

# STRENGTHENING CHILD SAFE ORGANISATIONS

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A teal-tinted close-up photograph of two children's faces. The child on the right is looking directly at the camera with a slight smile, while the child on the left is looking down. The image is used as a background for the text.

“

*The child safe approach will only be fully effective if children and young people are aware of it, feel some ownership of it and have the opportunity to express their views on how it will work.*

”

**MARK MORRISSEY**  
COMMISSIONER  
FOR CHILDREN

# WORD FROM THE COMMISSIONER

Children and young people have played an important part in the development of this Report on child safe organisations. In my conversations with Tasmanian children and young people it was clearly apparent that they do hold views on issues that are important to them and, given the opportunity, will express them. Their voices can be heard clearly throughout this Report.

Development of an effective child safety framework and plan for an organisation is a collaborative effort. The child safe approach will only be fully effective if children and young people are aware of it, feel some ownership of it and have the opportunity to express their views on how it will work.

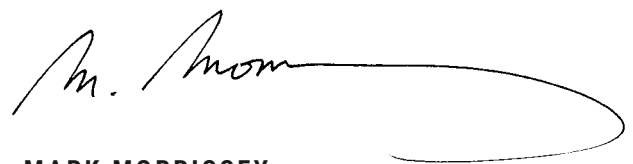
As Commissioner for Children, one of the important functions of my work is to ensure children and young people have their views heard and taken into account by decision makers.

In my role, I must also be guided by the United Nations *Convention on the Rights of the Child*. More countries have ratified this Convention than any other human rights treaty in history. Australia is one of the 194 countries who have become State Parties to the Convention.

The Convention is very clear on a distinct set of rights for all children – centred on the right to be heard and to have every opportunity to reach their full potential. Children will more fully reach their true potential if the organisations they attend do no harm.

Organisations have an obligation to ensure that their policies, procedures and especially their culture, promote children's rights and wellbeing and protect them from all forms of abuse.

As we all become more informed about what constitutes a child safe organisation, I trust the contents of this document will be a useful contribution to this conversation. By undertaking this important work we can ensure children will have the opportunity to grow up to reach their full potential as happy, healthy and productive adults.



**MARK MORRISSEY**  
COMMISSIONER  
FOR CHILDREN



# ACKNOWLEDGEMENTS

To the children and young people I met with and listened to – thank you. I wish to acknowledge the over 400 Tasmanian children and young people who contributed to our consultations. I value your enthusiasm and interest in making a contribution to this important conversation. So many of you are wise and well informed beyond your years. Your enthusiastic responses and thoughtful comments have been invaluable in the preparation of this Report.

Thank you to the members of the Children and Young Person's Advisory Groups at Smithton (representing North West Tasmania), Launceston (representing Northern Tasmania) and Hobart (representing Southern Tasmania).

I am grateful for the support of the Department of Education and the assistance provided to me by principals and teachers, without which the consultations with students would not have been possible.

The NSW Office of the Children's Guardian generously contributed their time, knowledge and expertise to our forums. In particular I wish to acknowledge Lisa Purves whose presentations were both engaging and accessible to all present.

Attendance by staff from the Royal Commission into Institutional Responses to Child Sexual Abuse at the forums, held in Launceston and Hobart, was appreciated.

Strong support from the Department of Justice, Tasmania was a key factor in the success of this project. I wish to commend the Department's leadership in implementing Tasmania's Working with Children Registration which was a catalyst for this Report.

And lastly but importantly – thank you to the many individuals and organisations across Tasmania who provide support and services to children and young people for your enthusiastic support. Your willingness to share your knowledge and experiences and your strong and evident desire to continue to strengthen strategies to make Tasmanian organisations safer will ensure a safer future for our children and young people.





# EXECUTIVE SUMMARY

The work of the Royal Commission into Institutional Responses to Child Sexual Abuse (the Royal Commission) has highlighted the issue of sexual abuse of children in institutional contexts and has emphasised the need to focus on situational prevention and other practices to keep children safe.

In its Interim Report, the Royal Commission identified the need for organisations to focus on becoming stronger 'child safe organisations'.

Our project was undertaken in order to further strengthen and contribute to improved child safety within Tasmanian organisations which work with or care for children and young people. We set out to raise awareness about what constitutes a child safe organisation and to commence a discussion about what we all can do to promote safer organisations for Tasmania's children and young people.

To this end, we undertook a literature review to identify contemporary best practice and held forums for senior leaders from key government and non-government organisations that care for or provide services to children and young people in Tasmania. And most importantly this Office consulted extensively with children and young people throughout Tasmania to help inform our findings.

## WHAT IS A CHILD SAFE ORGANISATION?

The Australian Children's Commissioners and Guardians (ACCG) have broadly described a child safe organisation as one which consciously and systematically:

- a) Creates conditions that reduce the likelihood of harm occurring to children and young people;
- b) Creates conditions that increase the likelihood of harm being discovered; and
- c) Responds appropriately to any disclosures, allegations or suspicions of harm.<sup>1</sup>

The concept of a child safe organisation is relevant to the prevention and detection of all forms of abuse against children – including physical, sexual and emotional abuse.

The ACCG has developed *Principles for Child Safety in Organisations* with explanatory notes elaborating upon each principle (ACCG Principles). The ACCG Principles can be found in full at Appendix A.<sup>2</sup>

Throughout this Report we have relied on the ACCG description of a child safe organisation and on the ACCG Principles to illustrate themes arising from our consultations with children and young people and to discuss briefly some of the research findings in this area. We have not provided extensive research findings as it was not within the scope of this Report to do so, and a significant body of research on this issue is freely available.

The ACCG Principles reflect the principles and practice guidelines set out in the *National Framework for Creating Safe Environments for Children – Organisations, Employees and Volunteers: Guidelines for Building the Capacity of Child safe Organisations 2005*.

The ACCG Principles also take into account and reflect the United Nations *Convention on the Rights of the Child*.





## THE FORUMS

The forums, held in partnership with the Department of Justice, were held to raise awareness of child safe practices, to ‘begin a conversation’ about why organisations should consider having improved child safe policies and practices in place and to identify any potential obstacles or concerns.

While the forums were not intended to be formal consultations, due to their participatory nature it was possible to identify a number of themes from the discussions. In Chapter 3 of this Report we aim to describe, in general terms, the common themes which arose during conversations with participants.

Forum participants expressed a strong interest in and commitment to safeguarding children and whilst many placed significant weight on working with children registration (WwCR), there was also varying recognition that the background checks associated with WwCR are only part of the solution. The significance of organisational culture and the importance of seeking and taking into account the views of children and young people were also highlighted, as were the benefits of working collectively to bring about cultural change.

It is evident that for some organisations there are perceived challenges to making the changes that may be necessary to be ‘child safe’. Some organisations are still addressing the challenges involved in ensuring relevant staff are registered to work with children. In some cases WwCR was seen as a large part of the solution. We welcome the introduction of WwCR and believe it is an excellent catalyst to continue the conversations about what constitutes a safe organisation. Tasmanian organisations are demonstrating varying degrees of achievement towards being a child safe organisation. For those organisations with limited resources, many expressed a clear desire for assistance to develop improved policies and procedures.

We noted that some forum participants recognised that an overemphasis on risk could lead to unintended consequences which may be counterproductive to children’s wellbeing.

It is hoped that the process we embarked upon will help to inform future discussions about the implementation of child safe policies and practices in Tasmanian organisations that work with or provide services to children.

## WHAT CHILDREN AND YOUNG PEOPLE TOLD US

The participation of children and young people in developing, implementing and maintaining mechanisms to improve their safety in organisations is considered to be essential – children often have an important and unique perspective on what can be done and what may or may not work. As one young person stated during a consultation,

“*We know what young people think – as we are young people, we are the experts at what it’s like to be a young person, not adults*”

By consulting with children and young people around Tasmania, we aimed to raise their awareness of their right to be safe from all forms of abuse, that they have an important perspective on how this can be achieved and that we believe their views and experiences should be listened to and taken into account.

Furthermore, when children understand that they have the right to be safe and to express their views this will contribute to

their willingness to disclose abuse or other forms of inappropriate behaviour to which they may be exposed.

A number of clear themes emerged from our consultations. One theme in particular related to children and young people valuing feeling safe and respected. Others included being informed and educated about their rights and the importance of adults responding appropriately if a child discloses abuse or expresses concern

about the behaviour of others within an organisational context.

Many children and young people emphasised a view of child safety that focussed on safety from bullying by other children or safety in the physical environment, as distinct from safety from abuse in all its forms.

In order to be fully respectful of their views, we encourage you to read Chapter 2, the section of this Report that details children's views.

## FINDINGS

### FINDING 1.

**Children and young people want adults to listen to them more. They are often not involved in important conversations about how their safety from abuse is promoted and protected while they are receiving services or support from an organisation. Children want to be engaged in conversations about how they can report adults engaged in abusive or otherwise concerning behaviour; they want to know what behaviour is inappropriate or not allowed and they want to be taken seriously.**

Many young people we spoke to said that they feel adults should listen to them more. They often reflected that even when adults seem to listen they do not really take them seriously or act on what they are told.

This finding is particularly important in light of the UN *Convention on the Rights of the Child*, which guarantees to children and

young people the right to express their views on matters that affect them and for those views to be taken seriously.

This “participatory” right is fundamental to the determination of a child’s best interests and integral to the exercise and enjoyment of other rights referred to in the Convention, including the rights to development, education, play, leisure and protection from all forms of violence.

As adults who wish to ensure children are safe in our organisations, we must listen to children and take what they have to say on the matter of child safe organisations seriously – as we found in our consultations, children have a unique perspective on what works and what will not work.



## FINDING 2.

**Children and young people tend to focus on 'stranger danger' and not having trusted adults around as factors that might make them feel unsafe in an organisation.**

Children value being able to easily identify and be in close proximity to adults they believe to be protective of them. The children we spoke to clearly valued having adults they believed to be safe around them.

This is in part encouraging – it demonstrates that children largely trust and value the adults in their lives, especially their parents and teachers.

However, the corollary is that most children we spoke to felt that strangers posed the greatest risk of abuse.

This suggests that 'difficult conversations' about sexual and other forms of abuse, about 'grooming' behaviours and about the fact there is no typical perpetrator of abuse (particularly that of a sexual nature), are not occurring. If these matters are discussed with children in a de-stigmatising and age appropriate way they will better understand that being treated in certain ways is never acceptable, even where an otherwise apparently caring and trusted adult is responsible.

## FINDING 3.

**Based on feedback from children and young people, some organisations can do more to adequately inform and educate children and young people about what constitutes physical, sexual and emotional abuse.**

Whilst some organisations do this very well, our consultations with children suggest more should be done to educate children about their right to safety from all forms of abuse and about what behaviour is unacceptable. Children should be encouraged to speak up about any concerns, and be confident that adults around them will take their concerns seriously.

In our consultations we took care to explain that by 'safety' we meant safety from abuse – sexual, physical and emotional. Many children understood the concept of 'safety' to mean safety from accidents, safety from bullying from other children or safety from strangers. It was clear to us that many children were not familiar with the idea of abuse and safety from abuse in all its forms and therefore struggled to understand our questions.

Talking to children about what constitutes abuse is in effect educating them about their rights – children have the right to be free

from violence and abuse and the right to speak up and for their concerns to be taken seriously. The exercise of these rights will be compromised if a child is not clear about what amounts to abusive or inappropriate behaviour, or if a child perceives reluctance by adults to talk about abuse or about other behaviour that is not permitted.

Children need to be educated about their rights so that they can recognise when their rights are not being respected and can speak out.

Organisations cannot be expected to educate children about abuse in all areas of life, but they can ensure that children understand how they should or should not be treated by adults within their organisation, including by specific discussion about behaviours that would amount to abuse.

As a community we need to be more open and direct and use clear, unambiguous age appropriate language when talking with children about abuse. There should be no ambiguity about what we are talking about. Education from organisations about this would complement the important role families also have to educate their children about abuse.

## FINDING 4.

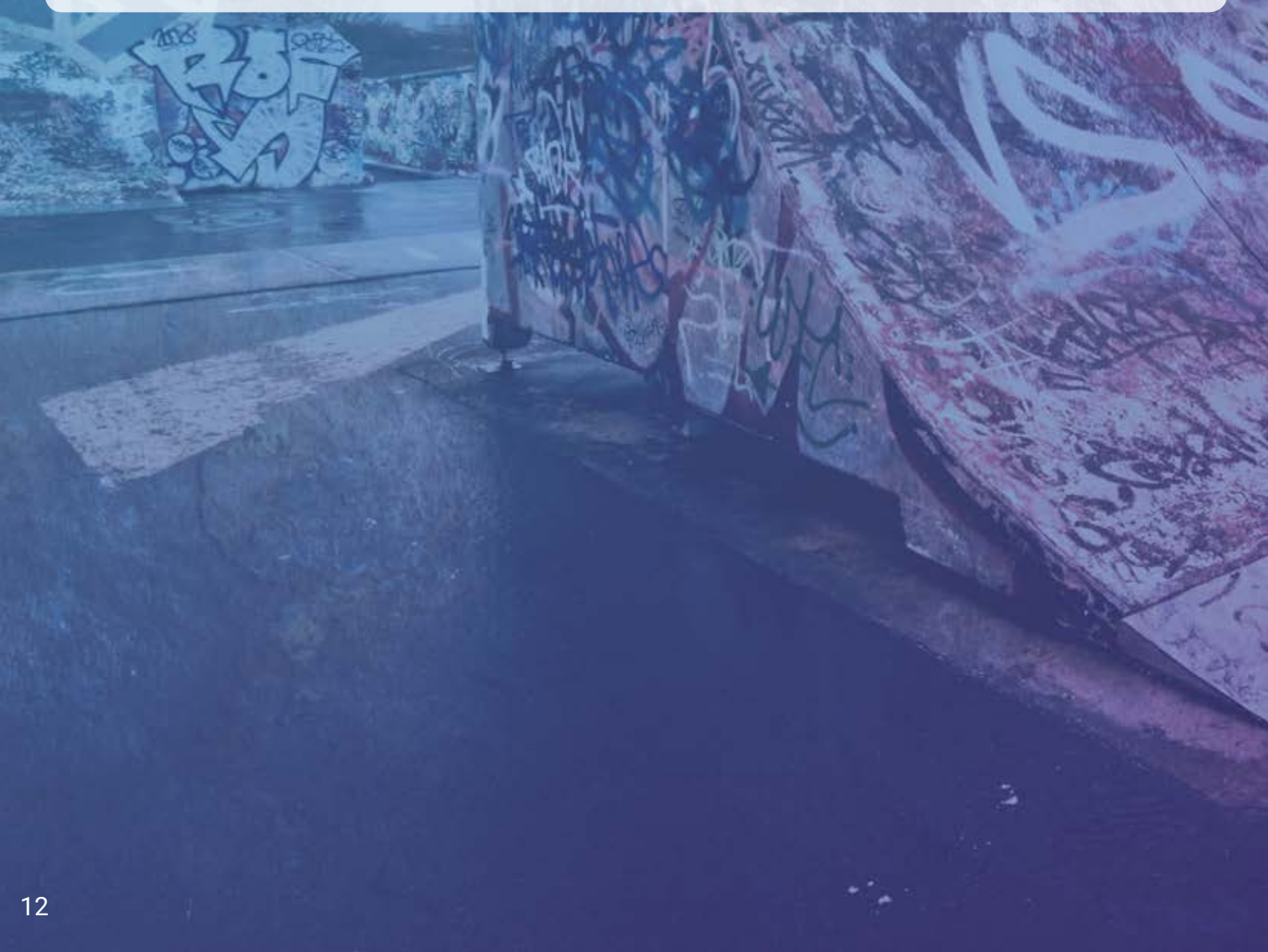
**Many children indicated that feelings of embarrassment, a sense of shame or of personal responsibility, or fear of consequences would act as a disincentive to reporting abuse within an organisation.**

It is open to us to conclude from this Finding that more needs to be done to have open, direct and age appropriate conversations with children about abuse, particularly sexual abuse and about the fact that children are not responsible for any abuse they suffer.

If abuse is a taboo topic or a topic that adults appear uncomfortable talking about, it is highly likely that children will not only feel embarrassed to discuss it (especially if they are victims) but also that they will not be confident that they will be believed, supported and protected if they tell someone about their concerns.

There is ample research and anecdotal evidence to the effect that perpetrators of abuse, especially sexual abuse, say things to discourage disclosure (eg that if they tell someone they will not be believed, they will get into trouble, they will be hurt, that it was their fault or that they are just as responsible for whatever has happened).

As protective adults, if we discuss the reality of abuse openly and in an age appropriate manner, we can undermine these efforts to keep abuse secret and we can empower children with the knowledge that they are not responsible, should not be embarrassed to tell a trusted adult about their concerns and that their concerns, including any fear for their safety, will be taken seriously.





## FINDING 5.

**We found that Tasmanian organisations are committed to promoting child safety in their day to day work with children however there is a clear need for guidance and assistance.**

Participants at the forums we held for selected organisations working with children expressed strong interest in a common “best practice” framework to use as a guide to assist with the developing and strengthening of child safe policies and practices.

There was also considerable interest in being able to access ongoing training similar to that provided by the Office of the NSW Children’s Guardian.

Ultimately however, each organisation will have to conduct its own assessment of the risks inherent in their organisational environment and of the risks that arise as a result of the different

needs of the particular cohorts of children and young people they work with.

Child safe policies and procedures do not have to be complex but they do need to ‘fit’ the particular organisation. What is needed to be ‘child safe’ will vary from organisation to organisation because the risks that should be addressed will differ according to the nature of the activities provided and any particular characteristics of the cohort of children accessing the services of an organisation.

Becoming child safe is not a ‘one-off’ tick a box process - rather, it is an ongoing process which is significantly dependent upon strong leadership, cultural change, staff education and training and the participation of children and young people.

“

*...more needs to be done to have open, direct and age appropriate conversations with children about abuse, particularly sexual abuse and about the fact that children are not responsible for any abuse they suffer.*

”

## FINDING 6.

**There is an increasing awareness that organisational leadership and culture are key factors in creating and maintaining a child safe organisation. An emphasis on formal documentation, policies and procedures, pre-employment checks and risk management will not ensure child safety if implemented within the context of an organisational culture that does not value or prioritise child safety.**

Culture is not always easy to change however even small steps such as giving children more of a voice, introducing ways to talk about abuse more openly and communicating effectively with children and parents should facilitate the process. Our discussions with children confirmed what research tells us about the sort of organisational culture required to be truly 'child safe'.

A child safe organisation:

- Is open and honest in discussing child safety and abuse,
- Values the voice of children and considers their point of view when making decisions about them,
- Communicates well with all staff, children and parents so everyone knows the rules and knows who to talk to if there are concerns about abuse or other inappropriate behaviour.
- Knows when to report abuse to people outside the organisation and does not try to keep concerns about abuse 'inside' the organisation due to concerns about organisational reputation.
- Makes being child safe a priority and shows everybody inside and outside the organisation how important this is (eg 'child safe' promotional material prominently displayed in offices, on websites etc).

## FINDING 7.

**Rigorous pre-employment checking, including Registration to Work with Children, is important, however there is a risk that reliance on such processes alone may create a false sense of security.**

There was an acceptance amongst many forum participants that pre-employment checks are only part of the challenge – just because a person is registered to work with children does not necessarily mean that they are safe to work with children.

A child safe organisation has at its heart the safety and wellbeing of children and young people – it does not rely solely on 'safe individuals'.

# CHAPTER 1

## SETTING THE SCENE

WHAT IS ORGANISATIONAL CHILD ABUSE?

WHAT MAKES A CHILD SAFE ORGANISATION?

WHAT ARE THE IMPACTS OF CHILD ABUSE?

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# SETTING THE SCENE

Tasmanian children and young people regularly spend time away from their families in a range of activities.

For example - they go to school and childcare, they attend activities such as sport, music or dance classes, scouts, guides, religious services and a wide range of youth groups.

These activities and services may be run by government agencies or non-government agencies. Some of these organisations rely heavily on volunteers in addition to paid employees.

The governance arrangements for organisations and groups vary – in some organisations governance responsibility may lie with a management committee, in others there may be a very informal structure.

Some organisations provide services specifically to children and young people who, for various reasons, are considered to be at risk and may also be disadvantaged (for example, children in juvenile detention, children with disabilities).

As a community, we expect that our children will be safe and protected from all forms of abuse no matter where they are.

Most children's experiences in organisational settings are positive and the majority of people working in these organisations have children's best interests at heart and actively ensure children are kept safe from all forms of abuse.





The United Nations *Convention on the Rights of the Child* (CROC) makes it clear that children have a right to be protected from all forms of violence and abuse, the right to rest and leisure, and to engage in play and recreational activities, the right to education and development and the right to express their views and to have those views seriously considered. In all actions, the best interests of a child must be a primary consideration.

There is ample research to support the view that the creation and maintenance of child safe organisations is fundamental to the safety and wellbeing of children and young people.

The concept of 'child safe' organisations is relevant to the prevention and detection of all forms of abuse against children – including physical, sexual and emotional abuse.

Effective child safe organisations are proactive and preventative in their approach to the risk of harm to children and young people. The Australian Children's Commissioners and Guardians (ACCG) have broadly described a child safe organisation as one which consciously and systematically:

- a) Creates conditions that reduce the likelihood of harm occurring to children and young people;
- b) Creates conditions that increase the likelihood of harm being discovered; and
- c) Responds appropriately to any disclosures, allegations or suspicions of harm.<sup>3</sup>

As the ACT Children and Young People Commissioner said in his 2014 report on consultations with children and young people about child safe/child friendly organisations:

“

*As the name suggests, the principles that underpin child safe/child friendly organisations focus on the organisation as a whole and reinforce the need to have evidence-based policies, procedures and practice in place across the organisation. They also require children and young people to be actively involved in the development and review of those policies and procedures.*<sup>4</sup>

”



It is important to understand that when we refer to a child safe organisation we are referring to something over and above physical safety. Rather, as the Victorian Commissioner for Children and Young People has said:

“

*The concept of 'safety' is very broad and means different things to different people, especially children. It is much easier to understand the concept of 'physical' safety and the need for safe practices around hygiene, road and water safety, slippery surfaces, pool fencing, sign-in and sign-out procedures and staff supervision ratios. All of these contribute to the physical protection of children. In a child safe organisation, we also want to promote 'psychological' safety because even if the physical environment is as safe as we can make it, when children feel unsafe we need to understand why and respond to their needs. Psychological safety means children... know they can speak to people if they feel unsafe or are unhappy and that something will be done to address their concerns. Knowing these things... empowers them to speak up when necessary.*<sup>5</sup>

”

An ongoing conversation about child safe organisations in Tasmania is necessary and timely for a number of reasons.

Firstly, in July 2014, the background checking process for workers and volunteers engaged in “child related work” began in Tasmania pursuant to the *Registration to Work with Vulnerable People Act 2013* (Tas).<sup>6</sup> This background checking and registration process (WwCR) is being phased in over a three year period according to industry sector. While the introduction of WwCR in Tasmania is an important and welcome initiative, background checking cannot predict or identify risk where there is no accessible evidence of a person’s previous misconduct or where a person has not yet commenced offending – it is not a guarantee that a person is ‘safe’ to work with children. Furthermore, not everyone in an organisation will be obliged to obtain a registration to work with children.

Secondly, the work of the Royal Commission has highlighted the issue of child sexual abuse in institutional contexts and has emphasised a growing focus on situational prevention and other practices to keep children safe. The Royal Commission’s research and analysis of the systems and processes that are necessary to protect children and young people who receive care or services from institutions is expected to lead to recommendations to guide those committed to promoting the best interests, participation and safety of children and young people involved with them.

Case studies considered by the Royal Commission have demonstrated that a major risk for child sexual abuse is an institutional culture that:

- Lacks awareness about the prevalence, nature and impact of child sexual abuse
- Lacks knowledge about the ways in which abuse can occur in institutions, leading to a tendency to ignore,

downplay or otherwise minimise warning signs such as grooming

- Does not know how to respond when abuse is detected or disclosed
- Does not foster a child friendly culture that supports children disclosing abuse and suspicious behaviour

- Does not recognise a potential disclosure
- Places more value on its own reputation than the safety of children.<sup>7</sup>

It follows then that addressing these characteristics, which are primarily to do with knowledge and culture, can reduce the potential for abuse to occur.

## WHAT IS ORGANISATIONAL CHILD ABUSE?

Organisational child abuse is abuse that occurs within the context of an organisation (e.g. schools, sporting groups, dance or music groups, youth groups, scouts, guides, and many others).

When organisational abuse is talked about we often think primarily of sexual abuse but organisational abuse can also be physical abuse, emotional abuse or even neglect (see Table 1). Because available literature focuses primarily on sexual abuse, much of this Report will also take this focus, however it is important to keep in mind that when we are talking about strategies to prevent

and respond to sexual abuse, these same strategies can also be used to prevent and respond to physical and emotional abuse.

It is also important to remember that a portion of abuse, particularly in organisational or institutional settings, occurs between children. The language of perpetrator and victim is not appropriate in these scenarios; rather the issue is how adults working in settings where there is a high risk of such abuse can prevent it and support any children who display or are the targets of sexually abusive or otherwise concerning behaviour.

**TABLE 1** Risks to Children in Organisational Settings

| RISKS TO CHILDREN  |   |   |   |
|--|---|---|---|
| Physical abuse   | Neglect   | Psychological abuse   | Sexual abuse  |
| <ul style="list-style-type: none"> <li>▪ Physical punishment</li> <li>▪ Pushing, shoving</li> <li>▪ Punching, slapping, biting, kicking</li> </ul> | <ul style="list-style-type: none"> <li>▪ Lack of supervision</li> <li>▪ Not providing adequate nourishment</li> <li>▪ Not providing adequate clothing or shelter</li> </ul> | <ul style="list-style-type: none"> <li>▪ Bullying</li> <li>▪ Threatening language</li> <li>▪ Shaming</li> <li>▪ Intentional ignoring and isolating</li> </ul> | <ul style="list-style-type: none"> <li>▪ Grooming behaviours</li> <li>▪ Inappropriate touching</li> <li>▪ Inappropriate conversations of a sexual nature</li> <li>▪ Crossing professional boundaries</li> </ul> |

Source: NSW Office of the Children's Guardian

## WHAT MAKES A CHILD SAFE ORGANISATION?

Child safe organisations know about and understand the nature and potential risks of child abuse. As mentioned previously, a child safe organisation has been described by the ACCG as an organisation that consciously and systematically works to reduce the likelihood of harm occurring to children, increases the likelihood of any harm being discovered, and responds appropriately to any disclosures, allegations or suspicions of harm.

The ACCG also states that the participation and empowerment of children and young people is a fundamental component of improving child safety within organisations.<sup>8</sup> In other words, it is essential to facilitate the participation of children in decision making and policy development and to establish child friendly processes to enable them to communicate any concerns safely and with confidence that they will be taken seriously.

This approach is consistent with and promotes children's participatory rights as provided in Article 12 of the *Convention on the Rights of the Child* (CROC); this right to be heard and to have one's views taken seriously is essential to the determination of a child's best interests.

*In short, a child safe organisation is one which promotes children's right to safety from abuse and builds organisational values on the principles that keep children safe – valuing their rights, communicating with children and young people, listening to them and responding to them with belief and support when they seek help from adults.*

The ACCG has developed a set of 11 key principles for a child safe organisation with explanatory notes (refer Appendix A). It identifies child safe organisations as those which:

- Take a preventative, proactive and participatory approach to child safety.
- Implement child safety policies and procedures which support ongoing assessment and amelioration of risk.
- Value and empower children to participate in decisions which affect their lives.
- Foster a culture of openness that supports all persons to safely disclose risks of harm to children.
- Respect diversity in cultures and child rearing practices while keeping child safety paramount.
- Provide written guidance on appropriate conduct and behaviour toward children.
- Engage only the most suitable people to work with children and have high quality staff and volunteer supervision and professional development.
- Ensure children know who to talk with if they are worried or are feeling unsafe and that they are comfortable to do so.
- Report suspected abuse, neglect or mistreatment promptly to the appropriate authorities.
- Share information appropriately and lawfully with other organisations where the safety and wellbeing of children is at risk.
- Value and communicate with families and carers.<sup>9</sup>



## WHAT ARE THE IMPACTS OF CHILD ABUSE?

It is generally understood that sexual abuse in childhood can have devastating effects, with victims of abuse being more prone to mental illness, relationship difficulties and even suicide. In addition to the significant impact that abuse has upon individual victims and their families, when abuse occurs within the context of an organisation, the wider community is also affected.

Abuse also carries with it a very real financial impact for individuals, organisations, communities and governments. Adults who have suffered abuse as children suffer higher rates of both mental and physical illness, which brings costs to the health system as well as impacting on the overall economy if the level of illness impacts on a person's ability to work. Some studies have found that adults who have been abused as children have a life expectancy as much as 20 years less than average.<sup>10</sup>

*While ensuring that an organisation is child safe can be challenging and may carry some financial implications, the question - knowing both the human and financial cost of child abuse - should never be 'can we afford to be child safe?' but 'how can we afford not to be?'*



# CHAPTER 2

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# WHAT WE DID AND WHAT CHILDREN AND YOUNG PEOPLE TOLD US

## WHY CONSULT WITH CHILDREN?

Children<sup>11</sup> have a unique perspective on what makes them feel safe and comfortable; they also have the right to express their views and to participate in decisions concerning them. Children should be seen as active participants in the development and implementation of policies and practices designed to promote their safety and best interests.

Importantly, involving children in decision making is not solely about canvassing their views, but also about making them aware of their rights by involving them in the implementation of their rights.

“

*Participation can be defined as an ongoing process of children's expression and active involvement in decision-making at different levels in matters that concern them. It requires information sharing and dialogue between children and adults based on mutual respect, and requires that full consideration of their views be given, taking into account the child's age and maturity.*<sup>12</sup>

”

Article 12 of CROC establishes the right of children to be involved in all matters and decisions that affect them and for their views to be taken seriously and given due weight in accordance with their age and maturity. This right is fundamental to the realisation of other rights in CROC.

Article 12, together with other key rights in CROC, recognises that children are active agents in the exercise of their rights – in other words, they participate in the realisation and enjoyment of their rights. Because a child's capacity and ability to express views and influence decision making varies according to age and maturity, the way children participate, the questions asked and the context in which consultation occurs will differ for different groups of children.

It is also imperative to ensure that we treat children with respect, ensure they are not exposed to violence, abuse and exploitation or manipulated into expressing a view if they do not wish to, or to express a view they do not hold.

It has been said that, 'children traditionally have been denied both the knowledge that they are entitled to protection from violence and the mechanisms through which to challenge their situation'.<sup>13</sup>

*Children are able to tell us in a powerful way how they feel about the issue of abuse, what would empower them to disclose abuse or what would prevent them from disclosing. Children are able to articulate strong views about what adults can do to make them feel safer when they are away from home with adults in an organisational setting. This is not about making children responsible for preventing abuse.*

## WHAT WE DID

Our consultations with children were undertaken in a number of ways. Some consultation was undertaken with already established groups – through school consultation groups at selected schools across Tasmania and the Commissioner for Children’s Children & Young Persons Advisory Groups.

To ensure we heard the voices of children with varying perspectives and experiences we also conducted consultations with children and young people associated with the following specialist groups:

- Whitelion Mentoring Service
- Anglicare Tasmania Targeted Youth Support Service
- St Giles Tasmania
- CREATE Foundation
- Hobart City Council Arts and Recreation Centre
- Working It Out.

Children took part in group discussions or individual interviews. In some cases members of our school consultation groups went on to discuss the topic of child safe organisations with other children in their schools and then presented us with feedback; this widened the scope of our consultations and gave us a greater range of views.

110 children also completed a written questionnaire which gave us responses that could be more closely analysed and ensured that the views and words of children were recorded accurately.

Children and young people involved in our consultations gave us valuable information about the way in which their specific experiences and needs could be considered by organisations when developing child safe policies and practices.

Quotes from our consultations are incorporated in our Report. Quantifiable responses to the written questionnaire are presented in chart form.

The way in which we went about our consultations with children and young people is described in detail at Appendix B.

## WHAT CHILDREN AND YOUNG PEOPLE TOLD US

As expected, children gave many varied responses to our questions but a clear set of themes and subthemes emerged. These themes, which we summarise below, are illustrated by selected quotes and described in more detail in that part of this Chapter entitled “Themes”.

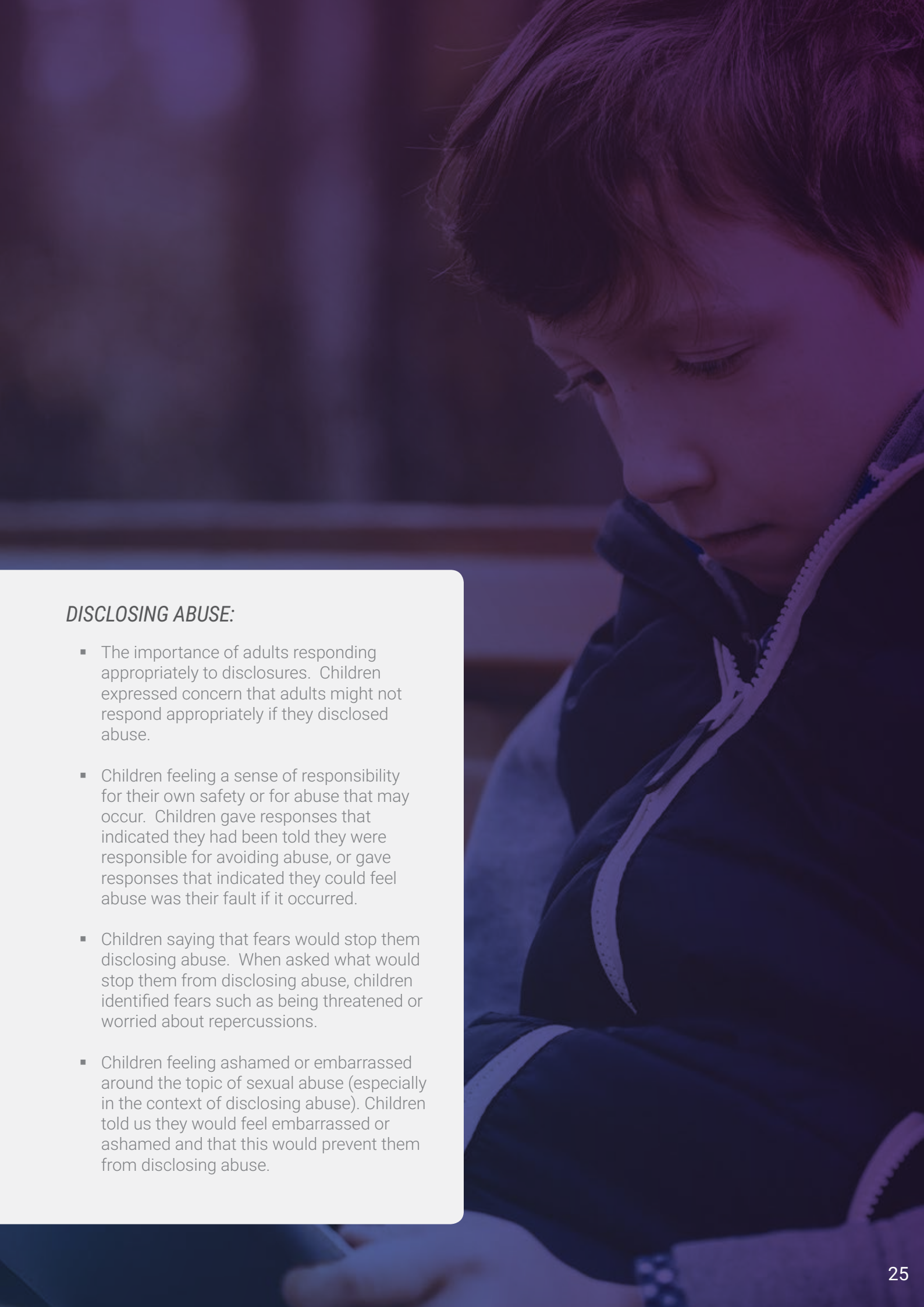
### ***FEELING SAFE AND RESPECTED:***

- The importance of having trusted adults around. Children said that when they did not have trusted adults around, they felt uncomfortable or unsafe.
- Children expressed a strong view that adults should listen to children more.

### ***BEING INFORMED AND EDUCATED:***

- The importance of children knowing their rights and conversely, a lack of knowledge about rights. Children’s responses often indicated that they had not been taught about their rights (and more particularly, their right to safety from abuse) within the organisations they spend time in.
- Awareness about abuse, particularly sexual abuse. We found that overall children lacked awareness about abuse.





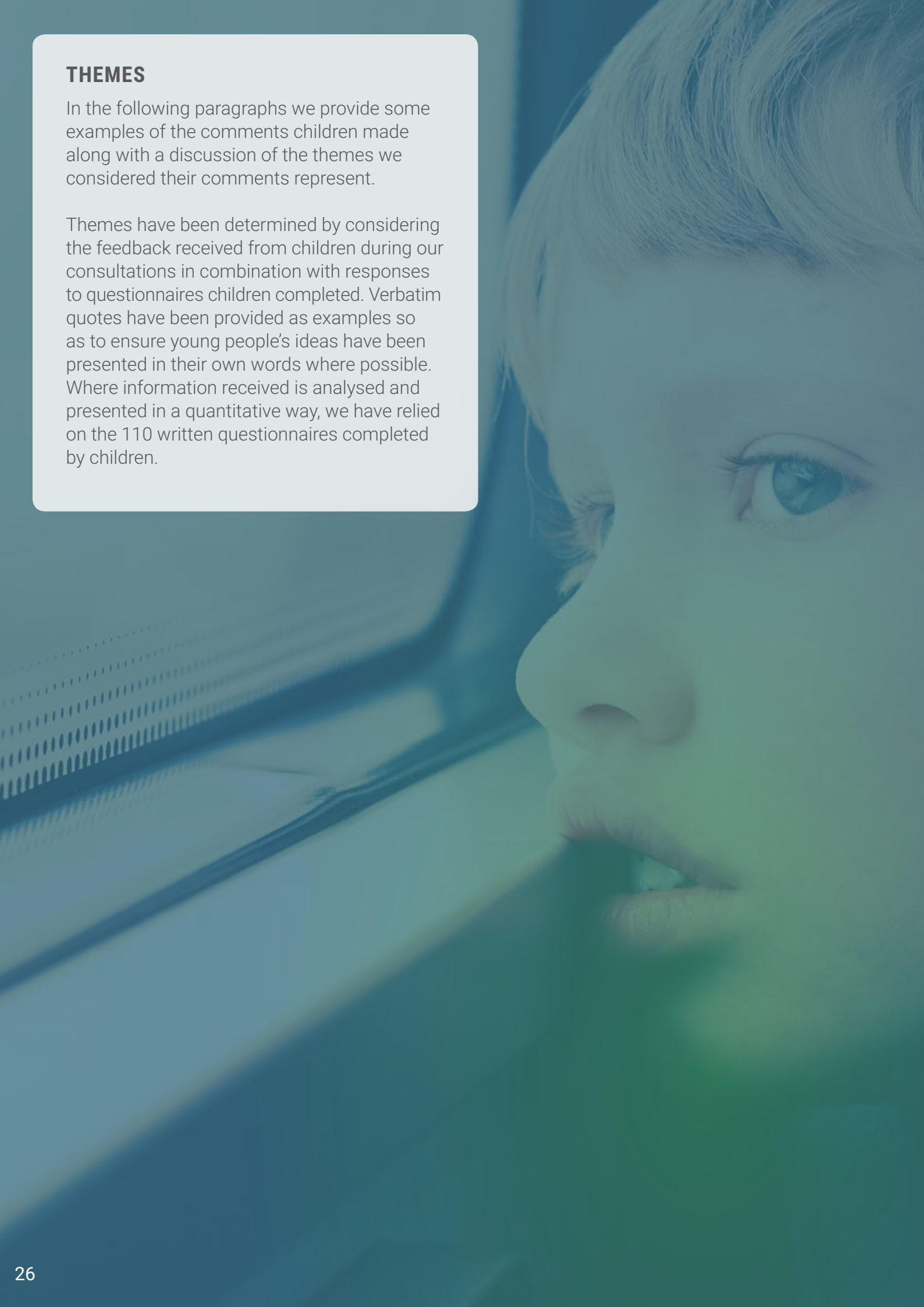
### *DISCLOSING ABUSE:*

- The importance of adults responding appropriately to disclosures. Children expressed concern that adults might not respond appropriately if they disclosed abuse.
- Children feeling a sense of responsibility for their own safety or for abuse that may occur. Children gave responses that indicated they had been told they were responsible for avoiding abuse, or gave responses that indicated they could feel abuse was their fault if it occurred.
- Children saying that fears would stop them disclosing abuse. When asked what would stop them from disclosing abuse, children identified fears such as being threatened or worried about repercussions.
- Children feeling ashamed or embarrassed around the topic of sexual abuse (especially in the context of disclosing abuse). Children told us they would feel embarrassed or ashamed and that this would prevent them from disclosing abuse.

## THEMES

In the following paragraphs we provide some examples of the comments children made along with a discussion of the themes we considered their comments represent.

Themes have been determined by considering the feedback received from children during our consultations in combination with responses to questionnaires children completed. Verbatim quotes have been provided as examples so as to ensure young people's ideas have been presented in their own words where possible. Where information received is analysed and presented in a quantitative way, we have relied on the 110 written questionnaires completed by children.



## FEELING SAFE AND RESPECTED

### Having trusted adults around is important to children

When asked what made them feel unsafe, many children expressed concern about being in the company of adults they did not know. Another similar concern was not having adults they considered as safe adults in close proximity. Some of the responses we received were:

*'Not knowing the person they are with.'*

*'If a stranger came to school.'*

*'Being in an unfamiliar situation or with people they do not recognise.'*

*'No adults looking out for you.'*

Children also identified feeling unsafe or uncomfortable when adults treated them in a way that was disrespectful or felt unfair. Interestingly, children identified as unsafe or uncomfortable certain matters which may not be seen as abusive by adults:

*'When playing sports in group children may be told they are 'out of shape' in a group and that could be hurtful.'*

*'Being required to wear clothes you aren't comfortable with e.g. 'sports shorts'.'*

*'Verbal or physical abuse. It isn't nice to be yelled at or punished physically for not doing something right.'*

*'Being told you are not good enough.'*

### Adults should listen to children more

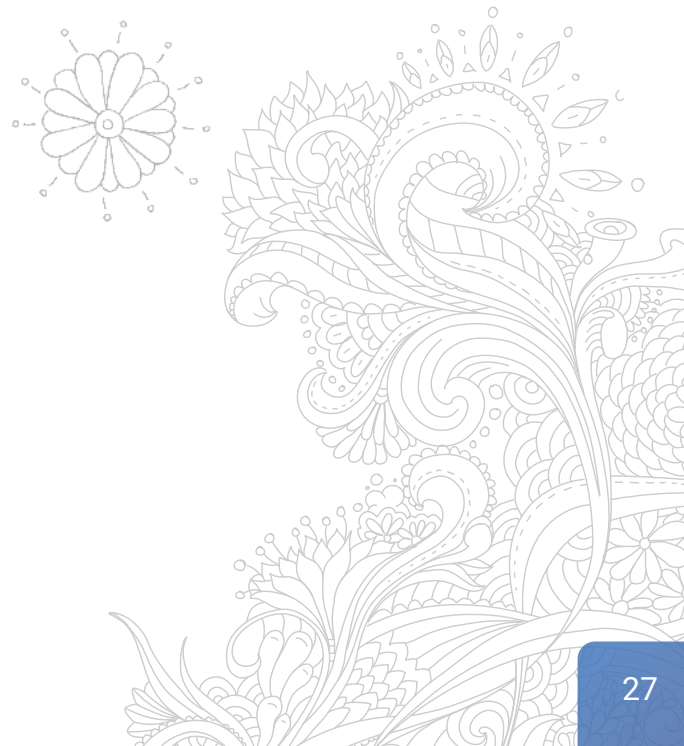
A key theme repeated across several questions was that children believed adults should listen to children and take what they say seriously. This theme was particularly prominent in the questions 'what could adults do to make things better for children?' and 'If you were an adult what would you do to make sure children feel safe and listened to?'

*'Listen to children once in a while.'*

*'Adults will pay more attention to what other adults say, more than what kids say.'*

*Adults should 'listen, listen, listen'.*

*'Adults often stop listening to us before we are finished talking and often start to tell us what they think, before they hear what we have to say.'*



## BEING INFORMED AND EDUCATED

### Awareness about abuse (particularly sexual abuse)

We found that most children struggled to talk about abuse and when they talked about safety they were far more focussed on physical safety or a general sense of wellbeing. When children did talk about abuse they were more likely to talk about feeling threatened by strangers. Several children did identify that unsafe touch or not having their personal space respected would make them feel unsafe:

*'Games or activities that involve touching other people. That can get awkward or uncomfortable.'*

*'Inappropriate gestures or language (physical contact, sexual lingo, the manner in how something is said).'*

*'Creepy old men when they are snooping around younger girls.'*

*'If you get touched inappropriately.'*

But when talking about how organisations keep children safe, only very few children identified ways in which their organisations keep them safe from sexual abuse.

Approximately half of the children we spoke to said that their organisations did talk to them about how they keep them safe, but most of them appeared to interpret this question as being about things other than safety from abuse e.g. they talked about safety from accidents or safety from bullying. The issue of sexual safety within an organisational setting appeared to be a topic that children were not very familiar with.

*Many young people considered child safe organisation as relating to physical activity safety such as a helmet when riding a skateboard. This was the extent of their knowledge about child safety.*

Based on our observations and findings, there appears to be a lack of overt/direct conversation with children about abuse, in its various forms.

### Knowing your rights

Another clear theme was that of 'knowing your rights' and 'being informed' – the idea that not only should children know about their right to protection from abuse, but that they should also know about, and be involved with, how their organisations promote and protect this right.

When asked 'Do organisations talk to you about how they keep you safe when you are at that organisation?' some responses indicated children were spoken to about their right to be safe and ways to ensure they are safe, while other children were more ambiguous. Many children clearly said 'no':

*'At school we are talked to about abuse from other students but they don't say anything about abuse from adults..... they only tell us how we should be treating them.'*

*'Not once has it been explained to me, I realise now how bad this is.'*

*[Adults should] 'make sure they [children] know what is not ok and ask them if they're not sure.'*



Some children gave answers that clearly indicated knowledge of child safe practices. One child stated that their school had talked about 'stranger danger' and about 'inappropriate touch' and another indicated that they were aware that their school conducted police checks on any adults who came to events at the school. Another young person said that the youth organisation they were involved with had a 'team charter' which made it clear to everyone what the rules were and helped everyone to feel safe.

*'They would say they should not invade your personal space or say or do anything inappropriate.'*

*'There is a code of conduct for teachers.'*

*'They should treat us appropriately and not hurt us in any way.'*

Such responses were encouraging but unfortunately they were in the minority.

Other children said that their organisations do talk to them about keeping children safe but it was very clear that they were talking about information that related to things other than safety from abuse:

*'They make sure we are doing the right thing.'*

*'They tell you to listen to instructions, since you can hurt yourself if you make a mistake.'*

*'They say stay inside the gate while waiting for the parents.'*

Other children gave examples that *could* indicate elements of child safe principles but which could have been more general. This was a particular issue when children said that their organisations had told them that they could talk to adults if they felt unsafe or uncomfortable.

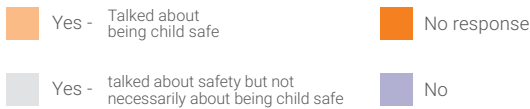
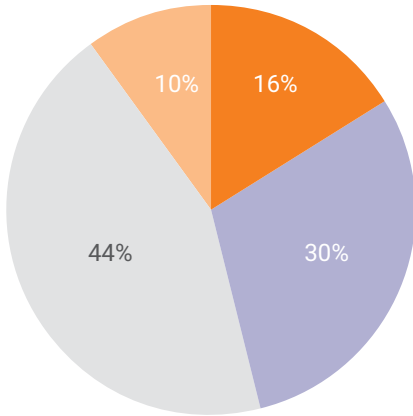
*'At school the teachers are saying that if you have a problem to tell them and they will help.'*

*'If you have a problem come and tell me or other adults.'*

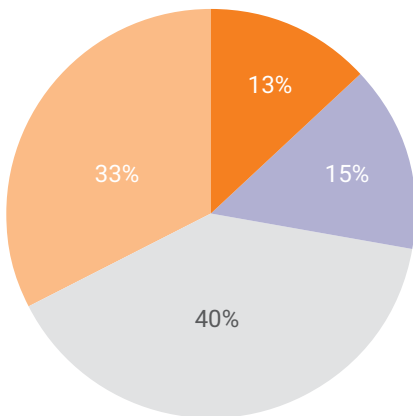
We noted that students from one high school consistently gave responses to the question 'have organisations talked to you about how adults should treat you' that pointed clearly to them having been told that school staff should treat them fairly and with respect. This demonstrates that when a policy regarding staff behaviour is clearly articulated to children this can be a key factor in child safety. Examples of such leadership by schools are to be applauded.



**CHART 1** Do organisations talk to you about how they make sure you are safe when you are there?



**CHART 2** Do organisations talk to you about how adults who are part of that organisation should treat you?



## DISCLOSING ABUSE

### Adults responding appropriately to disclosures of abuse

When asked what would stop them from disclosing abuse, children indicated that the way in which adults respond would be a significant factor. Children referenced being worried that adults would not believe them, or would react in a way that would make the problem worse; children also discussed the importance of being listened to in this context.

*[Adults should] 'wait until a child has finished and full story has been told; ask child what actions they want to be taken'.*

*[Adults should] 'see that the abuse is stopped and not doubt the child'.*

When talking about what would stop them from disclosing, children said:

*'Not being taken seriously and worry they might not believe you'.*

*'They might take it too far and want to do something about the problem that would embarrass me at school'.*

### A sense of personal responsibility

Some children expressed the view that disclosure would be difficult if they felt a sense of personal responsibility:

*'I have to determine whether an organisation is safe by myself..... I'm always told to "tell someone" if I feel unsafe though further advice has never been given aside from "remove yourself from the situation".'*

Children said they might not report abuse if;

*'If it meant getting someone in trouble, including myself.'*

*'If I did something wrong or if the person lies a lot.'*

### **Not reporting because of fears/worries**

When asked 'what might stop you from talking to an adult if you were feeling unsafe or uncomfortable?' children clearly identified that they would be worried that they would get into trouble (either from the abuser or the adult they reported to) and that children might be threatened by the abuser. Examples of their comments include:

*'Blackmail - if someone says don't tell anyone or I'll.....'*

*'They might get angry at you they might scream at you.'*

*'Being told by someone mean not to go tell an adult.'*

*'If they say I will kill you if you tell anyone.'*

*'Someone threatening you not to tell anyone.'*

### **Being embarrassed or ashamed when talking about abuse**

An overwhelming number of children indicated that they could be prevented from talking to an adult about abuse because they would be embarrassed or ashamed. While in other questions children shied away from the topic of sexual abuse and did not appear to have knowledge of how this issue was managed in their organisations, the responses for this question demonstrated a very clear awareness that some kinds of abuse would make children feel embarrassed and ashamed and that feeling this way could stop a child from reporting the abuse. Children's comments included:

*'It depends on what they do, especially if it is sexual.'*

*'You could feel too ashamed.'*

*'Embarrassment is a big factor. Even if what happened wasn't your fault it can be uncomfortable to talk about it.'*



## PERCEIVED BARRIERS TO DISCLOSURE

### FEELING EMBARRASSED OR ASHAMED

*'It depends on what they do, especially if it is sexual'.*

*'You could feel too ashamed'.*

*'If I was embarrassed about the situation or felt I overreacted then I wouldn't approach someone'.*

*'Embarrassment is a big factor. Even if what happened wasn't your fault it can be uncomfortable to talk about it'.*

### FEELING WORRIED THAT ADULTS MIGHT NOT RESPOND APPROPRIATELY

*'That adults would not understand'.*

*'You would be laughed at, they wouldn't listen'.*

*'That I might get into trouble for getting into that situation'.*

*'The way an adult handles it may make it worse'.*

*'Thinking I wouldn't be believed'.*

### OTHER

*'If it is the adult making you feel that way'.*

*'If I did something wrong or the person lies a lot'.*

*'If it was the adult that did it'.*

*'If you were friends with the person who was making you uncomfortable'.*

*'Feeling like you are overreacting'.*

### FEELING WORRIED ABOUT CONSEQUENCES OF DISCLOSING

*'Being told by someone mean not to tell an adult'.*

*'Blackmail – if someone says don't tell anyone or I'll...'*

*'Being scared of the consequence'.*

*'Death threats'.*



# CHAPTER 3

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# FORUMS FOR TASMANIAN ORGANISATIONS WORKING WITH CHILDREN

## WHY DID WE HOLD THESE FORUMS?

In April 2015, the Commissioner for Children - in partnership with the Department of Justice - hosted forums in Hobart (20 April) and Launceston (21 April) to:

- promote awareness and understanding of what it means to be a child safe organisation;
- start a conversation about how organisations might strengthen our approaches to child safe organisational practices and procedures in Tasmania; and
- identify potential or perceived impediments to organisations establishing and maintaining child safe environments.

Those in management or leadership roles within a number of community services organisations, private entities, government and councils were invited to attend.

Facilitated by Geraldine Doogue in Hobart and by the Commissioner for Children in Launceston, these interactive forums showcased the child safe approach through a presentation by Lisa Purves (Manager, Child Safe Organisations for the NSW Office of the Children's Guardian), considered issues emerging from the Royal Commission into Institutional Responses to Child Sexual Abuse and explored implications for Tasmanian organisations.

Forum participants were given a Checklist for Child Safe Organisations which had, with permission, been adapted from a document developed by the Office of the New South Wales Children's Guardian. A copy of the checklist is at Appendix C.

## WHAT DID WE LEARN?

While the forums were not intended to be formal consultations, audience participation was encouraged; as a result, it was possible to identify a number of key themes that arose during interactions between the facilitator, the presenters and participating audience members.

It was apparent that participants placed a great deal of focus on WwCR consistent with their commitment to safeguarding children. While discussion focussed to a large degree on the particular challenges of implementing the registration of people working with children (perhaps unsurprising given the current phase-in process occurring in Tasmania), there was recognition that these checks are only part of the challenge.

A strong interest in and commitment to making organisations child safe was expressed by participants at both forums. The importance of seeking and taking into account the views of children and young people was also emphasised. Organisational culture, along with education and training of staff to support such culture, was highlighted as a key factor in implementing and maintaining child safe organisations.

Further, the varied nature of the contributions from representatives of different organisations illustrated the benefits of an individualised approach to creating child safe organisations in order to respond appropriately to the needs and circumstances of particular groups of children and the risks evident in particular organisational contexts.

It was clear that for some organisations however, there are perceived challenges to making the organisational changes that may be necessary. There was a clear desire for assistance to be provided to develop policies and procedures.

*Some participants, quite rightly, identified that an overemphasis on risk could lead to unintended consequences which may be inconsistent with children's wellbeing.*

## KEY POINTS MADE BY THE PRESENTERS

- Working with Children Checks are important but they are only one part of keeping children safe from abuse in organisational settings.
- We are talking about all forms of abuse; physical, sexual, emotional, psychological and neglect.
- There is no particular profile of perpetrators of abuse in organisational settings.
- Child safe principles and practices will keep children safer than a working with children check on its own. Organisations should still undertake their own screening and ensure that child safety is a priority in recruiting.
- Being a child safe organisation requires planning, implementation and maintenance. It is not a "tick and flick" exercise.
- The NSW Office of the Children's Guardian offers interactive seminars and workshops to assist participants to develop and implement effective and practical child safe policies and procedures in the workplace. Participants receive a workbook which includes templates and Child Safe tools.
- The New South Wales Office of the Children's Guardian publishes a number of child safe resources on its website that may be accessed by organisations in Tasmania.
- Child safe policies and practices need to be embedded in organisational culture. Policy is important but it won't do any good if it is not followed.
- Strong leadership is necessary.
- Child safe policies and procedures should be seen as an intuitive aspect of the everyday operations of an organisation and not an additional impost.
- Being child safe is not necessarily about big, expensive actions; it's about cultural change, education and training of staff and looking at what will work in the context of individual organisations. It will require a commitment from organisations however.
- We need to think progressively about where and how abuse is happening; for example the online space is a big factor.
- Every organisational environment is unique and policies should be appropriate to the particular organisation in question – the importance of risk assessment cannot be over stated.

## **KEY THEMES WHICH AROSE DURING FORUM DISCUSSIONS**

We found that several key themes emerged from participants' discussions during the forums. These themes are set out below and are illustrated by a selection of quotes from participants:



## **WE ARE STILL GRAPPLING WITH IMPLEMENTATION OF WORKING WITH CHILDREN REGISTRATION**

There was understandably much discussion around the implementation of the new requirement for registration to work with children in Tasmania. The idea that WwCR, whilst important, is only one aspect of keeping children safe from abuse was however also acknowledged.

*'Just because someone has a working with children check does not mean they are necessarily safe to work with children. It's only a small part of the picture.'*

*'If we focus on working with children checks then we are missing the point. Not everyone in organisations will require a working with children check.'*

## **ABUSE OF CHILDREN IN ORGANISATIONS REMAINS A CONTEMPORARY ISSUE**

Discussion of the Royal Commission's work highlighted that abuse of children in organisational settings remains a contemporary issue. There was a clear acknowledgement of and commitment to the need to create safer organisations for children and young people.

*'We cannot reassure ourselves that the abuse of children within organisations is in the past.'*

*'It's beholden on all of us to keep the volume up on this conversation. The children of today will be adults and will be asking us about what we did.'*

*'We need to be vigilant that it doesn't keep happening.'*

## **WE NEED TO PROMOTE CHILDREN'S WELLBEING**

Whilst much interaction focussed on compliance and regulation, many participants emphasised the need to consider a child safe approach in the context of the development of a thriving child, family and community. Some participants were concerned that an overemphasis on risk could lead to unintended consequences which may be inconsistent with children's wellbeing.

*'We need to be child-centred.'*

*'We need to consider the whole child. We need to take the parents and the children on the journey.'*

*'We don't want parents to feel so scrutinised that they see regulation as a break on their own skills/agency.'*

*'Males tend to be perpetrators but children need male role models. The challenge is to risk manage but not to be too risk adverse.'*

*'The media tends to push the big trauma cases that scare people. It doesn't actually give us a way to improve things.'*

*'The media isn't interested in competence. Young people are furious about the emphasis on the dysfunction of youth.'*

*'A deficit saturated conversation... is not the right way to have the conversation.'*

*'The presence of a sporting club is gold. I'd hate to think we'd make it difficult for them to survive.'*

## **WE NEED STRONG GOVERNANCE AND CULTURAL CHANGE**

Many participants acknowledged the importance of cultural change and strong leadership in planning, implementing and maintaining a child safe organisation. The discussions demonstrate that participants acknowledge that a child safe organisation is not one which simply engages in a “tick-a-box” exercise.

*‘It doesn’t matter what the policies and procedures are if the leadership isn’t reinforcing them’.*

*‘You can have excellent procedures but if they’re not followed up by passionate people who are prepared to bring about change...then nothing is going to change.*

*If you don’t get the attitude right and flowing through the DNA of an organisation then it won’t work’.*

*‘To respond to the issues we have to deal with a whole lot of deep seated values’.*

*‘We need to build and keep trust. A child safe organisation is one which builds trust with young people...honouring the trust’.*

*‘It’s a constant...It needs to be a permanent agenda item like workplace health and safety’.*

## **WE NEED TO LISTEN TO CHILDREN AND YOUNG PEOPLE MORE.**

The importance of providing opportunities for children and young people to express their views and for their views to be taken seriously emerged as a key theme during discussions. It was acknowledged that not only should children have a voice in organisational settings but also that their views are integral to the discussion about child safe organisations generally.

*‘Give children a voice – listen to them’.*

*‘How many children are asked, “When have you felt most supported?”’.*

*‘The mere articulation that you have been heard can be very helpful’.*

*‘We need to be child centred’.*

*‘Often children aren’t asked if they are OK unless they have some physical evidence of a problem. At school, older children can be overlooked. Younger children can receive more attention if they are upset’.*

*‘Children are not valued enough on the national stage’.*

*‘How would this meeting be different if it was 3 adults and 60 young people? We have the mix wrong’.*

*‘The Commissioner has been widely consulting with young people. [It’s] hard to move forward without hearing the outcomes of those consultations’.*



## WE NEED TO BE RESPONSIVE

The importance of responding appropriately to disclosures or suspicions of abuse was emphasised.

*'Unless something happens [in response to a disclosure of abuse] then it's meaningless'.*

*'It's about trying to get information to the right people to give the right response'.*

*'These are not easy conversations to have. People need to have a skill set to have those difficult conversations'.*

## RESOURCING ISSUES

Some participants expressed concern about the potential costs of complying with any child safe regulations or policy requirements. This was particularly emphasised in the context of volunteer based and small non-government organisations with already very limited resources. The possibility that the government may introduce a rigid child safe compliance framework in Tasmania was raised.

*'We need to be careful about how much responsibility we place on organisations... We need to be careful to rest the responsibility where the resources are'.*

*'It's about changing culture. It does take time and resources'.*

*'We have limited means to train and develop knowledge in our organisation. We will run into barriers'.*

*'In a village some organisations don't have a lot of capacity'.*

*'Tasmania needs something like Lisa's team'*

*[note: Lisa Purves from the Office of the NSW Children's Guardian manages a team which provides interactive seminars and workshops to assist participants to develop child safe policies and procedures].*

## WE NEED TO WORK TOGETHER

Many participants identified the need to work collectively to bring about cultural change and that there needs to be an open, rigorous and continuous conversation and sharing of knowledge. Larger organisations for example could be leaders by providing examples and sharing knowledge, information and resources with smaller organisations. Conversely, smaller organisations shouldn't feel they are working in isolation.

*'It would be good to be able to talk to similar organizations in other states to share their best practices – How did they create their culture of child safe environments?'*

*'Bring together existing resources in a centrally located space access to all'.*

*'It does take a village to raise a child'.*

*'It's about trying to get information to the right people to give the right response'.*

*'There are only a small number of players in the room today. [We need] something more thorough to know where the gaps are to enable organisations to build capacity...to identify where the gaps are'.*

## WE NEED TO KEEP THINGS SIMPLE

Many participants emphasised that overly complex policies and requirements run the risk of not being implemented properly and consequently, may not lead to child safety. We need to find clear and concise ways to communicate the concept of a child safe organisation to those who are not yet part of the conversation.

*'Don't let 'the best' be the enemy of 'the good'.*

*'Simplify and make it easy to understand'.*

*'Can't be highly convoluted'.*

*'It's about a simple concept. No-one wants children to be abused'.*

*'People think child safe is a big complex thing'.*

*'People need to be able to understand or there is no point in doing it'.*

*'We need a clear message about thriving children in the media. Something similar to the 'Life. Be in it' campaign'.*

*'Keep it simple and practical'.*

*'We can use some simple strategies which can be really powerful'.*





# CHAPTER 4

|   |           |
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# DISCUSSION – WHAT THE RESEARCH TELLS US/WHAT WE ALREADY KNOW

As has already been stated in this Report, a child safe organisation is one which knows about and understands the nature and potential risks of child abuse.

The ACCG's Principles of child safety in organisations include explanatory notes which provide comprehensive guidance on the steps an organisation can take to become child safe in its practices.

In this part of this Report we elaborate on some of these principles, discuss some of the research in this area and incorporate, where appropriate, illustrative comments made during our consultations with children and young people.

As previously mentioned, a child safe organisation has been described by the ACCG in their submission to the Royal Commission<sup>14</sup> as an organisation that consciously and systematically:

- creates conditions that reduce the likelihood of harm occurring to children;
- creates conditions that increase the likelihood of any harm being discovered; and
- responds appropriately to any disclosures, allegations or suspicions of harm.

The ACCG also states that 'the participation and empowerment of children and young people is a fundamental component of improving child safety within organisations.'

We have organised our discussion around these four fundamental descriptors of a child safe organisation, noting substantial (and appropriate) overlap between many of the 11 ACCG Principles upon which they are based.

According to the ACCG, the following Principles describe what it is to be a "child safe organisation":

- 1) Take a preventative, proactive and participatory approach to child safety.
- 2) Implement child safety policies and procedures which support ongoing assessment and amelioration of risk.
- 3) Value and empower children to participate in decisions which affect their lives.
- 4) Foster a culture of openness that supports all persons to safely disclose risks of harm to children.
- 5) Respect diversity in cultures and child rearing practices while keeping child safety paramount.
- 6) Provide written guidance on appropriate conduct and behaviour toward children.
- 7) Engage only the most suitable people to work with children and have high quality staff and volunteer supervision and professional development.
- 8) Ensure children know who to talk with if they are worried or are feeling unsafe and that they are comfortable to do so.
- 9) Report suspected abuse, neglect or mistreatment promptly to the appropriate authorities.
- 10) Share information appropriately and lawfully with other organisations where the safety and wellbeing of children is at risk.
- 11) Value and communicate with families and carers.

In short, a child safe organisation is one which promotes children's right to safety from abuse and builds organisational values on the principles that keep children safe – valuing their rights, communicating with them, listening to them and responding to them with belief and support when they seek help from adults.

## **REDUCING THE LIKELIHOOD OF HARM**

As noted in the ACCG Principles above, organisations must take a preventative, proactive and participatory approach to child safety.

The Principles described by the ACCG elaborate on what this means in various domains including the employment of staff, assessing risk, having clear Codes of Conduct etc.

The conventional approach to preventing child abuse has often been to rely on pre-employment checks to exclude those whose criminal history indicates they would present an unacceptable risk of harm to children should they be employed. There is ample research to suggest that this in itself is not enough – rather, a pro-active approach to the prevention of abuse must be a multi-faceted effort, with a focus on education, situational prevention, oversight and accountability.<sup>15</sup>

Strategies to prevent abuse must not be a one off event or a small part of policy, but must be entrenched within organisational culture from leadership down, and include the perspectives of children and their families.

Strategies that have the greatest impact in terms of reducing risk are not necessarily the ones that are the most complex or expensive. Strategies which are proven to have the greatest effect are often those that are low cost because they focus on empowering children and protective staff members by increasing knowledge and

awareness, lessening power imbalances and promoting a culture of openness and supportiveness.<sup>16</sup>

In the discussion about child safe strategies that follows it is important to keep in mind that no one strategy should be utilised in isolation, but that some strategies are likely to have greater effect than others and may be easier for some organisations with limited resources to put into place than others.

## **PRE-EMPLOYMENT SCREENING**

A child safe organisation engages only the most suitable people to work with children and has high quality staff, volunteer supervision and professional development.

The introduction of WwCR for all adults in Tasmania who work or volunteer in “child related” activities is a welcome initiative however registration is only a small part of the solution. It is important to note that even a criminal history check as rigorous as those conducted in the context of WwCR will not filter out individuals who have offended but have not been discovered, or those who may offend in the future.

In some organisations pre-employment checks go far beyond looking at a person's criminal history and are designed to also identify concerning attitudes and beliefs about children. This kind of selection process helps to ensure that potential employees are aware of, and aligned with the organisation's core values<sup>17</sup> – which, for all organisations working with children, should prioritise the rights and safety of children.

Research is clear however, that there are no certain characteristics that define child abusers. No matter how rigorous pre-employment checks are, they will not filter out all people who pose a risk to children.

It is important that pre-employment checks do not result in a false sense of safety and complacency around other protective factors. Furthermore, child safe organisations do not simply focus on 'safe people' – rather, the emphasis is on creating a culture in which everyone accepts responsibility for promoting the safety and wellbeing of children involved with the organisation.

### **AVOIDING HIGH RISK SITUATIONS AND ENVIRONMENTS**

Organisational abuse prevention policies should be based on preventing situations and behaviours we know can lead to increased risks for children. This idea is called 'situational prevention' and is based on similar models aimed at preventing other types of criminal activity.

As pointed out by Smallbone et al, 'opportunities that present a low risk of detection, that require little effort, and that promise a highly desired reward, are more likely to result in a criminal response'.<sup>18</sup> The idea of situational prevention is that by changing environments and situations in order to make it harder to perpetrate abuse and make it more likely that abuse will be discovered, we can reduce the potential for abuse to occur.

“*While it is common to picture child abusers as predators who will abuse no matter what, the reality is that many perpetrators abuse only when they are in situations that allow them to do so – they are opportunistic in their abusing.*<sup>19</sup>”

Even predatory abusers who will manipulate environments to create conditions suitable for abuse may be able to be stopped with rigorous situational prevention tools or at the very least the frequency and severity of their abusing could be reduced.<sup>20</sup>

When we talk about opportunities to abuse, what is primarily meant is time alone with a child – sexual abuse almost always occurs in hidden places when the perpetrator is alone with the child. We know from the stories of victims that the most common locations for abuse are in the perpetrator's home or in the perpetrator's car, although other locations such as classrooms or other spaces within an organisation are also referred to.

As Leclerc et al point out, '[i]n institutions, a lack of clear and formal rules would permit an offender to have sexual contact with a child in unsupervised areas'.<sup>21</sup> An adult being alone with a child is certainly the situation that most easily creates such an opportunity, so policy that reduces the chance of this occurring is therefore likely to reduce the incidence of abuse.

For most children being in a group of other children rather than having one child alone with an adult is a protective factor. For some children however being in groups may not be protective (for example children who are non-verbal due to age or disability) and further situational prevention would be needed such as ensuring there was more than one adult always present.



Sometimes, children being alone together (i.e. without the supervision of safe adults) can also present a high risk – that of child on child abuse. For children who are more likely to act out sexually (e.g. those who are known to have experienced abuse themselves or those already displaying sexualised behaviours), situational prevention would mean that supervising adults are present at all times while children are in the organisational setting.

*'All classrooms should have a good setup where the teachers can see everything'*

Finally it is important to note that no one situational prevention model will work for all organisations – each organisation will have different risks.

### **CODES OF CONDUCT FOR ADULTS**

A child safe organisation provides written guidance on appropriate conduct and behaviour towards children.<sup>22</sup>

*Situational prevention should not only focus on limiting opportunities for abuse itself, but should also limit opportunities for adults to engage in behaviour that may lead to abuse or mask abuse.*

Such behaviours include grooming behaviours such as singling children out for special attention, communicating with children privately (e.g. text message or Facebook), and physical behaviours that could be intended to increase a child's acceptance of sexual touch, for instance games that involve a lot of touching, or excessive affectionate touch.

*The intent of Codes of Conduct should not be to create a sterile environment in which adults are not allowed to give children affection or comfort, but to specifically target behaviours that are likely to be indicators of grooming or abuse, beyond what is normal adult child interaction.*

It is important to note that often perpetrators will not only groom a child but will in fact groom the adults around them as well – desensitising adults to inappropriate behaviours by slowly normalising them to these behaviours.

Guidance about appropriate behaviours should be clearly set out in a Code of Conduct, ideally developed with input from children and young people, which is clearly communicated to staff at all stages of employment, including at interview, so there is no ambiguity around what is and is not acceptable behaviour.

Furthermore parents and children should be made aware of the Code of Conduct and encouraged to speak up where that Code is breached.



For policy to be effective, it must be made available to all relevant parties, including parents and children, in a way that is easy to understand and accessible e.g. easy to read, age appropriate brochures given to all staff, parents and children at induction to the service.

As will be discussed in more detail later, Codes of Conduct must be backed up with staff and child education that explains the rationale behind the Code, and ensures that protective adults and children within the organisation are able and willing to notice and report any breaches.

## MAKING POLICY WORK

“*Policy without implementation is like a car without an engine – it may look good but it’s going nowhere.*”<sup>23</sup>

Policy in itself, no matter how comprehensive it is, is not enough to prevent abuse. To be effective, policy must be effectively integrated into the organisation; examples include:

### Communication

Policy should be communicated to staff at all stages of employment, regularly discussed in the workplace and should be communicated in an appropriate way to children and parents.

As is evident from the case studies considered by the Royal Commission, especially case Study 2, which looked at abuse committed by Jonathon Lord within YMCA child care services, policy in itself is not enough to prevent abuse. In the case of the YMCA, while comprehensive policies were in place, staff members were either not aware of them or did not adhere to them; children were not made

aware of these policies; parents were not encouraged to access these policies. Consequently, breaches of policy were either not recognised as such or adults working in the centre did not grasp the gravity of the breach, leaving the abuser in this case in a position of remarkable freedom and power.<sup>24</sup>

*Our consultations with children clearly demonstrated that children are still often not told about policies designed to keep them safe from abuse.*

Overall we concluded that the majority of the children we consulted were not aware of organisational policies or guidelines around abuse (as distinct from general safety issues) and adult behaviour, leaving them vulnerable to not recognising abusive behaviour as such if it does occur.

*‘Not once has it been explained to me, I realise now how bad this is.’*

As indicated previously, policies must be communicated in a way that is appropriate to the age of the child – the language used should be clear and unambiguous. An example of this kind of clear, direct and age appropriate communication can be found in the UNICEF ‘Child Participation Agreement’ that clearly tells children how adults should treat them while they are on a UNICEF trip:



## No Child Participant or Adult should:

- Take you outside the meeting or your hotel without your chaperone;
- Invite you to sleep in their hotel room, or to stay overnight at their house on your own;
- Sleep in your bed, or in your hotel room if this has not been agreed with your Chaperone;
- Make you feel uncomfortable or embarrassed by treating you as if you are their boyfriend or girlfriend;
- Do things for you that are personal, which you can do yourself, such as dress you or wash you.<sup>25</sup>

The important role that parents play in ensuring organisations are child safe should not be underestimated. However, parents cannot act in a protective and supportive manner if they are not informed of relevant Codes of Conduct and policies and of avenues for complaint.

The message to parents can be as simple as that used by the UK NSPCC in a communique to parents:

“

*Be alert to any adult who pays an unusual amount of attention to your child, for example: giving your child gifts, toys or favours, offering to take your child on trips, outings or holidays; seeking opportunities to be alone with your child.*<sup>26</sup>

”

This kind of communication with parents ensures not only that parents are aware of warning signs, but also ensures that parents are empowered by the organisation to report such things – knowing that the organisation supports their efforts to keep their children safe.

## Simplicity

For policy to be effectively communicated, it must be simple enough to be easily grasped. It was noted by the Royal Commission as part of Case Study 2 that the policies of the YMCA were ‘too complex for many staff to comprehend’ and that while there was a policy folder allegedly available for parents to read, most did not do so.<sup>27</sup>

So, for example, easy to read, age appropriate brochures could be given to all staff, parents and children at induction to the service and prominently displayed in offices and venues the organisation uses.

*“They should make it clearer what you [adults] can and can’t do so you’re not unsure”*

## Culture

Perhaps most importantly of all, policy development and implementation should not be driven by a need to ‘tick boxes’, but must be genuinely motivated by an organisational culture that has the wellbeing and safety of children at its heart.

*While a very clear and simple child safe policy should be available to everyone, that policy should not sit in isolation from the broader culture of the agency.*

Importantly, this culture must be prominent and easily recognised by those both inside and outside the organisation, in aspects such as promotional material, signs and organisational statements, and in the behaviour and conduct of staff.

Many organisations already include statements to indicate to people within and from outside that they are, for example, caring, inclusive, respectful or ambitious.

Ideally statements about being 'child safe' would be included alongside other proclamations of organisational values – making it clear to all staff, prospective staff, and current and prospective children and families that the promotion of children's safety and wellbeing is a key organisational value.

*'[It] would be good to have information up around schools, like posters or something.'*

## **INCREASING THE LIKELIHOOD OF DISCLOSURE**

It is well established that in the majority of cases, victims of abuse, especially sexual abuse, do not disclose what happened to them until many years later.

Ensuring that children can identify inappropriate adult behaviour, are encouraged to report it to a safe adult (their parents, family members, a safe adult within the organisation) and are assured that their concerns are taken seriously are factors that are integral to the implementation of a child safe organisational culture.

### **EDUCATION OF CHILDREN**

A child safe organisation talks to children about their rights and responsibilities – it ensures children know it is their right to feel safe at all times and that the organisation has a responsibility to make sure they are safe. Children should also be taught what safety is and about acceptable and unacceptable behaviour and contact, in a manner appropriate to their age and level of understanding.<sup>28</sup>

Traditional methods of preventing child abuse include child education programmes or 'protective behaviours' programmes. Such programmes teach children about concepts such as personal space, and about their right to say things like; 'No!' or 'Stop it I don't like it' if they are being treated in a way that makes them feel uncomfortable or unsafe. There is some evidence that child education programmes may be successful in preventing abuse<sup>29</sup> however at all times it must be made clear to children that the responsibility for preventing abuse lies squarely with adults rather than with children.

Abuse, particularly sexual abuse, is often rooted in complex dynamics between abuser and child, some of which make it extremely difficult for children to utilise protective behaviour strategies or even to report the abuse. In addition abuse may look very different to a child than it does to adults; by leaving it up to children to recognise and report abuse some kinds of abusive behaviours could be overlooked.

The greatest value in protective behaviour style programmes may be that they can educate children about what abuse is, that abuse is never the child's fault, that they can and should report such abuse, and that they will be responded to with belief and support if they do disclose. As Leclerc et al point out, when children do not understand what sexual abuse is and how it works, offending requires less effort as offenders may not even have to go to extra lengths to stop the victim from disclosing.<sup>30</sup> If children understand the nature of abuse then offending will require more effort and may be less likely to occur.<sup>31</sup>

Importantly, any child education programmes should be used only as part of a greater child safe strategy and policy; these programmes can never take the place of sound situational prevention models.



It should be acknowledged that education programmes for children that are provided by an external organisation will not necessarily send the message to children that the subject organisation itself is concerned about their safety and may not help them to understand their rights *within the context of that organisation*. From our consultations with children it is clear that embarrassment or shame or a fear of how adults might react remain factors that would or might prevent a child from disclosing abuse. Unless conversations about abuse occur *within* an organisation there is a risk that protective behaviours programmes will not reduce this sense of shame or fear.

## **EDUCATION OF ADULTS**

Case studies and submissions from the Royal Commission suggest that major risk factors for child sexual abuse in organisations are lack of awareness of the prevalence, nature and impact of child sexual abuse, lack of knowledge about the ways in which abuse can occur within organisations, lack of knowledge of how to respond to disclosures and an inability to recognise potential disclosure.<sup>32</sup>

It follows that educating adults who work with children about abuse can decrease the risk of abuse occurring, increase the likelihood of abuse being detected and of disclosures being appropriately responded to - a premise supported by research into child sexual abuse prevention.<sup>33</sup>

It is particularly important that adults working within an organisation can recognise grooming behaviours which are often built up over a length of time and may also include attempts to desensitise adults to the grooming or sexual behaviours.

Adults - whether they are employees, volunteers or parents - should also be encouraged to report behaviour that constitutes a breach of a Code of Conduct or policy or is simply 'concerning'.

Leclerc et al point out that:

“

*In institutional settings, offenders benefit from an unwillingness of others to intervene to stop potentially inappropriate behaviours..... Staff members are uncomfortable with such issues and thus unlikely to report suspicious behaviours to the management.*<sup>34</sup>

”

*Ensuring that staff are regularly reminded of warning signs of abuse and the reasons behind the organisation's child safe policies could result in staff feeling more confident in recognising and reporting behaviours that could indicate a risk to children.*

Education of staff also serves another purpose – that of making it clear to would-be offenders that sexual activity with children is not something that will be tolerated or will go unnoticed within the organisation.

Perhaps most importantly, educating staff about the centrality of child safety sends the message to all staff that the safety of children is a priority in that organisation, and that at all levels of the organisation there is an awareness of, and commitment to the fundamental rights of children.

## **DE-STIGMATISATION OF ABUSE**

As mentioned previously in this Report our consultations with children clearly demonstrated that children can feel a sense of embarrassment or shame around the topic of sexual abuse.

They also exhibited a lack of knowledge about abuse; whether this was due to embarrassment or to the absence of discussion around relevant issues, including any organisational commitment to preventing abuse, is hard to determine.

If abuse is not discussed with children then it is likely that they will not know how to talk about it.

Further, if children sense that adults are hesitant about talking about abuse, particularly sexual abuse, they may feel that the topic is taboo and will naturally feel embarrassed and ashamed when talking about it.

*Discourse about various forms of abuse should become as commonplace in organisations as discussions about bullying and accidents.*

A child safe organisation is open and clear with children, educating them about their rights, about what abuse is and about the fact that the organisation aims to promote their safety; it is an organisation which empowers children to identify and report abusive or unsafe behaviour.

### **ENSURING CHILDREN CAN BE HEARD**

As a result of her consultations with children and young people throughout Australia, the National Children's Commissioner has concluded that a key issue for children is their personal safety. The National Children's Commissioner has also said that children and young people draw the link between being able to be heard and being safe.<sup>35</sup>

The ACCG Principles emphasise that we should 'value and empower children to participate in decisions which affect their lives'. The ACCG elaborates on this as follows:

A child safe organisation recognises the vulnerability of children and that there is a difference in power between children and adults in positions of trust and authority.

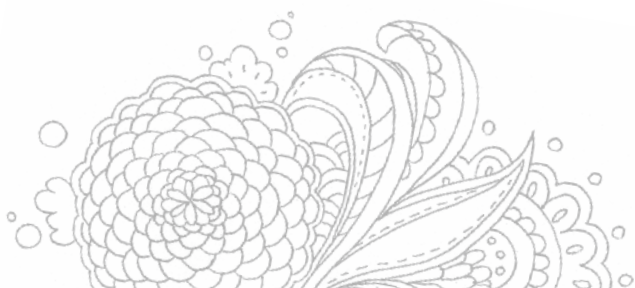
A child safe organisation values children and respects their rights to participate in decisions which affect them, thereby giving them some control over their lives.

Ways in which this can be achieved include:

- teaching children about their rights (and corresponding responsibilities).
- establishing pathways and mechanisms which enable them to raise concerns safely, with confidence.
- creating opportunities for children to be involved in policy and program development, implementations and review- being honest with children about the extent of their involvement and giving feedback on how their views have been actioned.

One of the most common themes that came out in our consultations was that children do not think adults listen to them enough or take them seriously.

Additionally, complaints and reporting systems in organisations are often geared towards adults rather than children. While our consultations suggest that children are usually told what to do if they have a complaint about another child, it is perhaps not made so clear to them what they can do if they are concerned about the way they are being treated by an adult.



The experience or expectation of children may well be that adults will take the side of other adults, particularly if abuse is perpetrated by an adult who is well liked by other adults in the organisation.

*'I would talk to the head of the club or school because adults will pay more attention to what other adults say than what kids say'.*

The ACCG Principles also state that we should 'ensure children know who to talk with if they are worried or feeling unsafe and that they are comfortable to do so'. Children we spoke to said that they were told they could talk to the school counsellor or to teachers about issues they had at school but some also reflected that while these adults might listen they would not do anything about what they were told.

*'Teachers often tell us to go to see another teacher if you have a problem but it never is really followed up on'.*

*'It would be good if there was another adult there as well who you could tell and stay close to them. But to make a formal enquiry or complaint to find out if that person is reliable'.*

On the other hand, some children worried that adults might make the situation worse by responding inappropriately:

*'The way an adult handles it may make it worse'.*

*'I might get into trouble for getting into that situation'.*

And others worried about not being believed or taken seriously:

*'You would be laughed at, they wouldn't listen'.*

*'Thinking I wouldn't be believed' [would prevent disclosure].*

To ensure that children are heard and are empowered to report abuse, organisations should have complaints and concerns processes in place that are easily accessible and understandable to children. Children should be clearly told who they can talk to if they have concerns; they should also be given more than one option because of reluctance to talk to an adult of a particular gender or personality type.

Telling children simply to talk to a teacher or school counsellor may not be sufficient as children who are experiencing abuse may develop an understandable mistrust of any adult within the organisation, especially if they see that their abuser is well respected and liked. It is vital that children are also given information about who they can talk to outside of the organisation, such as parents, police or services such as the children's helpline.

*'The advice was to talk to a teacher, but what if it was them we want to get away from?'*

Reassuringly, most children we asked were able to identify someone they could talk to if they felt unsafe, regardless of whether the organisations they were part of had talked to them about what they could do if they felt unsafe. As can be seen in Chart 3, children said, in response to the relevant question in our questionnaire, that they could talk to their parents and many were also able to identify other trusted adults such as social workers, chaplains, friends or teachers.

The reality remains that many children may not report abuse or concerning behaviour due to factors such as embarrassment or shame, fear of repercussions, fear of adults acting inappropriately and fear of being disbelieved – all factors that were mentioned by children when they were asked what would stop them from disclosing abuse.

Therefore, any reporting process should aim to reduce these fears and worries by ensuring children are told exactly how reports will be managed, including who will be told, how their parent(s) will be involved, how their confidentiality will be protected and how the organisation will protect their privacy.

**CHART 3** If you felt unsafe or uncomfortable in an organisation, who could you talk to?



Note: The numbers in Chart 3 represent the number of children, out of the 110 who completed our questionnaire, who identified someone they could talk to if they felt unsafe or uncomfortable. Because many children identified more than one person, the total number exceeds 110.

## APPROPRIATE RESPONSES TO DISCLOSURE

The ACCG Principles (numbers 9, 10 and 11) elaborate on the various elements involved in developing a policy for handling disclosures of abuse, of allegations of harm or of suspicions of inappropriate behaviour. A child safe organisation fosters and demonstrates openness in multiple ways that directly and indirectly create a culture where all persons - staff, parents/carers and children - feel confident and enabled to safely disclose child safety concerns; clearly, a failure to respond appropriately will undermine these strategies.

Appropriate responses not only reduce harm for the victims directly impacted by the behaviour in question, but should also operate to prevent future harm by making it clear that abuse will not be tolerated and that systems to facilitate detection and disclosure are a priority for the organisation.

Children we spoke to had very clear ideas about how adults should respond to disclosures and that abusive or inappropriate behaviour will not be tolerated.

We know that the way disclosure or discovery of abuse is responded to can make a huge difference to victims. Research indicates that if victims receive a non-supportive response they fare worse than victims who do not disclose at all.<sup>36</sup>





*'They should thank the child for telling them and reassure them that they would do something about it.'*

*'Don't ignore it. Take note and don't ignore it. Also they should talk to someone and sort it out.'*

*'Tell someone else – tell someone higher, maybe even go to the police.'*

*'They should listen, acknowledge the problem, assure it will be fixed and then check in with the young person regularly.'*

### How should an organisation respond?

The most immediate priority for any organisation when a disclosure, discovery or suspicion of abuse occurs should be to support and protect the child or children involved. Importantly, it is never up to an organisation to decide internally whether abuse has or has not taken place, or whether or not a child is lying about abuse.

The Royal Commission has identified internal management of allegations of abuse to be a key factor in organisations which protected alleged perpetrators of abuse.

According to the ACCG Principles a child safe organisation:

- reports suspected abuse, neglect or mistreatment promptly to the appropriate authorities;
- shares information appropriately and lawfully with other organisations where the safety and wellbeing of children is at risk; and
- values and communicates with families and carers.

Specific actions that have been identified by the ACCG to operationalise these Principles include:

- a) development of policies on handling disclosures, allegations etc.
- b) policies for handling breaches or alleged breaches of a Code of Practice dealing with appropriate behaviour towards children
- c) ensure everyone is aware of relevant policies
- d) policies on how families will be involved, especially when a problem has been identified
- e) staff education on identification of children who may have been harmed or who are at risk of harm.

If abuse does occur within an organisation, the responsibilities of the organisation do not end with reporting and managing that particular case of abuse. If children are harmed, an organisation has an obligation to review its policies, procedures and culture to determine what allowed the abuse to occur and how things could be changed to prevent a similar situation in the future. It should not take a Royal Commission for an organisation to make changes – a child safe organisation will take steps to do whatever possible to reduce the likelihood of future incidents of harm.



## HOW SHOULD ADULTS RESPOND IF A CHILD DISCLOSES ABUSE?

*'Listen, just listen to them and their opinions and make sure you genuinely care.'*

*'Listen, they should listen and try to protect them.'*

*'Don't ignore it. Take note and don't ignore it. Also they should talk to someone and sort it out.'*

*'Talk to the head of the club or school because adults will pay more attention to what adults say than what kids say.'*

*'Tell someone else – tell someone higher, maybe even go to the police.'*

*'Listen to the child, make sure they do not feel alone or depressed.'*

*'They should listen, acknowledge the problem, assure it will be fixed and then check in with the young person regularly.'*

*'Support, try to comfort them and assure them they will take some kind of action.'*

*'Tell them we can make it safe and don't worry.'*

*'As if it were a crime, it's serious. We should know that if we tell, something will be done.'*

*'They should see the abuse is stopped right away and not doubt the child.'*

## **AN INDIVIDUAL APPROACH**

Being child safe is not one size fits all – it is impossible to have a single policy or set of guidelines that will ensure that all organisations are safe places for children.

The ACCG in its submission to the Royal Commission has suggested a more individualised approach to creating child safe organisations.

Because each organisation will have unique challenges and risks, it is essential that those within the organisation (including parents) play an active part identifying risks and developing child safe policies and protocols. While there is certainly value in training and guidance for organisations wishing to become child safe, principles and practices should always be developed with the particular needs of the organisation and its children in mind.

### ***STRATEGIES TO PREVENT ABUSE IN PARTICULAR CONTEXTS***

Some organisations operate in contexts that are higher risk than others; for example, the risks inherent in a school camp that involves overnight camping and is staffed by employees and parent volunteers will differ from those involved in operating a dance class.

Policies and codes of conduct for employees, volunteers and parents should reflect the risks of harm inherent in the context and activity.

### ***SOME CHILDREN ARE PARTICULARLY VULNERABLE***

While no child is immune from abuse, there are some children who are more vulnerable than others including children with disabilities, children who have previously experienced abuse (such as children in the child protection system), children who lack supports or who are otherwise isolated,

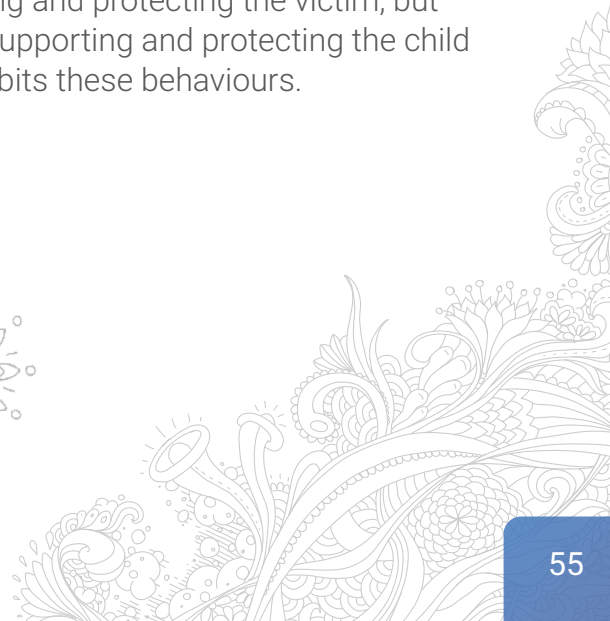
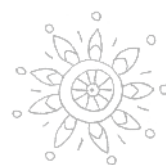
children in residential care settings including youth justice and immigration detention facilities, children who are already displaying problem sexual behaviours, and indigenous children.<sup>37</sup> These vulnerabilities may stem from a number of factors such as a lack of education about sexual abuse, lack of supports which would allow a child to disclose, lack of ability to communicate, lack of ability to escape perpetrators, high levels of power imbalance between perpetrators and children, or high levels of reliance on adults for daily needs to be fulfilled.

It is important that organisations are aware of the particular vulnerabilities of the client groups they are involved with and adapt their policies and practices accordingly.

### ***OTHER CHILDREN AS A RISK FACTOR***

Some children may display inappropriate sexualised behaviours.<sup>38</sup> Organisations should build awareness about inappropriate sexualised behaviours so that potentially problematic behaviours can be recognised early to ensure appropriate interventions and tailor policies and procedures accordingly.

Research suggests that children who engage in inappropriate sexualised behaviours with other children are likely to be victims of abuse themselves whether this is sexual, physical, emotional abuse or neglect.<sup>39</sup> Therefore responses to such behaviour should focus not only on supporting and protecting the victim, but also on supporting and protecting the child who exhibits these behaviours.



## FINDING A BALANCE

### *ORGANISATIONS SHOULD BE SAFE WITHOUT BEING STERILE*

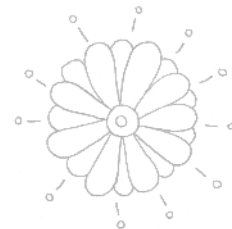
Finally, it is important to address the concern that, in order to be child safe, an organisation will become so overly regulated and so risk averse that it ceases to meet the needs of children and, while being safe, is no longer child friendly.

An organisation with child safety policies and culture should have the rights, interests and safety of children and young people at its heart and as such will also value activities and behaviours appropriate to meet the developmental, educational and other needs of children and young people.

*Knowing the signs of grooming and abuse, and knowing the situations in which abuse is most likely to occur allows organisations to make smart and targeted policy and to create a balanced and safe organisation.*

Strategies such as involving children in decision making, ensuring families and children are informed about child safe policy, ensuring children are empowered to raise complaints and concerns and ensuring that only the most suitable people are recruited are all ways that an organisation can become more child friendly in addition to being child safe.

Child safe is, at its heart, about children's rights – the right to be safe, the right to be heard, and to be informed of one's rights. Ultimately, while being child safe and being child friendly are different in some ways, neither should exclude the other and in fact an organisation can only be truly, rather than superficially, child friendly if organisational values, culture and policy are grounded in children's rights and children's safety.







# APPENDICES

A – ACCG Principles for Child Safety in Organisations – with Explanatory Notes

B – How we went about consulting with children and young people

C – Checklist for Child Safe Organisations

- <sup>1</sup> Australian Children's Commissioners and Guardians (ACCG), Submission in Response to the Royal Commission into Institutional Responses to Child Sexual Abuse, Issues Paper No. 3 – Child Safe Institutions, October 2013, p 2. Accessed 16 June 2015 at <http://www.childabuseroyalcommission.gov.au/getattachment/b35a65c0-70e4-48bb-a215-d679892ec014/36-Australian-Childrens-Commissioners-and-Guardian>
- <sup>2</sup> The ACCG Principles formed part of the ACCG's Submission in Response to the Royal Commission into Institutional Responses to Child Sexual Abuse, Issues Paper No. 3 – Child Safe Institutions, refer n1.
- <sup>3</sup> ACCG, Submission in Response to the Royal Commission into Institutional Responses to Child Sexual Abuse, Issues Paper No. 3 – Child Safe Institutions, above n1, p 2.
- <sup>4</sup> Roy, A & McKinnon G, Talking with Children & Young People About Child Safe/Child Friendly Organisations 1st Ed, ACT Children & Young People Commissioner: Canberra, 2014, p 4. Accessed 16 June 2015 at <http://www.hrc.act.gov.au/res/CSCF%20Report%20-%20FINAL.pdf>
- <sup>5</sup> Child Safety Commissioner Victoria, A Guide for Creating Child Safe Organisation, p 24. Accessed 24 June 2015 [http://www.cryp.vic.gov.au/childsafetycommissioner/downloads/childsafes\\_organisation.pdf](http://www.cryp.vic.gov.au/childsafetycommissioner/downloads/childsafes_organisation.pdf)
- <sup>6</sup> Working with children registration (WwCR) under the Working with Vulnerable People Act 2013. The checks associated with WwCR are often known as "working with children checks". These terms are used interchangeably in this report, particularly where we have incorporated quotes of forum participants.
- <sup>7</sup> Royal Commission into Institutional Responses to Child Sexual Abuse, Interim Report Vol. 1, 2014, p 141.
- <sup>8</sup> ACCG, above n1, p 5.
- <sup>9</sup> ACCG, Principles for Child Safety in Organisations, p 2. See Appendix A.
- <sup>10</sup> Werkele, C 'The dollars and senselessness in failing to prioritize childhood maltreatment prevention' in Child Abuse and Neglect, vol 35, 2011, pp 159-161.
- <sup>11</sup> When we use the terms 'child' or 'children' in this report we are referring to a person or people under the age of 18 years. Sometimes in this report we use the terms 'young person' or 'young people' to refer to an older child or children.
- <sup>12</sup> Every Child's Right to Be Heard - Save the Children and UNICEF's Resource Guide to the UN Committee on the Rights of the Child General Comment 12, p 3. Accessed 1st June 2015 at [http://www.savethechildren.org.uk/sites/default/files/docs/Every-Childs-Right-to-be-Heard\\_0.pdf](http://www.savethechildren.org.uk/sites/default/files/docs/Every-Childs-Right-to-be-Heard_0.pdf)
- <sup>13</sup> Every Child's Right to Be Heard, *ibid*, p 7.
- <sup>14</sup> ACCG, above n 1, p 2.
- <sup>15</sup> Kenny, M.C & Wurtele, S.K, 'Preventing Child Sexual Abuse, and Ecological Approach', in Journal of Child Sexual Abuse, Vol 21, 2012, pp 361-367.
- <sup>16</sup> Brackenridge, C, 'Spoilsports – understanding and preventing sexual exploitation in sport', Routledge, 2001, p 218.
- <sup>17</sup> Erooga, M, 'Toward Safer Organisations' – a report prepared for the NSPCC, July 2009, p 39, Accessed 16 June 2015 at <http://www.nspcc.org.uk/globalassets/documents/research-reports/towards-safer-organisations-2009-report.pdf>
- <sup>18</sup> Smallbone, S, Marshall, W, and Wortley, R, Preventing Child Sexual Abuse – Evidence, Policy and Practice, Willan Publishing, 2008, p 62.

- <sup>19</sup> Irenyi, M, Bromfield, L, Beyer, L and Higgins, D, 'Child maltreatment in organisations: Risk factors and strategies for prevention' in Child Abuse Prevention- Australian Institute of Family Studies Issues Paper, no 25, Spring 2006. Accessed at <https://aifs.gov.au/cfca/publications/child-maltreatment-organisations-risk-factors-and-strate>.
- <sup>20</sup> Royal Commission Into Institutional Responses to Child Sexual Abuse, Interim Report Vol 1, June 2014, section 3.5.
- <sup>21</sup> Leclerc, B, Wortley R, and Smallbone, S, 'Getting into the Script of Adult Child Sex Offenders and Mapping out Situational Prevention Measures', in Journal of Research in Crime and Delinquency, Vol 48(2), 2011, pp 209-237.
- <sup>22</sup> ACCG Principles – Principle No. 6. Refer Appendix A.
- <sup>23</sup> Brackenridge, C, above n16, p 203.
- <sup>24</sup> Royal Commission into Institutional Responses to Child Sexual Abuse – Report of Case Study 2, YMCA NSW's response to the abuse of Jonathon Lord, June 2014. Accessed at <http://www.childabuseroyalcommission.gov.au/getattachment/8196fe73-b2df-4cf9-a09b-55b200a84a16/Report-of-Case-Study-no-2>.
- <sup>25</sup> UNICEF 'Children as Advocates' handbook, June 2010, p 91. Accessed 28 May 2015 at [http://www.unicef.org/southafrica/SAF\\_resources\\_childrenadvocates.pdf](http://www.unicef.org/southafrica/SAF_resources_childrenadvocates.pdf)
- <sup>26</sup> Brackenridge, C, above n16, p 212.
- <sup>27</sup> Royal Commission into Institutional Responses to Child Sexual Abuse – Report of Case Study 2, YMCA NSW's response to the abuse of Jonathon Lord.
- <sup>28</sup> Principle 8, ACCG Principles of Child Safety in Organisations; refer Appendix A.
- <sup>29</sup> Finkelhor, D, 'Prevention of Sexual Abuse Through Educational Programs Directed Toward Children' in Paediatrics, Vol 120, January 2007, pp 640-64; and Wurtele, S.K, 'Preventing Sexual Abuse of Children in the Twenty-First Century: Preparing for Challenges and Opportunities' in Journal of Child Sexual Abuse, Vol 18, 2009, pp 1-18.
- <sup>30</sup> Leclerc, B et al, above n21, pp 209-237.
- <sup>31</sup> Finkelhor, D, 'Prevention of Sexual Abuse Through Educational Programs Directed Toward Children' in Paediatrics Vol 120, 3, September 2007.
- <sup>32</sup> Royal Commission Interim Report, June 2014, 4.2 p 141.
- <sup>33</sup> Wurtele, S.K, above n29, pp 1-18.
- <sup>34</sup> Leclerc, B et al, above n30.
- <sup>35</sup> National Children's Commissioner, Embedding children's rights into children's services (Speech delivered at YMCA 2015 National Children's Services Conference, Moonee Valley Racing Club Victoria Saturday 21 March 2015). Accessed at <https://www.humanrights.gov.au/news/speeches/embedding-children-s-rights-children-s-services>
- <sup>36</sup> Smallbone et al, above n18, p 44.
- <sup>37</sup> Royal Commission Into Institutional Responses to Child Sexual Abuse, Interim Report Vol 1, June 2014, Section 3.4
- <sup>38</sup> For further discussion about terminology and responses please see; Holly Mason-White and Sarah Pane, 'Responding to Problem Sexual Behaviour and Sexually Abusive Behaviour' – a position paper by the SASS service of Tasmania, May 2015, p 6.
- <sup>39</sup> Mason-White & Pane, *ibid*, p 11.

# APPENDIX A



## Principles for Child Safety in Organisations

endorsed by the following

Australian Children's Commissioners and Guardians (ACCG)

Barry Salmon, Acting Commissioner for Children and Young People and Child Guardian, Queensland

Howard Bath, Children's Commissioner, Northern Territory

Pam Simmons, Guardian for Children and Young People, South Australia

Elizabeth Daly, Acting Commissioner for Children, Tasmania

Bernie Geary, Principal Commissioner, Commission for Children and Young People, Victoria

Michelle Scott, Commissioner for Children and Young People, Western Australia

Kerryn Boland, Acting Children & Young People Commissioner, New South Wales

Alasdair Roy, Children & Young People Commissioner, Australian Capital Territory



# Australian Children's Commissioners and Guardians (ACCG) Principles for Child Safety in Organisations

Organisations will:

1. Take a preventative, proactive and participatory approach to child safety.
2. Implement child safety policies and procedures which support ongoing assessment and amelioration of risk.
3. Value and empower children to participate in decisions which affect their lives.
4. Foster a culture of openness that supports all persons to safely disclose risks of harm to children.
5. Respect diversity in cultures and child rearing practices while keeping child safety paramount.
6. Provide written guidance on appropriate conduct and behaviour towards children.
7. Engage only the most suitable people to work with children and have high quality staff and volunteer supervision and professional development.
8. Ensure children know who to talk with if they are worried or are feeling unsafe, and that they are comfortable to do so.
9. Report suspected abuse, neglect or mistreatment promptly to the appropriate authorities.
10. Share information appropriately and lawfully with other organisations where the safety and wellbeing of children is at risk.
11. Value and communicate with families and carers.

The above principles and following explanatory notes draw on the collective knowledge and experience of Australian Children's Commissioners and Guardians (ACCG) and reflect the principles and practice guidelines outlined in various ACCG member publications as well as the *National Framework for Creating Safe Environments for Children – Organisations, Employees and Volunteers: Guidelines for Building the Capacity of Child Safe Organisations 2005*. A list of relevant ACCG member publications is listed in the Appendix 1.

The principles and accompanying explanatory notes also take into account and are reflective of, the United Nations Convention on the Rights of the Child (CRC). A link to the Convention is included in Appendix 1.

## **ACCG Principles for Child Safety in Organisations – with explanatory notes**

For the purpose of this document, the word:

- *Children* refers to children and young people up to the age of 18 years
- *Harm* refers to any and all types of intentional or unintentional abuse, neglect or mistreatment of children including physical, sexual, emotional, psychological and cultural
- *Risk* refers to anything that can threaten the safety and wellbeing of children
- *Staff* refers to an organisation's paid employees and volunteers

### **1. Take a preventative, proactive and participatory approach to child safety.**

A child-safe organisation:

- takes preventative action by undertaking a systematic child safety review; adopting a structured approach to risk management; implementing appropriate controls to eliminate or mitigate identified risks, and engaging in an ongoing process of review and improvement
- is proactive by raising awareness within the organisation of child safety risks; planning the work of the organisation to minimise situations where children may be harmed; taking account of the increased level of risk associated with the nature of some activities and the particular vulnerability of some children; and by planning for, and responding immediately to any child safety concerns which do arise
- is participatory by empowering all staff, volunteers, parents, carers and children to have a say in, and influence decisions about, child safety policies and practices, and ensuring everyone understands and has confidence in, the organisation's child safety approach.

### **2. Implement child safety policies and procedures which support ongoing assessment and amelioration of risk.**

A child safe organisation implements child safety policies and procedures which:

- sit within a governance framework that includes an overarching child safety policy, risk management strategy and code of conduct
- prioritise child safety in the recruitment, selection and management of staff and volunteers
- specify how risk will be managed in routine situations or activities (for example, in one-to-one situations with a child; child staff –ratios)
- establish processes for assessing and making decisions about new or high risk activities and special events
- identify individual and organisational child safety responsibilities and accountabilities
- raise awareness about the types of harm children can experience and how to respond
- empower children to speak up, reducing the potential for harm to go unreported
- give clear directions about the handling of (i) risk management or code of conduct breaches and (ii) disclosures, allegations or suspicions of harm; and
- provide support and guidance for staff, volunteers, children and families (including a complaints process).

### **3. Value and empower children to participate in decisions which affect their lives.**

A child-safe organisation recognises the vulnerability of children and that there is a difference in power between children and adults in positions of trust and authority.

A child-safe organisation values children and respects their rights to participate in decisions which affect them, thereby giving them some control over their lives. The organisation empowers children by:

- teaching them about their rights (and corresponding responsibilities)
- building their confidence and assisting them to develop skills for participation, such as communication skills
- committing to children's participation (being inclusive of all children) and providing staff with resources that support participation
- adopting a process for participation that incorporates planning, preparation, action and feedback
- matching participation methods to the age, capabilities and background of the children and being adaptive to their ways of working
- creating opportunities for children to be involved in policy and program development, implementation and review – being honest with children about the extent of their involvement, and giving feedback on how their views have been actioned
- planning formal and informal times and activities for information sharing and discussion with children about issues and/or decisions
- establishing pathways and mechanisms which enable them to raise concerns safely, with confidence, and
- using inclusive and empowering, child-friendly language in everyday activity and relevant written documents.

#### 4. Foster a culture of openness that supports all persons to safely disclose risks of harm to children.

A child-safe organisation fosters and demonstrates openness in multiple ways that directly and indirectly create a culture where all persons – staff, volunteers, parents/carers and children – feel confident and enabled to safely disclose child safety concerns. In an organisation where openness is fostered and demonstrated:

- management leads by example, establishing an honest two-way communication process between themselves and staff, volunteers, parents/carers and children; making time to listen to them; and encouraging the expression of different views
- children and their families/carers are made to feel welcome and staff willingly provide information
- interactions between staff, volunteers, parents/carers and children are respectful and non-discriminatory
- policies and practices are transparent, developed in a participatory way, and applied fairly and equitably
- information is shared openly with forums for exchanging information and opinions in a respectful manner
- decision making criteria and outcomes are openly discussed
- new ideas are encouraged; best practice is promoted and changes are made when the need for improvement is identified
- inappropriate behaviour is dealt with immediately and positive behaviours are recognised
- accessible pathways are provided for staff, volunteers, parents/carers and children to raise issues safely, without fear of retribution
- complaints are addressed and investigated to the highest standard and information is conveyed to children about the process and the outcome in an accessible and child-friendly way
- personal information is treated confidentially and privacy is respected
- reporting of child safety concerns is handled sensitively – and everyone has confidence in the process; and
- external scrutiny is welcome.

#### 5. Respect diversity in cultures and child rearing practices while keeping child safety paramount.

A child-safe organisation respects cultural differences and differences in child rearing practices due to a family's personal, cultural or religious beliefs. However a child-safe organisation recognises that such differences do not diminish a child's right to be safe or the organisation's responsibility to protect the child from harm.

Respecting diversity should be taken to mean '*having the same aims for people's wellbeing and safety but findings different ways to achieve them*' that are more appropriate to the person's different perspective. For example, a child-safe organisation that respects cultural difference:

- thinks about safety and wellbeing concepts from a cultural perspective
- takes steps to develop cultural competence within the organisation so staff and volunteers can respond in a culturally appropriate manner
- takes guidance from experienced others (for example, seeks advice from recognised Aboriginal or Torres Strait Islander organisations in regards to the needs of children from these backgrounds), and
- approaches family cultural contexts with sensitivity.

A child-safe organisation also ensures:

- all parents/carers understand the organisation's:
  - commitment to child safety and what this means; and what is meant by 'abuse' and 'neglect'
  - Code/s of Conduct and what is acceptable behaviour
  - policies and procedures, including in relation to child safety
- the Code of Conduct affirms that discriminatory behaviours and practices are not tolerated
- policies acknowledge that a child's cultural identity or religious beliefs are fundamental to their well-being
- appropriate accommodations are made for the particular needs of children from different backgrounds
- positive images and references to race, culture or religion are used within the organisation, and
- language and communication methods are adopted that foster trust, cooperation and understanding, recognising that culture can affect communication styles and processes.

#### 6. Provide written guidance on appropriate conduct and behaviour towards children.

A child-safe organisation provides written guidance in the form of a Code of Conduct which:

- outlines the behaviour, relationships, attitudes and responsibilities expected of staff and volunteers in relation to children with whom the organisation has contact
- defines what is appropriate and inappropriate by specifically referring to types of behaviours that are relevant to the organisation
- makes people accountable for their conduct, and
- establishes the basis for complaint and disciplinary procedures for non-compliance with the Code.

A child-safe organisation:

- involves staff, volunteers, parents/carers and children in developing its Code of Conduct
- openly discusses the Code with staff and volunteers, children, parents/carers and members of the public
- makes a practice of distributing the Code to all members of the organisation on an annual basis and/or when the Code is updated
- develops separate Codes of Conduct for parents, children, and visitors if appropriate
- manages breaches of the Code in accordance with an agreed process, and
- reviews the Code regularly.

## **7. Engage only the most suitable people to work with children and have high quality staff and volunteer supervision and professional development.**

A child-safe organisation adopts recruitment and selection processes that help it to identify the most suitable persons to work with children and which deter unsuitable persons from applying or being appointed, either in a paid or voluntary capacity. As part of those processes, the organisation:

- states its commitment to being a child-safe organisation in job advertisements and organisational materials
- provides applicants (for paid and volunteer positions) with its Child-Safe Policy, Code of Conduct, screening and complaints procedures
- conducts thorough interviews and referee checks, and where applicable, verifies qualifications and professional registration, and
- undertakes, or may ask the applicant to undertake, a criminal history check to assess a person's fitness and propriety and, where legally required, a working with children check.

A child-safe organisation provides high quality supervision and professional development for staff and volunteers. This includes:

- written job descriptions and duty statements outlining expectations, responsibilities and accountabilities
- induction and refresher training in risk management; the organisation's policies and procedures (including Code of Conduct and the handling of safety concerns); and any compulsory training required by industry standards or legislation
- education in child development and child protection awareness training (including the nature and signs of abuse and how to respond)
- support processes such as mentoring, conflict resolution and an accessible complaints procedure
- regular reviews of work performance, including workplace behaviours and relationships, and
- opportunities to share workplace observations and problems, and to safely explore views about child safety issues with a trusted other.

## **8. Ensure children know who to talk with if they are worried or are feeling unsafe, and that they are comfortable to do so.**

A child safe organisation:

- talks to children about rights and responsibilities – making sure children know it is their right to feel safe at all times, and that the organisation has a responsibility to make sure they are safe
- establishes what safety means to children – when they feel safe and when they feel unsafe – and teaches them to say 'no' to anything that makes them feel unsafe
- teaches them about acceptable and unacceptable behaviour and contact, in a manner appropriate to their age and level of understanding, and involves children in developing Codes of Conduct
- explains who is, and who is not, a staff member (or volunteer) and what people's roles are
- provides protective behaviours training adapted to the needs of children
- helps children to identify adults who they trust, and feel they can go to when they are worried or feeling unsafe
- encourages children to tell a trusted adult whenever they have a problem, feel unsafe or witness something they don't like
- requires staff to be vigilant to the signs of harm, and to routinely check with children to see if they are 'OK'
- creates venues and opportunities for children to share their concerns in safe ways
- provides child focused and inclusive complaints processes
- takes anything a child says seriously, follows up their concerns, and lets them know what action has been taken, and
- arranges appropriate support and/or counselling for children with a problem or involved in adverse events.



## 9. Report suspected abuse, neglect or mistreatment promptly to the appropriate authorities.

A child safe organisation:

- takes proactive steps to ensure that staff and volunteers are able to identify children at risk of harm
- makes staff and volunteers aware of their reporting responsibilities, and the importance of prompt notification if –
  - there is a breach of the Code of Conduct or a risk management procedure
  - a child discloses abuse or neglect
  - an allegation has been made or
  - they have a suspicion, on reasonable grounds, that a child has been, or is being abused or neglected.
- has policies and procedures for –
  - managing breaches of the Code of Conduct or risk management procedures, and
  - handling disclosures, allegations and/or suspicions of harm, and
- ensures everyone knows the policies and procedures and are confident about applying them
- includes in those policies and procedures –
  - explanations of a breach, a disclosure, allegation or suspicion of harm
  - the guidelines for documenting and reporting in these situations, and
  - who must comply with the policy
- includes in its policy for handling disclosures, allegations or suspicions of harm, guidelines detailing –
  - how to respond to a child if they make a disclosure about harm
  - the immediate actions the organisation will take
  - who the disclosure, allegation or suspicion needs to be reported to (what authority) and how the report will be made,
  - how and what details are to be documented in each circumstance, and
  - what will happen after the report has been made – for example, the support that will be offered to the people involved, and the process for reviewing policies and practices to determine if improvements need to be made.

## 10. Share information appropriately and lawfully with other organisations where the safety and wellbeing of children is at risk.

A child-safe organisation is aware of, and complies with:

- any legislative or policy requirement to share information with other organisations where the safety and wellbeing of children is at risk, and
- any confidentiality or privacy requirements which may also apply.

A child safe organisation ensures protocols between jurisdictions and agencies are understood and respected.

## 11. Value and communicate with families and carers.

A child safe organisation welcomes families and carers into the organisation and acknowledges that:

- considerable variation exists in the structure of families, the role different family members may play in a child's life, family backgrounds and cultures
- circumstances can require some children to live apart from their family and the organisation needs to be sensitive to the rights and roles of adults with different caring responsibilities, and
- families and carers are in the best position to advise about their children's needs and capabilities.

As articulated in article 18 of the Convention on the Rights of the Child, parents/carers or significant others with caring responsibilities have the primary responsibility for the upbringing and development of their child. This includes:

- being informed about the organisation's operations and their children's progress, and
- being treated as partners in the decisions that affect their children.

A child-safe organisation adopts a two-way communication process with families and carers. This includes:

- using a range of strategies for communicating about its policies, programs and activities; adapting its communication methods to the needs of particular families
- providing families and carers with timely information, and in a form and language that is understood
- reporting on children's activities frequently, and creating regular opportunities to discuss matters
- seeking out the views, and involvement of parents/carers when developing organisational policies and addressing issues that impact on their children
- making contact as soon as a problem is identified so prompt action can be taken, and
- following through on any communication, doing what they say they will do and reporting back on outcomes.

## List of relevant publications by Australian Children's Commissioners and Guardians

Child Safety Commissioner. (2006). *A Guide for Creating a Child-safe Organisation*. Melbourne: Author.

Link: [http://www.ccyp.vic.gov.au/childsafetycommissioner/downloads/childsafe\\_organisation.pdf](http://www.ccyp.vic.gov.au/childsafetycommissioner/downloads/childsafe_organisation.pdf)

Commission for Children and Young People and Child Guardian. (2012). *Creating Safe and Supportive Environments for Children and Young People: Child and Youth Risk Management Strategy Toolkit*. Brisbane: Author.

Link: <http://www.ccypcg.qld.gov.au/pdf/bluecard/rmst/RMS-toolkit-update-081012.pdf>

Commissioner for Children and Young People. (2009). *Involving Children and Young People: Participation Guidelines*. Western Australia: Author.

Link: <http://www.ccyp.wa.gov.au/files/Participation%20Guidelines.pdf>

Commissioner for Children and Young People. (2013). *Are you listening? Guidelines for making complaints systems accessible and responsive to children and young people*. Western Australia: Author.

Link: <http://www.ccyp.wa.gov.au/files/Other%20resources/Are%20You%20Listening%20-%20Guidelines%20for%20making%20complaints%20systems%20accessible%20and%20responsive%20to%20children%20and%20young%20people%20-%20Updated%20June%202013.pdf>

### Link to the United Nations Convention on the Rights of the Child:

<http://www.ohchr.org/Documents/ProfessionalInterest/crc.pdf>

# APPENDIX B

## HOW WE WENT ABOUT OUR CONSULTATIONS WITH CHILDREN AND YOUNG PEOPLE

It was important to us that the voices of children and young people should be heard clearly in this Report. In this way we hoped to encourage organisations to value the perspectives of children and young people and take them into account when developing child safe policies and practices.

### WHO DID WE CONSULT WITH?

#### *SCHOOL CONSULTATION GROUPS*

All nine schools making up the Commissioner for Children's school consultation groups are government schools. Consultations with these groups were undertaken with the full support of the Department of Education. Discussion groups and questionnaires were conducted at two District High Schools, four High Schools and three Primary Schools.

The discussions about child safe organisations were held over two sessions. The initial session was about establishing rapport and trust, getting to know the children and understanding what was important to them. The focus was not on formal consultation during this session, but on helping children to become familiar with and more informed about the idea of child safe organisations. During the second session, children were reminded about the previous discussion about child safe organisations and more detailed questions were asked. Questions were similar to questions asked in our written questionnaire (discussed below) but due to the informal nature of the discussion the responses varied at times. Group discussions were considered when we were determining the key themes described in this Report.

Most school groups completed a written questionnaire. In some schools the written questionnaire was given out during the follow-up meeting, and in some cases it was given out to the children by teachers in between group meeting times. The questionnaires were then returned to us. Most students returned the question sheets however in some groups there were high numbers of unanswered questions. This may have been due to children filling out questionnaires in a rush (in a classroom or group scenario), may have indicated discomfort with the question, or may have indicated lack of understanding of the question.

One primary school declined to give the question sheet to children as they felt the children might be upset by talking about abuse.

Members of two school consultation groups conducted further consultations with other students in the school using their own questions. Because the self-developed questions differed from ours, the results have not been included in graphs and tables. However, we took account of these responses when identifying the themes described in this Report and incorporated the views expressed through the use of selected (de-identified) quotes.

#### *ADVISORY GROUPS*

The Commissioner's Children & Young Persons Advisory Groups are made up of children and young people who responded to an invitation to become a member of these Groups in the North, North West and the South of Tasmania. In total, these

groups are comprised of 23 children and young people, aged 9 to 17 years. The Advisory Groups meet on a regular basis as part of an ongoing consultation process.

Children from the Advisory Groups attend both government and non-government schools and come from varying socio-economic backgrounds and life perspectives.

At an initial meeting with these children we discussed a number of issues, including that of child safety in organisations. As with the school consultation groups, part of this initial session was about establishing rapport and trust, getting to know the children and understanding what was important to them. In this first session the focus was not on formal consultation but on familiarising Advisory Group members with the concept of child safe organisations. In the weeks following this initial meeting children were provided with a written question sheet as follow up. All but two children returned their completed question sheet; all respondents answered all the questions.

### **OTHER CONSULTATIONS**

To ensure we consulted with children with varying perspectives and experiences we also conducted consultations through some specialist groups as follows:

- Whitelion Mentoring Service
- Anglicare Tasmania Targeted Youth Service
- St Giles Tasmania
- CREATE Foundation
- Hobart City Council Arts and Recreation Centre
- Working It Out.

Interviews were conducted with children connected with these organisations; some were in group format and some were individual interviews.

### **HOW DID WE MAKE SURE CHILDREN WERE SAFE AND COMFORTABLE DURING THE CONSULTATION PROCESS?**

At all times during the consultative process, the best interests and well-being of the children and young people participating were uppermost in our minds.

### **CONSENT**

All consultations with the school groups, Advisory Groups and other groups required some form of consent from the children and young people participating and from their parents/ guardians.

The school consultations were conducted at the schools with supervision by teaching staff. All of the participants had general school permission, which the parents complete at the beginning of the school year, to be part of the group.

Members of the Advisory Groups completed written consent forms which included their consent as well as that of their parents/ guardians.

In other groups, where written consent was not practicable due to difficulties with reading or writing or because of a disability, participants provided verbal consent. In these cases, the facilitators made a written note of this verbal consent.

Children and young people were informed that they could withdraw their consent to participation at any time.

The consent form used by the Advisory Groups, *'Permission Slip for Young People'* includes options for the child or young person to give/not give permission to :

- Talk about their ideas on various topics
- For the Commissioner's staff to record their comments (without using names)
- That their contributions may be used in publications.



This form gave priority to the consent of the young person, with the parents being asked to indicate if they supported their child's position. The signature of the child/young person and of a parent/guardian was required.

### **MANAGEMENT OF GROUP DISCUSSIONS**

In order to ensure the safety and comfort of children and young people, most of the consultations were conducted in small groups. Some of the consultations assisted by community sector organisations comprised of individual interviews, but always ensuring that another adult or parents/guardians were in close proximity.

During the initial school consultation groups, a teacher from the school was present to ensure that children had a familiar adult in the room with them.

For our initial meeting of the Advisory Groups, children were invited to bring a parent, caregiver or other safe adult with them and these adults stayed in the room throughout the consultation. The subsequent consultation was without parents or caregivers present unless a child asked for them to remain.

While it is acknowledged that the presence of adults such as teachers and parents may have impacted on children's ability to talk freely, we believed that having a familiar adult around was important for children. In any event, children had the opportunity to respond in an open way without adult influence by filling in the written questionnaire. Furthermore children were given the choice of answering the questionnaire anonymously, thereby encouraging openness.

### **MANAGEMENT OF WRITTEN QUESTIONNAIRES**

Written questionnaires were only given to children of an appropriate age (upper primary and high school students). The

language in the questionnaire was child friendly but direct to ensure that children could clearly understand what was being asked. Where questionnaires were mailed out to children, they were mailed to their home address together with a permission slip. We asked children to ensure that their parent or caregiver read the questionnaire before completing it. Where questionnaires were completed through school consultations group, permission was sought from school staff who were able to read the questionnaire before it was given to children.

It was made clear to children that they did not have to complete the questionnaire and that they did not have to answer any questions they felt uncomfortable with. We received 110 responses to our questionnaire.

### **MANAGING DISCLOSURES**

Prior to the consultations it was agreed that if a child or young person disclosed information suggesting they were at risk of harm, the following processes would be followed:

- If the disclosure occurred during school consultations, the principal was to be notified immediately.
- If the disclosure occurred during consultations assisted by community sector organisations, the manager of that organisation was to be advised immediately.
- If the disclosure was made by an Advisory Group member, their parent or guardian would be advised, providing the disclosure was not regarding a parent.
- If any child made a disclosure regarding abuse from a parent or at home, a notification would be made to Child Protection Services.

The practice of 'protective interrupting' was utilised – that is, a technique to minimise the prospect of participants

revealing sensitive information in a group situation. Additionally, at the beginning of all conversations children were requested not to disclose personal information.

## **CONFIDENTIALITY**

Responses from children and young people are discussed in the Report in a way which does not reveal their identity. The group a child has come from has not been identified as some groups were particularly small and we could not ensure confidentiality. As some age ranges were represented by only one or two children, the age and gender of the child has not been given where children have been quoted.

All recorded information which could identify children is subject to the Commissioner for Children's Policy on Personal Information Protection which can be found on our website.

## **WHAT DID WE ASK CHILDREN?**

### **GROUP DISCUSSIONS**

As the group discussions were informal the questions asked were not exactly the same in each group. Discussions were "child guided" so if children demonstrated discomfort with a question this question was not continued and, likewise, if children showed particular interest in a question, discussion was focussed on this question. Despite this an effort was made to ask questions which were consistent with the following themes:

- Do you know what a child safe organisation is?
- Do you know what organisations you spend time in do to keep you safe?
- Do you know what to do if you feel unsafe in an organisation you spend time in?
- What do you think adults could do to make children safer in organisations?

Responses from these discussions were recorded in note format and used to help determine themes for our report.

### **WRITTEN QUESTIONNAIRES**

When children were given the written questionnaire, they were given some background information which clarified that when we were asking about safety we were talking about 'safety from abuse, especially from adults'. Abuse was defined as 'sexual, physical or emotional abuse'.

Children were then asked to consider the following questions:

- What kinds of things might make children feel unsafe or uncomfortable when they are engaged in activities (such as scouts, schooling, music lessons, and sports) provided in an organisational setting?
- Do organisations talk to you about how they make sure you are safe when you are there? What sort of things do they say?
- Do they talk to you about how adults who are part of that organisation should treat you?
- Have adults in these places talked to you about what you can do if you feel unsafe or uncomfortable?
- If children and young people felt unsafe or uncomfortable while attending one of these activities, who could they talk to?
- If you were feeling unsafe or uncomfortable, what might stop you from speaking to an adult about it?
- How should an adult respond if a child talks to them about feeling unsafe or uncomfortable?
- If a child or young person were an adult working with kids, what would they do to make sure that children and young people feel safe and listened to?

## INFORMATION ANALYSIS

### INFORMATION RECEIVED

The responses from both the 110 written questionnaires and individual interviews were recorded in a spreadsheet. Clear themes emerged as common responses were identified; themes were agreed upon through a joint discussion process. In determining themes the responses from children who only took part in group discussions or individual interviews were also considered. Responses were then coded according to theme. Those responses that did not fit a theme were not coded.

The themes identified were as follows:

- The importance of having trusted adults around – children said that when they did not have trusted adults around, they felt uncomfortable or unsafe.
- Adults should listen to children - children expressed a strong view that adults should listen to them more.
- The importance of knowing your rights – and lack of children knowing their rights – children gave answers that indicated they had not been taught about their rights (specifically the right to safety from abuse) within the organisations they spent time in.
- Awareness about abuse (particularly sexual abuse) - this theme is included not because of the high prevalence of answers that indicated awareness about abuse, but due to the low prevalence of such answers. We found that children lacked knowledge or awareness about this subject in the context of their organisations.
- The importance of adults responding appropriately to disclosures – children expressed concern that adults might not respond appropriately if they disclosed abuse.

- Children feeling a sense of responsibility for their own safety or for abuse that may occur – children gave responses that indicated they had been told they were responsible for avoiding abuse, or gave responses that indicated that they would feel abuse was their fault if it occurred.
- Children saying that fears would stop them disclosing abuse – when asked what would stop them from disclosing abuse children identified fears such as being threatened or worried about repercussions.
- Children feeling ashamed or embarrassed around the topic of sexual abuse (especially in the context of disclosing abuse) – children stated that they would feel embarrassed or ashamed and that this would prevent them from disclosing abuse.

As a quality control measure the coding of themes was undertaken by three staff members.

Direct de-identified quotes from children have been used throughout the report to illustrate themes with the intention of presenting the views of children and young people in their own voices.

Some of the responses to the written questionnaires were able to be quantified e.g. where questions could be divided into yes/no responses. These responses have been represented in graphs or tables for easy interpretation in the body of the Report.

## LIMITATIONS

In interpreting the information, the following should be considered:

- Where children's caregivers brought them to Advisory Group consultations they were invited to stay but did not take part in the discussion. In some school groups a teacher was present and in some groups an organisational leader was present. This was done to ensure children felt comfortable during the consultation process. It is acknowledged that the presence of caregivers, teachers or other adults may have influenced the responses.
- In two school groups questions were developed by children themselves. In these cases we had little control over what the children were asked and as such the responses are different to the responses we received when we asked our own questions. These responses have not been used in information that has been quantified (tables and graphs) but have been used in determining themes and collecting relevant quotes.
- Group discussions were used as the preferred method for collecting views at the school consultations. This may have resulted in consensus of responses to questions and children being less inclined to speak of sensitive issues, which may not be a true indication of each individual's view or understanding of child safe organisations.
- In the case of the Advisory Groups, the young people were self-selected. Even though they may not have been representative of all Tasmanian children and young people, it is noted that the young people are from a wide variety of backgrounds, different socio-economic status, some are children in care, children from rural areas and children from both state and independent schools.
- For the Advisory Groups the self-selection process resulted in mostly older young people being consulted. The youngest child represented was 9 years of age and most were between 14 and 16 years old. Thus the views of younger Tasmanian children are not represented by this consultation process.
- More girls than boys participated in the consultations.
- The views of CALD and Aboriginal children were not well represented in this consultation. It is recognised that children from differing cultural backgrounds may have differing perspectives and experiences of safety in organisational settings.



# APPENDIX C

## CHECKLIST FOR CHILD SAFE ORGANISATIONS

A checklist can help your organisation to develop and maintain a Child Safe environment by:

- Promoting discussion
- Identifying strengths and any remaining gaps that need action; and
- Helping to set priorities

This checklist is not designed to be an exhaustive list, but rather the minimum requirement for organisations working with children.

Some organisations may choose to have further policies and procedures in place to protect children, particularly those working with vulnerable children and young people.

Use this template to help develop a child safe environment in your organisation

| GETTING STARTED  | YES | IN PROGRESS | NO |
|--|-----|-------------|----|
| Do you have a documented risk management plan?   |     |             |    |
| Have you identified employee behaviours that are inappropriate with children and workplace factors that can affect the likelihood of such behaviour occurring? |     |             |    |
| Do staff and volunteers have training on how to identify and respond to behaviour by staff that might be risky to children?                                    |     |             |    |
| Are staff and volunteers carefully selected and always screened?   |     |             |    |
| Do you know your obligations under the Working with Children Check?  |     |             |    |
| Are there opportunities for kids to contribute to your program development?  |     |             |    |
| Have you identified barriers that could prevent staff, volunteers and children from raising concerns?  |     |             |    |

This document has been adapted from the 'Checklist for Child Safe Organisations' produced by the Office of the NSW Children's Guardian.

| <b>MOVING FORWARD</b>  | <i>YES</i> | <i>IN<br/>PROGRESS</i> | <i>NO</i> |
|--|------------|------------------------|-----------|
| Do you have a documented Child Safe policy?  |            |                        |           |
| Does the policy include well documented rules for staff and volunteers that make it clear what is appropriate and inappropriate behaviour with children? |            |                        |           |
| Do you have a documented Child Safe Code of Conduct?   |            |                        |           |
| Do you have clear procedures for raising concerns and complaints?  |            |                        |           |
| Is the concerns and complaints procedure child friendly so children could raise concerns themselves if they wanted to?                                   |            |                        |           |
| Is the Child Safe Policy also available in a way that makes it understandable and accessible for children in your organisation?                          |            |                        |           |
| Have issues concerning confidentiality been clarified?   |            |                        |           |
| Do staff and volunteers in your organisation know when to make a report to Child Protection Services?  |            |                        |           |
| Do you have a staff and volunteer induction process in your Child-Safe procedures?   |            |                        |           |

| <b>KEEPING IT GOING</b>  | <i>YES</i> | <i>IN<br/>PROGRESS</i> | <i>NO</i> |
|--|------------|------------------------|-----------|
| Do all staff and volunteers understand the role they play in keeping children safe in your organisation?       |            |                        |           |
| Do staff and volunteers know what to do if faced with an allegation or disclosure of child abuse?              |            |                        |           |
| Do children and parents involved in your program know how to report or raise a concern?                        |            |                        |           |
| Are children able to provide feedback about their activities?  |            |                        |           |
| Do you include a young person (if your service works with children of an appropriate age) on interview panels? |            |                        |           |
| Does your organisation work to promote Child Safe policies and practices?                                      |            |                        |           |
| Have you set a date for reviewing policy and procedures?   |            |                        |           |
| Are you seeking feedback from children and young people about the effectiveness of the Child Safe policy?      |            |                        |           |
| Are stakeholders involved in developing and reviewing your risk management plan, policies and procedures?      |            |                        |           |

# NOTES:

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