

Children in Care Collective



Submission to the Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings

INTRODUCTION

The Children in Care Collective was formed in 2016 by a group of out-of-home care service providers and leading experts in working with children with complex needs in out-of-home care.

The aim of the Collective is to share experience, discuss best practice informed by research, provide advocacy and learn from policy and practitioner experts in out-of-home care. The Collective seeks to address solutions to difficult systemic practice issues faced by the sector and to improve outcomes for children and young people with complex needs living in out-of-home care. The Collective's website is at <http://childrenincarecollective.com.au/>.

Members of the Collective are: Allambi Care; Anglicare NSW South, NSW West and ACT; Anglicare Sydney; CareSouth; Key Assets; Life Without Barriers; Mackillop Family Services; Marist180; Settlement Services International; Institute of Child Protection Studies (ICPS) - Australian Catholic University; Australian Centre for Child Protection (ACCP) - University of South Australia.

The focus of this submission is on the Tasmanian's Government's response to allegations and incidents of child sexual abuse in out-of-home care settings.

FEEDBACK ON THE TASMANIAN GOVERNMENT'S RESPONSE TO RECOMMENDATIONS OF THE ROYAL COMMISSION INTO INSTITUTIONAL RESPONSES TO CHILD SEXUAL ABUSE

The Children in Care Collective commends the Tasmanian Government for the considerable work it has undertaken to make systemic improvements to its out-of-home care system and to promote and protect the rights of children and young people in out-of-home care in Tasmania.

The Collective endorses Tasmania's participation in national initiatives, including amendments to strengthen the information sharing provisions of the *Children, Young Persons and Their Families Act 1997* to enable Tasmania's participation in a national information sharing system; integration of its local system with the National Reference System for Working with Children Checks; participation in the development and implementation of a nationally consistent Carers Register; participation in the Inter-jurisdictional Working Group on Therapeutic Responses for Children with Problematic and Harmful Sexual Behaviours.

In particular, the Collective notes the following initiatives specific to the provision of out-of-home care in Tasmania:

- the development and implementation of *Tasmanian Standards for Children and Young People in Out-of-Home Care*
- finalising the *Quality and Continuous Improvement Framework for Out-of-Home Care*

- the implementation of the *Stability and Permanency Framework*
- work with Aboriginal organisations to improve and embed the Aboriginal and Torres Strait Islander Child Placement Principles across the Child Safety Service System.

Since neither the Standards nor the two Frameworks are publicly available, it is not possible to comment on their sufficiency in preventing or responding to child sexual abuse in the context of out-of-home care in Tasmania.

RECOMMENDED FURTHER ACTION

1. Noting that the Commission's inquiry is focusing on the Tasmanian Government's current responses to allegations and incidents of child sexual abuse, the Collective submits that the ongoing review of the Department of Communities Tasmania complaints management processes should include a more direct focus on how to support children and young people with a disability to make complaints or disclosures.

The resources on the Child Advocate website and the distribution of child friendly information about the role are noted, as is the proposed visitation program for non-family based care settings, but it is submitted that these initiatives will not necessarily provide avenues for children and young people with disability. Recommendation 12.21 of the Royal Commission included the provision that care plans for children and young people with disability in care should include 'specific risk-management and safety strategies and the identification of trusted and safe adults in the child's life'. This recommendation recognises the need to provide direct support for children with disability rather than assuming their capacity to access publicly available resources.

2. The Collective notes that the Tasmanian Government has developed a legislative framework for Child Safe Organisations in Tasmania and released the *Child Safe Organisations Bill 2020* for consultation between December 2020 and February 2021. The Bill includes principles for the safety and wellbeing of children and Child Safe Standards and identifies the organisations/bodies that will be required to incorporate the principles and standards. The Collective recognises this legislative framework as an important component of protecting children from sexual abuse in institutional contexts.

Apart from requirements to report annually on the implementation of the principles and standards, there is no apparent regulatory or oversight regime. The complexity of developing such a scheme is acknowledged and it is suggested that consultation with the NSW Office of the Children's Guardian (NSW OCG), which is developing such a scheme, could be of assistance.

The NSW OCG is also responsible for providing capability building and support for staff and volunteers in all organisations working with children in implementing the Child Safe Standards in that State. The Collective submits that the Tasmanian Commissioner for Children and Young People would be well placed to have a similar role in institutionalising the principles and standards in Tasmania.

FURTHER QUERIES

If there are any further queries about this submission, please direct them to [REDACTED] Coordinator of the Children in Care Collective at [REDACTED].