

Royal Commission into Institutional Responses to Child Sexual Abuse

Issues Paper 3: Child Safe Organisations.

Anglicare Australia

**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?**

The core strategies associated with the establishment of child safe organisation have been well documented and include the following.

***A. Governance and culture: organisations should have an explicit, transparent and public commitment to creating a child safe organisation and to safeguarding children***

Underlying principles that guide child safe organisations:

- The right of all children and young people not to be abused is paramount.
- A child safe organisation considers that all children and young people have the right to be heard and to feel safe.
- A child safe organisation will strive to be a leader in creating an environment where children and young people feel their concerns are heard and responded to in a respectful, timely, and child focused manner.
- A child safe organisation shares the community's responsibility for the protection of children.
- A child safe organisation has a duty of care in respect to the safety and well-being of children and young people who are in its care, those who are clients of the agency, or who come to the notice of the agency through services to other members of the child's family.
- This Duty of Care includes creating a culture of safety within the agency for children and young people in order to ensure that they feel secure in approaching staff or volunteers pertaining to matters of child protection.
- A child safe organisation recognises the complexity of child abuse and the potential impact on the child and their nuclear and extended family.
- In all situations where there is reason to believe that the child/young person has been abused/neglected or is at significant risk of such harm, then the child/young person must always be seen as the agency's primary client and all actions by the agency staff must be in the best interest of the child, irrespective of whom the agency may be providing services to.
- It is not the responsibility of agency staff to determine (investigate) whether a

child/young person has been abused or neglected. Such responsibility lies with the relevant statutory authority.

- Staff and volunteers have a responsibility through their agency to report to the statutory authority where there is reason to conclude that a child/young person has been harmed or is at risk of harm.

Specific practices that could be implemented in support of the above principles include:

- Child protection training for staff and volunteers working with children
- Processes for reporting child protection concerns and disclosures
- Guidelines for contact between children and adults
- Provision of support and guidance for employees, volunteers, children and their families where concerns are expressed about harm to a child
- Specific policies and procedures in relation to working with children, duty of care, allegations and disclosures of abuse and neglect and other child protection matters
- A code of conduct which promotes positive work practices and establishes boundaries concerning acceptable and unacceptable behaviours in relation to children with whom organisations have contact.

***B. Human resource management: recruitment and selection practices acknowledge the importance of child safety***

It is essential that child safe organisations adopt recruitment and selection processes that are intended to deter unsuitable applicants from attempting to secure paid or voluntary positions.

This is achieved by:

- Including child safe messages in the position vacant advertisement. This states the organisations commitment to child protection, making reference to the child protection policy and the code of conduct;
- The advertisement will also state that a working with children check is required and that rigorous reference checks will be undertaken;
- Confirming the identity of applicant, verifications of qualifications and professional registration where applicable;
- Using open ended behavioural questions in the interview that can assist in determining a person's motivation for working with children. E.g. "Tell me about why you want to work with children." Watch out for erratic employment history, evasive behaviours and inconsistent answers;
- Conducting at least two reference checks on all paid and voluntary applicants. Ensure clarity about the referee's relationship with the applicant. Establish how long the applicant and referee worked together, the specifics of the position, the referee's perceived strengths and weaknesses, and take note of any pauses or gaps in the referee's responses.
- Job Descriptions / Duty Statements: in child safe organisations job descriptions give clear accounts of the tasks expected in relationship to the services provided to children.

***C. Participation and empowerment of children and young people: child safe organisations seek, incorporate and respond to feedback from children regarding their services, policies and procedures, provide mechanisms for children to comment and give feedback and inform children***

*of their rights and available complaints procedures.*

The participation and empowerment of children and young people can be supported through the collection of children's feedback forms or surveys, forming an interest group of children, teaching children protective behaviours, developing a reporting process for children and young people to use when raising a concern, and making sure children know who to speak to if they feel unsafe or unhappy about something.

#### Complaints Management and Disciplinary Proceedings

Child safe organisations establish guidelines for listening to children and dealing with concerns or complaints about behaviour towards a child, and disclosure or discovery of abuse. A management arrangement for the reporting of incidents or concerns should make it clear that a child can approach any person in the organisation to express concerns about their treatment and they will be taken seriously. It should also inform employees and volunteers about whom they can approach to express concerns.

In child safe organisations the code of conduct, complaints management policies and other relevant policy documents reflect a commitment to child safety, and are expressed in language which takes into account cultural differences and is not alienating for children. Involvement of children in developing these policies is part of the empowerment process and will assist in ensuring the language used is inclusive and empowering.

#### Strategies for Reducing the Potential for Undiscovered Harm or Ongoing Harm

Children are encouraged to know their rights to care and protection. Staff members educate children in their program areas about the child's right to safety as a client and how to access complaint procedures and pathways. In recognising that vulnerable children may not have the skills to disclose unsafe experiences, staff will assist children in developing the confidence to make complaints.

In addition to this, Child Safe organisations should<sup>1</sup>:

- Provide children and young people who have contact with your agency with an understanding they have a right to talk to someone where there are child protection issues for them
- Make available a variety of ways that children/young people can access the agencies' system when they have concerns about their safety and well-being – including a designated first point of contact person
- Create an environment that suggests that children and young people are welcome to talk to staff and volunteers pertaining to child protection matters. This can include posters and pamphlets provided to children and young people and an age appropriate discussion with them as to what the information really means for them.
- Once a child or young person has raised child protection issues through anyone of a range of mechanisms including by phone, face to face or via the internet and social media that staff and volunteers respond quickly and listen actively

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<sup>1</sup> Adapted from the Commissioner for Children and Young People, Are You Listening? Perth, WA 2012

- Allow the child/young person to have appropriate input and control into what happens next. Note this does not mean promising not to tell for example where the agency concludes there is a need to notify the Department of Child Protection and Family Support about the matter.
- Let the child/young person choose who they want to support them through any subsequent process that may occur.

Agencies are encouraged to have a range of entry points for the child/young person that includes a number of the following:

- Face to Face
- Computer Access
- Website
- Email
- Phone Hotline
- Social Media
- IP phone application that can be downloaded
- Brochures, pamphlets or posters telling children and young people of their right (that's it's ok) discuss to such matters with the agency's staff and how to do so. Such information should include diagrams or illustrations as to how to access these processes and staff members.

***D. Education and training: awareness and understanding of child abuse and organisational responsibilities.***

All employees working with children undertake training on the dynamics and indicators of child abuse, child development, responding to children who disclose, specific Child Protection policies, risk management, policies, procedures and reporting arrangements and legal reporting obligations.

**Code of Conduct**

The Code of Conduct for child safe organisations promotes positive work practices and establishes boundaries concerning acceptable and unacceptable behaviour in relation to children with whom the organisation has contact.

Employees and volunteers will:

- Treat children and young people with respect, listen to and value their ideas and opinions and protect their wellbeing;
- Operate within the rules and policies of the agency;
- Resolve conflicts fairly and promptly and report and act on any breaches of these standards of behaviour through established procedures;
- Comply with specific organisational guidelines on physical contact with children which includes not engaging in rough physical games, not holding, kissing or cuddling children in an inappropriate or insensitive way, not making sexually suggestive comments;
- Maintain confidentiality. Employees must be familiar with all aspects of confidentiality as it may apply to their work (for example, legal obligations under certain acts of law such as the Family Law Act). In cases where child protection and safety issues are not a consideration, child clients have the same rights to confidentiality as adult clients. Children and young people are to be asked if they have heard the word "confidentiality" or "privacy". Children/young people are told that whatever they talk about is private with a couple of exceptions relating to the issue of safety and feedback to parents/adults. It is explained that only the information that the child/young person has agreed to

share will be shared with the parents. Information about the feedback process is given to participants and permission is obtained from children/young people. However there are exceptions to the limits of confidentiality and is modified under conditions where there is some evidence of a clear or implied threat to life or safety to themselves;

- Maintain a child safe environment for children and young people.

Unsafe practices include the following and contravene the Code of Conduct:

- Using prejudice, oppressive behaviour or language with children;
- Discriminating on the basis of age, gender, race, culture, vulnerability or sexuality;
- Initiating unnecessary physical contact with children or do things of a personal nature that children can do for themselves;
- Developing 'special' relationships with specific children for our own needs;
- Showing favouritism through the provision of gifts or inappropriate attention;
- Having contact with children outside of the organisation's programs.

**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?**

Research indicates that the core strategies for establishing child safe organisations are consistent with the points outlined in Question One above.

The evidence base underlying these principles should be established by the National Children's Commissioner and compiled in a framework which agencies are able to access and operationalize. This evidence base should extend to the physical environment and be consistent with OSH principles and child focussed practices in establishing welcoming and appropriate physical environments for the provision of services to children. It is noteworthy that requirements for physical safety will differ according to the context of the service provision. For instance, the requirements will vary between organisations that provide education, child care and residential out of home care where parents are not present, as opposed to community based organisations providing a counselling service.

**3. How should the effectiveness of 'child safe' strategies be tested?**

The core strategies should be understood as benchmarks within organisations that need to be operationalized in specific contexts and regularly reviewed and audited. Building the capacity for child safety within organisations should be understood as a process of development and continuous improvement. Ongoing assessment, action and reflection should be built into team discussions, team awareness, accountability processes, reporting and strategic planning as a way to maintain a child safe organisational culture.

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

A number of specific practices that support the guiding principles for child safe organisations are outlined in Question One.

**5. Should there be a universal framework for a 'child safe organisation' or should strategies be**

## specifically tailored to particular types of institutional settings?

There should be a universal set of principles and a clear framework which is specifically tailored to organisations and the services they deliver. It is acknowledged that operationalizing this framework will vary between organisations and depend on the type of services that they deliver.

### 6. The role of staff performance management systems and disciplinary processes in a 'child safe organisation'.

Some ways in which child safe organisations may adopt recruitment and selection processes that are intended to deter unsuitable applicants from attempting to secure paid or voluntary positions have been outlined in Point B 'Human Resource management' in Question One.

Additionally, in a situation where allegations of abuse are made against an employee or volunteer, these should be reported immediately to the relevant senior manager and human resources. This is especially important so that the agency or the individual staff or volunteer is not left vulnerable to accusations of posing a conflict of interest; for example, by actions taken to protect their colleague or of minimising the complaint.

It is inappropriate for the agency to investigate these allegations internally as it leaves the agency open to criticism. In terms of actually investigating a complaint against a staff member or volunteer, such matters must be reported to the Police who will, in conjunction with the relevant statutory authority, investigate the matter.

Generally where allegations involve inappropriate behaviour of staff or volunteers they should be removed from any contact with children and young people while the issue is being investigated. This decision must be made as soon as the allegations against the staff member or volunteer are received.

#### **A cautionary note:**

Anglicare Australia organisations are leading providers of out-of-home care services and have significant expertise and experience handling allegations of abuse in care. Allegations are treated with the upmost seriousness and agencies work diligently to encourage disclosure, ensure the safety of children and young people in their care and involve child protection authorities and the police.

However, some children and young people, as well as parents who have had children and young people removed from their care due to protective concerns, make false allegations of organisational abuse in order to try to alter placement arrangements.

When false allegations are made, this has the effect of 'burning' foster carers who are essentially, volunteers making extraordinary sacrifices in order to provide care to vulnerable children and young people who cannot live at home. When false allegations are made, the resulting investigative process in which carers must become engaged is often experienced as exhausting, demoralising and even traumatising. This may result in the carer ceasing to provide placements in their homes for children and young people.

There are a number of practices which could improve investigative processes into allegations of abuse in care and minimise the chance of those carers who are falsely accused becoming disillusioned and leaving the role of foster care. This includes:

- Investigating responses to allegations of abuse in care are as swiftly as possible so that they are not unnecessarily dragged out due to workload pressures in child protection authorities.

- Ensuring that child protection worker/s who conduct the investigation are comprehensively informed of the nuances of the placement they are investigating, including the profile and history of the child or young person and carer/s involved (particularly any history of false allegations having been made by children, young people or their biological parents in previous placements).
- Where possible, the same child protection worker/s see the investigation through to completion. Unfortunately, when the investigative process is unnecessarily slow, this may mean that several shifts of child protection workers come and go, and that successive workers involved are not necessarily fully informed of the nuances of the placement, as per the recommendation above.
- Providing an impartial senior placement worker or manager to chair each investigation – that is, not hitherto involved with the placement, or those facilitating it, in any way. This would enable carers to continue receiving the support of their case-managers, with whom they have established relationships (and, in our experience, to whom they are most likely to turn for support anyway), whilst minimising the impact of bias on the investigation through establishment of the impartial chair.
- That a review be conducted by government into the management of allegations of abuse in care, so as to produce refined models of best practice with regard to this issue.

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

Underlying principles, and practices to support them, have been outlined in Question 1.

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

There is limited Mandatory Reporting Legislation in Western Australia, which mandates Doctors, Nurses, Midwives, Police and Teachers to report child sexual abuse. Other States have varying requirements.

Whether or not a person is a mandated reporter under legislation, agencies should ensure that all staff and volunteers are aware that they have a duty of care to act as any reasonable, informed, ethical person would in respect to reporting concerns about the safety and well-being of a child or young person and this should be imbedded in the agency's policies and procedures.

Any disclosure regarding child abuse and neglect should always be taken seriously and warrants prompt action. It is noted that children rarely make false allegations of abuse.

