

**Children’s safety and wellbeing**

**Chapter 4 of the Children’s Rights Report 2017**

**This document contains Chapter 4 of the National Children’s Commissioner’s *Children’s Rights Report 2017*.**

The full report can be found on the Australian Human Rights Commission website at <https://www.humanrights.gov.au/our-work/childrens-rights/publications/childrens-rights-report-2017>.

*Chapter 4: Children’s safety and wellbeing* outlines our contemporary understanding of child harm and abuse in Australia, with a particular focus on children and young people in organisational settings. It highlights data on child harm and abuse, noting trends and gaps in available information. It also refers to findings from recent government inquiries that emphasise the importance of valuing and empowering children and listening to what they say.

In addition, Chapter 4 describes the work being led by the National Children’s Commissioner to embed child safe cultures and child rights knowledge throughout organisations that work for and with children across Australia.

Further information about this work is available on the Child Safe Organisations website at <https://www.humanrights.gov.au/our-work/childrens-rights/projects/child-safe-organisations>.

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# Children’s safety and wellbeing

1. Introduction

Children have a right to be safe from harm, and to be properly protected from violence, abuse and neglect.

This chapter discusses what we know about child harm in Australia, and about ways of keeping children safe from harm, with a particular focus on children and young people in organisational settings. This chapter:

* highlights some data on child harm, noting trends and gaps in available information
* describes some recent inquiries relevant to children’s safety, including the Royal Commission into Institutional Responses to Child Sexual Abuse (the Royal Commission)
* discusses some recent research on child safety in organisational settings, including children’s views of safety
* outlines my current work developing a national set of principles for child safe organisations.

Since 2012, the Royal Commission has conducted an extensive program of private sessions, public hearings, and policy and research on child sexual abuse in institutional contexts. The Royal Commission’s work, both its activities to date and its final report submitted to the Governor General on 15 December 2017, is a significant source of information and understanding on how to keep children safe from child sexual abuse in institutions. Although the work of the Royal Commission focuses on institutional child sexual abuse, its recommendations on child safe organisations are likely to improve prevention and responses to all forms of child abuse and harm in the coming years.[[1]](#endnote-1)

In this context, the following chapter outlines the work I am leading to embed child safe cultures and children’s rights knowledge throughout organisations that work for and with children and young people across Australia.

A core element of this work is developing the National Statement of Principles for Child Safe Organisations (the National Principles). Community Services Ministers from all jurisdictions recently endorsed draft National Principles for consultation with all key sectors that provide services to, or work with, children and young people. They include health, sport and recreation, education, early childhood, out-of-home care (OOHC), justice and detention services for children, arts and entertainment, disability services, religious services, local government, accommodation and residential services for children, transport services for children, coaching and tuition services, and family and child welfare. Members of the public, children and young people, parents, carers, families and communities should be confident that organisations working with children provide safe environments where children’s rights, needs and interests are met.

This initiative has primarily been precipitated by the work of the Royal Commission whose findings will require ongoing action in order to sustain our collective efforts to prevent and respond to child abuse, and harm more generally, wherever it occurs.

1. Understanding child harm in Australia

Child harm can take many different forms. Harm can include child maltreatment — including emotional, physical and sexual abuse, and neglect. It can also include other types of harm, for example bullying by peers, exposure to physical hazards, exposure to violence, or harm which has occurred because of a lack of awareness of culturally inclusive practices.

It can also take place in a variety of settings, including family contexts, early childhood environments, schools, clubs and residential care.

These differences mean that we face challenges in gaining a comprehensive picture of the extent and nature of harm experienced by children across Australia. This also means that our measures to improve child safety must take account of the different experiences of children, and the context in which they take place.

Although child harm takes a variety of forms, the most comprehensive statistics are those relating to child abuse and neglect in the family. Abuse and neglect are some of the most serious forms of harm to children. While not providing a measure of prevalence, child protection statistics are an important source of proxy information about the extent and type of abuse and neglect experienced by children across Australia. Some other sources of information about child harm are also discussed briefly in this section.

### Child protection statistics

The Child Protection National Minimum Data Set (CP NMDS), established in 2013, is an annual collection of information on child protection in Australia. It includes all the data on children who come into contact with state and territory departments responsible for child protection, which is published by the Australian Institute of Health and Welfare (AIHW), and is also used in the Report on Government Services. It requires state and territory child protection agencies to collect and report data to an agreed set of technical specifications.[[2]](#endnote-2)

The CP NMDS assists us to understand child abuse and neglect in Australia and has significantly improved the quality of available information on child protection. However, the information does not represent the prevalence of child abuse and neglect. The data only records cases of child abuse and neglect where they are detected and reported, according to particular legislative definitions. It remains the case that there is no collection in Australia that records the prevalence of child abuse and neglect. This significantly impedes our ability to understand the extent and nature of child abuse and any changes over time.

The latest available administrative data from 2015–16 was analysed by the AIHW, with findings published in the Child Protection Australia 2015–16 report.[[3]](#endnote-3) This section highlights the report’s key findings regarding child protection notifications, investigations and substantiations.[[4]](#endnote-4)

#### Notifications, investigations and substantiations

‘Notifications’ are contacts made to an authorised department alleging child abuse or neglect, child maltreatment or harm to a child.[[5]](#endnote-5) In 2015–16, there were 355,935 notifications received in Australia, involving 225,487 children.[[6]](#endnote-6) These harms to children primarily involve family members.

‘Investigations’ are the processes whereby the relevant department obtains more detailed information about a child who is the subject of a notification.[[7]](#endnote-7) Forty six per cent of notifications were investigated, representing 164,987 investigations.[[8]](#endnote-8)

‘Substantiations’ occur when an investigation into child abuse and neglect has concluded and there is reasonable cause to believe that a child had been, was being or was likely to be abused, neglected or otherwise harmed.[[9]](#endnote-9) Following investigations, there were a total of 60,989 substantiations.[[10]](#endnote-10)

Substantiations are categorised into one of four types of harm. In 2015–16, the percentage breakdown of substantiations was:

* **emotional abuse** – 45%
* **neglect** – 24.9%
* **physical abuse** –18.3%
* **sexual abuse** –12.2%.[[11]](#endnote-11)

It is important to note that, despite the existence of the CP NMDS, states and territories have different legislation, policies and procedures that affect the data collected and the ability to make comparisons between jurisdictions.[[12]](#endnote-12)

### Other sources of information about child harm

Some other recent data sources are relevant to understanding the extent and type of harm experienced by children in Australia.

The Australian Bureau of Statistics (ABS) Personal Safety Survey collects information about the nature and extent of violence experienced by people aged 18 years and over. The most recent survey was conducted in 2016, with results due for release in late 2017. In its response to my request for information for this report, the ABS advised that it collects the following items:

* the participant’s relationship to all perpetrator(s) of physical and/or sexual abuse before age 15
* whether the participant witnessed violence towards mother by a partner before age 15
* whether the participant witnessed violence towards father by a partner before age 15.

Some data about deliberate harms to children can also be found in coronial information, hospital and police records. For example, the latest national victims of crime data shows that between 1 January and 31 December 2016 there were 23,052 victims of sexual assault and 12,956 victims were aged between 0 and 19 years.[[13]](#endnote-13) However, there are significant limitations with this data, stemming, in part, from inconsistent national collection.

Information from Kids Helpline informs us about the help-seeking needs and concerns of Australian children and young people. Kids Helpline provides a free, national, confidential counselling and support service for children and young people aged 5–25 years. In 2016, its counsellors received 66,963 counselling contacts, defined as contacts that were seeking help in relation to a specific problem or concern.[[14]](#endnote-14) 5,387 (8%) of these contacts were about child abuse, domestic or family violence, or issues related to living in OOHC.[[15]](#endnote-15) The majority of counselling contacts in this category (69%) concern current abuse or risk of abuse.[[16]](#endnote-16)

There is also some information about the type and extent of harm experienced by children in non-familial contexts, such as online harm[[17]](#endnote-17) and bullying by peers.[[18]](#endnote-18)

In 2016, 3,828 (6%) counselling contacts received by Kids Helpline were about bullying.[[19]](#endnote-19) Key observations from the data about bullying contacts include:

* 84% were classified as school-based bullying
* 70% were from children and young people experiencing some form of bullying
* 25% of bullying contacts involved verbal abuse
* 14% of bullying contacts involved exclusion, isolation and/or spreading of rumours.[[20]](#endnote-20)

From 1 July 2016, counsellors at Kids Helpline began collecting information about whether or not the child or young person indicated that the bullying included an online or texting element. There were 2,016 contacts received about bullying between July and December 2016. Of these contacts, 560 (28%) indicated that the bullying included online or texting elements.[[21]](#endnote-21)

In November and December 2016, the Office of the eSafety Commissioner and the Department of Education and Training surveyed 2,448 young people aged 12–17 about their online experiences. Twenty five per cent of respondents reported being targets of bullying or hurtful comments online and 57% of respondents reported seeing real violence online that disturbed them.[[22]](#endnote-22)

### Lack of information on child harm

Our ability to understand child harm in Australia is limited by the lack of information regarding the prevalence of abuse, neglect and other forms of child harm and by the differences between state and territory legislation, policies and practices. Consistency in the way data is collected when children come into contact with the child protection system allows us to form some conclusions about the type of harm occurring and the number of children placed in OOHC. However, there is no available information on the overall prevalence of child abuse and neglect, nor the prevalence of other types of harm, or harm occurring in different contexts.[[23]](#endnote-23)

For example, there are limited information sources about the extent and type of harm experienced by children in institutional contexts, such as schools, residential care and recreational organisations. The Royal Commission, in its Interim Report, highlighted the lack of data on the prevalence of institutional child sexual abuse.[[24]](#endnote-24) Its final report is likely to provide further information and recommendations about the available data on child sexual abuse in institutions.

The lack of comprehensive data in Australia significantly impedes our ability to understand the extent and nature of child abuse and neglect, and other forms of harm, and how this may have changed over time, as well as the effectiveness of any strategies designed to address these harms.

If, as a nation, we are serious about preventing and responding to child harm, we need to urgently address this issue. As a start, we should invest in routine collections of data that alert us to the prevalence and incidence of child maltreatment in all settings within the Australian community.

|  |
| --- |
| **Recommendation 17:** All states and territories, led by the Australian Government, should commit to conducting a routine national child maltreatment incidence and prevalence study. |

1. Recent government inquiries relevant to child safety and wellbeing

Multiple inquiries related to child safety have been conducted across all Australian jurisdictions over many decades. These inquiries have considered child maltreatment in institutional care, foster care, child migration, Indigenous communities, within various child protection systems and in families.[[25]](#endnote-25) These inquiries have consistently demonstrated the many problems within organisations and systems that are supposed to protect children and promote child wellbeing.

Recent inquiries in South Australia (SA),[[26]](#endnote-26) Queensland (Qld)[[27]](#endnote-27) and New South Wales (NSW),[[28]](#endnote-28) have focused on the child protection system, including OOHC. We also have two recent Royal Commissions focusing on child safety in institutional contexts. At the date of finalising this report, the final reports of the Royal Commissions have not been released.

### Child Protection Systems Royal Commission

The arrest of Shannon McCoole in SA, for multiple serious crimes against children in care, was the catalyst for establishing the Child Protection Systems Royal Commission.[[29]](#endnote-29) Its report, published in 2016, examined in detail the deficits in the child protection system that allowed McCoole to gain access to his victims and allowed his crimes to escape detection.[[30]](#endnote-30) Five case studies looked at different aspects of the child protection system: vulnerable children (birth to school age), intervening in high risk families, children leaving care, children with high complex needs in OOHC, and keeping children safe in their environment.[[31]](#endnote-31)

The Child Protection Systems Royal Commission also inquired into complaints and dissatisfaction with the statutory agency in charge of child protection, Families SA.[[32]](#endnote-32) The report noted that many children in the care of the state have been abused and neglected by the system that was supposed to protect them, with a ‘yawning gap between policy requirements and day-to-day practice in many areas’.[[33]](#endnote-33)

The Child Protection Systems Royal Commission made 260 recommendations, of which 256 have been accepted.[[34]](#endnote-34) These included better screening and scrutiny of individuals engaged in child-related work, the wholesale reform of residential care, substantial reform to investigative processes in order to keep children safe, and improving children’s participation in decision making.[[35]](#endnote-35) The SA Department of Child Protection published a progress report in 2017 outlining what a new child protection system will aim to do.[[36]](#endnote-36)

### When a child is missing: Remembering Tiahleigh — A report into Queensland’s children missing from out-of-home care

In 2015, the death of Tiahleigh Palmer, a 12-year-old girl in foster care in Qld, led to an inquiry into issues faced by government, non-government agencies and carers when a child in OOHC is missing.[[37]](#endnote-37) In 2016, the Queensland Family and Child Commission reported that procedures and processes intended to help agencies to respond when a child is missing cause confusion and misunderstanding.[[38]](#endnote-38) The review also found that key government agencies do not routinely share information where there is no clear legislated ability or policy mandate to do so.[[39]](#endnote-39) The report recommended more consistent definitions and guidance to inform immediate and longer term action when a child in OOHC is missing. The importance of a collaborative approach, including shared protocols, information sharing and coordinated risk assessments, was also highlighted.[[40]](#endnote-40)

The Queensland Family and Child Commission reported that involving children in discussions about the risks and impacts of being missing is important to educate children about their safety. It recommended that once children who have been missing are located, they need to be involved in discussions around developing their case plan and, further, that learnings from these discussions can assist to improve processes and practices.[[41]](#endnote-41)

The Queensland Family and Child Commission conducted a supplementary review focused on information sharing to enhance the safety of children in regulated home-based services including foster and kinship care, family day care and stand-alone care services.[[42]](#endnote-42)

### Independent Review of Out-of-Home Care in New South Wales

The Independent Review of Out-of-Home Care in New South Wales was conducted in 2015–16 in response to the growth of the OOHC population and continuing poor outcomes for the most vulnerable children.[[43]](#endnote-43) The review concluded that:

* the OOHC system is not client-centred; it is designed around programs and service models instead of the needs of vulnerable families
* the approach to shared responsibility across government agencies has not improved the outcomes for children and families with complex needs
* expenditure is crisis driven, not well-aligned to evidence and does not effectively target clients.[[44]](#endnote-44)

The Review recommended that tailored support packages be implemented to address the complex needs of children and families, and that investment in interventions and services is evidence based. The New South Wales Legislative Council’s General Purpose Standing Committee’s report on child protection recommended increasing funding for evidence based prevention and early intervention services to address child protection concerns early and help families stay together.[[45]](#endnote-45)

### Royal Commission into the Protection and Detention of Children in the Northern Territory

The Royal Commission into the Protection and Detention of Children in the Northern Territory was established in 2016 in response to concerns about inappropriate and unlawful practices, unacceptable standards of conduct, and inappropriate methods of dealing with young people within detention facilities and child protection.[[46]](#endnote-46) It delivered an Interim report on 31 March 2017, noting that there is a significant overrepresentation of Aboriginal and Torres Strait Islander children and young people in both child protection and youth detention.[[47]](#endnote-47) Its final report will be released in late November 2017.

### Royal Commission into Institutional Responses to Child Sexual Abuse

The Royal Commission was authorised in 2012 by the Australian Government to investigate responses to child sexual abuse by institutions.[[48]](#endnote-48) These institutions include churches, schools, residential care and sports and recreation clubs, among others.

The Royal Commission conducted private sessions with people affected by institutional child sexual abuse, public hearings focusing on case studies, and an extensive program of research on child sexual abuse.[[49]](#endnote-49)

Under its Terms of Reference, the Royal Commission was directed to have regard to the experience of people directly or indirectly affected by child sexual abuse and related matters in institutional contexts.[[50]](#endnote-50) Between 7 May 2013 and 1 September 2017, the Royal Commission conducted 7,509 private sessions with survivors of child sexual abuse in institutions.[[51]](#endnote-51) In public hearings it also heard from many survivors about their experiences of child sexual abuse and poor institutional responses. These personal accounts demonstrate the extent and depth of the issue in the community.

Many of these personal accounts reveal the devastating legacy of institutional neglect and abuse. The effects of child abuse, particularly child sexual abuse, include lifelong and intergenerational harm. The long term damage reported by survivors includes effects on their physical and mental health, education, career prospects, ability to form relationships and their faith. There are also negative impacts on survivors’ children, partners, parents, other family members and their communities.[[52]](#endnote-52) The harm caused by child sexual abuse is often compounded by inadequate and ineffective responses to allegations of abuse within an organisation.[[53]](#endnote-53)

The Royal Commission was directed under its Terms of Reference to inquire into what institutions and governments should do to better protect children against child sexual abuse and related matters in institutional contexts in the future. A key aspect of this has been to examine what makes institutions ‘child safe’.[[54]](#endnote-54) The Royal Commission acknowledged that most child safe frameworks have a broader application than the prevention of sexual abuse alone. They also assist institutions to prevent, identify and improve responses to physical, sexual, emotional, psychological abuse and neglect of children.[[55]](#endnote-55)

The Royal Commission’s final report, including recommendations about preventing child sexual abuse in institutions, is due on 15 December 2017.

The findings of the above, and other inquiries, emphasise the need for reform to create services and systems where children and young people are at the centre of thinking and decision-making. This includes increasing the value given to children’s opinions, experiences, wellbeing and development.[[56]](#endnote-56)

1. Children’s safety and wellbeing in organisations

### A child rights approach

Children are involved in many types of organisations, including schools, sport and recreation groups, and religious or cultural organisations. Being involved in these organisations is an important part of children’s lives.

The *Convention on the Rights of the Child* (CRC) sets out all the rights that children need to enjoy to ensure that they are safe, healthy and happy, and as such should underpin the creation of child safe organisations. While the CRC has special provisions aimed at protecting children from violence, abuse and neglect, all the rights set out in the CRC are relevant to ensuring both child safety and wellbeing, which are fundamentally linked. Child safety is most effectively fostered by a focus on the child as a whole, as evidenced in a child rights approach.[[57]](#endnote-57)

In ratifying the CRC and its Optional Protocols, Australia accepts an obligation to respect, protect, promote and fulfil all the rights set out in the CRC, including adopting or changing laws and policies that are needed to implement its provisions. This obligation extends to ensuring that children are safe from harm in organisations they have contact with.

Children’s rights that are particularly relevant to ensuring safety for children in organisations include:

* Article 3, which provides that all actions concerning children, whether undertaken by social welfare institutions, courts of law, administrative authorities or legislative bodies, give primary consideration to the best interests of the child. It also requires States Parties to ensure that institutions, services and facilities responsible for the care or protection of children conform to ‘standards established by competent authorities, particularly in areas of safety, health, in the number and suitability of their staff, as well as competent supervision’.[[58]](#endnote-58)
* Article 12, which sets out the right of every child capable of forming their own views, to express their views in all matters affecting them and to have their views considered. Processes to facilitate the views of children should be accessible, inclusive and meaningful to children and take into account the evolving capacities of children and their best interests.[[59]](#endnote-59)
* Article 19, which, read in conjunction with Article 34, outlines the obligation to take appropriate measures to ensure that children are properly protected from violence, abuse and neglect, including sexual abuse and sexual exploitation. These protective measures should include effective procedures for the establishment of social programmes to provide necessary support for the child and those who care for the child, and systems for identification, reporting, referral, investigation, treatment and follow-up of instances of various forms of child maltreatment.[[60]](#endnote-60)
* Article 31, which recognises the rights of children to rest, play and participate in leisure activities as critical aspects of child wellbeing and development.[[61]](#endnote-61)

Importantly, the CRC recognises that children's rights must be actively understood and promoted by adults and children alike in order for its aims to be realised. Article 42 obliges signatories to undertake to make the principles and provisions of the CRC widely known, to both adults and children.[[62]](#endnote-62) In actively supporting the principles and provisions of the CRC, organisations can empower children with the knowledge that they have these special rights, and make children’s rights a focus of the organisation’s operations.

### What children say about their safety

The Royal Commission has emphasised that our understanding of child safety in organisations must be informed by talking with children about their perceptions and experiences. The Children’s Safety Study was commissioned by the Royal Commission to explore children and young people’s perceptions of safety. The study produced two reports: *Taking Us Seriously*[[63]](#endnote-63) and *Our Safety Counts.*[[64]](#endnote-64)

In August 2015, I launched the *Taking Us Seriously* report. The report summarises findings from focus groups conducted with 121 children and young people to find out how they conceptualise and perceive safety, particularly within institutions.[[65]](#endnote-65)

Children and young people in the focus groups talked about safety in relation to feelings and personal characteristics, describing how safe environments made them ‘comfortable’ and ‘relaxed’, encouraging them to be ‘confident’ and ‘resilient’.[[66]](#endnote-66)

Children and young people explicitly stated the importance of being included in discussions around safety. For example, one child said:

Every school should do what we just did. Talk about what risks there are and if it’s a big risk and what’s been done and what we think should be done. How else can they find out what young adults think and how can we hear what’s been done?[[67]](#endnote-67)

Children and young people identified problems such as adults misusing their power, or children not being trusted when they raise concerns about their safety. As one child commented:

They need to trust our gut feelings because it’s real, and even if it’s not, if a kid feels unsafe adults have to take notice because it’s real to them. Yeah, adults shouldn’t ignore it or say ‘don’t worry, settle down’ just because it’s a kid*.*[[68]](#endnote-68)

In September 2016, the *Our Safety Counts* report was published. It provided an overview of the major findings from the ASK-YP survey, developed to build on the qualitative findings of the *Taking Us Seriously* report.[[69]](#endnote-69) The ASK-YP survey was completed by 1,480 children and young people.

*Our Safety Counts* found that the majority of children and young people reported feeling safe ‘some of the time’ or ‘all of the time’ in sport (n=216; 93.9%), school (n=750; 89.6%), holiday camps (n=90; 88.9%) and church groups (n=57; 84.9%).[[70]](#endnote-70)

The majority of participants felt that adults valued children and young people’s opinions ‘all the time’ in church (n=57; 65.2%) and sporting environments (n=216; 52.8%). However, less than half of the participants felt this way at holiday camp (n=90; 43%) and only one-quarter of those agreed with the statement in relation to school (n=750; 27%).[[71]](#endnote-71)

Two-thirds of all participants felt it was unlikely that they would encounter an unsafe adult or peer. If they did meet such a person, children and young people stated they were much more likely to seek help from a peer or parent than adults in charge at the organisation, even though they believed they would need an adult to notice, ask if they were okay and to take control of the situation.[[72]](#endnote-72)

The two reports from the Children’s Safety Study indicate that children and young people generally feel positive about their safety in organisations. The findings emphasise that valuing the voices of children and young people and trusting them when they speak up about concerns is central to ensuring child safety and wellbeing in organisations.

I note that the importance of hearing children’s views on safety is also reflected in the *National Framework for Protecting Australia’s Children* (National Framework). It includes a commitment to consult with children and young people regarding the design and implementation of strategies contained in its Third Action Plan.[[73]](#endnote-73)

As discussed in Chapter 1, I partnered with the CREATE Foundation to facilitate consultations with 323 children and young people in early 2017. We talked to children and young people about what makes them feel safe and unsafe.

In general, they told us that feeling safe is about feeling welcome, included and not discriminated against, but also noted the importance of youth-friendly physical environments. As one participant expressed: ‘A lot of the time it’s not feeling unsafe, it’s feeling unwelcome — it’s the way that people look at you’.[[74]](#endnote-74) Another remarked: ‘It was pretty much the sporting club involving me, into the games, encourage [sic] me while playing and introducing me to the team as well’.[[75]](#endnote-75) Additional comments about what made them feel safe included:

It’s having activities or sport or anything else. It gives everybody a chance to focus on something, it’s the reason everyone bonds together. It removes the barriers … everybody knows that they’re there for, say, tennis, they’re not there to judge or compare or ridicule. We just want to play and have fun.[[76]](#endnote-76)

People come from very different cultures. Being open and talking about it/discussing helps … and connecting and making friends. Community groups help connect you with other services. It’s the nature of being polite, a different cultural lens.[[77]](#endnote-77)

These statements provide vivid illustrations of the value of listening to children and young people, learning from their experiences and opinions.

### Risk and protective factors for child sexual abuse in organisations

In 2017, the Royal Commission published some commissioned research projects on the risk and protective factors for child sexual abuse in institutional contexts. The risk of child harm is higher in some organisations than in others. Identifying and mitigating risks allows organisations to better ensure child safety and wellbeing.

#### Risk and protective factors

In a literature review completed for the Royal Commission, Kaufman and Erooga synthesised the available literature on risk and protective factors for child sexual abuse in organisations.[[78]](#endnote-78) The review discussed risk and protective factors in three broad areas: victims, perpetrators and institutional settings.[[79]](#endnote-79)

On victims, the literature review indicated a majority of child sexual abuse victims in all settings are female, noting there may be disproportionately low rates of disclosure among males.[[80]](#endnote-80) The Royal Commission’s Interim Report states that two in three survivors of sexual abuse in institutional settings who participated in private sessions were male.[[81]](#endnote-81)

Kaufman and Erooga also noted that the age at which sexual abuse begins varies, possibly because children may be in different institutional settings across their developmental span.[[82]](#endnote-82) They examined literature indicating that children with a disability and children from families with low socio-economic status are at higher risk of child sexual abuse.[[83]](#endnote-83)

The review pointed out that there is no profile for perpetrators of child sexual abuse in organisations.[[84]](#endnote-84) In general, the risk factors for sexual offending include deviant sexual interest, distorted attitudes about sex, poor socio-affective function and poor self-management.[[85]](#endnote-85) Kaufman and Erooga highlighted a useful distinction between those who have a long term sexual preference for children, described as ‘preferential offenders’, and those who take advantage of opportunities to offend against children, termed ‘situational offenders’.[[86]](#endnote-86)

Importantly, the review discussed how the characteristics of an organisation and the activities it conducts play a significant role in determining the level of risk in that organisation.[[87]](#endnote-87) These characteristics include the physical condition of facilities, child safety policies and procedures, as well as screening, training and supervision of staff.[[88]](#endnote-88)

The culture of an organisation is also a salient risk or protective factor for child harm, including the perceived authority of the leadership and the organisation, and openness to information or change.[[89]](#endnote-89) The review noted that creating a culture where children have a voice regarding what happens to them has been consistently recommended.[[90]](#endnote-90)

Kaufman and Erooga concluded that a positive organisational culture is central to keeping children safe and well:

Effective prevention is predicated on creating a positive, open and inclusive organisational culture in which the safety of children is paramount. This culture should be led by senior management and wholeheartedly endorsed and owned by staff at all levels.[[91]](#endnote-91)

In another report for the Royal Commission, Parkinson and Cashmore assessed the different dimensions and degrees of risk of child sexual abuse in institutions. The report identified four key dimensions of risk:

* situational risk arises from the opportunities for abuse that the environment offers
* vulnerability risk arises from the characteristics of the children cared for
* propensity risk arises from a greater-than-average clustering of those with a propensity to abuse children and young people
* institutional risk arises from the characteristics of an institution that may make abuse more likely to occur, or less likely to be dealt with properly if disclosed.[[92]](#endnote-92)

Parkinson and Cashmore discuss these dimensions of risk with detailed reference to Royal Commission case studies, which were conducted to investigate allegations of, and responses to, child sexual abuse in specific institutions. Factual examples from these case studies highlight situations where various risk factors were present and led to child sexual abuse.[[93]](#endnote-93)

Some of the risk factors discussed above can be applied when considering how to prevent all forms of child harm and abuse in organisations, not only child sexual abuse. Organisations in which staff and volunteers follow child safety policies and procedures, and in which children feel comfortable speaking up about their concerns, are likely to be organisations where there is a reduced risk of all forms of child harm and abuse.

#### Organisational culture

The culture of an organisation can either be a risk or a protective factor for child harm. Organisational culture is conceptualised by the Royal Commission as being ‘the assumptions, values and beliefs, and norms that distinguish appropriate from inappropriate organisational participant attitudes and behaviours’.[[94]](#endnote-94)

In a report for the Royal Commission, Palmer identified nine types of organisational cultures that can negatively affect the way child sexual abuse is perpetrated, detected and responded to in institutional contexts.[[95]](#endnote-95)

These are organisational cultures where:

* organisations become viewed by their members as ends in themselves, independent of the goals they were established to pursue[[96]](#endnote-96)
* there is a ‘macho culture’ where males are encouraged to see themselves as powerful and active[[97]](#endnote-97)
* child sexual abuse, grooming behaviours and sexually abusive behaviour by young people are tacitly supported[[98]](#endnote-98)
* discussion of sexual matters is discouraged[[99]](#endnote-99)
* children are seen as untrustworthy and do not have freedom of self-expression, especially about matters that might cast their superiors in a negative light[[100]](#endnote-100)
* senior management prioritises protecting the organisation’s public image, at the expense of the safety and wellbeing of children[[101]](#endnote-101)
* formal and informal power structures give people in positions of authority the motivation to abuse, make it costly for victims or third parties to disclose abuse, and reduce the likelihood of effective organisational responses[[102]](#endnote-102)
* informal group dynamics create reluctance to discuss or address the appropriateness of a co-worker’s conduct[[103]](#endnote-103)
* participants in an organisation follow ineffective policies and procedures without question or violate policies and procedures designed to prevent harm to children.[[104]](#endnote-104)

The report makes some suggestions for organisations to develop a culture that prevents and enhances responses to child sexual abuse.[[105]](#endnote-105) These include encouraging leaders to behave in ways that convey a culture of valuing child safety and wellbeing, training staff members to embrace such a culture, and engineering cultural artefacts and practices that symbolise this culture.[[106]](#endnote-106)

Similar to the consideration of risk factors, lessons about organisational culture can be applied to prevent all forms of child harm and abuse, not only child sexual abuse. An organisational culture that is built on genuine understanding and respect for children’s rights is one where the preconditions for child safety and wellbeing are most likely to be embedded and sustained. In particular, the right of children to be involved in discussions about their safety and their right to have their views respected is vital to an organisational culture that promotes child safety and wellbeing.

1. National Statement of Principles for Child Safe Organisations

### Previous work on child safe principles

In 2005, Community and Disability Services Ministers approved a national framework, Creating Safe Environments for Children — Organisations, Employees and Volunteers.[[107]](#endnote-107) Staff guidelines for Building the Capacity of Child-Safe Organisations were also developed under this framework.[[108]](#endnote-108) Although still relevant, our knowledge and understanding of risk and protective factors, the diversity of children’s needs and technological changes have developed significantly since these documents were developed.

In 2013, the Australian Children’s Commissioners and Guardians’ submission to the Royal Commission’s *Issues Paper 3: Child Safe Institutions*, proposed a set of 11 principles for child safe organisations.[[109]](#endnote-109) The Royal Commission received 53 submissions to this issues paper.[[110]](#endnote-110) States and territories have also developed various standards or principles for child safe organisations.[[111]](#endnote-111) Across these, there is general alignment about what an organisation needs to do, at a minimum, to promote child safety and wellbeing.

The Royal Commission drew on information available from its research, consultations, submissions, case studies and findings from the Children’s Safety Study to identify ten elements that create a child safe institution.[[112]](#endnote-112) The draft National Principles, discussed below, align with the elements identified by the Royal Commission, broadened to cover all forms of potential harms and taking a child rights, strengths-based approach to organisational development.

### National Framework for Protecting Australia’s Children

The National Framework recognises that to keep Australia’s children and young people safe and well requires a fundamental shift away from seeing their protection as simply a response to child abuse and neglect.[[113]](#endnote-113) A priority area of work for the National Framework is the development of National Principles.[[114]](#endnote-114) In February 2017, I was engaged to develop these.

The aim was to develop a set of nationally agreed principles to which organisations across all sectors will adhere to when working with children and young people, to ensure that they are kept safe and well. The project involves developing tools and resources to help organisations implement these principles and improve child safety and wellbeing. Working within the National Framework means that the project benefits from existing networks of governments, researchers and non-government organisations.

### National Statement of Principles for Child Safe Organisations

A child rights based approach is central to developing the National Principles. A nationally consistent approach to child safety and wellbeing must aim to build cultures and systems that focus on the rights and needs of children and young people within organisational settings.

It is important to acknowledge that children gain great benefits from being involved in organisations of various kinds — such as their local sports club, their school, or youth centre. Organisations allow children to meet friends, learn new skills and be active participants in their community. I recognise that the vast majority of organisations, workers and volunteers are motivated to do what is best for children and young people. Many organisations are already working to ensure child safety and wellbeing, for example by having a child safe policy or screening workers for suitability to work with children.

The draft National Principles have been developed through a collaborative approach. In early May 2017, I convened roundtables to assist in the development of the draft National Principles. I heard from representatives of the Australian Children’s Commissioners and Guardians, the National Coalition on Child Safety and Wellbeing, and peak organisations from key sectors such as health, education, religious services, sport, and recreation (see Appendix 15 for a list of roundtable attendees). Development of the draft National Principles has also benefited from ongoing input from the Royal Commission, and oversight of the joint government and non-governmental body responsible for steering the National Framework.

I would like to acknowledge DLA Piper who hosted the consultations in Melbourne, and transcribed the discussions that took place. I also thank them for their assistance in researching the child safe frameworks that exist in overseas jurisdictions.

The draft National Principles (see Box 11) set out ten principles that collectively show a child safe organisation is one that creates a culture, adopts strategies and takes action to promote child wellbeing and prevent harm to children and young people. This is represented in Figure 3.8, the Wheel of Child Safety. The draft National Principles are high-level and focused on driving cultural change, allowing for flexibility in implementation by institutions and government. Given the variety in the size and nature of organisations providing services to children, the specific policies and practices that they develop, based on the National Principles, will necessarily differ.

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| **Box 11: Draft National Statement of Principles for Child Safe Organisations**   1. A commitment to child safety and wellbeing is embedded in organisational leadership, governance and culture. 2. Children and young people are informed about their rights, participate in decisions affecting them and are taken seriously. 3. Families and communities are informed and involved in promoting child safety and wellbeing. 4. Equity is promoted and diversity is respected in policy and practice. 5. People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice. 6. Processes for complaints and concerns are responsive, understood, accessible and used by children, young people, families, staff and volunteers. 7. Staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training. 8. Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed. 9. Organisations regularly review and improve implementation of their child safety and wellbeing policies and procedures. 10. Policies and procedures document how the organisation is safe for children and young people. |

**Figure 3.8: Wheel of Child Safety**



### Future-proofing for child safe organisations

Many organisations are already taking important steps to ensure child safety such as assessing and screening employees and volunteers for suitability to work with children, and meeting the child safe requirements of respective state and territory governments.

However, to deliver a nationally consistent approach to the development and maintenance of child safe organisations, genuine cultural change is needed that places children at the centre of thinking and action.

A precursor to effecting such change is to develop an understanding about what organisations already know about child safety, what they are already doing, and where they need additional support.

A wide range of organisations work with children and young people throughout Australia. These may be small and community based, through to larger organisations. These may also be businesses or organisations employing staff and/or volunteers providing services to and working with children and young people, with some of these entities operating across state and territory boundaries.

Ongoing work and collaboration will be required to embed the National Principles into organisational policies and practices across the wide range of sectors providing services to children, in ways which complement and support existing standards, guidance and resources.

Given this, the Australian Government should consider establishing or appointing existing appropriate bodies at the national level to drive, implement and monitor child safety across Australia.

Engaging the community on child safety and wellbeing in organisations is another critical aspect of any future work. A child’s family and community members are an important part of their protective network. They should feel empowered and comfortable speaking to organisations about what policies and practices are in place to keep children safe or to raise concerns if they arise.

The ultimate goal is to create communities that are safe and nurturing for children, where their special rights are respected and realised. As cornerstones of our communities, all organisations working for and with children need to be proactive in their commitment by taking deliberate steps to protect children’s rights and keep them safe from physical, sexual and emotional harm. I trust that the national work I am undertaking in relation to child safe organisations helps to guide and support all organisations, workers, volunteers, children and families in ensuring the safety and wellbeing of Australia’s children.

|  |
| --- |
| Summary   * Our understanding of child harm in Australia comes from a variety of information sources including administrative data and findings from government inquiries. * Our ability to understand child abuse, neglect and other forms of child harm is limited by the lack of available information on the prevalence and nature of all forms of child harm. * The work of the Royal Commission into Institutional Responses to Child Sexual Abuse has brought particular focus to children’s safety in organisations. * Children’s safety and wellbeing in organisations is most effectively fostered by a child rights approach, which views the child as a whole and promotes children’s enjoyment of a full range of rights. * Children and young people have said that safety is about feeling welcome, included, not discriminated against and able to speak up. * To ensure child safety and wellbeing, organisations need to have cultures and systems that focus on the rights and needs of children and young people. * My work developing the National Statement of Principles for Child Safe Organisations aims to drive cultural change in organisations and is designed to contribute to a nationally consistent approach to child safety and wellbeing in organisations. |

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