

**To: Royal Commission into Institutional Responses to Child Sexual Abuse**

**Email: [response@childabuseroyalcommission.gov.au](mailto:response@childabuseroyalcommission.gov.au)**

**Topic: Response to Consultation Paper Best practice principles in responding to complaints of child sexual abuse in institutional contexts**

**Response close: Tuesday 26 April, 2016**

**Response sent: Friday 22 April, 2016**

### **Introduction**

Barnardos Australia (Barnardos) is pleased to respond to the March 2016 Consultation Paper on Best practice principles in responding to complaints of child sexual abuse in institutional contexts.

Barnardos has consistently expressed its position to the Royal Commission that the best way to respond to child sexual assault complaints is to encourage high quality professional relationships between workers and children. This relationship needs to be well supervised within a monitored, accredited agency which has a well developed 'risk policy'. More detail regarding this can be found in Barnardos' response to Royal Commission into Institutional Responses to Child Sexual Abuse in Out-of-Home Care (April 11, 2016).

In relation to complaint procedures, Barnardos' experience indicates that:

- Child sexual abuse complaints should be dealt with in the same 'reporting system' as other serious forms of abuse (that is serious physical and emotional abuse).
- This reporting system should be similar to the current NSW Ombudsman system. However, while the grounds for complaints for sexual assault should be the same, there should be more limited grounds than is currently the case in relation to physical and emotional abuse complaints. Any broader definition of reportable conduct runs the risk of infringing on management responsibilities, and in our experience, does not offer added protection for children. We note that NSW Ombudsman has progressively tightened procedures for reportable conduct. We believe that these should be further tightened so that the 'investigation system' is not overwhelmed.
- Organisations should be required to have a 'risk' policy focused on the wellbeing of children and this should be updated periodically. There should be regular audits of risk, including a check that time is spent by the workers alone with children (to provide an opportunity for the child to disclose any issues with existing carers).
- The 'reporting system' should be integrated with probity checking processes (such as ACT Working with Vulnerable Children) and the monitoring systems (such as NSW Carer Registers). Currently in NSW there is a complex system of multiple reporting which is confusing for people who are not regularly working with the reporting systems and this makes handling a complaint 'intimidating'.
- Accreditation should apply to all providers of services to children (including State departments). Important accreditation criteria should be:

- Workers periodically see children alone when children are separated from their family.
- Standards be developed for all relevant programs involving children (including family support services which do not have an accreditation system).
- In out-of-home care, unrelated children should not be placed together in foster or kin care, children should always have their own bedroom and residential care should be severely limited and not admit children under 12 years of age.
- Better partnership are needed between police and non-government agencies, Barnardos is frequently excluded from information about investigations and outcomes, but must still support the child.
- Any definition of reportable conduct complaints should be uniform across all Australian States and Territories.
- Support for agencies dealing with complaints such as therapeutic support, training, research on prevention and compliance is a best practice requirement.

In relation to your specific points, Barnardos does not disagree with the recommendations raised in the Consultation Paper, however we would caution about over reliance on legalistic, bureaucratic processes which are expensive and can shift resources from direct services to children. We would point out the findings of the NSW Ombudsman that over the past 16 years, only 23 employees in out-of-home care have been charged with criminal offences of a sexual nature (Ombudsman New South Wales, 2016 ). Whilst this is 1.4 individuals per year who should have been charged, we do not know how many of these would have been detected through the regular criminal system nor do we know the cost of the systems established to identify them.

**Child focused investigation procedure.** We believe that the NSW Ombudsman system is useful and should be implemented across Australia. However, we reiterate concerns about the cost, and complexity of the process for people who do not frequently deal with allegations. This complexity has greatly increased in NSW because the Ombudsman Reportable Conduct scheme is separate from the ‘probity’ check sections of the NSW Office of the Children’s Guardian, and the government statutory welfare department.

**Advice and support of organisations.** A helpline could be of assistance in managing complaints and allegations as many situations are not immediately straightforward (consider cross jurisdictional matters for example). However, our experience is that a highly trained workforce would be needed for such a ‘helpline’. Barnardos have received contradictory advice on some quite serious matters from frontline probity office staff.

**Institutional culture.** We agree with the need to create an institutional culture that welcomes child protection. However, we would point out that Codes of Conduct are becoming long, legalistic and complex documents (to cover all the legal and ethical obligations for people working in child welfare). We believe lengthy and legalistic Codes of Conduct to be counterproductive and Barnardos currently requires new employees to sign a 4 page document which refers to discrete agency policies and procedures.

**Clear and accessible procedures for children and young people.** Once again we support the NSW Ombudsman system but point out that it is currently very difficult for agencies to support children and carers when we are not routinely advised by the police of progress in investigation by the police or welfare department during serious matters.

Barnardos has experienced young people who have made what we consider to be nuisance complaints in order to exercise power over workers. We have had to make 'reportable conduct reports' related to an older adolescent in 2012 who made claims against a number of workers which we believed lacked any weight of evidence, however we had no discretion in managing them. These allegations caused enormous distress to the young male workers involved and we believe that a number of them have left the industry as a direct result, despite all allegations on investigation being proven unfounded.

We would also point out that we have lost carers who have been distressed by allegations which were unlikely, but which compromised their reputation in the community (including cultural considerations).

**Protocols are in place for managing relationships and sharing information with other agencies.** See comment above on poor information flow which we have experienced between ourselves and the police and other government departments including statutory child protection.

We note that since the NSW Carer Register has been introduced we have not had requests for information from other agencies. The Carer Register may have a deterrent effect in itself, however we are not aware that it has led to an increase in sharing information about potential foster carers.

**Training is provided about the complaint handling process.** We believe that there is a high awareness of the possibility of sexual assault amongst our workforce and we use our case management system (MyStory) to ensure that children are seen alone and develop an ongoing relationship with workers.

However, additional training on processes for an occasional event, such as an allegation of sexual abuse, presents a considerable dilemma for our agency. We have approximately two hundred out-of-home care workers (many part-time) and many may never receive an allegation of sexual abuse. It is expensive to send these workers to training particularly as processes for managing the allegation are easily forgotten and the training would need to be repeated regularly. We have reportable allegation processes by which we involve Senior Managers handling allegations and these being directly checked by the Chief Executive Officer.

**An ongoing audit process is in place.** Audits can be expensive and time consuming and can lead to very little improvement in services. We believe that it is adequate for an accreditation body (such as the OCG in NSW) to review policies and inspect an agency at designated intervals.

Thank you for the opportunity to provide this response.

Deirdre Cheers  
Chief Executive Officer  
**Barnardos Australia**

## **References**

OMBUDSMAN NEW SOUTH WALES 2016. Strengthening the oversight of workplace child abuse allegations: A special report to Parliament under s.31 of the Ombudsman ACT 1974. Sydney: NSW Ombudsman.