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Royal Commission into Institutional Responses to Child Sexual Abuse
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Dear Commissioners,

Child Safe Institutions Issues Paper

Thank you for the opportunity to provide a submission to the Royal Commission in response to the abovementioned issues paper on the content and effectiveness of strategies aimed at creating 'child safe organisations'.

The Office of the Children's Guardian (OCG) was recently given statutory responsibility for promoting child safe organisations in NSW.¹ Given the OCG's lead role in this area, we have focussed our comments in this submission on those areas where we have expertise because of our oversight function under Part 3A of the Ombudsman Act.

We support the principles for 'building' child safe organisations that are detailed in the *National Framework for Creating Safe Environments for Children: Guidelines for Building the Capacity of Child-Safe Organisations*.² However, we note that while there is a level of agreement regarding the broad principles which promote child-safe environments, perhaps the more significant challenges relate to:

- developing and implementing related practice standards for various organisational settings;
- determining whether it should be mandatory for certain organisations to demonstrate compliance with these principles and standards and, if so:
 - deciding which organisations should be required to comply;
 - ascertaining whether there should be scope for other organisations to have their policies/practices voluntarily assessed and monitored against the standards/principles;

¹ Until June 2013, this responsibility primarily fell under the jurisdiction of the Commission for Children and Young People (CCYP).

² Community and disability Services Minister's Conference, *Creating Safe Environments for Children – Organisations, Employees and Volunteers: National Framework, Schedule: Guidelines for Building the Capacity of Child-Safe Organisations* (2005).

- determining what type of independent accreditation/monitoring regime should be established in relation to assessing initial, and monitoring ongoing compliance, and to drive continued practice improvement among relevant organisations; and
- determining what level of resourcing would be required to develop an adequate child safe organisational quality assurance process (and deciding how this should be resourced).

In our opinion, it is important that there is an attempt to work through these issues – which have potentially significant resourcing, structural, technical, and internal and external governance implications for agencies – via a process that includes victims’ representatives and major stakeholder organisations. While it is appropriate for individual organisations to also seek to determine for themselves what they need to do to create their own child abuse resistant environments, there is the need for nationally consistent standards and practices to which a disparate range of organisations will need to be both committed and capable of implementing.

Therefore, given the importance of this issue, and the benefits in reaching a broad consensus in relation to how best to meet the challenges associated with designing and implementing a national approach for creating a child abuse resistant environments, we believe there would be merit in the Royal Commission considering convening roundtable discussions on this issue involving major stakeholders.

These proposed discussions could not only assist in building consensus around how best to progress key issues, it could also enable the Royal Commission to explore with larger and/or better resourced agencies, whether they may be able to play an important role in supporting other organisations in their development, implementation, auditing and ongoing refinement of their practices in this critical area.

Our oversight of agencies’ practices and systems for detecting, reporting and investigating allegations of workplace child abuse well illustrates how challenging it is for agencies to effectively implement these particular components of child safe practice. For example, in these areas of practice, agencies must ensure that:

- Their staff and relevant volunteers have a clear understanding of the types of behaviour which should be reported and the related systems for the making of reports. From our experience, we note that it can be challenging for staff within agencies to have a sophisticated understanding of the types of conduct which may indicate the presence of serious abuse – particularly indicators of sexually predatory behaviour;
- They possess, or have access to, the necessary technical skills to enable a sophisticated investigative and risk management response to the complex challenges that can arise in relation to serious incidents of child abuse. While some sectors are well placed in this regard, there are a number of sectors that do not have guaranteed access to the expertise required. In these circumstances, children’s safety can be put at risk.
- The ‘lessons’ from individual cases are identified and used to drive broader practice and system reforms as part of recognising that the need to constantly review and evolve practice is integral to creating ‘child safe institutions’.

Given the complex challenges associated with many workplace child abuse cases, our office has seen in recent years the need to move towards a much more active support role – particularly in relation to more serious allegations of abuse.

In certain cases, this will include working closely with the NSW Police Force and the involved agency. In this regard, the Police Commissioner's willingness to endorse Standard Operating Procedures which outline the support that police are required to provide to agencies under our jurisdiction has been of vital importance. Furthermore, the Commander of the Child Abuse Squad has also demonstrated a strong commitment to working closely with our office, and this in turn, has strengthened our capacity to support agencies with some of their more complex cases. Finally, our access to both Police and Community Services' information systems has been invaluable in enabling us to both identify and develop an appropriate response in many high risk cases.

In conclusion, we strongly support the Royal Commission's early focus on the issue of creating child safe institutions. Based on our experience which has been principally focused on detecting, reporting and investigating organisational child abuse, we believe that there should be a recognition of the very complex challenges that need to be met before we can be confident that we are creating child abuse resistant organisations across our nation. And, for the reasons we have outlined, we believe that an important first step is to engage victims' groups and key organisations in the process of developing the most appropriate framework for moving forward in relation to this critical area of practice.

Yours sincerely



Bruce Barbour
Ombudsman



Steve Kinmond
Deputy Ombudsman
Community and Disability Services Commissioner