

## Commonwealth of Australia

### Submission on the consultation paper of the Royal Commission into Institutional Responses to Child Sexual Abuse:

#### *Institutional Responses to Child Sexual Abuse in Out-of-Home Care*

#### INTRODUCTION

1. The Commonwealth welcomes the opportunity to provide this submission in response to the Royal Commission's consultation paper – *Institutional Responses to Child Sexual Abuse in Out-of-Home Care*, released on 8 March 2016 (the Consultation Paper).
2. All Australian governments and the community sector have been working towards keeping Australia's children safe and well through goals and strategies set out in a national framework called *Protecting Children is Everyone's Business, the National Framework for Protecting Australia's Children 2009-2020* (the National Framework). This framework was endorsed by the Council of Australian Governments (COAG) in April 2009. The Commonwealth's interest in the issues raised in the Consultation Paper is founded in its participation in the work being progressed through the National Framework.
3. The National Standards for Out-of-Home Care (the National Standards) which were developed under the First Action Plan (2009-2011) of the National Framework seek to drive improvements in the quality of care so that children in out-of-home care (OOHC) have the same opportunities as other children and young people to reach their potential in life, wherever they live in Australia. The National Standards are designed to improve the outcomes and experiences for children and young people by focusing on the key areas that directly influence positive outcomes including a focus on the safety, stability and security of children in care.
4. The Royal Commission should note that this joint commitment by governments to the adoption of the National Framework and the National Standards under the National Framework does not change the fundamental responsibilities of the different levels of government in this area. State and territory governments retain responsibility for statutory child protection and the important work undertaken at the local level to step in where individual children are at risk of harm. They also deliver universal services such as health and education, which play a critical role in determining long term outcomes for children.
5. The Commonwealth's role under the National Framework of bringing together all parties facilitates:
  - the sharing of information about jurisdictional policies and reforms to protect Australia's children,
  - an active dialogue between jurisdictions and the community sector, who play an increasing role in the provision of OOHC, and
  - the identification of issues that require further collaboration across government and the community sector to progress.
6. The Commonwealth is also responsible for investigating complaints about online child sexual abuse material, including sexual images and videos of Australian children. The complaints hotline is operated by the Office of the Children's eSafety Commissioner, established in July 2015 to take a national leadership role in enhancing online safety for Australian children and families and supporting frontline service providers. Between 2000 and 2015, the hotline was operated by the Australian Communications and Media Authority.

By providing the Australian public with an effective reporting mechanism for illegal online content, the hotline is an important component of the nation's defence against technology facilitated child sexual abuse. The hotline works with law enforcement and international partners to facilitate rapid takedown of content, preventing the re-victimisation of children depicted in these images. Since 1 July 2015 it has referred over 5,400 individual webpages of child abuse content to international partners for law enforcement action and take-down.

7. This submission outlines the broad scope of work occurring at the national level within the auspices of the National Framework, relating to the theme of preventing sexual abuse of children in OOHC and the work being done to address technology facilitated child sexual abuse material and its nexus to the sexual abuse of children in OOHC.

### **PROTECTING CHILDREN IS EVERYONE'S BUSINESS - THE NATIONAL FRAMEWORK**

8. The Commonwealth Government works in partnership with state and territory governments and the community sector under the National Framework to improve child safety and wellbeing.

9. The National Framework focuses efforts on areas where national leadership and collaboration can make a contribution to resolving specific issues affecting the safety and wellbeing of children and young people.

10. As a COAG initiative, the National Framework was initially governed by the Standing Council on Community and Disability Services (SCCDS) consisting of Community and Disability Services Ministers. The governance arrangements for the National Framework were changed following a COAG decision on 13 December 2013 to streamline its Council system from 22 Councils to eight that focussed on its highest priorities.

11. Following the cessation of the SCCDS, the National Framework is now governed through the Commonwealth, State and Territory Community Services Ministers, who meet as required to discuss significant policy issues related to children and families, that may require national collaboration. Community Services Ministers are supported by the Children and Families Secretaries group (CAFS), comprising of senior officials from relevant government departments. The National Forum for Protecting Australia's Children (the National Forum) is a tripartite governance structure which comprises of representatives from the Commonwealth, state and territory governments, key non-government organisations and the National Children's Commissioner. Non-government organisations and researchers are represented by the National Coalition of Organisations Committed to the Safety and Wellbeing of Australia's Children. This reflects the key message of the National Framework that 'protecting Australia's children is everyone's responsibility'.

12. The National Framework is delivered through a series of three year action plans aimed at achieving a substantial and sustained reduction in child abuse and neglect over time. There has been a significant level of work under the first two action plans from 2009 to 2014. The third action plan covering 2015-18 was launched in December 2015 by the Commonwealth Minister for Social Services the Hon Christian Porter MP, following endorsement from all relevant state and territory ministers.

## **Achievements under the First and Second Action Plans of the National Framework**

13. National Framework achievements are tracked against the high-level outcome, that Australia's children and young people are safe and well, and against the six supporting outcomes:

1. Children live in safe and supportive families and communities.
2. Children and families access adequate support to promote safety and intervene early.
3. Risk factors for child abuse and neglect are addressed.
4. Children who have been abused or neglected receive the support and care they need for their safety and wellbeing.
5. Indigenous children are supported and safe in their families and communities.
6. Child sexual abuse and exploitation is prevented and survivors receive adequate support.

14. The supporting outcomes, and associated national priorities, help focus effort and actions under the National Framework in order to reach the high-level outcome. In contribution to the achievement of these outcomes there has been a significant level of collaborative work undertaken by all Australian governments and the non-government sector under the first and second action plans of the National Framework. These include:

### *First Action Plan*

- the development of Australia's first ever National Standards for OOHC, which seek to drive improvements in the quality of care so that children and young people in OOHC have the same opportunities as other children and young people to reach their potential,
- inter-jurisdictional agreement on the development of a national survey which piloted in 2015 to find out the views of children and young people in OOHC, as a measure of the successful implementation of the National Standards (see Link Overview of indicator results from a pilot national survey 2015),
- the development of a National Research Agenda for Protecting Children, to identify research priorities and opportunities that will inform future policy and service delivery,
- an increase in the Transition to Independent Living Allowance (TILA), from \$1,000 to \$1,500, and
- the approval and implementation of an information sharing protocol between state and territory child protection agencies and the Commonwealth Department of Human Services (encompassing Medicare Australia, the Child Support Agency and Centrelink).

### *Second Action Plan*

- the appointment of the first National Children's Commissioner, to promote the rights, wellbeing and development of children and young people in Australia,
- the launch of the National Centre of Excellence, now Australia's National Research Organisation for Women's Safety (ANROWS), to focus on reducing domestic, family and sexual violence, and
- the completion of the first national scoping study on Australia's response to sexualised or sexually abusive behaviours in children and young people.

## **The Third Action Plan (2015-2018) of the National Framework**

15. The Third Action Plan was developed through a tripartite process involving the Commonwealth, state and territory governments and the non-government sector, with all parties represented on the National Forum. The non-government sector is represented by the Coalition of

Organisations Committed to the Safety and Wellbeing of Australia's Children (the NGO Coalition) which consists of over 160 non-government organisations.

16. The Third Action Plan focuses on three strategies:

- **Strategy 1:** early intervention with a focus on the early years, particularly the first 1000 days for a child.
- **Strategy 2:** helping young people in out-of-home care to thrive in adulthood.
- **Strategy 3:** organisations responding better to children and young people to keep them safe.

17. The development of the Third Action Plan took into account the findings of the Senate Community Affairs References Committee Inquiry into OOHC. It was recognised that whilst many of the recommendations in the Report are for action of state and territory governments as they have statutory responsibility for child protection, many of the recommendations are supported by activities more broadly within the National Framework. This includes a commitment under the Third Action Plan to examine how to continue the full implementation of the existing National Standards.

18. The Third Action Plan acknowledges that the specific practice at the tertiary end of the child protection system is the responsibility of the states and territories. The focus of the National Framework and its Third Action Plan is to identify and implement early intervention and prevention strategies that require joint action by Commonwealth, state and territory governments and the community sector. These include collaborative activities to ensure children and young people are safe in their families and communities from all types of abuse including sexual abuse and exploitation.

## **RESPONDING TO THE ROYAL COMMISSION'S CONSULTATION PAPER ON SEXUAL ABUSE IN OOHC**

### **Identifying and Responding to Child Sexual Exploitation and Child-to-Child Sexual Abuse**

19. The Commonwealth has a strong interest in ensuring all children are protected from harm and understands that to achieve this, it is important that appropriate measures exist that identify and respond to all forms of child sexual abuse. As such, the issue of child sexual exploitation and child-to-child sexual abuse is being considered within several initiatives being progressed through the National Framework.

20. In 2013, the Commonwealth funded the Australian Institute of Family Studies (AIFS) to conduct a study exploring the specific dynamics of child sexual abuse and their implications for prevention and early intervention. The aim of this work was to subsequently develop a framework synthesising the dynamics of child sexual abuse and key determinants underpinning sexually abusive behaviours.

21. The final report, titled *Conceptualising the Prevention of Child Sexual Abuse*, was published in June 2015 and explores various contexts surrounding the incidence of child sexual abuse, including considerations surrounding child-to-child sexual abuse and child sexual exploitation. The report also provides an outline of potential frameworks for the future prevention of child sexual abuse.

22. This work was further expanded within the Second Action Plan of the National Framework with the Commonwealth funding a scoping paper in 2015-16 to identify the next steps strategy, based on the potential frameworks identified in the AIFS report. The strategy may involve a national mapping exercise that investigates current state and territory and Commonwealth approaches to

the prevention of child sexual abuse with a focus on young people who display sexualised behaviours that can cause harm. Future work may also involve the development of resources including: fact sheets, tools, reports, webinars, and syntheses about child sexual abuse, for the diverse sectors that need to be a part of a coordinated series of actions.

23. As referenced in paragraph 15, Strategy 3 of the Third Action Plan will also help organisations respond better to children and young people to keep them safe by developing tools and resources to move from a ‘reporting’ culture to a ‘responding’ culture. This work will consider the recommendations made by the Royal Commission to develop nationally consistent standards and tools to help child safe organisations, including the OOHC sector, recognise and respond to threats to children.

24. With regards to child-to-child sexual abuse in OOHC, the Commonwealth notes the use of terminology “sexually harmful behaviours” in the Consultation Paper. While such terminology could be appropriate, as would “sexualised behaviours that can cause harm” - the latter is less stigmatising, and cognisant of children’s different developmental stages and capacities. It should also be noted that most children in OOHC have suffered abuse of one form or another and such trauma, which may at times manifest itself in sexualised and other behavioural problems, needs to be considered as part of assessment and placement processes.

25. The Office of the Children’s eSafety Commissioner has a particular focus on the online sexual exploitation of children. The Office works with its international partners in the effort to eradicate child sexual abuse material available online. The Office has data to show the incidence and prevalence of technology facilitated child sexual abuse is increasing and that globally, the trade and demand for online child abuse and exploitation material is growing. By the end of financial year 2015-16, the hotline is expected to finalise 10,500 investigations – 70 percent of which will concern technology facilitated child sexual abuse material. Content is predominantly hosted overseas, and the Hotline relies on its relationship with the 51-member International Association of Internet Hotlines (INHOPE) to facilitate rapid take-down. Between 2012 and 2014, the INHOPE network saw a 139 percent increase in the number of web pages hosting child abuse imagery.

26. The Office is aware that sexual exploitation of children in OOHC does contribute to the body of online abuse imagery. Children in OOHC as well as those who are homeless or do not regularly attend school, are uniquely vulnerable to sexual exploitation and more work is needed to reach these children. The Office develops a range of resources with experts to raise awareness of the strategies used by online predators, and information on how to protect children from online grooming. Targeted education for child safety offices and those who work in residential care coupled with greater awareness of preventative measures including the enforcement of social media policies and identification of early warning signs of online sexual exploitation can benefit front line service providers.

### **Improving the Quality of Data on Child Sexual Abuse in OOHC**

27. Since 2009, the Commonwealth, through the Australian Institute of Health and Welfare (AIHW), has been working with all states and territories to develop and implement the Child Protection National Minimum Data Set (CP NMDS) for reporting on child protection.

28. Developed under the National Framework, the CP NMDS consists of data extracted from state and territory child protection administrative data sets in accordance with the nationally agreed definitions and technical specifications. The data collected through the CP NMDS enhances the evidence base required for the National Framework and provides a more comprehensive and accurate picture of children within the statutory child protection system in Australia.

29. The CP NMDS work program is overseen by the Children and Families Data Network (CAFDaN), a sub-committee of CAFS, both of which include representatives from relevant state and territory departments and the Department of Social Services (DSS). The CAFDaN, which is chaired by AIHW, regularly reviews the data set and agrees upon changes in accordance with identified information requirements, available resources, and collection feasibility.

30. As noted in the Consultation Paper, specific data on sexual abuse in care is not currently available via the CP NMDS. Cases of alleged abuse (inclusive all forms of abuse, not just sexual abuse) for children in OOHC are included in the CP NMDS data for all jurisdictions except Victoria and South Australia.

31. Noting that the Royal Commission's proposed data model is at an early stage of development, AIHW has indicated that with further detailed development work to translate the proposed model into a nationally-consistent and collectable specification, this data may be able to be effectively be collected via the CP NMDS process. . Consideration will need to be given to definitional issues including:

- a. the scope of the data collection – including definitions for 'all forms of out-of-home care', 'allegations' and 'sexual abuse',
- b. the basis in which unit records would be included in the data collection and how to include information for events occurring later,
- c. definitions and specifications for the required fields and the availability/quality of this data from jurisdictions,
- d. what data is required from police reports, and outcomes of criminal and civil justice responses' and whether jurisdictions have access to that type of information or if it would need to be collected or linked to separately, and
- e. treatment of data items where there can be multiple occurrences (eg multiple incidents in the same report, multiple mental health conditions).

32. It is also anticipated that additional items would be required for the unit record file, including:

- a. statistical linkage key (SLK-581) data items — currently only a 'unique identifier for each child' has been proposed and this won't allow for linkage to 'monitor treatment and support provided, and life outcomes' (unless already linked to the rest of CP NMDS), and
- b. information relating to how the child protection department and/or agency responded to abuse - given that the aim is to develop an evidence base about the 'performance of the system in responding to abuse', it would be useful to collect this information.

33. Changes to the CP NMDS are subject to agreement by the states and territories. States and territories fund much of the AIHW's work enhancing the data collection system and need to be able to extract the revised data from their administrative systems. The complexity involved in changing and aligning these information systems means that implementation of revised data items and subsequent data collection and reporting can take a number of years.

34. The Office of the Children's eSafety Commissioner collates data on the prevalence of images it receives and is able to analyse across a range of factors. More analysis on the type of young people including their social demographic, age groups, cultural and linguistically background would assist in targeting preventative resourcing and also in developing more awareness about what can be done to reach these groups.

## **Improving Regulation and Oversight to Better Prevent and Respond to Child Sexual Abuse in OOHC**

35. The Commonwealth acknowledges the importance of creating safe environments for children in order to reduce the risk of a child being harmed and to appropriately respond to threats to children. Accordingly, the National Framework, in particular its Third Action Plan, has a specific focus on prevention and early intervention, which may be achieved in part through improved regulation and oversight within the OOHC systems.

36. To date, a number of studies have been initiated under the National Framework aiming to explore the opportunities and barriers to improve the OOHC systems to support the safety of children. These include examining the reporting arrangements where there are concerns about child safety and wellbeing, and investigating how the care environments could be improved through enhanced carer arrangements and improved data sharing between jurisdictions about existing and potential carers.

### *Mandatory Reporting Study*

37. In 2012, the SCCDS identified the investigation of the effectiveness of mandatory reporting legislation in jurisdictions as a priority under the Second Action Plan. The research project titled '*Child Abuse and Neglect: A socio-legal study of mandatory reporting in Australia*' (the Report) was funded by the Australian Government Department of Social Services (DSS) and managed by the Victorian Department of Human Services.

38. The aim of the project was to undertake research into mandatory reporting schemes to identify elements that enhance their success. The research was conducted by exploring different reporter groups across all states and territories, of different types of suspected child abuse and neglect (physical abuse, sexual abuse, psychological or emotional abuse, and neglect) using legal research and quantitative analysis of state and territory child protection data for the period 2003-2012.

39. The outcomes from this Report, together with any related recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse, could be considered in the development and the implementation of the 'child safe' strategy under the Third Action Plan.

40. One of the findings in the Report has provided the impetus for new collaborative action under the National Framework to support women and their children exposed to domestic and family violence and involved in the child protection system.

- The Report highlighted the increased notifications by police to child protection agencies relating to either family (domestic) violence or emotional abuse across most jurisdictions.
- In April 2015, the CAFS agreed to a cost-shared funded project to be undertaken by ANROWS to assess the effectiveness of current responses being utilised by child protection and the service system to family violence across each jurisdiction.
- This project will focus on exploring the relationship between statutory child protection, family law, and community-based services who seek to support women and their children exposed to domestic violence. The intended outcome of using this evidence is to enhance greater cross-sector collaboration to support women and their children and support stronger accountability for perpetrators of domestic abuse. The project is expected to be completed by December 2016. Further information on this project can be found in the ANROWS Research Program 2014-2016 via the website link [www.anrows.org.au](http://www.anrows.org.au).

### *Screening of Potential Carers*

41. Under the National Framework, the sharing of information about current and potential carers has been of key interest for all jurisdictions and the non-government sector for some time. Currently, the national Exchange of Criminal History Information for People Working with Children (ECHIPWC), which was agreed by COAG in 2013, is the main mechanism for sharing the criminal history information for screening people working with children. This is an important measure in protecting children from harm and is being facilitated through CRIMTRAC under an agreement signed between Commonwealth, state and territory police/justice ministers.
42. Jurisdictions were already sharing criminal history information before ECHIPWC, but this information was generally limited to a person's convictions –it did not generally extend to spent convictions or convictions overturned on appeal of charges which did not result in convictions. ECHIPWC has facilitated the exchange of this kind of information, as well as information about the circumstances of an offence or charge (such as whether the offence or charge concerned a child).
43. ECHIPWC is important because it seeks to facilitate a greater range of information that can be shared about a person's criminal history and enables the screening agencies to consider a person's full and complete history to better inform their assessments of the person's suitability to work with children.
44. Under the Second Action Plan of the National Framework, there was a Ministerial agreement to investigate opportunities to improve information sharing between jurisdictions and the non-government sector, to address the risk of an individual disqualified in one jurisdiction being able to assume a caring role of children and young people in another jurisdiction.
45. The intent of improving inter-jurisdictional carer information sharing is to promote the safety, welfare and wellbeing of children and young people in OOHC by ensuring designated care agencies have access to up-to-date information about the suitability of current and prospective carers who have previously applied to or undertaken carer roles in other jurisdictions.
46. The Commonwealth has provided the initial funding for the project which is being led by NSW. Under this project a draft carer information sharing framework was developed through ongoing consultation with jurisdictions.

### *The National Children's Commissioner*

47. The Consultation Paper acknowledges the role of the children's commissioners or guardians in providing a systemic oversight to ensure the rights of children including those in OOHC within their jurisdiction are promoted and protected. Under the Second Action Plan, one of the actions under the priority of *Advocating Nationally for Children and Young People* was to support the appointment of the National Children's Commissioner and to acknowledge the Commissioner's role as an advocate for children at the national level, in addition to state and territory government Commissioners. The objectives of establishing a National Children's Commissioner were to:

- improve advocacy at a national level for the rights, wellbeing and development of children and young people up to the age of 18 years,
- improve monitoring, by examination of enactments and proposed enactments of Commonwealth laws affecting the rights, wellbeing and development of children and young people,
- promote cooperation between the Commonwealth, states and territories to promote the rights, wellbeing and development of children and young people,

- encourage the active involvement of children and young people in decisions that affect them, particularly administrative decisions and development of Government policies, programmes and legislation,
- support Government agencies to develop mechanisms that enhance the active involvement of children and young people, and
- assist Australia in meeting its international obligations by promoting and advancing the rights of the child, in particular as enshrined in the UN Convention on the Rights of the Child.

48. A number of functions are performed by the National Children’s Commissioner including:

- submitting an annual report to the Attorney General, which is tabled in the Parliament,
- promoting discussion and awareness of matters relating to the human rights of children in Australia,
- undertaking research, education and other programs to promote respect for children’s human rights and enjoyment and exercise of human rights by children in Australia, and
- examining existing and proposed Commonwealth legislation to determine if they recognise and protect children’s human rights in Australia. The Commissioner will report to the Minister on these findings.

49. The National Children’s Commissioner works closely and collaboratively with state and territory counterparts to identify national or cross-jurisdictional matters that would benefit from national leadership. The work of the National Children’s Commissioner complements the work conducted by state and territory children’s commissioners and guardians and does not include duplication of work by existing Commonwealth bodies or state or territory children’s commissioners and guardians.

50. The National Children’s Commissioner continues to play a role under the Third Action Plan by facilitating consultation with children and young people and, in collaboration with state and territory Children’s Commissioners and Guardians, providing advice about the best way to do this and by building on existing structures in jurisdictions.

### **Improvements in Information Sharing to Better Protect Children in OOHC**

51. The Commonwealth has a strong interest in strengthening organisational responses to protect all children from abuse and recognises that effective and appropriate information sharing is important for identifying, preventing and responding to abuse. As such, the sharing of information across jurisdictions, as well as between jurisdictional authorities and the non-government sector, has been the subject of several initiatives under the National Framework.

#### *The Information Sharing Protocol (the Protocol)*

52. The Protocol between the Commonwealth and child protection agencies was an initiative under the First Action Plan of the National Framework and implemented in 2009. The Protocol aims to facilitate efficient information sharing where there are concerns about a child’s welfare and allows the sharing of data between the Commonwealth Department of Human Services and child protection authorities in each jurisdiction.

53. Currently three Commonwealth agencies: Centrelink, Medicare, and the Child Support Agency (all under the Department of Human Services), and all state and territory child protection agencies are parties to the Protocol and share information regarding Medicare information, custody arrangements or information about the location of a child who may be at risk.

54. Under the Protocol, states and territories can request information based on the Commonwealth's criteria for disclosure. The information sharing process is triggered when a child protection agency requests information. Public Interest Certificate guidelines enable the sharing of data in particular circumstances deemed to be in the public interest. While the Protocol allows the Commonwealth to request information, the Commonwealth does not have the same functional requirement to request information and therefore information flow is largely from the Commonwealth to states and territories.

55. A review of the Protocol was one of the actions in the First Action Plan under the National Framework. The review, which was conducted in 2011, reported that the Protocol was effective and usage numbers across all jurisdictions steadily increased over time.

Since the introduction of the Information Sharing Protocol in 2009, there have been over 126,450 (as at February 2016) individual requests for information from state and territory child protection agencies to Centrelink, Medicare and the Child Support Agency. The number of requests has been steadily increasing each year with over 24,000 requests in 2014-15 compared with just over 7,400 in 2009-10 and over 12,900 in 2012-13. In 2015-16, by the end of January 2016 there were already around 20,000 requests.

#### *Child Protection Information Sharing*

56. Strategy 3 of the Third Action Plan highlights inter-jurisdictional information sharing to better protect children as a key national priority. A signature action under this strategy involves work to address barriers to information sharing within and across jurisdictions for government and non-government agencies where there are concerns about child safety and wellbeing.

57. This work will build on the current initiatives between jurisdictions, described above, and take into consideration any recommendations made by the Royal Commission, to improve information sharing on a range of child protection related matters. Within the scope of this work, NSW is currently leading a new project to investigate the existing child protection information sharing regimes across all jurisdictions and identify potential solutions for improving this information exchange.

58. The project will focus on achieving a nationally consistent approach to child protection information sharing across all jurisdictions and with initial work being progressed to define the type of information proposed to be shared, when it needs to be shared, and with whom it needs to be shared. This might include practical information about children and carers, placement information, health and education-related information, and cohort-specific information.

#### **Applying the Child Safe Elements to the OOHC Sector**

59. Under Strategy 3 of the Third Action Plan, the Commonwealth has committed to helping organisations to respond better to children and young people to keep them safe. This strategy will drive implementation of a child safe culture across all sectors, including the OOHC sector, and will consider the recommendations of the Royal Commission and actions to support these findings.

60. Work under this strategy will involve the development of tools and resources to help services to move from a 'reporting' culture to a 'responding' culture to improve child safety and wellbeing. The scope of this work includes two signature actions for implementation by Commonwealth, state and territory governments and the non-government sector through collaboration.

### *Signature Action 3.1.1*

61. Under this action the 2005 National Framework: Creating Safe Environments for Children – Organisations, Employees and Volunteers will be reviewed and implemented. The 2005 National Framework was developed through consultation between all jurisdictions and signed by each Commonwealth, state and territory community and disability services ministers to ‘provide a more comprehensive and cohesive national approach to strengthening the capacity of organisations and systems to increase child safety’. This framework recognises that children will be protected if they have safe environments.

62. As part of the review and update of the 2005 National Framework consideration will also be given to:

- existing good practice ‘child safe’ standards, reform and resources across all sectors (including Commonwealth government, state and territory governments and the non-government sector), and
- ‘child inclusive’ service delivery models and ‘child aware’ resources that were explored and implemented under the previous action plans of the National Framework for Protecting Australia’s Children) to date, such as *Good Practice Guide to Child Aware Approaches: Keeping Children Safe and Well*.

63. The review, which is expected to be undertaken by an independent party, will take into account the recommendations of the Royal Commission with regards to strengthened and nationally consistent WWCC regimes, and child safe standards for institutions including schools and OOHC.

64. Work under this Action will also involve the consideration on how best to disseminate the revised 2005 National Framework. The scope of work will include the consideration and implementation of communication activities to promote child safe standards and practices, potentially as part of the overarching Communication Strategy for the National Framework.

### *Signature Action 3.1.2*

65. Following the review of the 2005 National Framework, the work will focus on developing a work plan to identify resources to support best practice on agreed child safe standards.

### **Prevention of Child Sexual Abuse in OOHC**

66. Prevention and early intervention of all forms of abuse including sexual abuse is the key focus of the Third Action Plan of the National Framework. As part of implementation of the Third Action Plan, the Commonwealth Government (through DSS with NGO and state government stakeholders) is planning community awareness raising activities focused on effective parenting practices and strategies to enhance safe and supportive environments in the early years, at both national and local levels.

67. The Commonwealth Government also provides funding for National Child Protection week and White Balloon Day events through the National Framework:

- National Child Protection Week is a national campaign held annually throughout Australia to raise awareness of child abuse prevention. The objectives of the week are to raise the profile of all issues connected with child protection, including child abuse prevention, treatment, research, education, service provision and support for children, young people and families. National Child Protection Week also aims to create an Australia-wide umbrella focus for

child protection, allowing government and non-government agencies to present a cooperative and coordinated community oriented campaign.

- White Balloon Day is held in National Child Protection Week and serves as a reminder to the whole community that we need to do all we can to protect children and young people. White Balloon Day is an annual national event run by Bravehearts to raise awareness of child sexual assault and prevention in our community. White Balloon Day aims to raise awareness about child sexual assault and help empower survivors to break their silence. It also acts as a fundraising campaign, with the money raised supporting education, prevention and counselling programs for children who have been sexually assaulted

68. There are strong linkages between family and domestic violence and child abuse including child sexual abuse. The work under the *National Framework for Protecting Australia's Children 2009-2020* and the *National Plan to Reduce Violence against Women and their Children 2010-2022* are intended to complement each other in proving safety and security for children and young people including those in OOHC. A number of initiatives are being implemented under the National Plan to help prevent abuse and violence including sexual violence.

#### *Our Watch*

69. In June 2013, the Commonwealth and Victorian government established Our Watch as a key initiative under the National Plan. The Northern Territory and South Australia governments joined as members in mid-2014, Tasmania in May 2015 and Queensland in January 2016. Our Watch aims to drive nation-wide change in the culture, behaviours and attitudes that underpin and create violence against women and their children by:

- sustaining constructive public conversations,
- delivering innovative and evidence-based prevention programmes,
- working with organisations, networks and communities to embed prevention practices, and
- influencing public policy and institutions.

70. Our Watch delivers a range of primary prevention activities which include:

- The Line, a social marketing campaign for young people aged 12-20 years. It aims to encourage healthy and respectful relationships by challenging and changing the attitudes and behaviours that support violence against women.
- A National Media Engagement project, which aims to support and assist the media to increase the quality and reporting on violence against women and their children, and build awareness of the impacts of gender stereotyping and inequality.
- The Sports Grants Bank, which will encourage sporting organisations to drive innovative work in preventing violence against women by increasing awareness, addressing gender inequality and developing tools and strategies to implement change.

#### *Respectful Relationships in schools*

71. Respectful Relationships is a primary prevention initiative that seeks to prevent sexual assault and domestic and family violence through educating young people in ethical behaviour, engaging in respectful relationships and developing resilience and protective behaviours.

72. Schools and organisations deliver a range of respectful relationship programmes in different ways. All governments are working together to strengthen and support the delivery of high quality respectful relationships education in schools, homes and communities, including education about online safety and sexual health education.

### *National Primary Prevention Campaign*

73. A jointly funded national campaign is taking a primary prevention approach to reducing violence against women. It aims to address the attitudes of young people towards respectful relationships and gender equality. The campaign focuses on the influencers of 10-17 year olds, including parents, other family members, teachers, sporting coaches and community leaders. It will launch in the first half of 2016.

74. In addition to the initiatives under the National Plan, the Commonwealth has commissioned ANROWS to undertake additional research for the CAFS, as previously discussed in paragraph 40, to understand the interaction between the child protection and domestic violence systems and explore effective child protection responses, including perpetrator interventions. It is envisioned that this will enable a shift that focuses on the perpetrator's impact on children's wellbeing and safety and lead to higher quality, integrated child protection systems.

### **A supportive and quality care environment**

75. A key action under the first three-year action plan (2009-2012) of the National Framework was the development of National Standards for OOHC. The National Standards seek to drive improvements in the quality of care and focus on the key areas within care that directly influence positive outcomes, which includes the safety, stability and security of children in care.

76. The National Standards emphasise the importance of ensuring that children's contact with adults, including carers, family members, friends, and support persons, is conducted in a safe and appropriate manner. They do not change core governance arrangements with states and territories retaining statutory responsibility for child protection.

77. Under the National Standards, measures were progressively introduced from 1 July 2011. The development of new measures is considered as reporting needs are identified and as new data sources become available. The prevention of sexual abuse of children in OOHC can be linked in particular to the following National Standards and measures:

- **Standard 1:** Children and young people will be provided with stability and security during their time in care:
  - *Measure 1.2: The rate and number of children in OOHC who were the subject of a child protection substantiation and the person believed responsible was living in the household providing OOHC,*
  - *Measure 1.3: The proportion of children and young people in OOHC who report feeling safe and secure in their current placement.*
- **Standard 9:** Children and young people are supported to safely and appropriately maintain connection with family, be they birth parents, siblings or other family members,
  - *Measure 9.3: The proportion of children (as age-appropriate) and young people who report having contact with family members, by the reported frequency of contact, by their reported satisfaction with contact arrangements.*
- **Standard 11:** Children and young people in care are supported to safely and appropriately identify and stay in touch with at least one other person who cares about their future, who they can turn to for support and advice:
  - *Measure 11.1: The proportion of children and young people who are able to nominate at least one significant adult who cares about them and who they believe they will be able to depend upon through their childhood or young adulthood.*
- **Standard 12:** Carers are assessed and receive relevant and ongoing training, development and support, in order to provide quality care:

- *Measure 12.3: The proportion of foster carers and kinship carers (who had at least one placement during the year) who report feeling supported in their role and who feel their developmental needs relevant to their role are catered for.*

78. The National Standards continue to be a priority under the Third Action Plan. Over the next three years work will be undertaken on how to give best effect to the National Standards in light of the recommendations from the Senate Inquiry into OOHC.

#### *Professional Model of Foster Care*

79. The development of a professional model of foster care to provide stability and appropriate care in a home environment for children with high needs was a priority action under the Second Action Plan of the National Framework. ACIL Allen Consulting was commissioned to report on the barriers and opportunities for models of professional carers and proposed a model for professional carers that required changes to Industrial Relations and taxation laws. The report, *Professional Foster Care: Barriers, Opportunities & Options*, was publically released on the DSS website on 22 August 2014.

80. Following the release of this report the Commonwealth worked in partnership with the state and territory governments to explore options for an appropriate model of professional care. The Commonwealth sourced and funded legal advice on a proposed 'Contractor Model of Foster and Kinship Care' which was considered by CAFS in late 2015. At this meeting it was agreed that the proposed contractor model could be used by each jurisdiction to inform their OOHC reform processes, with jurisdictions to seek further legal advice in relation to the interaction of the contractor model with their state/territory legislation.

#### *Support for Young People Leaving Care*

81. The Commonwealth recognises that increased support is required to help young people leaving care to thrive in adulthood. As such, the Commonwealth currently offers a Transition to Independent Living Allowance (TILA) payment of up to \$1,500 to help eligible young people aged 15 to 25 who are leaving or have already left formal OOHC to assist them in meeting the costs of independent living. The payment can be used to buy items such as a fridge or couch, or pay for any support and services that would benefit the young person as agreed between the young person and their case worker. These may include payment for education and training courses, a driver licence, medical expenses, as well as payment for counselling services. TILA is also available to eligible young people who continue to live with their foster carers after their care order expires.

82. The Commonwealth also funds the Family Mental Health Support Services (FMHSS) programme that provides early intervention support to assist vulnerable families with children and young people who are at risk of, or affected by, mental illness. These services support parents to reduce stress and enable young people to reach their potential. Highest priority is given to vulnerable children, young people and their families including those from Indigenous or culturally and linguistically diverse backgrounds, children and families in contact with the child protection system, and young people transitioning from OOHC.

83. Under the National Framework's Third Action Plan, Strategy 2 focuses on strengthening support for young people leaving care and to improve quality access to post-care support services. This strategy seeks to provide intensive support and priority access to key services to assist these young people as they transition into adulthood. Under this strategy four signature actions have been agreed for implementation:

- The Commonwealth will continue to support access to services through the Youth Employment Strategy, Growing Jobs and Small Business Package.
- The Commonwealth will trial ways of improving support to young people by better utilising available data, and delivering intensive case management including wrap around services linking to education, health and housing, working with jurisdictions. The findings for these trials will guide future interventions for young people.
- Examine 2014 reforms to TILA to ensure it continues to target those who need it most and improve efficiency.
- Evaluate impact of jurisdictions' policy changes to extend statutory responsibility and access to services to young people who exit out-of-home care over the age of 18 years.

84. The Commonwealth is leading the implementation of Strategy 2 and is working closely with state and territory governments and the non-government sector to ensure that the actions implemented under his strategy provide improved outcomes for young people as they exit the OOHC system and beyond.

## **CONCLUSION**

85. The Commonwealth would be happy to expand on any of the points made in this submission, or provide any further information about these issues, which may assist the Royal Commission.

26 April 2016

## **ATTACHMENTS**

- A. The National Framework for Protecting Australia's Children 2009-2020
- B. The Third Action Plan (2015-2018) of the National Framework
- C. The National Standards for Out-of-Home Care
- D. The National Plan to Reduce Violence Against Women and their Children (2010-2022)