

ATTACHMENT A**Additional ACT Government Statement: February 2016****Case Study 51 – Commonwealth, State and Territory Governments**

Royal Commission into Institutional Response to Child Sexual Abuse

Mandatory Reporting

Mandatory reporting in the ACT is established under the *Children and Young People Act 2008*, provides for voluntary reporting, prenatal reporting and mandatory reporting of suspected physical or sexual abuse.

In 2015, the *Children and Young People Act 2008* was amended to include psychologists in the category of a mandated reporter placing the same requirements on them that exist for other health professionals.

In the ACT, reporting other kinds of abuse (such as emotional or psychological abuse) or neglect is voluntary. Under the *Children and Young People Act 2008*, the reporter's identity is protected from disclosure, and as long as the report is made in good faith, the reporter cannot be liable in any civil, criminal or administrative proceeding.

In addition, the ACT has undertaken significant reforms to the child protection and out of home care system. These include:

- implementation of *A Step Up for Our Kids: One Step Can Make a Lifetime of Difference (Out of Home Care Strategy 2015-2020)*;
- integration of child protection and youth justice statutory systems; and
- implementation of an integrated management system in the child protection and youth justice system.

Working with Children Checks

The *Working with Vulnerable People (Background Checking) Act 2011* (the Act) aims to reduce the risk of harm or neglect to vulnerable people in the ACT. The Act requires those who work or volunteer with vulnerable people, including children, to have a background check and be registered.

The ACT Government is continuing efforts to enhance the effectiveness of the scheme by undertaking a scheduled legislative review of the scheme, which is due for completion in 2017.

The legislative review is considering:

- government and community feedback about the operation of existing Working with Vulnerable People legislation;

ATTACHMENT A

- policy and legislative issues arising from an implementation review of the Working with Vulnerable People scheme undertaken in 2015; and
- recommendations to improve existing pre-employment screening schemes, as contained in the *Working with Children Checks Report* by the Royal Commission into Institutional Responses to Child Sexual Abuse.

Recent engagement with community stakeholders as part of the review confirmed there is strong community support for the Working with Vulnerable People (WWVP) scheme in the ACT. A final report will be produced as part of the review, which will be tabled in the ACT Legislative Assembly in 2017.

In addition to the legislative review, the Working with Vulnerable People scheme is being enhanced through legislative amendments implemented as part of the *ACT Reportable Conduct and Information Sharing Legislative Amendment Act 2016*.

Recent amendments have been made to the *Working with Vulnerable People (Background Checking) Act 2011* and *Children and Young People Act 2008*. These changes:

- strengthen Access Canberra's (the regulator) ability to request information from government agencies and community organisations about an individual's suitability to work with vulnerable people; and
- support more timely information sharing between Access Canberra and government directorates, the ACT Teacher Quality Institute, approved care and protection organisations and the ACT Chief of Police.

These amendments have been made to improve information sharing among the agencies that are part of the Working with Vulnerable People scheme.

Child Safe Standards

The ACT Government recognises the need for Child Safe Standards that will apply to all organisations providing services for children, in order to help protect children and young people.

In 2016, the ACT Government introduced the *National Children and Young People (ACT Out of Home Care) Standards 2016 (No 1) Disallowable instrument* under the Children and Young People Act 2008.

Further work continues to formalise child safe standards that relate to the wider spectrum of services delivered to children and young people in the care of the Director General. These standards incorporate the *National Children and Young People (Out of Home Care) Standards* and are framed to ensure that care is provided by child safe organisations.

ATTACHMENT A

The ACT supports the development of a proposed *National Statement of Principles for Child Safe Organisations* (National Statement of Principles), under Strategy 3 of the *Third Action Plan of the National Framework for Protecting Australia's Children 2009-2020* (the National Framework), to drive a child safe culture across all relevant sectors in Australia.

The ACT Government will continue to work with the ACT Commissioner for Children and Young People to embed a child safe culture across all sectors involving organisations that have regular contact with children and young people.

The ACT Government supports actions to embed 'child safe organisation' elements into the Out of Home Care sector.

- All organisations delivering services under the strategy *A Step up for Our Kids – One Step Can Make a Lifetime of Difference*, have been registered as suitable for a Care and Protection purpose. Each has been required to demonstrate that they will deliver services that are child safe and child friendly.
- The assessment process was developed to align with the *Australian Children's Commissioners and Guardians (ACCG) Principles for Child Safety in Organisations* and in consultation with the ACT Commissioner for Children and Young People.
- The Community Services Directorate has incorporated components of *the National Guidelines for Building the Capacity of Child Safe Organisations* into its Service Funding Agreements for Out of Home Care providers and children, youth and family services more broadly.
- Training products are also available to inform and support organisations that provide care to children, to build child safe organisations in the ACT. For example, this includes 'Choose with Care' training, handbooks and workshops (including culturally appropriate Aboriginal and Torres Strait Islander training), delivered by Childwise, about how to minimise the risk of child abuse occurring within organisations.

The new Reportable Conduct Scheme in the ACT will improve child safe practices by providing:

- independent oversight of child abuse and assault investigation and complaint handling by organisations;
- improved information sharing about disciplinary and/or misconduct matters to inform risk assessments undertaken under the WWVP scheme; and
- a source of independent advice and information about best-practice management of child abuse and assault investigations or complaints.

ATTACHMENT A

Out of Home Care Data Collection

The ACT supports the idea of a nationally consistent and harmonised approach to data collection and reporting practices across states and territories. The ACT encourages an approach that builds on existing systems rather than attempting to achieve a centralised national system at this time.

The ACT supports working towards the establishment of harmonised definitions, data collection and reporting methods across jurisdictions.

Like other jurisdictions, the ACT is party to the *Information Sharing Protocol between the Commonwealth and Child Protection Agencies (2009)*. The Protocol is a streamlined process for communication between state and territory child protection agencies and Commonwealth agencies (e.g. Department of Social Services) that hold information about the care, safety, welfare, wellbeing and health of a child.

Work is also underway to improve inter-jurisdictional information sharing at a national, state and territory level, as respective governments work to address potential barriers to information exchange. As a member of the *Children and Families Secretaries (CAFS)* group, the ACT is working collaboratively with other jurisdictions to better facilitate information sharing in a child protection context.

The ACT contributes to the *Child Protection National Minimum Dataset (NMDS)* on an annual basis. Data supplied to the NMDS includes data on the demographics, legal status and living arrangement details for children in out of home care. For most tables, data for the Report on Government Services is then sourced from the Child Protection NMDS.

Since 2014 significant changes during the implementation of the integrated management system for child protection and youth justice have included enhanced procedures to ensure contact with police, advocacy bodies and other legal processes as required. The collection of this information and improved collection of the circumstances of the allegation are part of the development of a new case management system scheduled for implementation in early 2018.