October 17, 2013

Royal Commission into Institutional Responses to Child Sexual Abuse

Email: solicitor@childabuseroyalcommission.gov.au

Dear Sir/Madam,

RE: Issues Paper 3 – Child Safe Institutions

The Australian Childhood Foundation is a national not for profit organisation which delivers specialist therapeutic programs for children and young people who have been affected by trauma arising from abuse and family violence. It currently runs these programs in Victoria, Tasmania, Northern Territory, South Australia, the Australian Capital Territory and Western Australia. It has more than 25 partnerships with other non-government organisations to support direct trauma based therapeutic programs for children and young people. These partnerships include Oz Child (VIC), UnitingCare Gippsland (VIC), Barnados (ACT), Salvation Army (VIC), Gippsland and East Gippsland Aboriginal Cooperative, Anglicare (SA and VIC), Relationships Australia (NT), and Centrecare (WA).

The Foundation runs national professional education and development programs focused on neurobiology, trauma and attachment. It reaches more than 7000 professionals each year nationally. It runs a range of workforce development programs for a number of state and territory government departments in Australia including Education Departments in South Australia, where it has run the SMART (Strategies for Managing Abuse Related Trauma) Program for the last nine years across SA, in the Northern Territory where it replicated the SMART Program across schools in the NT, and has had a contract with the Tasmanian Department of Education to implement a similar initiative addressing the issues of student engagement and disconnection in secondary school. The Foundation has also run workforce development programs for child protection staff and managers in Tasmania, the Northern Territory and the Australian Capital Territory.

The Foundation has implemented a range of national community awareness and child abuse prevention initiatives. These have included Play Your Part and Stop Child Abuse Now campaigns.

Its Safeguarding Children Program is unique in Australia and provides effective standards, training and an accreditation program that help organisations to strengthen their capacity to protect children and young people in their care.

The Foundation has a long history of advocating for the development of child serving systems which place the safety of children at the centre of individual, organisational and community decision making. Such systems achieve their mission through an honest acceptance of the risks of abuse and exploitation that adults can pose to children.

It is the Foundation’s view that a new legislative and policy regime is necessary to enact an effective safeguarding children framework nationally. This much needed reform should aim to introduce greater transparency and independent scrutiny of all organisations which provide a service or program to children.
I have listed a summary of the critical issues that require attention and proposed the adoption of the Safeguarding Children Program as a real and constructive model for preventing child sexual abuse and other forms of exploitation and harm by employees and volunteers of organisations which provide services or activities to children, young people and families.

In addition to the submission, I welcome the opportunity to provide additional information in person if required by the Commission in its deliberations. I can be contacted via email at jtucci@childhood.org.au.

Yours sincerely,

[Signature]

Dr Joe Tucci
CEO
Introduction

The abuse and exploitation of children by employees and volunteers of organisations who provide a service to children is inadequately researched, poorly understood and lacks impetus as a focus of community or government attention.

In a National Child Protection Clearinghouse Issues Paper devoted exclusively to the topic of child abuse within organisations, Irenyi et al (2007) highlighted the paucity of research into the historic and contemporary institutionalised harm caused to children by employees and volunteers. In contrast, there has been a far greater concentration of research over time into intra-familial abuse.

It is the Foundation’s view that the combination of these two trends has led to the assumption that the abuse and exploitation of children by employees and volunteers in organisations is less serious in its impact and less pervasive in its reach than the abuse of children perpetrated by family members.

The Wood Royal Commission in 1997 made a similar observation:

> It may be that some confusion about the incidence of child sexual abuse has also arisen out of the fact that physical abuse, emotional abuse and neglect are distinctly familial. According to DCS statistics, in 1994/95 family members accounted for 93% of physical abuse, 95% of emotional abuse and 94% of neglect cases. Any analysis which does not separate sexual abuse from other forms of abuse or relies on anecdotal reports about the incidence of ‘abuse’ is likely to mistakenly conclude that most sexual abuse is familial (p. 618).

As recently as 2009, the Australian Senate Community Affairs References Committee reported that the inadequate responses to the issue of organisational abuse by governments, churches and care providers reflected a “…complete lack of understanding of, or acceptance of responsibility for the level of neglect, abuse and assault that occurred in their institutions…(p5)”.

Further, it went onto argue that there had been little significant change in this area and that these groups had demonstrated “…at best only a rudimentary awareness of these issues and their implications…(p5)”.

There is almost no way of knowing the extent of the problem of child abuse and exploitation perpetrated by employees and volunteers in organisations who provide a service or activity to children. As Erooga, Allnock and Telford (2012) have pointed out, it is one of the most

> “…striking features of an issue about which there has been so much publicity is that there are no definitive figures relating to incidence (p.12)…”. 
Other than New South Wales, no other jurisdiction systematically collects data on the incidence of child abuse and exploitation by staff and volunteers. This is despite the recommendation in the *Forgotten Australians* report (Australian Senate Community Affairs References Committee, 2004) that organisations with this role should publish data annually on all abuse complaints received. In its review in 2009, the Australian Senate Community Affairs References Committee indicated that there had been almost no progress on this issue.

The National Framework for Protecting Australia’s Children has recognised the need to resource and support organisations to ensure that they are more protective of children and young people in their care. However, there is little guidance as to how this can be achieved.

As has been argued previously by Goddard and Tucci (2008), a partial understanding of the dimensions of a problem in the field of child protection has been the basis to a fragmented response that has failed children. As Goddard (1996) pointed out

“…Every development in knowledge of the problem of child abuse has been accompanied by disagreements about definitions to be used, the incidence of the problem, theoretical approaches to causation, the perpetrators of abuse, the effects on victims, efficient approaches to practice, the adequacy of child protection policies, and the appropriateness of methodologies chosen to ascertain the ‘truth’ about all of the above (p. 9)...”

Despite the rhetoric, it is evident that there has been lack of cohesion and priority given to the abuse and exploitation of children by volunteers and employees of organisations with a role in providing a service to children.

There is a clear need to introduce a strengthened and cohesive national legal and policy paradigm that effectively protects children from the abuse and exploitation by employees and volunteers in roles with organisations that are aimed at supporting and delivering services to children – Tinkering with the current system will not effect change.

The legal and policy paradigm in place in many jurisdictions can best be described as a loose collection of uncoordinated initiatives which have been implemented progressively in reaction to public concern to specific cases as they have been reported. For example, in Victoria, it involves the following:

- mandatory Working with Children Checks for volunteers and employees who have defined roles in activities with children which imposes requirements on the employee or volunteer and the organisation that contracts the employee of volunteer;
- the oversight of the Working with Children Check system by the Victorian Commissioner for Children;
- registration of all teachers through the Victorian Institute for Teaching which involves mandatory criminal records screening;
- the inclusion of a number of sexual offences and assault offences against children and young people in the Victorian Crimes Act (1958);
- the inclusion of the offence of procuring sexual penetration of a child under 16 years of age in the Victorian Crimes Act (1958);
- the inclusion of the offence of procuring sexual penetration or indecent assault of a child under 16 years by a person who exercises care, supervision or authority over a child in the Victorian Crimes Act (1958);
- the inclusion of the production and possession of child pornography as crimes;

However, the current paradigm has significant limitations. In summary, a review undertaken by the Foundation suggests that there is a lack of policy and legislative cohesion that articulates a community commitment to the protection of children from abuse and exploitation. There is also a history of poor Commonwealth and State Government leadership.
For example, in many jurisdictions, it is not mandatory to report the abuse and exploitation of children by employees and volunteers. The protection of “whistleblowers” who report child abuse by employees or volunteers within organisations is not available under existing legislation. Employment proceedings against employees which involve grooming or inappropriate behaviour towards children are included in Working with Children Checks for relatively few state jurisdictions. There is very little independent and sustained scrutiny of organisations within which children have been abused or exploited by employees and/or volunteers. There is no accreditation scheme for organisations in relation to their child protection policies and procedures. State legislation in relation to crimes against children varies across jurisdictions. There has been little commitment to funding community education campaigns that are sustained over time about child protection.

Each of these problems are summarised in turn below.

**Inadequate systems of protecting children from abuse and exploitation by staff and volunteers are as bad as no systems at all.**

The small amount of Australian research that has been conducted into the abuse of children by employees and volunteers and organisations has shown that half-hearted approaches which are not integrated within a cohesive policy and legislative framework are not effective.

For example, inadequately prepared organisations can be vulnerable to the subversion by adults intent on harming children. Between 1988 – 1996, the Victorian Child Exploitation Squad found that 43% of sex offenders gained access to child victims through children’s organisations (Petratis and O’Connor, 1999).

A Queensland Crime Commission investigation in 2000 highlighted numerous deficiencies in the approaches of organisations to the protection of children and young people from abuse. Less than one third of sporting, scouting and youth organisations contacted undertook any screening of employees and volunteers. Half of the 66 non-government schools involved in the survey had no guidelines in place for dealing with allegations of abuse involving a school employee. Only three out of 51 community groups had formal policies for reporting allegations of child abuse involving employees or volunteers. More than half of these groups said they would not involve the police in an allegation of child sexual abuse (Project Axis, 2000).

Recently, the NSW Ombudsman (2010) reported that in a sample of 101 sexual offence matters against school students by school employees between 2001-2009, 92% involved grooming prior to the sexual offence. In 31%, the grooming behaviour had been reported prior to the conduct escalating to a sexual offence. Of these, 39% of reports were not acted upon at all. Some action took place in 42% of matters, however, only 19% were deemed to have been appropriate action. In more than half of the reported matters, the response included ineffective warning of the perpetrator.

At an organisational level, the Australian Senate Community Affairs Reference Committee (2004) found that there were major failings within Church and care agencies to develop effective and transparent procedures for responding to child abuse allegations by employees and volunteers. The report identified a number of problems with existing processes: inconsistency and failure to adhere to processes; a lack of objectivity; coercion and intimidation of claimants; and a lack of transparency and accountability (Australian Senate Community Affairs References Committee, 2004).

In the subsequent review of the progress of the recommendations it was noted that assessment of progress was difficult as the Committee did not receive submissions from any of the major religious organisations. Submissions from other sources indicated that while some changes were evident, in particular the development of protocols for responding to abuse allegations, there were still significant inconsistencies between and within Churches and agencies (Australian Senate Community Affairs References Committee, 2009).
Mandatory reporting of child abuse and exploitation by employees or volunteers of organisations varies across jurisdictions.

All jurisdictions in Australia have implemented a legislative based regime for the mandatory reporting of child abuse. These vary from the Northern Territory, where every adult is mandated to report any reasonable belief of harm or exploitation of a child to other states such as Victoria and Western Australia where a limited number of professional disciplines are mandated to report very specific types of abuse. In Victoria, members of the clergy or religious orders are not included in the list of roles that are mandated to report abuse.

In addition, in Victoria, legislation stipulates that mandatory reporting only applies where the perpetrator of the abuse or neglect is the parent or carer, or the parent/carer is unwilling or unable to protect the child, instances of organisational abuse are specifically exempt from mandatory reporting obligations. In contrast, in New South Wales, Queensland and Northern Territory, abuse and/or exploitation perpetrated by employees of an organisation fall under the scope of mandatory reporting legislation.

The mandatory reporting regime across jurisdictions lack clarity, are inconsistently configured and vary in relation to whether they extend to extra familial abuse, in particular that committed by employees and volunteers of organisations which provide a service or activity to children.

National uniform mandatory reporting legislation is required to compel an individual to report reasonable suspicions of abuse and exploitation of children by employees and volunteers of organisations to a newly established unit of the Australian Federal Police (AFP).

A centralised reporting point that is nationally accessible would establish an effective system of identification and management of these crimes. This approach is already adopted to an extent by the Australian Government in establishing a centralised reporting point within AusAID for addressing breaches of its child protection policy that sits across its international aid activity.

A unit within the AFP would be well positioned to co-ordinate the integration of intelligence gathering and criminal investigation approaches that are often necessary to build the requisite evidence to achieve successful prosecutions of child sexual assault perpetrators who are employees and volunteers of organisations. This is particularly critical in the modern context where offenders can easily move jurisdictions, change identity and utilise technology to access networks of other offenders across multiple locations. The AFP plays a similar role in co-ordinating multi-jurisdictional, and at times international investigations, aimed at detecting and prosecuting offenders who create, distribute and possess child pornography.

There is no protection for “whistleblowers” of abuse or exploitation by employees or volunteers.

In its Forgotten Australians report, the Australian Senate Community Affairs References Committee (2004) made recommendations that Governments should introduce “whistleblower” legislation for the religious and charitable sectors. It noted that such legislation had already been established for government and corporate organisations in Australia. The Committee considered that it was important to encourage the reporting of crimes against children as a way of making more transparent organisational cultures which had embedded practices of complicity.

The inclusion of employment proceedings in Working with Children Checks is not available in the legislation of some state jurisdictions.

Under the Commission for Children and Young People Act 1998, employers in New South Wales who are required to administer the Working with Children Check must also report relevant employment proceedings to the Commission for Children and Young People. Relevant employment proceedings are completed inquiries where employees have been found to have engaged in conduct such as sexual assault of a child, sexual misconduct towards a child, physical...
assault, psychological harm of a child, neglect of a child, violence in the presence of a child and the possession, production or distribution of child pornography.

Also, Part 3A of the NSW Ombudsman Act 1974 requires designated agencies, including some government departments, non-government schools, child care services and local government services to report specifically detailed allegations regarding employees to the Ombudsman. Certain types of behaviour not covered by mandatory reporting may be deemed “reportable conduct” and must also be reported to the NSW Ombudsman and the NSW Commission for Children and Young People.

Adverse findings in relevant employment proceedings and/or the substantiation of reportable conduct against employees are then considered by the Commissioner for Children and Young People in granting, suspending, or cancelling a Working with Children Check for an employee.

Only NSW has any form of independent oversight of organisations which provide a service or activity to children in relation to enacting effective systems of protecting children from abuse and exploitation by employees or volunteers.

NSW is the only state with an institutional role designated with the authority to scrutinize the capacity of organisations to prevent the abuse and exploitation of children by volunteers and employees or respond effectively to children who are identified as having been abused or exploited by employees or volunteers.

Under Part 3A of the NSW Ombudsman Act 1974, the Ombudsman is given specific powers to monitor and review the systems of designated government and non-government agencies for preventing the abuse and exploitation of children by the employees of these agencies. The Ombudsman may require the CEO of any agency to provide information about these systems. The Ombudsman also has the power to monitor any investigation undertaken by the CEO of an agency of alleged abuse or exploitation of a child by an employee. If the Ombudsman forms the view that such an investigation is not being appropriately managed, the Ombudsman has the power to undertake its own investigation.

NSW has an advanced configuration of roles and responsibilities which include the statutory oversight by the NSW Ombudsman and Commission for Children and Young People. It also involves provisions for investigations of employee and volunteer misconduct against children which do not constitute crimes but nevertheless can be harmful and exploitative of children. This level of compliance in NSW is more robust and effective in its intent to protect children from abuse and exploitation within organisations for who there is a duty of care.

There is no accreditation scheme for organisations in relation to their child protection policies and procedures.

New national Workplace Health and Safety laws have placed the onus of responsibility on employers and employees to enact policies, procedures and systems to ensure the safety and well being of individuals within organisations. These laws require compliance to agreed standards of practice and behaviour.

Using compliance to safeguarding children standards by organisations is increasingly viewed as an effective approach to protecting children from harm by employees and volunteers. In February 2013, AusAID released a revised and strengthened Child Protection Policy which is now the compliance benchmark for all AusAID funded and/or administered programs. It is guided by the following five principles:

- zero tolerance of child exploitation and abuse;
- recognition of the best interests of the child;
- sharing responsibility for child protection;
- risk management approach; and,
- procedural fairness.
It is important to note that the policy reflects an emphasis on achieving compliance. For example, under the subtext of the principle of sharing responsibility for child protection, the policy states

“…to effectively manage risks to children, AusAID requires the commitment, support and cooperation of contractors and civil society organisations. They must meet the terms of this policy and will be held accountable, through contracts, audits and spot checks, for complying with it…(p. 4, AusAID Child Protection Policy, January 2013)”.

Similarly, AusAID’s expectations for the Australian Volunteers for International Development program are clearly articulated in relation to achieving compliance with the policy.

“…AusAID requires core partners to develop and implement an AusAID-compliant child protection policy…The policy must apply to all personnel, volunteers, host organisations and subcontractors who are engaged by a core partner to perform any part of an activity under the AVID program. Core partners must ensure that AVID program participants and partners comply with the relevant child protection standards, including ensuring host organisations have an AusAID-compliant child protection policy…(p.12, AusAID Child Protection Policy, January 2013).

Arguably, the Australian Government has a higher standard of compliance for the programs it funds internationally than it has set for programs it resources within the country, as these principles are not applied to any of its nationally funded activities.

Similarly, state government compliance frameworks are limited in their application of adequate child protection standards for the organisations they fund within their jurisdiction. For example, in Victoria, the Department of Human Services has now implemented a set of broad compliance standards for organisations which receive funding from it. In relation to child protection, these standards ensure that organisations are compliant with the legislation in relation to ensuring the implementation of Working with Children Checks for employees and volunteers. However, given the generic nature of this particular standard, it makes no further in-roads into the approach adopted by organisations in developing and executing the policies, procedures and internal decision making systems to effectively decrease the risk of and protect children from abuse and exploitation by volunteers and employees.

More critically, non-funded organisations are not covered by any regime which supports them to develop and implement child safe policies and systems. This leaves a major gap in compliance in Victoria and most other state jurisdictions.

The Safeguarding Children Program, first developed in Victoria by the Australian Council for Children and Youth Organisations (ACCYO) and now part of the suite of services provided by the Australian Childhood Foundation, is a voluntary accreditation scheme that facilitates organisations which undertake it to become compliant with seven key child protection standards. To date, approximately 50 organisations have become or are becoming accredited under the program.

It is a unique program that offers organisations clear resources and support, as well as independent scrutiny, of their systems to ensure that they have transparent processes for preventing if possible, identifying and responding to the abuse of children by employees and volunteers.

The Safeguarding Children Program is the only Australian example of a capacity building initiative that is able to support funded and non funded organisations to improve their approach to child protection.
There is significant variation across jurisdiction in relation to crimes against children.

There are at least two key areas of criminal law in Victoria, for example, that make it less effective in addressing the abuse and exploitation of children by volunteers and employees in organisations who provide a service or activity to children.

Firstly, in relation to failing to report a crime to police, Section 326(1) of the Victorian Crimes Act 1958 has only one offence (relating to accepting a benefit), "where a person has committed a serious indictable offence, any other person who, knowing or believing that the offence, or some other serious indictable offence, has been committed and that he has information which might be of material assistance in securing the prosecution or conviction of an offender for it, accepts any benefit for not disclosing that information shall be guilty of an indictable offence and liable to level I imprisonment."

It is only an offence if both aspects of the definition are met. Without accepting a benefit for not disclosing, a person cannot be convicted of failing to report a crime to the police.

In contrast Section 316 of the NSW Crimes Act 1900 has two types of offences related to failing to report a crime to the Police as follows:

(1) if a person knows or believes that a serious offence has been committed and fails without reasonable excuse to bring that information to the Police or other authority (2 years imprisonment)

(2) where a person solicits or accepts a benefit to conceal a serious offence (5 years imprisonment)

The NSW law makes it an offence to not report a serious crime without reasonable excuse, irrespective of whether or not a direct benefit is sought or accepted.

Secondly, whilst the Victorian law makes it an offence to procure a child for sexual activity, it does not include an offence related to “grooming” a child for sexual activity. NSW, South Australia and Tasmania have offences related to grooming and procurement of a child for sexual activity. In these statutes, grooming generally refers to behaviour that is designed to make it easier for the offender to procure a child for sexual activity. For example, an offender might build a relationship of trust with a child and then use that trust to facilitate the sexual abuse. Grooming includes behaviour that encouraging romantic feelings in a child, exposing the child to sexual concepts through pornography, repeated private discussions about sex with a child.

Grooming as an offence makes the prevention of sexual abuse by employees or volunteers more possible, proving the opportunity for earlier intervention in the sequence of behaviour enacted by perpetrators in the lead up to it.

There has been virtually no commitment to funding community education campaigns that are sustained over time about child protection.

Over the last decade, the Australian Childhood Foundation, in conjunction with the Child Abuse Prevention Research Australia at Monash University and Quantum Market Research, has conducted a series of surveys which have sought to track community attitudes about children, child abuse and child protection (Tucci, Mitchell and Goddard, 2001, 2003, 2004a, 2004b, 2005, 2006, 2010).

Consistently, these studies have highlighted that child abuse, as a serious social problem, is poorly understood by the Australian public on a number of levels including its true extent and nature. In addition, the findings illustrate a lack of understanding of the short and long term social and financial costs of child abuse to children, families and the community.
For example, child abuse was perceived as less of a concern than the rising cost of petrol and problems with public transport and roads. Almost half of the people surveyed felt so poorly informed on the issue that they could not even guess at the number of reported cases of child abuse in Australia. Worryingly for children, about a third of respondents in the survey stated that they would not believe children's stories about being abused.

Twenty percent of respondents also lacked the confidence to know what to do if they suspected a child was being abused. A quarter of respondents did not know that they could make an anonymous report to child protection authorities.

A NSW Department of Community Services report (2006) which examined the attitudes of the general public in NSW about child abuse and child protection confirmed that a lack of engagement with the topic and a lack of understanding were concerning and likely to minimize a sense of responsibility to take action to protect children from abuse.

By ignoring child abuse, social responsibility for acting to protect children is positioned on the periphery of our collective consciousness.

The key to preventing child abuse is generating sustained community commitment to understanding the dimensions of the problem, believing in the magnitude of the problem and really appreciating the suffering of children who are traumatised by abuse.

Historically, there has been very limited Government support for ongoing campaigns to educate the community about child abuse and child protection. The Commonwealth Government has been tokenistic in its funding of community based educational activities aimed at

- improving community understanding of the extent of the problem of child abuse by volunteers and employees within organisations; and,

- strengthening individual confidence in knowing how to take action to protect children if they are aware that children are being abused or exploited by these employees and/or volunteers.

**Answers to Issue Paper Number 3**

**What are 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 Foundation’s answer to this question is drawn from its experience in the implementation of its Safeguarding Children Program.

The Safeguarding Children Program is a unique voluntary accreditation scheme for organisations which have a duty of care to children and young people whilst delivering a service or activity to them and/or their families. It systematically builds the capacity of organisations to enhance and maintain a collective culture that promotes the protection of children and young people from abuse and exploitation by staff, volunteers or other relevant related individuals.

It is a tailored step by step process that is accompanied by expert advice, policy development and resources from experienced child protection practitioners.

The essential elements of the Foundation’s Safeguarding Children Program are:

- Specialist support and advice to implement effective child protection policies and procedures that meet the standards of Safeguarding Children accreditation;

- Protocols that promote the safe recruitment and supervision of staff and volunteers;
• Online and face to face induction and training packages for Board, management, staff and volunteers to ensure that safeguarding children policies are understood and consistently implemented;

• An independent audit of an organisation’s operational framework benchmarked against a set of evidence based standards;

• Communication tools that enable organisations to reinforce safeguarding practices to their staff and volunteers;

• Access to a responsive debriefing service for organisations following child protection critical incidents;

• Availability of advice about how to respond to allegations and situations of concern in relation to children and young people.

As part of its submission, the Australian Childhood Foundation has attached a copy of the Safeguarding Children Accreditation Manual. It is a detailed explanation of its processes and resources.

The Foundation believes that the elements of the Safeguarding Children Program provide a best practice approach to creating child safe organisations. The Safeguarding Children standards have been used as the basis to develop a compliance resources for volunteers, host organisations and core partner organisations involved in the AVID program funded by AusAID. It has also been used as the basis for the child protection framework used by the Australian Defense Force for its Cadet Programs.

Please note: The Safeguarding Children Accreditation Manual is proprietary information developed and owned by the Foundation. Whilst this submission can be released publicly, the attached Manual is submitted to the Commission for its purposes only and should not be released publicly.

What is the evidence base for the range of strategies associated with making an organisation ‘child safe’?

The Australian Childhood Foundation has conducted a factor analysis of the contributing factors within organisations that lead to children and young people not being adequately protected from abuse and exploitation. This research has identified four key organisational vulnerabilities described in the following diagram. Typically, abuse by volunteers or employees of organisations involves the presence of at least two of the identified risk factors. In these circumstances, the whole of the organisation is exposed for not adequately exercising its duty of care to the children and young people it services or supports. These factors are summarised in the following diagram.

Vulnerability 1. Lack of awareness
Managers, employees and volunteers can lack awareness about the prevalence of abuse within organisations. As a consequence, they underestimate the impact of abuse on children and young people. It can lead to them ignoring the early warning signs of abuse and exploitation. They can engage in false optimism. Critically, individuals do not feel responsible for creating and maintaining protective practices with their organisations.

Vulnerability 2. Lack of knowledge
Managers, employees and volunteers can lack the knowledge about the ways in which abuse occurs within organisations. A lack of knowledge complicates and creates barriers to individuals taking action to protect children when required. It can lead to individuals not understanding how abuse is kept secret and the truth manipulated by adults. They do not know how to recognise the manifestations of abuse. Individuals do not understand what is expected of them.
Vulnerability 3. Lack of confidence
A lack of confidence in managers, employees and volunteers increases personal discomfort in relation to the protection of children and young people from abuse and exploitation. It introduces uncertainty in decision making about specific children. Individuals feel isolated from organisational support and resources. Critically, they may fail to adhere to organisational policies and procedures.

Vulnerability 4. Lack of processes and support.
A lack of organisational processes and support does not create or maintain a culture about protecting children. It leads to a lack of clarity about roles and individual conduct in relation to children. As a result, managers, employees and volunteers may defer to others to make decisions. They are confused about the procedures to follow. It promotes a culture of complacency and uncertainty.

In response to these vulnerabilities, the Foundation has developed its accreditation scheme based on a set of seven unique quality standards (approved by the Quality Improvement Council) which build the capacity of organisations to keep children and young people safe from abuse and exploitation by staff, volunteers or other relevant related individuals. These standards are set out on the next page in Diagram 2.

It is critical that organisations commit themselves to achieving and maintaining compliance with all seven standards. It has been our experience that those organisations which choose to only partially implement a quality management system for protecting children are not effective.

A pilot evaluation of the Safeguarding Children program was undertaken by the Wellness Promotion Unit at Victoria University in 2006. It drew data from 23 organisations that were participating in the program at the time. It found that

“…there was an overwhelming positive response towards the project from the participating organisations. They found that the accreditation project to be beneficial to them and reported a range of positive effects on their organisations as a result of the project. All of the participants agreed that the project was useful to them individually and 98% also agreed that the project was useful to their organisation. For many of the organisations, the impact was significant in that before the project they had no policies and minimal procedures in place that specifically dealt with child protection, while at the close of the project they were developing policy and implementing risk management strategies. For other organisations the involvement in the project resulted in the revisions or reworking of existing policies and practice…(Sharples, 2006, p.1)”. 
Diagram 2. Seven Standard of the Safeguarding Children Program

1. Commitment to safeguarding children
   Our organisation ensures that each person involved in our delivery of services to children and young people understands their role, and the behaviour we expect in safeguarding children and young people from abuse and neglect.

2. Personnel roles and conduct
   Our organisation has appropriate measures in place to minimise the likelihood that we will recruit a person who is unsuitable to work with children or young people.

3. Recruitment and screening practices
   Our organisation's induction, education and training programs are a vital part of our commitment to safeguarding children and young people from abuse and neglect.

4. Personnel induction and training
   In developing a safe, inclusive and supportive environment our organisation involves, and communicates with, children and young people, and their parents. We encourage parental involvement and behaviour that helps to protect children and young people.

5. Involving children and parents
   Our organisation has measures in place to ensure that our 'involved' personnel understand their responsibility to report possible abuse or neglect of children or young people, and understand our reporting procedures.

6. Child abuse reports and allegations
   Our organisation is committed to maintaining and improving its policies, procedures, and practices to safeguard children and young people from abuse and neglect.

7. Supporting a child-safe culture
   Our organisation ensures that each person involved in our delivery of services to children and young people understands their role, and the behaviour we expect in safeguarding children and young people from abuse and neglect.
How should the effectiveness of ‘child safe’ strategies be tested?

It is our view that such standards need to be audited by an independent authority with expertise in child protection.

In the Safeguarding Children accreditation process, organisations undertake a two stage audit process that firstly examines the systems in place and then follows up with an evaluation of how those systems are operationalised through interviews with managers, employees and volunteers and consideration of other related data.

A final report outlining the outcomes of the audit is then submitted for consideration by the Independent Safeguarding Children Program Accreditation Panel. The Independent Panel comprises of the following members:

- Susan Halliday  Former Sex Discrimination Commissioner and Former Chairperson of the Victorian Institute of Teaching
- Anton Hermann  Solicitor and Director of Minter Ellison's Pro Bono and Community Investment Program, Former Director of the Australian Council for Children and Youth Organisations.
- Andrew Allen  Superintendent of Victoria Police (Ballarat Region) and former head of the Purana Task Force.

The Independent Panel is responsible for granting accreditation and for overseeing any subsequent decision making in which accreditation is suspended or withdrawn.

Safeguarding Children accreditation is a three year cycle that involves ongoing communication with staff, volunteers and service users. Each year, organisations are prompted to ensure that all new personnel are trained about Safeguarding Children policies and procedures. There is also an expectation that organisations will use a standardised critical incident reporting mechanism in the event that a child or young person is identified as having been harmed.

Every twelve months, accredited organisations undertake a formal internal review by completing a short survey. At the end of the third year, organisations undergo a re-accreditation audit against the Safeguarding Children standards. The audit is comprehensive and involves an examination of relevant organisational documentation and an analysis of the degree of understanding and commitment by staff and volunteers to continuing to adhere to the Safeguarding Children strategies. The Independent Panel also examines the outcomes of this audit before deciding whether to re-accredit an organisation for further three years.

How do ‘child safe’ policies and procedures work in practice?

For child safe policies and procedures to work effectively in practice, a whole-of-organisation commitment is required from the Board through all levels of management to the operational staff and volunteers. It is critical that organisations develop a culture that prioritises the protection and safety of children, supports safe practices with children and young people, has a clear code of conduct for all staff and volunteers, promotes transparency and accountability of staff for their behaviour, and has clear supportive processes for the raising of concerns by service users or colleagues about the conduct of staff or volunteers.

A ‘safeguarding’ culture is reflected in practice by adherence by the organisation to a set of processes and procedures that reflect operational and systemic compliance with the standards outlined above.

A ‘safeguarding’ culture within an organisation is similar to that of the organisational commitment to being compliant with Work Health and Safety legislation and regulations.
Should there be a universal framework for a ‘child safe organisation’ or should strategies be specifically tailored to particular types of institutional settings?

The Foundation believes that there should be a universal quality standards framework adopted nationally for child protection in organisations. It should be an expectation set through national uniform legislation that any organisation (for profit and not for profit) will be compliant with these standards.

It should be as clear and simple as possible. The greater the clarity, the more likely it is that the standards will be adopted effectively.

What is the role of staff performance management systems and disciplinary processes in a ‘child safe organisation’?

Staff performance management systems are critical in child safe organisations. However, they are only one way in which a culture of protection is fostered and actively kept as a priority in organisations. The other strategies are set out in the Accreditation Manual of the Safeguarding Children Program.

What are the role and characteristics of governance and management leadership in creating and maintaining a ‘child safe’ organisational culture?

It has been our experience that an effective ‘safeguarding children’ organisational culture is only ever created when the whole of the organisation embraces its need.

The outcome of an effective ‘safeguarding children’ organisational culture is that

- children and young people feel and are safe during their engagement with an organisation;
- children, young people, their parents and caregivers are supported and able to exercise their rights to express concerns or make complaints about the behaviour of staff or volunteers as demonstrated by:
  - the openness and preparedness of the organisation to hear and take these concerns seriously, and,
  - a confidence on the part of children, young people or their families that they can raise these concerns without fear of retribution;
- staff and volunteers are supported and able to raise concerns about the conduct of their fellow colleagues where concerns arise; and,
- staff or volunteers against whom allegations have been made are confident that decision making about the allegations are transparent, fair and just.

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

All organisations that provide any activity to children, young people and their families should be compliant to a national uniform set of safeguarding children standards. It should be supported by national uniform legislation that mirrors Workplace Health and Safety legislative compliance.

Children should be afforded to the same degree of protection whilst they undertake any program or activity regardless of where they are, what they do and who they are involved with.
Conclusion

Organisations that provide services to children and young people have a moral, ethical and legal duty of care to protect them from all forms of abuse.

Children and young people are inherently vulnerable to abuse by adults. The large majority of employees and volunteers are well motivated and contribute positively to the well being and development of children and young people in their care. Some do not.

Adults may intentionally or inadvertently cause harm to children. There is evidence that some adults target organisations specifically to gain access to children for the sole purpose to abuse and exploit them.

Organisations can take preventative steps to safeguard children and young people. The Safeguarding Children Program provides the resources to support organisations meet evidence based standards that ultimately reduce the risk of abuse of children and young people by employees and volunteers. It achieves this through facilitating organisations to

- recognise the factors that increase a child’s vulnerability to maltreatment;

- be aware of the vulnerabilities which may indicate a need to assess, monitor or curtail the behaviour of individuals in relation to children and young people within organisations;

- create an environment which limits the opportunity for children to be maltreated;

- develop and maintain a culture that is child-focused, transparent and respectful; and,

- implement a comprehensive framework that ensures appropriate policies and guidelines for all individuals associated with an organisation.

The Safeguarding Children Program is a real and constructive model for preventing child sexual abuse and other forms of exploitation and harm by employees and volunteers of organisations which provide services or activities to children, young people and families.
References


