10 October 2013

Solicitor
Royal Commission into Institutional Responses to Child Sexual Abuse
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To the Solicitor, Royal Commission into Institutional Responses to Child Sexual Abuse

Re: Royal Commission into Institutional Responses to Child Sexual Abuse Issues paper 3 Response

The ChildSafe Ltd Board thanks the Royal Commission for its work and the opportunity to address the key issues presented in Issues Paper 3.

ChildSafe Limited is a Harm Prevention Charity established for the core purpose of establishing, providing and supporting organisational practice of Safety Management in working with children and young people. It focuses on proper training of those administering organisational care and the standards required in working with those for whom such care is provided.

Having this core focus, ChildSafe is well placed to comment on these issues in the sense that they address prime elements of safety management of children in institutional care. ChildSafe’s Safety Management System has been developed over some ten years in an effort to improve institutional responses keeping children safe from harm.

The responses outlined below are provided specifically to each of the eight issues raised in the paper. They are a blend of ChildSafe strategies and experience, together with responses from ChildSafe customers directly involved in the practice and care of children under structured programs.

ChildSafe are happy to answer any questions from the Royal Commission that may arise either from this submission or questions generally about our Safety Management System and our experience. In the first instance you can contact us at info@childsafe.org.au or ring 0431 715 132. Thank-you for your consideration of this submission.

Yours faithfully

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ChildSafe: Improving safety across organisations working with children and vulnerable people.
About ChildSafe
ChildSafe Limited is a Harm Prevention Charity, established by Scripture Union (SU) Australia in 2007. The roots of the ChildSafe Safety Management System lie in the safety and care processes within SU movements in Australia and New Zealand. Scripture Union is Australia’s oldest and largest NFP school wellbeing agency with over 900 school chaplains. It also runs hundreds of camps and holiday programs across Australia, engaging hundreds of thousands of young people and children each year. All funds generated by sales of ChildSafe publications and subscriptions to ChildSafe Online are used to further the aims of ChildSafe Limited, a not-for-profit Australian Public Company. ChildSafe Ltd are on the Register of Harm Prevention Charitable Institutions. ChildSafe’s customers include a broad spectrum of Churches, community organisations and schools.

The ChildSafe SP3 Safety Management System is designed to support organisational care for children and young people. It is aimed to support organisations to move from sterile policy to achievable and robust practice. This system was first released in 2002 as a response to a perceived need to provide resources to protect and manage children in organisational care. It has developed sound practice and seeks to present this to organisations frequently challenged in the area of safety management through an educative model. It promotes self regulation of safety management where direct regulation is largely absent and there are compelling reasons for an organisation to adopt such an approach e.g. fundamental care of vulnerable people, reputation.

Further details of ChildSafe can be seen on its website-  www.childsafe.org.au

The Issues Raised in Issues Paper 3 and ChildSafe responses are as follows.

1. The essential elements of establishing a ‘child safe organisation’ that protects children from sexual abuse in an institutional context. In particular, are there core strategies that should be present and others that are less critical?

ChildSafe believe there must be a comprehensive screening process for all people working with children, or responsible for people working with children, whether staff or volunteer. This should include:
• Application form including relevant past history of work with children.
• 2 referees (not family or close friend and must have knowledge of the applicants work with children). For staff, these reference checks are specific to record of work with children.
• Relevant statutory Working With Children’s Check.

This process should be conducted by the person to whom the applicant will report. No one should be exempt from the process.

ChildSafe SP3 Safety Management System has a comprehensive appointment process like that outlined above, complete with pro formas. This is a distinctive and critical process as it has the significant capacity to identify a problem before it arises. In making this process “more than a Working With Children’s statutory check” there is more probability of uncovering potential harm.
The ChildSafe SP3 Safety Management System features the following elements as a fundamental set of principles for effective management of Child Safety and averting abusive behaviours.

- developed ‘Child safe’ policies
- a ‘Child Safe’ Code of Practice
- Safety Management implementation process (tailored to the organisation)
- strong staff and volunteer reference and recruitment process
- relevant training to key leaders, staff and volunteers including their responsibilities and accountabilities
- ChildSafe “Permission to Proceed” process
- a risk management planning process
- an emergency response process
- an incident and complaints handling process
- activity monitoring, review and continuous improvement (included in management review)
- privacy considerations

Furthermore ChildSafe developed a unique online Safety Management System to help organisations manage this practice in a practical sense.

In launching its New Working With Children’s Check program in 2013 the NSW government (as referenced in the Issue paper http://www.kids.nsw.gov.au/Working-with-children/Become-a-Childsafe-Organisation) have presented 8 key principles of a ‘Child Safe’ approach that goes well beyond just a Working With Children’s Card or police check. These closely align to the elements above. While it may be argued a few of these elements are “less critical” the fullness of this approach provides a more robust system that is both achievable but delivers on the promise to provide safety and care expected of such an organisation.

This can be distilled into the following key 3 principles:

a. Effective and robust recruitment process (those responsible for direct care)
b. Effective Safety Management implementation and culture development across the entire organisation (through responsive communications and training)
c. Incident response that places a premium on the vulnerable and their protection

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**ChildSafe Representation of Harm**

**Causes of harm to a child in the care of an organisation**

- Intentional malice
- Child Abuse
- Unsafe Acts
- Unsafe environments
- Lack of supervision
- Lack of forethought
- Lack of control / accountability
- Carelessness / Recklessness
- Systemic Safety Shortcomings

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ChildSafe Customer: “The organisation has adopted ChildSafe as the preferred safety management system when working with children and young people within the Church environment. ChildSafe is focused on keeping children safe and provides a system by which Churches can be proactive about the safety of the children in their care. The core elements of ChildSafe include:

- the appointment process for people working with children,
- the training required of those people,
- the risk management planning of programs with children.”

2. The evidence base for the range of strategies associated with making an organisation ‘child safe’. Does this evidence base extend to the physical environment?

Many safety management programs are ad hoc in nature, and allow many people to slip through without adequate screening or training. Many are policies that never make it to the practitioners. Implementation is everything.

In ChildSafe SP3 Safety Management System, the system has been designed to work from ‘top to bottom’. The premise of ChildSafe SP3 Safety Management System is that no one is permitted to be accountable to themselves in relation to safety and care of children. The system emphasises leadership level implementation training as well standards for working with children directly.

ChildSafe emphasise training and implementation across the total organisation in an effort to support a comprehensive organisational culture change to improve safety practice and outcomes. An ability to support practitioners at the ‘coal face’ improves transparency of practice and improved likelihood of identification and/or arrest of adverse outcomes or behaviour. ChildSafe customer experience continues to demonstrate that safety management is a two-pronged exercise to both “know” and “practice” safety management and care where one without the other is inadequate.

ChildSafe Customer: “The ChildSafe system complies with legislative requirements and incorporates best practice elements within the children’s safety context. In conjunction with the ChildSafe program, the organisation has developed policies and procedures in accordance with the Risk Management Strategy developed by the Commission for Children and Young People and Child Guardian (QLD). In practice these elements include:

- working with children checks,
- application forms,
- referee submissions,
- training in code of practice and child protection,
- signing of a code of conduct
- development of risk assessments”
3. **How should the effectiveness of ‘child safe’ strategies be tested?**

ChildSafe believe that organisations should have an audit process built into their safety management system that allows them to assess the effectiveness of the processes used. For this to happen, there needs to be:

1. A tool for gathering and recording safety information (team member status, risk plans and safety preparedness)
2. A process for assessing that information
3. A mechanism to refuse ‘permission to proceed’ for unacceptable programs or persons.

ChildSafe SP3 Safety Management System is a community based strategy that has been designed in this way.

1. The information gathering and recording processes can either be in hard copy using extensive and predesigned resource pro formas, or on line (through Safety Management Online, a web based worker Registration and Training program).
2. The ChildSafe SP3 Safety Management process provides clear training and process for effective monitoring and auditing of the information provided.
3. The system is built around a ‘Permission to Proceed’ process that allows organisations to hold their workers and volunteers accountable for proper safety planning.

ChildSafe seeks to move organisations firstly from policy to practice. The next task becomes encouraging organisations to challenge their practice. Modern organisational behaviour encourages a cycle of Plan – Do – Check – Act. It is this process of critical management review that drives behaviour beyond policy and practice to reviewing and challenging that practice in seeking to mitigate risk and seeks organisational improvements that deliver better outcomes for those under their care.

*ChildSafe Customer:* “The ChildSafe system provides a universal framework for the organisation. It sets standard elements for inclusion of a safety system for activities involving children. This provides a platform for the Churches to be analysed against and to test the effectiveness of the systems. At the request of the organisation’s governing entities, a review of implementation of system was issued to all Churches. The review asked a series of questions regarding child safety operations within the Church. The results of the review clearly identified Churches that are taking appropriate measures to create a safe environment for children. The results also identified areas where improvements could be made and resources dedicated.”

4. **How ‘child safe’ policies and procedures work in practice**

For child safe policies to work in practice, the key is implementation. Many systems rely on a central training strategy. Workers are required to attend training by the central training. The truth is that many (as much as 50%) are permitted to serve children even if they don’t attend. This has been observed in certain organisations. In other situations, emphasis is given to training leadership and middle management, who then don’t sufficiently pass this on to their people on the ground.
ChildSafe SP3 Safety Management focuses on 4 tiers in the implementation process.

1. **People at the top of the organisation**
   Focus: Building a Safety Culture, training leadership level to train lower levels, setting up structures and systems for recruitment, training and emergency response.

2. **People responsible for overseeing clusters of programs**
   Focus: Recruiting, screening and training program leadership, sewing a safe culture, granting permission to proceed, first line of emergency response.

3. **People responsible for leading a team of volunteers or on the ground practitioners**
   Focus: Recruiting and screening volunteers and practitioners, training in safety standards, performing risk assessments, applying for permission to proceed and managing safety in the programs.

4. **People on the ground working with children (volunteers and practitioners)**
   Focus: Participating in safe practice, caring for young people and abiding the Code of Practice.

Some of ChildSafe’s customers report that training practitioners and volunteers at the “grass roots” or “laity” (as opposed to a sole focus on leadership, Clergy etc) is a distinct advantage to embedding strong safety practice across the organisation, improving safety culture and awareness of issues that can lead to improved risk mitigation.

5. **Should there be a universal framework for a ‘child safe organisation’ or should strategies be specifically tailored to particular types of institutional settings?**

ChildSafe take the view there should be universal “elements” to child safe practice. These “elements” should meet regulatory and community expectations for care. They would also need to be achievable for the significant variety of Institutions. In this way such a “framework” would be flexible, responsive and adaptive to the needs of the organisation and the common expectations for safe care.

Common features expected in any program would include:
- Top to bottom accountability and clear lines of communication
- No-one accountable to themselves
- Training for all operatives
- Comprehensive screening processes
- Trackable systems
6. The role of staff performance management systems and disciplinary processes in a ‘child safe organisation’

ChildSafe’s distinctive ‘Permission to Proceed’ process is the first line of defence against poor performance. This process requires:

• Evidence of proper appointment procedures
• Evidence of planning and risk assessment.

Without such evidence, the program or activity should be refused permission. Anyone found responsible for harbouring criminal practice should be exposed to the full extent of the law. This should be applicable to both staff and volunteers.

The process of management review referred to in #3 above also serves to highlight and respond proactively to disciplinary requirements as or even before they arise. This should serve to develop practice improvements and to deal promptly and transparently with disciplinary issues. In addition practice improvement should serve to mitigate future risk borne out of specific review.

ChildSafe Customer: “The organisation takes a zero tolerance approach on harm to children. Procedures have been developed that state the processes for performance management, disciplinary actions and termination. The organisation has a professional standards unit that investigates complaints or issues involving ministerial misconduct. Through childrens safety training those involved in ministry (staff and volunteers) are made aware of reporting processes for disclosures of harm and the disciplinary processes for those involved.”

7. The role and characteristics of governance and management leadership in creating and maintaining a ‘child safe’ organisational culture

ChildSafe’s view is instigating and developing organisational culture highly responsive to safety management is critical. In the past, organisational leadership has often been weak on breaches of safety and care, to the appalling cost of young people. What is needed is a culture change in organisational leadership.

• We need organisations to move from protecting the organisation to commitment to protect children (or those for whom they care).
• We need to build a culture of care as well as a process of compliance.

It starts with a commitment by senior leadership to good processes and culture development. Auditing safety management needs to be a Board agenda item at least annually (i.e. management review)

ChildSafe experience indicates that in principle our customers generally understand the need for safety management. ChildSafe policy and practice tools help them to achieve this. However the implementation of this practice is key and some organisations struggle to adopt practice widely more than others through a number of factors. The challenge remains safety management practice being owned across the entire organisation by its staff and volunteers. It should not be considered an adjunct activated on an irregular basis. The challenge is for the
safety practice to become an integral part of the organisational culture. Ultimately management will drive such a culture change but that is desirable in a way that everyone “owns” the practice for a common outcome that places a premium on those in their care. This could be expressed as a “personal priority of care”.

Management review process should therefore serve to evaluate that progress is being made by the organisation along this path, in this case for the sake of children and vulnerable people in their care.

*ChildSafe Customer:* “The ChildSafe system has been endorsed by the governing entities of the organisation with them making the safety of children within the Churches high priority. The governing entities have actively heightened awareness throughout the organisation to create a culture of safety for children. They have encouraged adoption and implementation of the program and discussed the importance of such programs at the AGM. The governing entities have requested reports regarding the implementation of the children’s safety system and any identified risks or issues at their quarterly meetings where they can discuss the current situation, highlight risk areas and decide upon further actions needed”.

8. **Should there be any additional enforceable requirements for institutions or particular institutions to maintain a ‘child safe’ environment?**

No institution should be able to hide behind ‘confidentiality’ when it comes to exposing criminal activity against persons, especially children.

No organisation with a regular schedule of children’s programs should be allowed to practice without some form of training and accreditation by a (proposed) registered provider.

This is already the standard for financial advisors, large vehicle drivers, first aid providers, and food handlers.

Enforceable requirements for Institutions are desirable where there is a discernible lack of progress in arresting the issue of child abuse in institutional care. Ultimately the external pressure of regulatory compliance will be a necessary tool where there is not a significant change for the better. This is a vexing issue where public response may demand a regulatory response but that response is only effective where it is perceived such a response creates an appropriate and significant control on the perceived risk or issue at hand. Institutions themselves need to own these problems and enact their own responses that are effective, transparent and prompt to respond to issues. ChildSafe supports organisations to do exactly this in taking the initiative to safely manage children and vulnerable people in their care because it is simply the right proactive thing to do more than a “compliance response”.
Current market regulatory templates for Safe Environments that may provide some insights to safety management for institutional care.

**Australian Work Health & Safety**
The Australian Strategy is underpinned by two key principles. Firstly all workers, regardless of their occupation or how they are engaged, have the right to a healthy and safe working environment; and secondly well-designed, healthy and safe work will allow workers in Australia to have more productive working lives.

This is consistent with the United Nations’ Universal Declaration of Human Rights and is reflected in duties of care established in all Australian work health and safety legislation.

“We can only achieve the vision and the outcomes if the systematic management of risks happens at the workplace level and concerted effort is made by duty holders and those who support them.”

*Source - Australian-WHS-Strategy-2012-2022 (Safe Work Australia)*

**AS/NZ ISO 31000: 2009 Risk Management is the Standards Australia/New Zealand**
A fundamental template for risk management.

The Commonwealth Parliament passed the *Fair Work Amendment Bill 2013* (27 June 2013) that, among other things, granted the Fair Work Commission (FWC) jurisdiction to deal with workplace bullying

**Appendix:**


- ChildSafe Code of Practice
- Child safety policies and procedures
- ChildSafe Management guidelines
- Training Modules tailored to levels of responsibility and accountability
- ChildSafe Safety Management Online (SMO)

*Preventing Abuse is no Accident*