers policy
		Working With Children Check	5 years	Legislation

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		Community Services child protection system check information	One-off	Life Without Barriers policy	
	Household Members aged over 16	National Police Check	3 years	Life Without Barriers policy	
	Household members aged over 18	Working With Children Check	5 years	Legislation	
NT	Staff	National Police Check	3 years	Life Without Barriers policy	
		Working With Children Check (Ochre Card)	2 years	Legislation	
	Foster carers	National Police Check	3 years	Life Without Barriers policy	
		Working With Children Check (Ochre Card)	2 years	Legislation	
	Household Members aged over 16	National Police Check	3 years	Life Without Barriers policy	
	Household Members aged over 15	Working With Children Check (Ochre Card)	2 years	Legislation	
	QLD	Staff	Working with Children Check (Blue Card) (incorporates National Police Check)	3 years	Legislation
			Suitability Check (LCS2 or LCS7)	2 years	Legislation
Foster carers		Working with Children Check (Blue Card) (incorporates National Police Check)	3 years	Legislation	
		Suitability Check (LCS2 or LCS7)	2 years	Legislation	
Household members aged over 18		Working with Children Check (Blue Card)	3 years	Legislation	

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SA	Staff	Child-related Employment Screening Assessment (incorporates National Police Check)	3 years	Legislation
	Foster Carers	Child-related Employment Screening Assessment (incorporates National Police Check)	3 years	Legislation
	Household members aged over 18	General Employment Screening Assessment (incorporates National Police Check)	3 years	Life Without Barriers policy
TAS	Staff	National Police Check	3 years	Legislation
		Child Protection Check	1 year	Funding contract
	Foster carers	National Police Check	3 years	Legislation
		Child Protection Check	1 year	Funding contract
	Household members aged over 16	National Police Check	3 years	Legislation
VIC	Staff	National Police Check	3 years	Legislation
		Working With Children Check	5 years	Legislation
	Foster carers	National Police Check	3 years	Legislation
		Working With Children Check	5 years	Legislation
	Household Members aged over 16	National Police Check	3 years	Legislation
		Working With Children Check	5 years	Legislation
WA	Staff	National Police Check	3 years	Legislation
		Working With Children Check	3 years	Legislation
		Department of Child Protection Check	3 years	Legislation
	Foster carers	National Police Check	3 years	Legislation
		Working With Children Check	3 years	Legislation
		Department of Child Protection Check	3 years	Funding contract

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	Household members aged over 16	National Police Check	3 years	Legislation
	Household member aged over 18	Department of Child Protection Check	3 years	Funding contract

Table 1: Employment screening for staff, foster carers and household members for each jurisdiction.

## b. (i) Assessment of carers

Life Without Barriers requires a comprehensive assessment of foster carer applicants. This requirement is set out in the *Life Without Barriers Carer Recruitment, Assessment and Authorisation Policy Guideline* (see attachment 3).

In all states except Queensland, the *Step-by-Step* assessment tool is used to assess foster carer applicants (see attachment 4). *Step-by-Step* is an industry standard tool licensed to the Association of Children's Welfare Association in New South Wales. *Step-by-Step* provides opportunities for applicants to focus on their ability to undertake the tasks of fostering. It invites participants to provide evidence of the skills and knowledge they have acquired through a range of life experiences, and allows applicants to reflect on the way in which those experiences have shaped their competence to undertake the tasks of being a foster carer.

The assessment process includes:

- At least four face-to-face interviews with the applicants at their home. Children of the family (age and developmental stage permitting) are also interviewed
- Two referee checks
- Health checks completed by a General Practitioner
- A home and environment check
- Pre-employment screening (as outlined in our response to section 1a)
- Shared Stories Shared Lives training – this forms part of the assessment process through observation and self-assessment. More information about Shared Stories Shared Lives is provided in our response at section 1c.
- Development of a report summarising evidence of competencies and making a recommendation in relation to approval.

Approval, authorisation or registration of foster carers is conducted variably across jurisdictions, in accordance with state and territory government legislation and policy.

In New South Wales, the internal carer approval panel considers the application. The panel makes recommendations to the Life Without Barriers senior manager who has delegated authority to authorised carers and approve the conditions of authorisation (for example, how many children the carer can provide care for). Foster carer applicants can appeal:

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- The decision to decline authorisation; and
- The decision in relation to the application of authorisation conditions.

There is an internal review/appeal process managed by Life Without Barriers in the first instance. For internal appeals, Life Without Barriers appoints a person who is independent of the initial process and decision to undertake the review. Subsequent appeals can be made to the NSW Civil and Administrative Tribunal.

In Victoria, the Accreditation Panel consists of internal and government representatives.

In the Northern Territory, Tasmania and South Australia, the application and recommendation is forwarded to the relevant government department for final decision-making.

In Queensland, carer applicants are assessed using the Queensland government forms, templates and tools. Components of the assessment include:

- Health and wellbeing questionnaire
- Referee checks
- Interviews with carer applicants and any other household members
- A household safety study
- Completion of a report summarising the assessment and recommendation.
- The assessment and recommendation is forwarded to the Department of Communities, Child Safety for final decision-making.

Foster carers are expected to be reviewed either annually or biennially, depending on jurisdictional requirements. The review process typically includes consideration of:

- The placement/s that have occurred within the review period;
- Any concerns that have arisen during the review period, including any allegations made against the carer;
- The carer's experience of caring throughout the review period; and
- Whether any changes have occurred in household composition

In New South Wales, reviews are returned to the carer approval panel for consideration. The *New South Wales Carer Review Practice Guideline* is attachment 5.

In other jurisdictions, the reviews are forwarded to the relevant state government department.

## **b. (ii) Assessment of staff**

Life Without Barriers provides residential care in New South Wales, Northern Territory, Queensland and Western Australia.

Our position descriptions set the expectation that residential care staff hold a Certificate III in Community Services, or equivalent experience. The position description for Residential Support Worker is attachment 6.



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The *Recruitment and Selection Policy*, attachment 7, sets out the requirements for recruitment of all staff, including residential care staff:

- Positions are to be recruited via an open, merit-based process;
- Applicants are required to submit an application which addresses selection criteria;
- Short-listed applicants are interviewed by an interview panel, composed of the recruiting manager and other suitably skilled and qualified people. *Interview questions for Residential Support Workers* and *The Recruitment Summary Report* are attachments 8 and 9.
- Two reference checks are conducted, one of whom must be a direct supervisor. The *Reference Check Record* is attachment 10.
- Any adverse findings from employment screening processes are subject to a risk assessment, with higher level delegation for approval to employ. This is only applicable in jurisdictions where Life Without Barriers has the responsibility for the decision to employ people with adverse findings.

All employees are expected to be managed in accordance with the *Performance Development Framework*, outlined in the *Performance Development Procedure*, attachment 11. This framework includes:

- Probationary reviews;
- Performance appraisals;
- Supervision; and
- Underperformance

The Probationary Performance Review and Performance Appraisal templates are attachments 12 and 13.

## **c. (i) Training of carers in identifying signs of sexual abuse in children, encouraging disclosures and responding to those disclosures.**

In all jurisdictions other than Queensland, carer applicants are required to complete the *Shared Stories Shared Lives* training package prior to approval. *Shared Stories Shared Lives* is licensed to the Association of Children's Welfare Agencies in New South Wales. The training consists of nine two-hour modules covering:

- Foster care in context
- Bonding and attachment
- Grief and loss
- Abuse and trauma
- Identity and birth family contact
- Responding to challenging behaviour
- Team work
- Maintaining cultural connection
- The story continues (life story work)

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The training allows carers to gain a deeper understanding of the experiences of children in out-of-home care and to explore their own responses to issues such as trauma and abuse, including sexual abuse.

In Queensland, foster carer applicants are required by government to complete modules 1 to 4 of *Quality Care: Foster Care Training* (pre-service training). Module 2 covers sexual abuse.

In South Australia, carers are required by government to complete mandatory Reporting Child Abuse and Neglect training as part of the assessment process.

In addition, 50 self-paced carer training modules have been developed by Life Without Barriers in order to provide approved carers access to information, knowledge and skills necessary to their role as foster carers. These can be accessed by carers according to their level of experience as a foster carer and the particular needs of children and young people. Modules which are relevant to child sexual abuse are:

- Preventing, identifying, responding to and reporting harm;
- Surviving allegations;
- Responding to disclosures;
- Understanding children and young people who have been sexually abused; and
- Sexuality.

In New South Wales, carers attend training in Reportable Conduct. This training outlines definitions of reportable conduct, recognising child abuse, and reporting requirements.

- In Queensland, foster carers are required by government to successfully complete three standard training modules (Promoting positive behaviours, Caring for children and young people who have experienced sexual abuse, and Carer support, advocacy and self-care) within 12 months of approval. Foster carers are also required to complete advanced training modules totalling at least eight hours during the two year period following their initial renewal of approval.

In all jurisdictions, foster carers are supported to attend jurisdiction-specific child protection training.

Foster carers are expected to be subject to regular review (annual or biennial), and have the opportunity to identify training needs in consultation with their Supporter of Carers. Life Without Barriers has internal Clinicians who are able to provide training and support to carers on an individual basis in relation to an individual child, including relevant training on trauma-informed care for children with sexual abuse histories. In addition, carers are often able to access free external government training.

- c. **(ii) Training of staff in identifying signs of sexual abuse in children, encouraging disclosures and responding to those disclosures.**

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Life Without Barriers' Learning Pathways for Residential Support Workers is attachment 14. The following three detailed training outlines are attached:

- Incident awareness (attachment 15);
- Reportable conduct (New South Wales only - attachment 16); and
- Sexuality, sexual health and behaviour (attachment 28)

The incident awareness module includes identification of incidents, reporting requirements, and specific requirements in relation to reporting and responding to reportable conduct as opposed to other types of incidents.

The reportable conduct module covers the definitions of reportable conduct, internal and external reporting requirements and the investigation process.

The Sexuality, sexual health and behaviour module outlines indicators of people who have been sexually abused, and knowing how to respond appropriately to disclosures of sexual abuse;

Residential care staff are trained in the Therapeutic Crisis Intervention model, which focuses on creating supportive and trusting relationships with children and young people that take account of the impact of trauma. Children and young people are more likely to disclose in the context of such a relationship.

In Queensland, Family Planning Queensland's Traffic Light framework is used in training for out-of-home care staff (see attachment 17).

#### **d. How does the agency determine that National Standard 12 is implemented and monitored?**

Standard 12 of the National Framework for Protecting Australia's Children requires that

*"Carers are assessed and receive relevant ongoing training, development and support in order to provide quality care"*

Life Without Barriers operates out-of-home care in each jurisdiction against a program description, applied in accordance with the relevant legislative and contractual context. The *Foster Care Services Delivery Outline* (attachment 18) identifies a number of characteristics relevant to the management of carers:

- Carers receive support and training to provide care services
- Carers receive access to after-hours support
- Carers have access to Life Without Barriers line staff (Supporters of Carers, Caseworkers and Clinicians) who are tasked with:
  - Assessing and re-assessing carers
  - Contributing to carer training
  - Contributing to carer supervision and support
  - Responding to crisis situations after hours

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Life Without Barriers provides a framework for carer training, development and support through a suite of resources:

- Carer Learning Pathway - provides foster carers with a range of learning modules suited to their level of experience and to the particular needs of children and young people.
- Carer Handbook – provides carers with resources to help them in their role as a carer. The Carer Handbook is available to carers through our Carer Website
- Carer Personal Assistance Program – provides carers with access to counselling services to assist with personal or life issues that may arise. Services are provided independently, in confidence and at no cost to the carer.
- Carer Website – a dedicated secure space to share national and regional events, news and initiatives with carers across Australia. The website also holds a range of resources and tools, as well as providing links to external resources, and a ‘wellbeing hub’ for guidance on important self-care measures for carers.

- e. **Does your agency have any other mechanisms to assess the effectiveness of the recruitment, assessment and training of carers and staff in residential care?**

The *Carer Recruitment Framework* (attachment 19) provides guidance for carer services staff to build carer recruitment campaigns relevant to local needs, but with a consistent organisational approach.

Expectations in relation to the recruitment of staff are set out in the *Recruitment and Selection Policy* (attachment 8).

Life Without Barriers utilises a range of mechanisms to assess the effectiveness of the recruitment, assessment and training of carers and staff.

## **Data collection and reporting**

Life Without Barriers tracks and reports on performance indicators relating to recruitment, assessment and training, including:

- Staff recruitment timeframes;
  - Staff turnover;
  - Training undertaken;
  - Carer applications, assessments and approvals; and
  - Carer turnover.
- This reporting is provided in various combinations to state management teams, the National Executive and the Board of Directors.

## **Staff and carer surveys and feedback mechanisms**

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Life Without Barriers conducts employee engagement surveys which examine all aspects of the employee experience. In addition, Carer Opinion Surveys gather carer feedback on a range of matters such as access to support, availability of development opportunities and willingness to refer Life Without Barriers services to others. A Carer Opinion Survey is currently underway and a live feedback forum is located on the carer website.

## **Process reviews**

From time to time, the Life Without Barriers National Executive commissions in-depth reviews of key business processes. This has included:

- Independent analysis of staff turnover;
- Independent review of human resources processes;
- Carer recruitment processes; and
- Carer learning pathway.
- Such reviews may be conducted internally or externally.

## **Complaints and incidents**

Complaints about carers and staff, as well as incidents, provide rich information about the effectiveness of our recruitment, assessment and training, as well as identifying future training needs.

## **External accreditation or licensing**

Life Without Barriers is licensed or accredited to provide out-of-home care in various jurisdictions, as outlined in our response to section 2. Monitoring associated with these schemes typically incorporates audit and review processes, including review of training, recruitment and assessment records, staff and carer interviews and client interviews. The standards subject to examination include those pertaining to staff and carer recruitment, assessment and training.

Life Without Barriers is also subject to other accreditation or licensing schemes, which include external oversight. For example, Life Without Barriers accesses CrimTrac directly to conduct National Police Checks for staff and carers in some jurisdictions. CrimTrac conducts annual audits of Life Without Barriers employment screening processes.

These external audits result in reports that may include recommendations for systems improvement.

## **Consultation Groups**

Life Without Barriers operates a network of consultation groups for carers in order to provide:

- a forum for carers to contribute to the development and enhancement of Life Without Barriers' services; and
- a mechanism for direct feedback on the effectiveness of Life Without Barriers programs as they relate to carers and the children and young people they support.

The *Carer Consultation Group Terms of Reference* is attachment 20.

## **Carer assessment review panels**

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Carer assessments are subject to quality reviews by the panels or personnel that review each carer assessment.

## **Performance reviews**

Both staff and carers are expected to be subject to regular reviews. This includes a three-month probationary review and annual or biennial performance reviews. These reviews provide the opportunity for regular feedback from the carer or staff member, and their supervisor, in relation to what training has been undertaken and how effective it has been. This is also the forum to agree recommendations for future training.

## **Implementation of Human Resources Information System.**

Life Without Barriers is currently implementing an automated Human Resources Information System. The system will support our staff and carer-related processes, and will increase our monitoring, tracking and reporting capability.

## 2. Monitoring of children in out-of-home care

### a. Who monitors children in out-of-home care, how is that monitoring carried out and with what frequency does it occur?

Children placed with Life Without Barriers are monitored and cared for by a range of people and organisations. The nature of authority and monitoring varies dependent on the policy, funding and regulatory frameworks in each state and territory. These arrangements impact on the role and authority of Life Without Barriers to monitor children and young people and require us to collaborate to greater and lesser degrees with state government departments.

#### **Face-to-face interaction with the child or young person**

The day-to-day monitoring of children and young people is carried out by foster carers or residential care staff, who have responsibility for daily care. For children and young people placed in foster care, there is an allocated Life Without Barriers case worker who is expected to visit the child or young person at least monthly. Children and young people with higher needs are visited more often. These interactions take place within the family home and in community settings. For young people in residential care, the House Manager has the lead role in overseeing the daily care provided by residential support workers. All interactions with children and young people are recorded electronically in case notes.

#### **Case planning**

The case planning process is the key mechanism for monitoring the progress of children and young people in out-of-home care. Case planning includes:

- Regular assessment of the needs of the child or young person, their family and carers;
- Development and documentation of case plans, which articulate goals, objectives, tasks and responsibilities;
- Case conferences and case monitoring meetings;
- Participation of the child or young person in decision-making;
- Involvement of all responsible parties in decision-making; and
- Collaboration and communication between all parties.

#### **Clinical support and monitoring**

In residential care and intensive needs foster care, additional support and monitoring is available via a Life Without Barriers clinician. The clinician provides guidance and advice to care teams, and develops any specialist treatment plans required to support the child or young person. This occurs on an as-needs basis.

#### **Data recording and reporting**

Life Without Barriers' client database is used to document and plan our work and provides a monitoring mechanism via data reporting. For example, all managers are able to draw reports that indicate the currency of case plans or the frequency of home visits for children and young people in out-of-home care.



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## **Supervision, support and team processes**

Supervision and support is expected to be provided to foster carers and staff working directly with children and young people, thus providing regular and ongoing opportunities for any concerns and issues about children and young people to be raised and discussed. In addition, there are other formal structures in place for reviewing and monitoring children and young peoples' progress, including:

- Complex case reviews – this involves a solution-focussed team review of challenging situations with children and young people
- High risk panels – this involves review of the most challenging situations involving children and young people by senior managers and clinical experts, in order to provide specialist advice and support, as well as oversight.

## **Reporting to funding bodies**

In some programs and jurisdictions, Life Without Barriers is required to provide regular reports to the funding body about the progress of individual children and young people. For example, in Queensland, Case Managers must report monthly to the Department on a range of issues including:

- the extent and nature of contact with the child or young person and, where possible and appropriate, their family members during the fortnightly period;
- the types of supports undertaken with the child or young person during the period;
- any planned or unplanned placement changes;
- any items requiring follow up with the Department;
- any incidents that may have been reported during the period;
- any Risk Management Plans or Positive Behaviour Support Plans; and
- progress and any significant events or developments in respect of the child or young person's care plan for each life domain.

In all jurisdictions there is some manner of aggregated service outputs and/or outcomes reporting required to acquit funding agreements.

## **Informal monitoring within the child or young person's network**

Children and young people in out-of-home care are monitored less formally by a range of other people and organisations who are involved in their lives, such as schools, health providers, friends and family, although the strength of these networks varies significantly.

## **External audit**

There are a range of external audit programs associated with the various licensing and accreditation schemes which monitor services and progress of children and young people.

## **Government responsibility for monitoring**



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Where case management rests with the state government department (all jurisdictions except New South Wales), the government case worker maintains the lead monitoring role, and conducts regular visits to the child or young person. This is in addition to the monitoring undertaken by Life Without Barriers staff.

## **b. Practices which your agency has adopted in order to encourage disclosure by children of sexual abuse in out of home care**

Practices adopted by Life Without Barriers to encourage disclosure of sexual abuse in out-of-home care are guided and informed by:

- The legislative and policy framework governing and regulating the delivery of out-of-home care in each state and territory;
- Our *Child Protection Policy Guideline* (attachment 21) which apply to all employees and foster carers;
- Our *Complaints Handling Charter* (attachment 22)

One of our Pillars of Practice, *listening to our clients*, promotes practices that support children and young people to have a voice. We have a range of strategies in place to support this at both the individual and organisational level. Listening to children and young people and actively trying to understand their experiences lays a solid foundation for service delivery. We understand that children and young people are more likely to disclose sexual abuse when they feel safe and in the context of a trusting relationship. Building this trust is a key focus for our staff who have direct contact with children and young people in out-of-home care.

Key practices that support disclosures include:

- Regular face-to-face contact with children and young people by a consistent case worker that sometimes occurs outside of the presence of the primary carer, away from the place where the child or young person lives;
- The provision of age-appropriate information to children and young people about rights and responsibilities, safety, information-sharing, confidentiality, making a complaint and participating in decision-making;
- Encouraging children and young people in out-of-home care to become involved with the CREATE Foundation, in order to build networks and access resources and support;
- Where appropriate and possible, we provide a consistent respite carer, as this is another avenue for the development of a relationship of trust outside of the primary placement;
- The provision of training to staff and carers in relation to sexual abuse - this awareness supports disclosures and appropriate responses (more detail is provided in our response to section 1);
- Supervision and support of carers and staff, which enables guidance to be provided in relation to identifying and responding appropriately to any concerns about a child or young person;

### Out-of-home care client voice initiative

In November 2014, Life Without Barriers undertook a national *Out-of-Home Care Client Voice* project. For this initiative, all children and young people in out-of-home care:

- Were provided with the Rights and Responsibilities document for children and young people in out-of-home care relevant to their state or territory;
- Were provided with information about how to make a complaint in Life Without Barriers, and who they could complain to externally (see Complaints Cards, attachment 23).
- Were asked whether they feel safe where they live, and whether they feel part of the family where they live
- Completed the *Children's Happiness Scale* (attachment 24).

In addition, case workers were asked whether they had any concerns about the safety, welfare and wellbeing of each child and young person they supported.

Cases where the child stated they did not feel safe where they lived, or where the worker had significant concerns were immediately escalated to management for review and action.

**c. What is the mechanism by which other authorities for example law enforcement, health and schools exchange information with the out-of-home care agency about risks of sexual abuse of the child in care?**

Exchange of information between other authorities such as police, health and schools and Life Without Barriers is regulated by the differing legislative frameworks of each jurisdiction.

Case meetings are the primary forum through which information about children and young people is exchanged in order to facilitate support and service provision.

#### Jurisdictional variations

In New South Wales, where case management responsibility is outsourced to the non-government sector, the mechanism for information exchange is via Chapter 16A, *Children and Young Persons (Care and Protection) Act 1998*. Chapter 16A allows information to be exchanged between prescribed bodies in relation to the safety, welfare and wellbeing of children and young people. Prescribed bodies may share information without New South Wales Community Services being a party to the exchange.

In the Northern Territory, Part 5.1A, *Care and Protection of Children Act 2007* facilitates information sharing among organisations and individuals in relation to children and young people including those who may be at risk of or being sexually abused in care. Life Without Barriers relies on these provisions to exchange information in relation to children in out of home care with a range of agencies and individuals.

In Queensland, Chapter 5A, *Child Protection Act 1999* provides a similar facility.

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In South Australia, Section 8, *Children's Protection Act 1993* and the *Guidelines for promoting the safety and wellbeing of children, young people and their families* supports information exchange between a wide range of service providers and government agencies.

In Tasmania, Part 5A *Children, Young Persons and Their Families Act 1997* enables similar information exchange.

It is Life Without Barriers' understanding that in Western Australia and Victoria, information may only be exchanged via the relevant state government department. This means that other agencies cannot directly share information with Life Without Barriers about risk to a child in out-of-home care with us.

**d. Is there a requirement that your agency as an out-of-home care provider be accredited, registered, or licensed or otherwise be subject to conditions about the provision of out-of-home care? Please describe those requirements.**

While legislation across all states and territories possess similar guiding principles, there is significant variation in relation to the requirements and mechanisms for licensing and/or accreditation. Table 2 shows the accreditation or licensing schemes Life Without Barriers works within for out-of-home care.

State/territory	Accrediting body	Standards
New South Wales	NSW Office of the Children's Guardian	NSW Standards for Statutory Out of Home Care.
South Australia	Department for Education and Child Development	Standards of Alternative Care in South Australia
Victoria	Department of Human Services	Department of Human Services Standards
Queensland	Department of Communities, Child Safety and Disability Services	Human Services Quality Framework
Western Australia	Department for Child Protection and Family Support	Better Care, Better Services service standards

Table 2: Life Without Barriers accreditation and licensing arrangements for out-of-home care

In Tasmania, there is currently no requirement for out-of-home care agencies to be formally accredited. Life Without Barriers has a funding agreement which outlines Key Performance Indicators related to safety, stability and wellbeing, as well as an expectation in relation to the National Standards of Out of Home Care.

In Northern Territory there is currently requirement to be formally accredited. Our funding agreement requires that we are compliant with applicable legislation and standards including (but not limited to):

- *Care and Protection of Children Act, 2007* and related regulations;

- Out of Home Care Standards for children and young people in the Northern Territory;
- National Out of Home Care Standards;
- Department of Children and Families Organisational Standards for external providers; and
- Occupational health and Safety regulations and fire safety regulations and standards.

**e. What mechanisms are there for children in out-of-home care to talk to someone outside the immediate out-of home care placement?**

There are a range of mechanisms, both internal and external to Life Without Barriers, which enable children and young people in out-of-home care to talk to and have relationships with people outside their immediate placement.

All children and young people in foster care with Life Without Barriers are seen by a staff member regularly. The frequency with which this occurs varies by jurisdiction and funding arrangements.

In addition to this, in all states except New South Wales, the relevant state government department retains case management responsibility for children and young people in out-of-home care and the allocated government caseworker maintains contact with the child or young person with varying regularity. The departmental case worker is generally responsible for monitoring the wellbeing of children and young people and being available to listen to their concerns.

Life Without Barriers utilises a care team approach to supporting children and young people in out-of-home care. This means that children and young people often have relationships with and access to a range of adult support people. This may include mentors, respite carers, schools, health services and recreational facilities. Based on their individual case plan, children and young people also usually have regular contact with family and community members.

Where age appropriate, children and young people in out-of-home care are provided with written information about how to contact their Life Without Barriers case worker, or that person's manager, by telephone and email. They are provided with the details of external bodies they can contact and raise concerns with. This includes the Kids Helpline, the CREATE Foundation and external complaints handling bodies.

### **3. Systems, policies, practices and procedures for reporting allegations.**

#### **a. What are the requirements or practices for reporting allegations of child sexual abuse within the agency?**

All Life Without Barriers staff and carers are required to report allegations of child sexual abuse via the Incident Reporting system. The *Incident Reporting Procedure* is attachment 25.

If an allegation of sexual assault is initially brought to the attention of a carer or front line staff member, this would be reported (usually in person or by telephone) to the line manager. As an allegation of child sexual abuse constitutes an incident, this is then reported formally via a paper-based Incident Report form, which is escalated to line management. This facilitates initial support and response planning, as well as external reporting.

All incidents are entered into the Client Incident Register, an electronic incident reporting system. This register has been a consolidated organisation-wide system since 2014, however existed prior to this in New South Wales and Queensland. This enables reporting, monitoring and closure. Data in relation to reported incidents is reported to managers monthly for the purposes of analysis, follow-up and management oversight.

Privacy is maintained in relation to incidents of allegations of child sexual abuse, with identifying information only provided to those who “need to know”. This includes staff and managers responsible for providing support to the child or young person, and those responsible for managing and supporting the person subject to allegation (if a Life Without Barriers staff member or carer).

In New South Wales, due to the requirements of investigating and reporting allegations of Reportable Conduct, additional reporting procedures apply. All alleged child sexual abuse identified by Life Without Barriers staff in relation to children and young people in our care is reported internally to the relevant line manager who in turn reports to the New South Wales Investigations and Complaints Unit. The *Alleged Conduct Report and Risk Assessment* form is attachment 26.

#### **b. What are the requirements or practices for reporting allegations of child sexual abuse outside of the agency?**

Mandatory reporting requirements for Life Without Barriers staff and carers as they apply to child sexual abuse of children and young people in out-of-home care are indicated in table 3.

State/territory	Does child sexual abuse in out-of-home care fall within mandatory reporting requirements?	Are Life Without Barriers staff mandatory reporters?	Are Life Without Barriers carers mandatory reporters?
New South Wales	Yes	Yes	No
Northern Territory	Yes	Yes	Yes
Queensland	Yes	Yes	No
South Australia	Yes	Yes	Yes
Tasmania	Yes	Yes	Yes
Victoria	Yes	No	No
Western Australia	Yes	No	No

Table 3: Mandatory reporting requirements for Life Without Barriers staff and carers in relation to child sexual abuse in each state and territory.

Whether or not Life Without Barriers staff and carers are legally required to report allegations of sexual abuse of a child or young person in out-of-home care to the state child protection authority varies between jurisdictions, as indicated in Table 3.

Life Without Barriers' incident reporting documentation requires staff to report (or be satisfied that another party has reported) alleged abuse of clients to the child protection authority, and to the police, if required. In some cases, the child protection authority undertakes reporting to the police and advises Life Without Barriers that this has occurred, in other cases Life Without Barriers staff or carers report directly.

In addition to this, some jurisdictions require separate departmental reporting in order to facilitate investigation, support planning and monitoring of the child in care.

Depending on the circumstances, Life Without Barriers may provide information about the allegation to the family of the child in care.

In New South Wales, all allegations of child sexual abuse for which the person subject of allegation is a staff member or foster carer are reported to the New South Wales Ombudsman.

### c. What data is collected of these reports?

Data about allegations of child sexual abuse is collected in the Client Incident Register, which has been a national system since 2014. Prior to this, information was collected on paper-based systems. Allegations are classified as follows:

- Alleged Offence
  - Indecent Assault
  - Sexual Abuse
    - client to client
    - client to other

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- client to staff
- client to carer
- other to client
- staff to client
- carer to client
- parent/guardian to client
- client to parent/guardian

Data items collected include:

- Name of alleged victim
- Name of alleged offender
- Date of birth of alleged victim
- Service type of alleged victim (foster care or residential care)
- Engagement type of alleged perpetrator if employed (e.g. employee, foster carer)
- Date of alleged incident
- Date of report

Additional data is collected in New South Wales in the Reportable Conduct Register, including:

- Type of allegation (categories determined by New South Wales Ombudsman)
- Finding (categories determined by New South Wales Ombudsman)
- Names of alleged witnesses
- Risk rating
- Details of reporting to the Child Protection authority
- Details of reporting to the Police
- Whether the child or young person has been removed from the placement
- Action taken in relation to the person subject of allegation.

Client Risk of Harm reports are prepared monthly or quarterly for review by State Managers, the National Executive, and the Board of Directors. During each review, these groups may direct particular action to be undertaken – either in relation to a particular matter or in relation to relevant operational systems.

#### **d. With which agencies or authorities does your agency exchange information about these reports?**

The extent to which Life Without Barriers exchanges information with other agencies or authorities varies between jurisdictions, along with relative responsibilities for case management and the investigation of allegations.

The legislative provisions governing information exchange are outlined in our response to section 2c.



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In practice, information about allegations of child sexual abuse is sometimes provided to other services in the following contexts:

- To enable service providers who support the child or young person (e.g. counsellors or schools), to adequately support the child or young person;
- To make referrals for additional or specialised support for the child or young person; and
- To assist Police to carry out criminal investigations.

In New South Wales, all information about allegations and investigations is provided to the NSW Ombudsman, as required under the *NSW Ombudsman Act (1974)*.

Life Without Barriers provides information to Courts and Tribunals if requested via subpoena or summons.

## **e. Merits of a consistent national approach.**

There is currently inconsistency across Australia in relation to mandatory reporting requirements for staff of out-of-home care agencies regarding allegations of child sexual abuse in out-of-home care. There are currently no national standards to guide quality and consistency in this area.

The development of national standards has the potential to:

- Report and record all allegations of child sexual abuse in out-of-home care are reported and recorded
- Provide an appropriate response to all children
- Standardise data collection and reporting about child sexual abuse allegations and substantiations in out-of-home care
- Build a national information bank about people who have been found to have perpetrated sexual abuse of children in out-of-home care
- Enable a national screening system that could identify people who have been found to have previously perpetrated sexual abuse of children in out-of-home care
- Cause efficiencies from developing common guiding materials that support a national approach.

Each jurisdiction could map a path for implementation of a national standard, taking account of the current legislative and regulatory environment, other planned reforms and capability and resourcing.



#### 4. Systems, policies, practices and procedures for responding to allegations

##### a. What does the agency do about each allegation of child sexual abuse of a child in out-of-home care which is reported to them?

#### **Conducting investigations into allegations**

In New South Wales, Life Without Barriers is required to conduct an investigation into all allegations of reportable conduct, as defined within the *Ombudsman Act, 1974*. This includes allegations of child sexual abuse where the alleged perpetrator is a Life Without Barriers employee or foster carer. The agency is required to make an outcome decision, and this is communicated to the person subject of allegation in writing. An overview of the investigation process is shown at attachment 27. The investigation is conducted after, or in conjunction with, any police or child protection investigation that is undertaken, in order to avoid interference or contamination of evidence.

In all other jurisdictions, Life Without Barriers is not responsible for conducting any inquiries or investigations into allegations of child sexual abuse. This is the responsibility of the relevant state government department, after they have been informed by Life Without Barriers or another party. Sometimes such investigations are conducted in conjunction with the police. Life Without Barriers supports and cooperates with police and child protection investigations.

#### **Actions in relation to the child or young person**

In New South Wales, Life Without Barriers has case management of most of the children and young people in out-of-home care. Thus, Life Without Barriers conducts risk assessments and makes decisions in relation to taking actions to support and protect the child or young person. This may include moving the child or young person from the current placement.

In jurisdictions other than New South Wales, Life Without Barriers is not responsible for decision-making in relation to taking actions to support and protect the child or young person, either at allegation stage or after investigation, as case management is held by the government department. Life Without Barriers does take actions when requested or directed by the state government department. This may include moving the child to an alternative placement.

#### **Actions in relation to the person subject of allegation**

In all jurisdictions, Life Without Barriers can and does take action in relation to staff members who are the subject of allegations or the subject of a substantiated abuse matter. This can include suspension or termination of employment or change of duties.

However, only in New South Wales does Life Without Barriers make decisions in relation to a foster carer's status if an allegation is made (e.g. suspend or cancel carer authorisation). In other jurisdictions, the state government department makes this decision.

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## **b. What data is collected about these actions?**

In New South Wales, where Life Without Barriers is responsible for conducting investigations, making decisions and taking actions, more data is collected, including:

- Type of allegation (categories determined by NSW Ombudsman)
- Finding (categories determined by NSW Ombudsman)
- Names of alleged witnesses
- Risk rating
- Details of reporting to the Child Protection authority
- Details of reporting to the Police
- Whether the child or young person has been removed from the placement
- Action taken in relation to the person subject of allegation (e.g. suspension).

Reports are produced in order to monitor the investigations function, including:

- Number of new, open and closed cases
- Average days to complete investigation
- Allegation types
- Finding types

These reports are provided to the state management team and National Executive.

## **c. With which agencies or authorities does your agency exchange information about these responses?**

The legislative provisions for providing information are outlined in our response to section 2c. In most jurisdictions, this enables Life Without Barriers to provide relevant and necessary information about actions taken to agencies involved with supporting the child or young person. This may include schools or counselling services. The provision also enables Life Without Barriers to provide information about adults to other potential employers as part of a reference check.

All actions taken in New South Wales are reported to the NSW Ombudsman, who oversees all aspects of investigations. The NSW Office of the Children's Guardian is notified of any substantiated cases of sexual misconduct by a Life Without Barriers employee or foster carer, in accordance with the *Child Protection (Working with Children) Regulation 2013*.

## **d. Merits of a consistent national approach.**

There is currently a range of ways in which responses are provided in relation to allegations of child sexual abuse in out-of-home care, with different stakeholders having different responsibilities

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in relation to investigating, reporting and oversight. There are currently no national standards to guide the quality or consistency of responses.

The development of national standards, has the potential to:

- Raise the quality and consistency of investigations into allegations of sexual abuse in out-of-home care.
- Support standardised data collection and reporting in relation to outcomes.
- Enable a national screening system that could identify people who have sexually abused children in out-of-home care.
- Make standard the responsibility for conducting investigations into allegations of child sexual abuse
- Support a consistent oversight system and process, based on clear and consistent quality and process requirements.

Each jurisdiction could map a path for implementation of national standards, taking account of the current legislative and regulatory environment, capability and resourcing, and other planned reforms.

## **5. Systems, policies, practices and procedures for supporting children who have been sexually abused in out-of-home care**

- a. What does your agency do to support children who have been sexually abused in out-of-home care including providing counselling, support services, specialist services, financial assistance or recompense while in care and after exiting care?**

### **Counselling, support services and specialist services**

In New South Wales, where Life Without Barriers holds case management responsibility, our role in the provision or arranging of counselling, support services and specialist services is authoritative and comprehensive. In other states, where the relevant government agency retains case management responsibility, our involvement is in conjunction with, and led by, the government agency. In the latter situation we are likely to be playing an advocacy role for the provision of support and other services and may not always be in a position to provide or arrange for support services ourselves.

In New South Wales, Life Without Barriers has the authority and is primarily responsible for ensuring access to counselling, support and/or specialist services for children who have been sexually abused in out-of-home care.

In such instances, the child or young person's Life Without Barriers Case Manager is required to review the child or young person's case plan, in consultation with the child or young person and other key stakeholders, and develop a planned approach to the provision of counselling or other support. The Case Manager is tasked with ensuring access to this support, working with the child or young person's carer and broader circle of support. The case manager would also be responsible for ensuring that the support arrangements are reviewed in order to ensure that the actions remain relevant to the needs of the child or young person.

In jurisdictions where the relevant government agency holds case management responsibility, our role involves discussing various options with the agency (often in an advocacy role for the child or young person), and supporting or arranging access to appropriate services at the government agency's direction or request.

In this scenario, the Life Without Barriers Clinical team may make a recommendation to the case managing agency about appropriate counselling support for the child or young person, and may provide support to the child's carers to assist them in being able to provide appropriate ongoing support to the child.

Life Without Barriers clinicians also support case reviews in situations of urgent need, as well as take referrals to our state-based high risk panels, to facilitate a reflective response to supporting the child or young person.

### **Financial assistance or recompense while in care and after existing care**

Life Without Barriers recognises the heightened vulnerability of children and young people in out-of-home care and the likelihood that significant numbers have experienced a history of deprivation, exploitation and abuse.

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Where a child or young person in Life Without Barriers care is, or may have been, the victim of a crime, staff are expected to fully explore all avenues for support, counselling and compensation either by directly supporting the client or advocating through the relevant agency.

In state-based victims of crime compensation schemes, Life Without Barriers' role is to refer potential claims to the government agency with parental responsibility or guardianship and assist with the application.

If a child or young person has been the victim of sexual abuse in Life Without Barriers' care, we recognise the organisation's responsibility to make sure the child or young person receives appropriate support including counselling and/or other services.

Should Life Without Barriers receive a request for recompense, the matter would be considered internally.

## 6. National Initiatives

### a. What has your agency done to support outcomes 2.2, 6.1, 6.2, and 6.4 of the National Framework for Protecting Australia's Children 2009-2020?

The *National Framework for Protecting Australia's Children 2009-2020* primarily relates to actions required and undertaken by government agencies under the auspices of the COAG agreement. Life Without Barriers is indirectly affected by the framework as government agencies adopt measures through legislation, standards or service contracts that impose obligations that require Life Without Barriers to deliver outcomes to comply with these measures.

In the broader context of continuous improvement of child protection practices deployed by Life Without Barriers, the organisation can demonstrate its support for outcomes 2.2, 6.1, 6.2 and 6.4 of the Framework as follows:

#### *2.2 Develop new information sharing provisions between Commonwealth agencies, State and Territory agencies and NGOs dealing with vulnerable families.*

*Develop a nationally consistent approach to working with children checks and child safe organisations across jurisdictions.*

Finding suitable people to support children and young people in out-of-home care is an important aspect of creating a safe environment. This involves agencies undertaking a comprehensive suite of pre-employment screening prior to the engagement of foster carers and staff. Life Without Barriers complies with all jurisdictional requirements in relation to Working with Children Checks. In addition, Life Without Barriers conducts a National Police Check for every new employee and foster carer (and routine reviews), with guidance in place to respond to adverse information.

The combination of Working with Children Checks and National Police Checks are one part of creating child-safe environments. At the very least these measures identify any person barred from child-related employment.

#### *6.1 Raise awareness of child sexual exploitation and abuse, including online exploitation.*

*Implement cyber-safety initiatives including:  
- education and filtering including search warning mechanisms (Commonwealth)*

The opportunity for abuse via on-line exploitation has increased dramatically in recent years, and is an area recognised by Life Without Barriers as needing continual and increasing attention. In 2012, Life Without Barriers introduced the *Being Safe in Cyberspace Toolbox* for staff, carers and children and young people in out-of-home care. The purpose of the toolbox is to enable an informed understanding about the risks and impacts of social networking and other online engagement, for example an explanation of the dangers of sexting, as well as other key topics:

- Cyber safety;
- Social Networking;
- Cyber bullying;
- Digital Citizenship; and

- Key Messages for Foster Carers

#### *6.2 Enhance prevention strategies for child sexual abuse.*

Life Without Barriers continually implements and reviews a range of child-safe organisation strategies, increasingly targeted towards prevention. Much of this work is drawn from situational crime prevention approaches, which focus on creating environments that reduce the likelihood of crime occurring. In the context of child-safe organisations, this includes strategies such as:

- Building a culture that respects the rights of children;
- Communicating to personnel what is unacceptable behaviour in relation to children;
- Creating opportunities for children to provide feedback about their experience;
- Creating physical environments which make offending more risky;
- Having effective complaint-handling systems.

Life Without Barriers is currently developing messaging for staff and foster carers that states:

- our position about child safety and wellbeing;
- acceptable and unacceptable behaviour in relation to children and young people;
- consequences for staff and carers engaging in unacceptable behaviour;
- our expectation about staff and carers sharing responsibility for the children and young people who engage with our organisation;

As part of the 2014 Client Voice Initiative outlined in our response to section 2b, our case workers provided information to children and young people about making complaints, directly asked children and young people in out-of-home care whether they felt safe where they lived, and caseworkers themselves recorded whether they had any concerns about the safety and wellbeing of each child and young person they support.

#### *6.4 Ensure survivors of sexual abuse have access to effective treatment and appropriate support.*

Life Without Barriers continually works to identify children with high and complex clinical needs, and those in need of counselling and other therapeutic support. Many staff who deliver support to children and young people in out-of-home care are provided with Therapeutic Crisis Intervention training (a proprietary program). This enhances their ability to support children with complex needs in a way which takes account of their experiences of trauma. In addition, Life Without Barriers conducts high risk panels with oversight by a qualified clinician, and involvement of other members of the care team. These panels review risks and issues of children subject to previous sexual abuse or otherwise with high and complex clinical needs.