



PeakCare
Queensland Inc.

23 April 2021

SUBMISSION ON GROWING CHILD SAFE ORGANISATIONS IN QUEENSLAND CONSULTATION PAPER

PeakCare Queensland Incorporated (PeakCare) welcomes the opportunity to provide information in response to the *Growing Child Safe Organisations in Queensland Consultation Paper*.

RESPONSE TO CONSULTATION QUESTIONS

Question 1: Are there other principles or elements, not currently referred to in the child safe standards and National Principles, that will achieve safer organisational environments in the Queensland context?

PeakCare supports the Child Safe Standards and National Principles for Child Safe Organisations which we believe suitably address organisational requirements in the Queensland context. With specific reference to matters raised in the discussion paper about the relevance of creating culturally safe environments for Aboriginal and Torres Strait Islander children to Standards 2, 3 and 4, consideration could be given to either making this more explicit within the stated principles or elements, or to ensuring that this is properly and fully addressed within other publications that expand on the meaning and intent of the principles. Taking the Queensland context into account, this should include reference to relevant provisions of the Child Protection Act including, in particular, elements of the Child Placement Principle that is now enshrined within the legislation. Similarly, reference should be made to the compatibility of the Standards with relevant principles and provisions contained within Queensland's human rights legislation. It is acknowledged that the issue of 'embedding cultural safety' is, in part, addressed within the description of the 'Queensland Government approach to implementing the child safety standards' that appears on page 8 of the discussion paper.

Question 2: Do the categories recommended by the Royal Commission appropriately represent those that should be subject to a potential child safe standards system? Is the scope too broad or too narrow, and why?

PeakCare supports the breadth of organisational types identified by the Royal Commission as being appropriate for inclusion within the scope of those which should be required to implement child safe standards.

Question 3: If a regulatory response to child safe standards is implemented, should some sectors be subject to regulation and oversight before others? Why, or why not?

PeakCare recommends the implementation of a future regulatory response be undertaken in a staged manner following appropriate consultation and planning with impacted organisations, peak bodies, and representative groups. Determination of which organisational types should be included in each phase should be based on an assessment of risk exposure to children, organisational and sector capacity, and potential opportunities to align with similar existing regulatory processes.

PeakCare recognises that this will constitute a complex process and recommends that it be undertaken in accordance with some agreed up criteria to measure the risk exposure of children within various settings (i.e. What are the environmental factors that place some children at higher levels of risk than others? What protective factors may already be in place within certain settings to mitigate these risks compared to others where these factors may need to be newly created?)

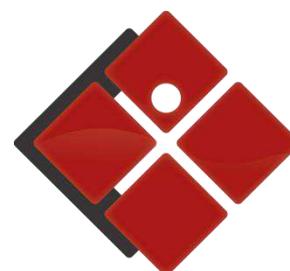
Question 4: Is the voluntary compliance model or mandatory compliance model likely to be the most appropriate for Queensland? If you consider a particular model is more preferable, why is that the case?

PeakCare recommends the introduction of a mandatory compliance model in Queensland similar to the co-regulatory model in place in Victoria. We consider this approach to best position Queensland to realise the intent of the Royal Commission's recommendation and the important safeguards it provides for Queensland's children and young people while also recognising existing regulatory frameworks thereby reducing confusing and inefficient duplication of effort.

Question 5: If a co-regulation approach was adopted, which existing bodies or sector regulatory mechanisms may be suitable to co-regulate the child safe standards?

PeakCare recommends consideration be given to the co-regulatory model established in Victoria and how it may be aligned to existing Queensland Government agencies and statutory bodies. We also recommend the inclusion of relevant bodies that provide existing sector oversight as a means for aligning and streamlining the operationalisation of future regulatory requirements.

PeakCare recognises that both PeakCare and the Queensland Aboriginal and Torres Strait Islander Child Protection Peak (QATSICPP) are well-placed in principle to lead in partnership certain aspects of this model (such as capacity building through training and awareness-raising) within a number of the organisations where the child safety standards will apply (e.g. accommodation and residential services or children, child protection services, justice and detention services for children). However, neither organisation is sufficiently well resourced to perform this role and both would require a significant funding boost to deliver this service.



Question 6: Which sectors do not have existing peak bodies, oversight bodies or sector regulators that could take a role in requiring implementation of the child safe standards?

PeakCare defers to other agencies with more specialist knowledge of those sectors which do not have a direct child protection focus. We again note that appropriate funding arrangements would be required to enable peak bodies to appropriately participate in the implementation of child safe standards.

Question 7: Should there be a staged approach to implementing child safe standards focusing on awareness and capacity building before imposing regulation and oversight functions?

PeakCare supports the implementation of child safe standards through a staged approach which focuses initially on awareness and capacity building prior to the imposition of regulation and oversight functions. We strongly recommend the timing of any staged approach be determined in consultation and partnership with impacted organisations, peak bodies, and representative groups.

Question 8, 9, 10 – organisational and sector readiness

As a peak body for child and family services in Queensland, PeakCare would welcome the opportunity to work in partnership with the department to assist in determining the organisational readiness of child and family services sector organisations.

Question 11: How could an oversight body target monitoring and compliance activities to where they are needed most?

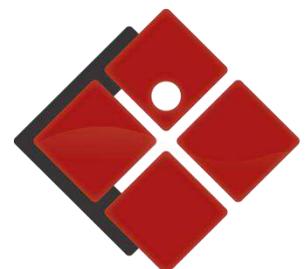
PeakCare supports the Royal Commission's recommendation for using a responsive, risk-based regulatory approach to achieve this purpose.

Question 12: Which monitoring and enforcement powers would be most effective in ensuring compliance?

PeakCare strongly encourages the department to ensure the future implementation of child safe standards in Queensland is not driven from a compliance centric viewpoint but one that focuses on organisational empowerment and continual service improvement. An example of this would be the introduction of foundational requirements for child safe organisations with an option for organisations to undertake additional aspirational activities based on their level of organisational capacity and maturity, over time.

Question 13: In your sector, which bodies have a role to play in the regulation and oversight of the handling of employee-related child protection matters (such as allegations of child sexual abuse)? How could these functions align with a separate body overseeing a reportable conduct scheme?

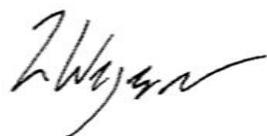
PeakCare strongly recommends the inclusion of suitable skilled child protection experts as part of any body overseeing a reportable conduct scheme given the complex nature of these issues. There are a number of matters that are increasingly likely to impact the management and delivery of a reportable



conduct scheme such as risks associated with inadequate understandings of the aetiology of children's sexually aggressive behaviours and subsequent confusion that sometimes occurs in assessing the nuances between age appropriate and harmful sexualized behaviours; risks of sexual assaults of children on other children in congregate care settings especially; poor matching processes and a paucity of suitable care arrangements for some children that exacerbate these risks; and involvement of children in intimate partner relationships with other children or adults that feature violence where both domestic and family violence services and child protection-related services are struggling to provide tailored and suitable service responses. While there is a number of bodies within Queensland that may be regarded as equipped in part to play a role in the regulation and oversight of the handling of employee-related child protection matters, PeakCare does not view any as fully equipped with the expertise to full address the complexities, sensitivity and care with which a reportable conduct scheme would need to be managed. As such, PeakCare recommends that a 'blue sky approach' be adopted in the establishment of the oversight body, following which questions of the alignment of its functions with those of other bodies are then considered.

Thank you for the opportunity to provide a submission on the *Growing Child Safe Organisations in Queensland Consultation Paper*.

Yours sincerely



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