



Royal Commission
into Institutional Responses
to Child Sexual Abuse

JULY 2016

CREATING CHILD SAFE INSTITUTIONS



Creating child safe institutions

As part of its Terms of Reference the Royal Commission is required to inquire into what institutions and governments should do to better protect children against child sexual abuse and related matters in institutional contexts in the future. A key aspect of this task has been to examine what makes institutions 'child safe.'

While the Royal Commission is focused on sexual abuse of children in institutions, most child safe frameworks have a broader application and aim to assist institutions to prevent, identify and improve responses to physical, sexual, emotional/psychological abuse and neglect of children. Stakeholders have told us that a broader approach that seeks to prevent all forms of harm to children in institutions will better address the often co-existing nature of different types of abuse and avoid unintended consequences.

Identifying the elements of a child safe institution

We have worked to identify specific elements that institutions should adopt in order to be child safe. This work has involved an extensive analysis of available research and evidence, including:

- Child Safe Organisations frameworks, guidelines and standards developed in Australia and internationally
- evaluations of Child Safe Organisations initiatives
- research commissioned by us, and other empirical research and literature, on the characteristics of child sexual abuse
- findings from our case studies
- stakeholder submissions in response to our Child Safe Organisations Issues Paper
- findings and recommendations from previous inquiries.

Testing the elements of a child safe institution

As a result of this work we identified a preliminary list of elements which we considered were fundamental to the creation of a child safe institution. To test these elements we commissioned the Social Policy Research Centre and Parenting Research Centre to undertake a research study. As part of this study, feedback was obtained from a panel of 40 Australian and international independent experts, including academics, children's commissioners and guardians, regulators and other child safe industry experts and practitioners. The expert panel agreed that the elements we had identified were relevant, reliable and achievable.

The research study also asked the experts to provide suggestions regarding the wording of child safe elements and sub-elements. The elements were amended to reflect that feedback as well

as outcomes of consultations with children and young people undertaken on behalf of the Royal Commission.¹

This research study, titled Key elements of a child-safe organisation research study, Final Report, has now been published and can be found at www.childabuseroyalcommission.gov.au

Confirming the elements of a child safe institution

We subsequently held a series of private round table meetings with a range of service providers, experts and institutions to further examine the child safe elements. This consultation again confirmed the utility of the elements.

In light of this round table consultation it was decided that an additional element, namely that equity is promoted and diversity respected, should be added to respond to children's diverse experiences and needs. This approach was in response to the mixed findings in the research about whether equity and diversity should comprise a cross-cutting theme or an additional separate element.

Implementing the elements of a child safe institution

The Royal Commission's final report will include a volume dedicated to making institutions child safe. This will include a more detailed explanation of the proposed child safe elements and our recommendations on the way in which institutions, governments and communities can better protect children within Australian institutions including through:

- implementing the child safe elements
- building the capacity of institutions
- holding institutions to account through independent oversight and monitoring.

However, in advance of its final report, the Royal Commissioners considered it timely to publish this research study and disseminate the proposed child safe elements so that institutions can continue with their ongoing work to strengthen their child safe practices.

Our work on child safe institutions forms part of a broader program of work being undertaken by the Royal Commission and should be considered in this context. More specifically this work includes the already released report on Working with Children Checks and current work in progress in relation to such matters as reportable conduct regimes, complaint and investigation arrangements, community and institutional preventative strategies, information sharing, and related matters.

¹T Moore, M McArthur, D Nobel-Carr and D Harcourt, *Taking Us Seriously: Children and Young People Talk About Safety and Institutional Responses to Their Safety Concerns*, report prepared for the Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, 2015.

Elements of a Child Safe Institution

The Royal Commission's work on child safe institutions is underpinned by the United Nations Convention on the Rights of the Child, which was ratified by Australia in 1990. Consistent with Article 3 of the United Nations Convention on the Rights of the Child, all institutions that directly engage with or provide services to children should act with the best interests of the child as a primary consideration. Institutions need to ensure that this principle, is widely known and understood by all staff and volunteers, appropriately integrated, and consistently applied across all elements outlined below.

Each of the proposed child safe elements are intended to be of equal importance and are inter-related. They are framed in an outcome focused manner and allow institutions flexibility in their application. The ten elements are intended to be dynamic and responsive rather than static and definitive.

1. Child safety is embedded in institutional leadership, governance and culture.

- a) the institution publically commits to child safety and leaders champion a child safe culture
- b) child safety is a shared responsibility at all levels of the institution
- c) governance arrangements facilitate the implementation of the child safe elements and accountabilities are set by institutional leaders, at all levels of the institution's governance structures
- d) risk management strategies focus on preventing, identifying and mitigating risks to children
- e) staff and volunteers comply with a code of conduct that sets clear behavioural standards towards children
- f) staff and volunteers understand their obligations on information sharing and record keeping.

2. Children participate in decisions affecting them and are taken seriously.

- a) children are able to express their views and opportunities are provided to participate in decisions that affect their lives
- b) the importance of friendships is recognised and support from peers is encouraged, in helping children feel safe and be less isolated
- c) children can access sexual abuse prevention programs and information
- d) staff and volunteers are attuned to signs of harm and facilitate child friendly ways for children to communicate and raise their concerns.

3. Families and communities are informed and involved.

- a) families have the primary responsibility for the upbringing and development of their child and participate in decisions affecting their child
- b) the institution engages in open, two- way communication with families and communities about its child safety approach and relevant information is accessible
- c) families and communities have a say in the institution's policies and practices
- d) families and communities are informed about the institution's operations and governance.

4. Equity is promoted and diversity respected.

- a) the institution actively anticipates children's diverse circumstances and respond effectively to those with additional vulnerabilities
- b) all children have access to information, support and complaints processes
- c) particular attention is paid to the needs of Aboriginal and Torres Strait Islander children, children with disability, and children from culturally and linguistically diverse backgrounds.

5. People working with children are suitable and supported.

- a) recruitment, including advertising and screening, emphasises child safety
- b) relevant staff and volunteers have working with children checks
- c) all staff and volunteers receive an appropriate induction and are aware of their child safety responsibilities, including reporting obligations
- d) supervision and people management has a child safety focus.

6. Processes to respond to complaints of child sexual abuse are child focussed.

- a) the institution has a child focussed complaint handling policy which clearly outline roles and responsibilities, approaches to dealing with different types of complaints and obligations to act and report
- b) effective complaint handling processes are understood by children, staff, families and volunteers
- c) complaints are taken seriously, responded to promptly and thoroughly, and reporting, privacy and employment law obligations are met.

7. Staff are equipped with the knowledge, skills and awareness to keep children safe through continual education and training.

- a) relevant staff and volunteers receive training on the nature and indicators of child maltreatment, particularly institutional child sexual abuse

- b) staff and volunteers receive training on the institution's child safe practices and child protection
- c) relevant staff and volunteers are supported to develop practical skills in protecting children and responding to disclosures.

8. Physical and online environments minimise the opportunity for abuse to occur.

- a) risks in the online and physical environment are identified and mitigated without compromising a child's right to privacy and healthy child development
- b) the online environment is used in accordance with the institution's code of conduct and relevant policies.

9. Implementation of child safe standards is continuously reviewed and improved.

- a) the institution regularly reviews and improves child safe practices
- b) complaints and concerns are analysed to identify causes and systemic failures to inform continuous improvement.

10. Policies and procedures document how the institution is child safe.

- a) policies and procedures address all child safe organisation elements
- b) policies and procedures are accessible and easy to understand
- c) stakeholder consultation informs the development of policies and procedures
- d) leaders champion and model compliance with policies and procedures
- e) staff and volunteers understand and implement the policies and procedures.



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