Commissioner Peter McClellan AM
Royal Commission into Institutional Responses
 to Child Sexual Abuse
GPO Box 5283
Sydney NSW 2001

11 October 2013

Dear Commissioner McClennan

Re: Issues Paper 3: Child safe institutions

PeakCare Queensland Inc (PeakCare) welcomes the opportunity to make a submission in response to the third issues paper released by the Royal Commission into Institutional Responses to Child Sexual Abuse.

PeakCare is a peak body for child protection services in Queensland. Our members are a mix of large, medium and small non-government organisations providing supports and services to children, young people and families across Queensland, including children and young people placed away from their families in out-of-home care.

Child safe organisations are achieved through a multi-pronged approach

As the Royal Commission's issues paper notes, employment screening regimes require the back-up of preventative organisational policies and procedures that ensure risks to children[1] are identified and assist to keep children safe from child sexual or other abuse in public, private or community-based settings where people work or volunteer with children. Reactive policies and procedures are also required by these organisations to guide the development, implementation and review of responses to any suspicions or incidences in which a child's safety is or has been threatened.

In turn however, to be effective, child safe organisation policies and procedures must be supported by universal education programs targeted to children and young people about risks, how to avoid risks and risky situations, and how to respond to and raise feeling or experiencing uncomfortable or unsafe situations and experiences. Educational programs for parents and carers are also required to increase their awareness about risk factors and how to keep their children safe and protected. The arguments for community prevention programs and the development of supportive, caring communities and neighbourhoods to realise the assertion that 'child protection is everyone's business' have also gained traction over recent years.

Considerations of scope in organisational approaches

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[1] The terms 'child' and 'children' have been used to refer to children and young people aged 0 to 17 years.

To be clear, when PeakCare refers to 'volunteers', we are referring to those people in organisational settings who volunteer their services in an unpaid capacity and/ or undertake what might otherwise be paid work. We are keen to distinguish these 'strangers' from parents or other family members who volunteer at and are usually accompanying their children at their child's recreational, sporting, school or cultural events. PeakCare views parental participation in their children's activities as engaging with community, displaying a protective approach behaviour and one during which the children are usually in their parent's care. This is not to say that those organisations should be exempt from developing, implementing and monitoring rigorous policies and procedures to engender a child-safe, child-friendly environment, but that categories of volunteers should recognise this distinction and not dissuade parental engagement. Similarly, obligations on organisations to be child-safe where, on a routine or ad hoc basis, children accompany their parents to work should acknowledge that these children are effectively in their parent's care.
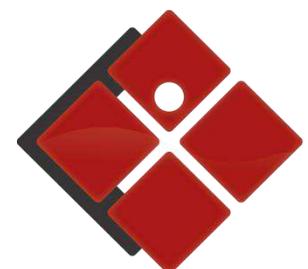
PeakCare is also of the view that an individual organisation's risk management strategies should take account of the particulars of the children accessing the services. Factors to be taken into account include the children's ages and development, abilities, cultural backgrounds, and sex. There is much research to indicate that different child characteristics impact on a child's vulnerability to abuse in an organisational setting. We are also of the view that a higher standard of care is warranted when caring for children who have experienced familial or non-familial child abuse and neglect, for example those in out-of-home care, family violence refuges or youth shelters, given the impacts related to the trauma, loss and grief that many of these children have experienced.

A topical example of the need for frameworks to take account of the particular setting, age and vulnerability of the client group relates to touching or physical contact between residential care workers or foster carers with children placed in out of home care. Such actions are not necessarily inappropriate, rather they may be nurturing and comforting. In Queensland, for example, safe houses, group homes and residential care for Aboriginal and Torres Strait Islander children particularly where operated in Indigenous communities are targeted to children aged 0 to 17 years. There are also mainstream residential care facilities caring for children under 12 years. The age and vulnerabilities of those children and often the kinship relationships in remote or rural communities mean that a blanket code of practice or standard that prevented physical contact, nurturing or comforting would be contrary to the objectives of the service model.

Taking account of the age and mix of children is another factor to be considered as children should also be protected in organisational environments from other children.

Support for a national approach

As the Royal Commission is aware, the Queensland Child Protection Commission of Inquiry released its report on 1 July 2013. Commissioner Carmody made a number of recommendations in respect of realigning or streamlining the current functions of the Queensland Commission for Children and Young People and Child Guardian, the body which administers Queensland's child safe organisation regime. This function was not specifically mentioned in the Inquiry report and the fate of the requirement on organisations engaged in areas of child-related employment to undertake an annual risk management strategy is not yet known. Given the differences in requirements across Australian jurisdictions, including whether the approach is legislatively or administratively prescribed, PeakCare supports a national approach.

To complement child, family and community education about risks and protective behaviours, in-scope organisations require policies and procedures to guide management, workers and volunteers in respect to:

- rigorous recruitment and selection processes in which past behaviours are considered and assessed for their relevance to the setting and particular responsibilities when working or volunteering with children

- ongoing support, supervision and performance monitoring including in respect of past behaviours or actions, for example, where the worker or volunteer is a survivor of child sexual abuse, statutory child protection intervention, domestic and family violence

- internal awareness raising for co-workers about what to look for (i.e. suspect behaviours) and reporting procedures

- internal procedures for workers and management to promptly respond to observations, suspicions or disclosures of child sexual abuse

- well known internal and external reporting mechanisms

- disciplinary procedures for non-compliance with organisational expectations

- a code of conduct that clearly sets out expectations and standards of behaviour for interacting with children and therefore makes opportunities or behaviours that are suspect or inappropriate clear to co-workers, volunteers and management.

Two other factors that are often referred to as integral to creating and maintaining child safe, child friendly organisations are a positive organisational culture and encouragement and support for children and other service users to actively participate in program design, implementation and review. Transparency and communication about each stakeholder's rights, obligations and consequences are therefore essential.

Please contact me if you have any queries about this submission or require further information.

Yours sincerely

Lindsay Wegener
Executive Director