

# WE LIFE WITHOUT BARRIERS VE

## Life Without Barriers Submission:

### Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings

#### About Life Without Barriers

Life Without Barriers (LWB) is a charitable organisation supporting approximately 23,000 people in over 400 communities across Australia. We employ over 8,000 staff and are responsible for annual funding of approximately \$700 million. We provide people with the services and assistance they need so they can achieve their goals and maximise their opportunities to participate in the community. LWB partners with communities, Elders, governments, and other stakeholders to support people so they can achieve positive long-term change. We offer services to people with disability; children, young people and families; people with mental health needs; people who are homeless; refugees and people seeking asylum.

LWB is an experienced and major out-of-home care and disability service provider across all Australian jurisdictions and is committed to improving life outcomes for children and young people and supporting people with disability. As a supporter of the Royal Commission into Institutional Responses to Child Sexual Abuse's recommendations, LWB welcomes the opportunity to comment on the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings

In responding to this submission, LWB has focused on some areas from the discussion paper that we can add the most value to. They are outlined below.

#### RESPONSES TO THEMES/QUESTIONS:

##### Making institutions safe for children

LWB notes that jurisdictions, such as New South Wales, Queensland and Tasmania, are working on introducing legislation to embed Child Safe Standards as the primary framework that guides child safe practice in organisations. LWB commends this national response to implementing the Royal Commission's recommendations and the Tasmanian Government's commitment to growing Child Safe Organisations.

LWB supports the scope of the Child Safe Standards system as recommended by the Royal Commission, including being clear that either 'accommodation or residential services' or 'child protection services' also include services that provide for the supervision of contact between children and family members/significant others; and in mentoring to children (that is not necessarily an education service). LWB is of the view that all sectors should be subject to the same regulation and oversight, to avoid inconsistency and children being placed at risk. We strongly support harmonization of the standards and all actions that reduce the regulatory burden for providers, so that we can focus on supporting children in care.

Life Without Barriers promotes a number of initiatives around being a Child Safe Organisation

- **We Put Children First** is our child sexual abuse prevention strategy, commenced in 2015. Based on a situational prevention approach – organisations can reduce the risk of child sexual abuse occurring by making changes to the environment. Resources on our stance on child safety and wellbeing are shared externally and agreed to by staff and carers during

# WE LIFE WITHOUT BARRIERS VE

induction. It communicates our position and commitment to child safety, shared responsibility and speaking up.

- **Talking with Children** – the SAFE Books are a series of four children’s books published by the NSW Children’s Guardian. The books are based on a protective behaviours approach to child abuse prevention. LWB provides the books and associated activity sheets nationwide to children in care with us aged 2-10. The books are read to children by their case manager over a period of six months.
- **Understanding Child Sexual Abuse** – training for all staff and carers who work with children. Aims to increase understanding of child sexual abuse, and our capacity to act protectively and responsively to children.
- **Understanding Harmful Sexual Behaviour** – policy guideline and training to increase our understanding of children and young people who engage in harmful sexual behaviour, and our capacity to respond in a consistent, proactive and supportive way. eLearning module for all staff and carers, more detailed workshops for managers, clinicians and residential care staff, focused on practising the skills and language necessary to support staff, children and young people around incidents of harmful sexual behaviour
- **Child Voice** - continued to provide opportunities for children and young people’s voices to be heard, including repeating the children’s voice surveys in 2019
- **Practice Models** – LWB prides itself on having an evidence informed strategy. Central to this strategy is partnership with Cornell University and ongoing implementation of the CARE model at every level of the organisation. CARE is designed to enhance social dynamics through targeted staff development, ongoing reflective practice and data-informed decision making. Adoption of CARE and other evidence informed practices, including our approach to family inclusive practice, are protective factors when safeguarding children.

## Child safety standards

LWB supports the Tasmania Government adopting the Child Safe Standards and National Principles arising from the Royal Commission. We uphold these national standards and principles as a “bottom line” for ensuring child safety, and do not support a different set of standards across jurisdictions so there is harmonization for national providers. We support standards being enforced by government providers as well as non-government providers.

LWB has suggested other principles/elements to consider in the National Principles as a means of achieving child safe organisations include:

- In addition to child safety being embedded in institutional leadership, government and culture (Child Safe Standard 1), that child safety should also be embedded in policy, practice and culture.
- In addition to children participating in decisions affecting them and are taken seriously (Child Safe Standard 2), children should also be informed about their rights, be empowered and supported to participate in decision-making and have their views given appropriate weight.
- In addition to informing and involving families and communities (Child Safe Standard 3), children should also be informed and involved and such children, families and communities should be empowered and supported to raise allegations/complaints/report abuse.
- Regular review and improvement of implementation of the Child Safe Standards (Child Safe Standard 9), which would include regular review of processes, policies and procedures, should be attributed as the responsibility of the Child Safe Organisation (which is monitored appropriately by the oversight body).

# WE LIFE WITHOUT BARRIERS VE

- In addition to policies and procedures documenting how the institution is child safe (Child Safe Standard 10), requiring that organisations have a Code of Conduct that is consistent with the Child Safe Standards, that each member of the organisation is to agree to and abide by.

## **Working with vulnerable people**

LWB supports a regulation approach that avoids duplication, and best utilizes existing processes. We suggest that consideration be given to partnerships with other entities to reduce duplication and regulatory burden such as partnering with sector peaks. Similarly, working with existing regulatory frameworks where there is overlap between the Child Safe Standards and existing quality and safeguarding frameworks will make the new regulatory scheme less daunting. For example many sporting bodies and early childhood regulators already have their own quality frameworks; it may make sense to partner with these bodies to provide education on the value of organisational practice that is consistent with the Child Safe Standards.

LWB supports the Royal Commission's recommendation of a responsive, risk based regulatory approach. Particularly in the area of child safety, LWB recognises that resources should be focused on risk and not rules. However, care should be taken to:

- Be alert of new and developing risks when focus is on known risks (e.g. online risks to children)
- Not neglect areas of lower risk, especially when there are patterns or repeated incidence, which may result in considerable damage or injury
- Ensure that compliance is improved across all organisations rather than focusing only on individual or larger or "repeat offender" organisations.

LWB would support the oversight body having the option of a wide range of monitoring and enforcement powers to ensure the implementation of Child Safe Standards where appropriate. LWB's experience in other jurisdictions demonstrates that monitoring approaches to child safety need to be positive and strengths based at first instance, rather than being punitive. Safeguards should be built into legislation to ensure that enforcement activity is proportional to organisational risk, proportional to the nature and characteristics of organisations and undertaken in partnership with other entities where appropriate. Creating an understanding of the value of child safe organisational practice will likely be more effective and achieve better results in terms of compliance than creating fear of prosecution or punishment.

LWB are supportive of robust systems of probity that protect or safeguard children through identification of perpetrators of harm. Most specifically, we support Tasmania implementing child safe standards including a register similar to that in Victoria.

## **Out-of-home care and youth detention**

LWB fully endorses the vision, objective and proposed values for the National Strategy to Prevent Child Sexual Abuse and responded to the recent Consultation Paper. It was encouraging to see the strategy in line with the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse and reflective of a practical and evidence-based approach to the issues.

LWB is a national organisation and has a national investigations unit known as NRAIT or the National Reportable Allegations Investigation Team. This team manages employee-related

# WE LIFE WITHOUT BARRIERS VE

investigations in all Australian jurisdictions across child protection/out-of-home care and disability. NRAIT has established policies and procedures in place and is independent of LWB operational staff. NRAIT also has demonstrated expertise in operating under the NSW reportable conduct scheme, currently overseen by the NSW Office of the Children's Guardian, as well as the Commonwealth reportable incidents scheme, overseen by the NDIS Quality and Safeguards Commission. In NSW, employee-related investigations in child protection/out-of-home care and disability, were previously overseen by the NSW Ombudsman.

In addition to the NRAIT, LWB undertakes other activity to embed existing policies and procedures that are consistent with the Child Safe Standards such as -

- LWB's approach, which is evident through LWB Values, We Put Children First, the CARE Model, Pillars of Practice Framework, evidence-informed strategy, and listening to children/families/carers.
- Leadership is committed to, and governance structures are embedded with, policy & practice that is consistent with the Child Safe Standards.
- Organisation-wide database for record management and reporting system (i-Sight).
- National reportable conduct/investigation/complaints team.
- Induction and ongoing training for staff, consistent with the Child Safe Standards.
- In-house legal team to assist with advice and compliance.
- Probity team, with rigorous policies/procedures and connections to oversight bodies.
- Thorough recruitment, assessment and review of staff/carers, with induction and ongoing training, consistent with the Child Safe Standards.
- Practice Quality team, for continuous review/improvement to policy and practice.

As identified above, LWB has many systems in place to support the child safe standards and being a child safe organisation. We adhere to Information Exchange 16A in NSW that allows organisations to exchange information in order to protect children and believe a similar process would work well in Tasmania and agree with the Royal Commission on a harmonization of working with children check processes nationally.

We are open and encouraging of the development and implementation of the child safety standards within the services and is a great step in the right direction to create a standard approach. We are more supportive of a separation of the function between provider and implementor of those standards however, as in Tasmania, the roles can become blurred. Having OOHC standards in Tasmania will support children being safe, and fitting within a regulatory regime that sits under the national standards would be the most beneficial.

## **Therapeutic interventions for children who are at risk of engaging in harmful sexual behaviour**

As identified above, LWB has implemented an extensive internal training package, set of workshops and policy guideline around raising awareness of harmful sexual behaviour, supporting staff and carers in learning consistent language and definitions (as outlined within the Royal Commission), and appropriate immediate and post crisis responses processes around any incidents. However, in general in Tasmania there are limited external referral options available for those who are at risk of, or have engaged in harmful sexual behaviour. Furthermore, there appears to be a particular paucity of early intervention, or community-based treatment options available for young people engaging in, or at risk of engaging in harmful sexual behaviour that may reach the threshold for conviction as sexual offending behaviour.

# WE LIFE WITHOUT BARRIERS VE

As discussed above, LWB supports the Tasmanian Government adopting the Child Safe Standards and National Principles arising from the Royal Commission across jurisdictions nationally to increase consistency of response and reduce risk to children. In addition, LWB supports development of more age specific, positive, and strength-based community support options for both young people impacted by, or at risk of engaging in, harmful sexual behaviour.

Other elements to consider may include:

- Harmonisation of working with children/vulnerable people checks and probity nationally
- A focus on primary and early intervention programs, as well as community-based treatment options rather than punitive responses.
- General capacity building and training/public education within the sector as well as standardisation of terminology and definitions as outlined within the Royal Commission. Capacity building, use of technology and a greater focus on outreach services in rural areas may be particularly salient for the Tasmanian context.
- All children and young people being eligible for, and having access to, specialist therapeutic support. Including as a voluntary option for any young people who have engaged in any sexual behaviour considered harmful (regardless of whether this has met the threshold for criminal investigation), or who are at risk but have not yet engaged in any specific harmful sexual behaviour.