

THE ROYAL COMMISSION

IMPLICATIONS & OPPORTUNITIES TO IMPROVE CHILD SAFETY FOR HUMAN SERVICE ORGANISATIONS

PRESENTED BY
BIG FAT SMILE & COMMUNITY INDUSTRY GROUP



WELCOME TO COUNTRY | INTRODUCTION

8:30AM – 9:00AM



Facilitator

Siebert Neethling

CEO of Imprint Strategic

www.imprintstrategic.com



Strategy Culture Change Collaboration Performance Growth

COMMISSIONER ROBERT FITZGERALD

9:00AM – 10:30AM



Learnings and Challenges from the Royal Commission

Illawarra Forum
March 2018

What we heard in private sessions

Experiences of abuse, as at 31st May 2017

In private sessions, of the survivors who spoke about the type of sexual abuse experienced:

- **72.6%** described non-penetrative contact abuse
- **55.5%** described penetrative abuse
- **23.9%** described violation of privacy
- **12.4%** described exposure to sexual acts and material
- **2.7%** described child sexual exploitation.

Institution management

From private sessions, as at 1st December 2017

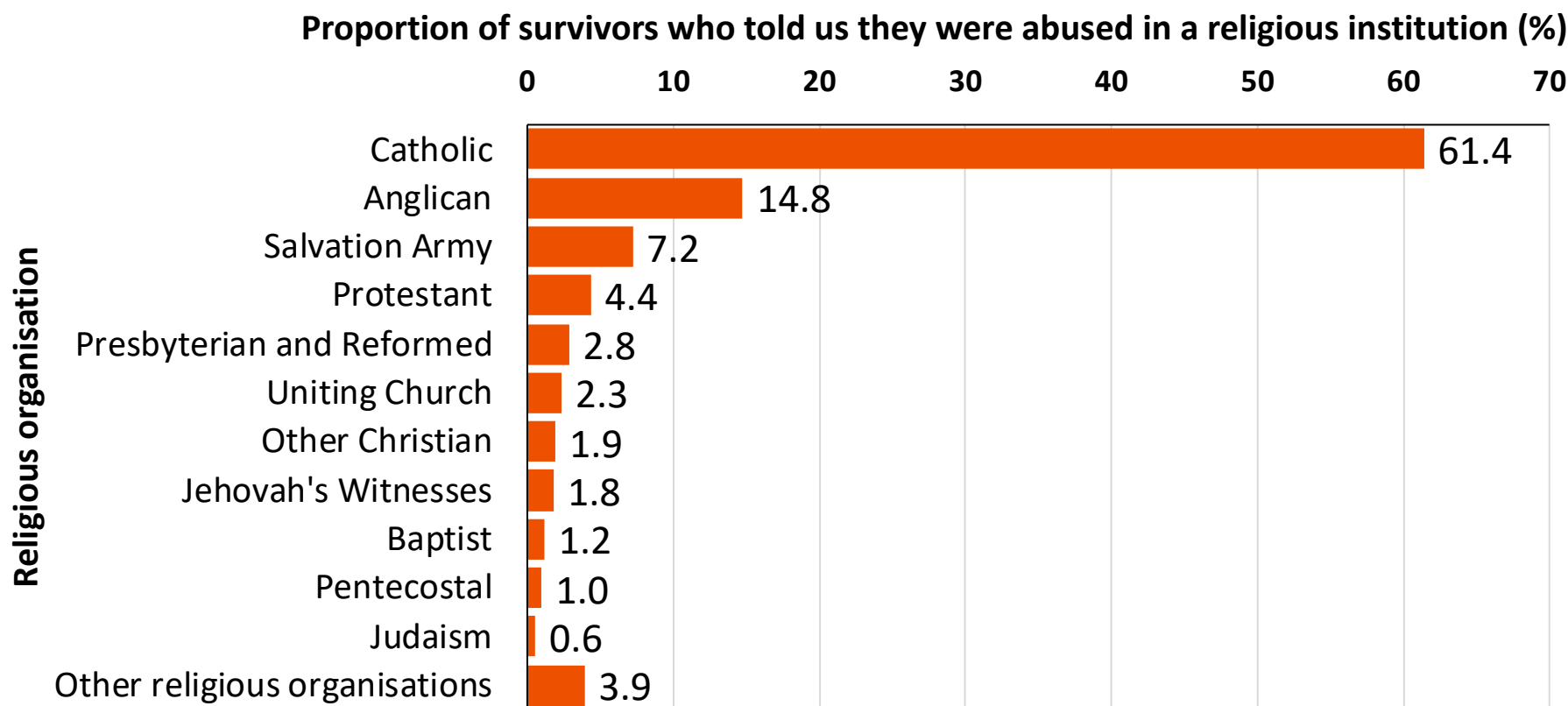
Of the **7,981 survivors** of abuse we heard from in private sessions:

- **58.1%** of survivors said the abuse took place in an institution managed by a religious organisation
- **32.5%** in a government-run institution
- **10.5%** in a non-government, non-religious institution.

We heard about **3,489 institutions** where we were told that child sexual abuse had occurred.

Institutions administered by religious organisations

Survivors, as a proportion of all survivors who told us they were sexually abused in a religious institution, by religious organisation, private sessions to 24 Nov 2017



Institution type

Number and proportion of survivors by institution type, from private sessions

| Institution type | Number | Proportion (%) |
|---------------------------------------|--------|----------------|
| Out-of-home care | 3,277 | 41.1 |
| <i>Out-of-home care: pre-1990</i> | 2,809 | 35.2 |
| <i>Out-of-home care: 1990 onwards</i> | 298 | 3.7 |
| <i>Unknown era</i> | 205 | 2.6 |
| Schools | 2,521 | 31.6 |
| Religious activities | 1,162 | 14.6 |
| Youth detention | 639 | 8.0 |
| Recreation, sports and clubs | 482 | 6.0 |
| Health and allied | 221 | 2.8 |
| Armed forces | 105 | 1.3 |
| Supported accommodation | 84 | 1.1 |
| Family and youth support services | 66 | 0.8 |
| Childcare | 41 | 0.5 |
| Youth employment | 23 | 0.3 |
| Other | 295 | 3.7 |
| Unknown | 96 | 1.2 |

Common features of perpetrator roles

From private sessions

Survivors identified features of the institutional roles the perpetrators were in, including:

- **unsupervised**, one-to-one access to child
- **intimate care**, greater level of physical contact
- ability to **influence** or **control** aspects of the child's life e.g. academic grades
- spiritual or **moral authority** over child
- **prestige**, afforded greater **trust**
- opportunities to become **close** with child/family
- **specialist expertise** such as medical
- responsibility for **younger children**

Institutional environments

Key factors that enable child sexual abuse in institutions

- **cultural** – leadership, values, beliefs and norms influence how children's wellbeing and safety is prioritised
- **operational** – governance, internal structure, practices including recruitment and screening of staff and volunteers
- **environmental** – characteristics of physical and online spaces that offer access to adult perpetrators and children with harmful sexual behaviours to access victims.

What influences a child's vulnerability to sexual abuse?

All children are at risk of sexual abuse when a potential perpetrator is present in an institutional context that allows abuse to occur.

Some children are more vulnerable than others. This can be because they are placed in situations that expose them to higher levels of risk more frequently or for longer periods of time than other children. Or they have prior experiences that increase risk.

- **'Risk' factors** are characteristics or circumstances that may increase the likelihood that a child may be sexually abused.
- **'Protective' factors** are characteristics or circumstances that decrease the likelihood that a child may be sexually abused.
- The **combination** of risk and protective factors in a child's life determine their level of vulnerability.

Barriers to disclosure

Understanding barriers to disclosure allows us to see where barriers could be removed or lessened. Victims face a multitude of barriers to disclosure. The three main types are:

- **personal** factors
- **perpetrator** behaviour
- **institutional** factors.

What we heard in private sessions

Main barriers to disclosure, as at 31st May 2017

In private sessions, **66.8%** of survivors spoke about barriers to disclosure. Of these, the most common barriers were:

- **41.0%** identified shame, embarrassment
- **29.4%** told us they had no one to disclose to
- **26.3%** said they feared not being believed
- **24.5%** told us they feared retribution.

Institutional barriers to disclosure

Governance and leadership that:

- prioritises **reputation, prestige** or **loyalty** to the institution above children's safety
- features strong personal **relationships** between **adults** within institutions, or conflicts of interest for individuals in institutions.
- allows **widespread** sexual abuse, physical punishment, violence and retribution.

Common factors across institutions include:

- not following **policies** and **procedures**, or not having any in place
- inadequate **avenues for disclosure** and poor institutional responses to sexual abuse or related behaviours, such as bullying
- inadequate **recordkeeping** and information sharing.

Making institutions child safe

Balancing Risk and Scale

Foundations for Safer Institutions

Changes to civil liability laws

Changes to criminal offences and procedures

Reportable Conduct Regimes

Child Safe Communities

Child Safe Standards

Better therapeutic supports and services

What we learnt

Throughout our inquiry, we learned that institutional cultures and practices can:

- allow abuse to occur
- prevent detection of abuse
- deter disclosure of abuse by victims
- prevent adequate responses to disclosure or reports of abuse.

In some **contemporary institutions**, organisational culture and practices continue to increase the risks of child sexual abuse for children in their care.

What we heard in private sessions

Number of perpetrators

Of all survivors we heard from in private sessions:

- **62.7%** said they were sexually abused by a single perpetrator
- **36.3%** described abuse by multiple perpetrators:
 - of these, **49.9%** said that this abuse occurred within a single institution.

Our focus for child safe institutions

We considered how communities, institutions, governments and individuals can make institutions safer for children. We focused on how institutions can better prevent, identify, respond to and report abuse. Our recommendations cover:

- community-wide prevention of child sexual abuse
- establishing child safe standards for institutions
- oversight and monitoring of child safe standards

Our focus for child safe institutions

- capacity building and support for institutions
- national leadership
- improving how institutions respond to and report abuse
- strengthening Working With Children Checks, recordkeeping and information sharing, and children's online safety.

Creating child safe communities

Child safe institutions need *child safe communities*

To help prevent child sexual abuse in institutions, communities need to:

- develop a greater understanding of:
 - the nature of child sexual abuse and risks
 - grooming of children, parents and institutions, and debunking myths about perpetrators
 - harmful sexual behaviours in children
 - online risks for children.
- change problematic attitudes and behaviours in communities that can enable abuse and deter disclosure.

Community initiatives

We recommended a **national prevention strategy**, adopting a public health approach to prevention. This involves interventions for the **whole population**, and **targeted initiatives** aimed at identified groups at risk, including:

- social **marketing** campaigns
- **education** for children through early childhood centres, schools and other institutional settings
- **education** for parents, and for tertiary students who may work with children
- **online safety** education for children and parents
- **help-seeking services** for potential perpetrators and concerned bystanders.

Child Safe Standards

Need for Child Safe Standards in institutions

- Our evidence highlighted problems in the way in which institutions prevent, identify and respond to matters relating to child sexual abuse
- There was **limited understanding and evidence of what makes institutions child safe**
- We conducted a large scoping and consultation exercise and commissioned **a major research study** and undertook consultations to examine what makes institutions 'child safe' and to identify a set of child safe standards:
 - *Key elements of Child Safe Organisations: Research Study*, Parenting Research Centre and Social Policy Research Centre, 2016.

A broad approach to child safe frameworks

- We adopted a broad approach to child safe frameworks to better address the often co-existing nature of different types of harm to children - physical, sexual and psychological abuse, and neglect.
- A set of 10 Child Safe Standards were identified, tested and refined through extensive analysis and consultation.
- These standards can guide what institutions need to do to be child safe by setting best practice benchmarks to drive performance.
- The 10 standards are of equal importance and are framed in an 'outcome-focused' way that allows flexibility.

10 Child Safe Standards



10 Child Safe Standards

1. Child safety is embedded in institutional **leadership, governance** and **culture**.
2. Children **participate** in decisions affecting them and are taken seriously.
3. Families and communities are **informed** and **involved**.
4. **Equity** is promoted and **diversity** respected.
5. People working with children are **suitable** and **supported**.
6. Processes to respond to **complaints** of child sexual abuse are child-focused.

10 Child Safe Standards

- 7. Staff are equipped with the **knowledge, skills and awareness** to keep children safe through continual education and training
- 6. Physical and online environments minimise the opportunity for abuse to occur.
- 7. Implementation of Child Safe Standards is **continuously reviewed** and improved.
- 8. Policies and procedures document how the institution is child safe.

Implementing the standards

Our recommendations for implementing the standards addressed the need for:

- our proposed Child Safe Standards to be mandatory for all institutions that engage in child-related work and underpin a nationally consistent approach to child safety
- state and territory oversight and regulation
- capacity building and support for institutions
- national leadership.

Institutional responding and reporting

Current problems with reporting models

Obligatory reporting models include mandatory reporting to child protection authorities, 'failure to report' offences, and reportable conduct schemes. We identified four key problems with reporting models:

- there are **inconsistencies in reporting models** across jurisdictions
- **barriers exist** for those who want to report child sexual abuse
- existing **training, education and guidance** is inadequate
- there are gaps in **legislative protections** for reporters.

Improving mandatory reporting

In addition to doctors, nurses, teachers and the police, who we concluded already have reporting duties, the following should be mandatory reporters:

- out-of-home care workers
- youth justice workers
- early childhood workers
- registered psychologists and school counsellors
- people in religious ministry

Knowledge or suspicions formed in connection with a religious confession should not be exempt.

Improving mandatory reporting

Training, education and guidance is needed:

- where the government imposes a reporting duty on individuals, it should ensure they are provided with adequate assistance and support to effectively discharge the duty. This may include guides and access to experts who can provide advice.

Gaps in existing legislative protection for reporters should be addressed, including in relation to:

- mandatory/voluntary reports to child protection authorities
- notifications under the Health Practitioner Regulation National Law

Problems with complaint handling

Our inquiry identified a number of problems with institutions' responses to complaints , including:

- failures to develop/implement clear and accessible complaint handling policies
- complaints being ignored or minimised
- poor investigation standards
- failures to assess and manage risks to the safety of children in their care

Why oversight is needed

Independent oversight of complaint handling helps institutions to:

- increase identification and reporting of child sexual abuse
- improve capacity to receive and respond to complaints
- strengthen accountability and transparency in accordance with best practice
- ensure the risk of child sexual abuse is adequately addressed
- improve the welfare and wellbeing of primary and secondary victims
- promote consistent standards in reporting and responding across institutions

Complaint handling oversight scheme

A nationally consistent reportable conduct scheme should include:

- an oversight body which is independent of government and the institutions it monitors
- obligatory reporting by heads of institutions
- a definition of reportable conduct that includes both sexual offences and 'sexual misconduct', as well as the historical conduct of current employees
- coverage of employees, volunteers and contractors
- protections for those making reports in good faith
- comprehensive powers and functions for oversight bodies.

Working with Children Checks

Key issues with existing schemes

Eight different schemes for Working With Children Checks operate independently in different states and territories:

- inconsistencies across schemes
- too complex
- unnecessary duplication
- lack of integration
- inadequate information sharing and monitoring.

Working With Children Checks report, tabled Aug 2015

Our recommendations addressed the need for:

- State and territory governments to amend their Working With Children Checks laws to:
 - **implement the standards** identified in the report
 - **enable clearances from other jurisdictions** to be recognised and accepted
- a **national model** for Working With Children Check, including establishment of a **centralised database** that is readily accessible to all jurisdictions to record Working With Children Check decisions.

Strengthening recordkeeping and information sharing

Why recordkeeping is important

- Records describe an institution's processes, decisions, activities and responses to critical incidents – **promoting accountability and transparency.**
- We identified a number of issues relating to records, such as where records were **not created, incomplete, inaccurate, improperly maintained, lost or destroyed**, or where access to records was **withheld or refused.**
- Accurate records and good recordkeeping practices are critical to **identifying, preventing and responding** to child sexual abuse.

Impact of inadequate recordkeeping

Poor records or the loss or destruction of records can:

- reduce a survivor's capacity to establish that abuse occurred and their confidence in reporting abuse and being believed.
- delay or obstruct responses to risks, allegations and instances of child sexual abuse
- obscure the extent of institutional knowledge of abuse
- prevent the identification of perpetrators.
- prevent or hinder disciplinary action, redress efforts, and civil and criminal proceedings.

Strengthening recordkeeping

We recommended that to strengthen recordkeeping, institutions should:

- create and keep **full** and **accurate** records about all **incidents, responses** and **decisions**
- appropriately **maintain** records
- **dispose** of these records in accordance with law or policy
- recognise individuals' existing **rights to access, amend or annotate records** about themselves.

Information sharing – why it's important and identified barriers

Lack of timely, effective information sharing **enables perpetrators to continue their involvement with an institution** or to **move between institutions and jurisdictions**.

We heard that **barriers** to the timely and appropriate sharing of information by institutions include:

- concerns about **privacy, confidentiality** and **defamation**
- confusion about **complex and inconsistent laws**
- **institutional culture**, poor leadership and governance
- limitations on sharing information **across state and territory borders**.

An information exchange scheme

We recommended that **an information exchange scheme should be established** to operate **in and across Australian jurisdictions**. In establishing this scheme, the Australian Government and state and territory governments should:

- make nationally consistent legislative and administrative arrangements and develop minimum nationally consistent provisions, to enable a specified range of bodies to share information related to the safety and wellbeing of children, including information relevant to child sexual abuse in institutional contexts.
- support the implementation and operation of this scheme with education, training and guidelines.

Preventing and responding to online child sexual abuse

Online child sexual abuse – an emerging issue for institutions

From consultations with young people and experts, we heard about emerging risks for children online, including:

- online grooming through a range of platforms and applications
- increase in production and distribution of online child sexual exploitation material, including live-streaming
- image-based abuse, where intimate or sexual images of children are shared without consent
- impacts from access and exposure to online pornography
- children's vulnerability to online sexual abuse.

MORNING TEA

10:30AM – 11:00AM



MEGAN MITCHELL NATIONAL CHILDREN'S COMMISSIONER

11:00AM – 11:45AM





Australian
Human Rights
Commission



Australian
Human Rights
Commission

Megan Mitchell

National Children's

Commissioner

9 March 2018

@MeganM4Kids

**Big Fat Change: Transforming
people, services and organisations
into children's rights champions.**



Role of the National Children's Commissioner

To promote, and advocate for, the rights of children and young people in Australia

The United Nations Convention on the Rights of the Child





Child Safe
Organisations
National Principles



Australian
Human Rights
Commission

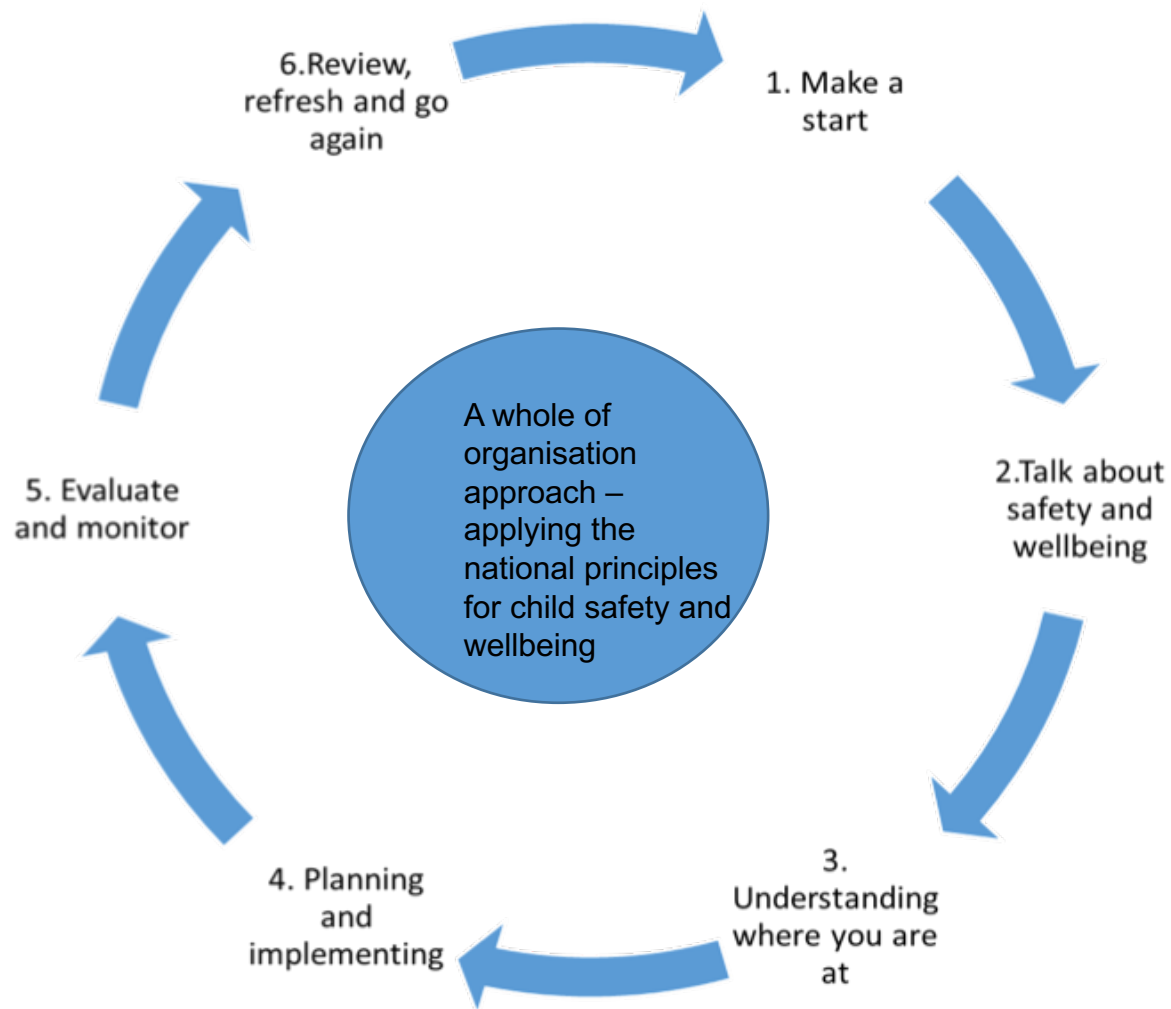
National Framework for
Protecting Australia's Children
2009-2020



Consultations with children and young people



Wheel of Child Safety



Article 12: Children have the right to give their opinion, and for adults to listen and take it seriously.

Principle 2

Children and young people are informed about their rights, participate in decisions affecting them and are taken seriously.



Key action areas:

- 2.1 Children and young people are informed about all their rights, including to safety, information, and participation.

Indicators that this principle is upheld:

- Organisations have programs and resources to educate children and young people on their rights including their right to safety and right to be listened to.

A child rights-based approach recognises, respects and protects children's rights in the development and implementation of laws, policies, practices and other decisions affecting children.





Early Years Learning Framework

“Early childhood educators, guided by the Framework, will reinforce in their daily practice the principles laid out in the United Nations Convention on the Rights of the Child”



The '*Supporting young children's rights*' Statement of intent aims to guide professionals working with young children to support and advocate for young children's rights in their day-to-day practice.



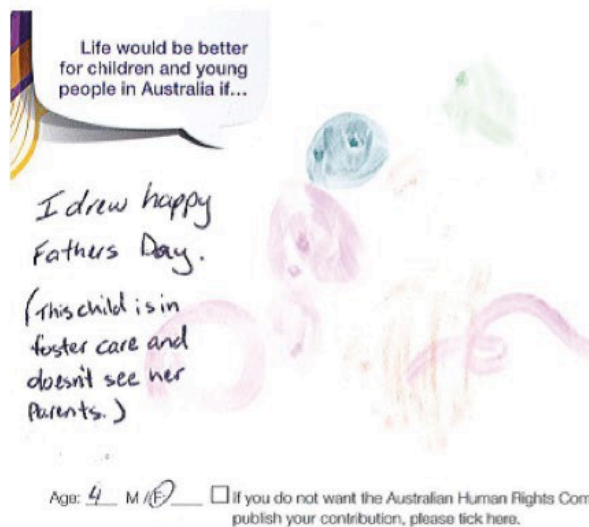
Postcard from 3 year old girl in South Australia

1. The right to be heard:

Promoting children's voice and participation in decision-making processes, and enabling greater opportunities to hear from children about their concerns

2. Freedom from violence, abuse and neglect:

Delivering safe environments and respect for the dignity of the child



I think that everyone should be safe.

- 10 year old child from South Australia



- five-year-old boy from New South Wales

Reply Paid 86867
SYDNEY NSW 2000

The right to be heard

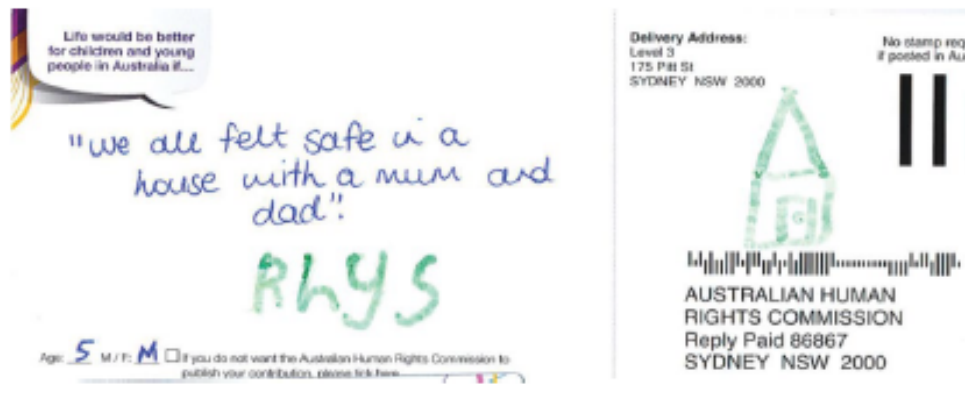
| What this means for a child | What this means for a professional working with young children | What this means for ECA and the National Children's Commissioner |
|--|---|--|
| <p><i>I will:</i></p> <ul style="list-style-type: none"> • be recognised as a successful, competent and capable learner • be encouraged to express my views and opinions and know that these views and opinions will be listened to and valued • be consulted in decisions about what is best for me • be supported to access the information I need to be safely connected to and contribute to my world and the decisions affecting me • know that my family is recognised and respected as having the key responsibility for my upbringing • have privacy. | <p><i>I will:</i></p> <ul style="list-style-type: none"> • recognise children's agency and their individual and evolving capacity to participate in day-to-day considerations relating to their lives • build my capacity, skills and knowledge of children's rights to enable me to implement these in my day-to-day practice • facilitate learning environments that foster opportunities for all children to express themselves • listen to and value children's views and opinions and show that their views have been acted on • provide children with opportunities for their views to be heard and acted upon • listen to and value families' views and opinions and show that their views have been acted on • advocate for children's views and opinions to be heard and valued within the early learning environment, the family and the community. | <p><i>ECA and the National Children's Commissioner will:</i></p> <ul style="list-style-type: none"> • identify and promote the use of appropriate resources and tools to promote children's voices and to support children's participation in decision making • ethically contribute young children's voices to the public debate on issues of relevance to young children. |

2. Freedom from violence, abuse and neglect:

Delivering safe environments and respect for the dignity of the child

I think that everyone should be safe.

- 10 year old child from South Australia



- five-year-old boy from New South Wales

Freedom from violence, abuse and neglect

| What this means for a child | What this means for a professional working with young children | What this means for ECA and the National Children's Commissioner |
|--|---|---|
| <p><i>I will:</i></p> <ul style="list-style-type: none"> • be and feel safe no matter where I am • be supported and protected by the people in my life from violence, abuse and neglect • be consulted in decisions about what is best for me • live and grow up safely • be cared for and have a home • be listened to and have my concerns heard, respected and acted upon. | <p><i>I will:</i></p> <ul style="list-style-type: none"> • develop my understanding of risk and protective factors that contribute to children's safety as well as relevant legislation and mechanisms for protecting children from violence, abuse and neglect • listen to children and recognise and respond to signs of violence, abuse and neglect • provide children with opportunities to raise their concerns about safety • improve my understanding of each child's family and support their connections with relevant local services that support safe environments for children • facilitate learning environments that foster opportunities for all children to express themselves • model respectful relationships. | <p><i>ECA and the National Children's Commissioner will:</i></p> <ul style="list-style-type: none"> • support organisations providing services for young children, to be child safe and child friendly • promote appropriate strategies to support professionals to identify and respond to risk, abuse and neglect • advocate for the protection of all children from violence, abuse and neglect. |

Key contacts

Thank you!

Visit our project page at
www.humanrights.gov.au/child-safe

Email:

childsaf@humanrights.gov.au

Facebook: MeganM4Kids

Twitter: @MeganM4Kids

Instagram: Scout4Kids



**Child Safe
Organisations**
National Principles

PANEL DISCUSSION

ROBERT FITZGERALD

MEGAN MITCHELL

STEVE KINMOND

JENNI HUTCHINS

11:45AM – 12:30PM



LUNCH

12:30PM – 1:30PM



STEVE KINMOND DEPUTY OMBUDSMAN

1:30PM – 2:15PM





The role of the NSW Ombudsman in safeguarding children

Steve Kinmond

Deputy Ombudsman & Community and Disability
Services Commissioner

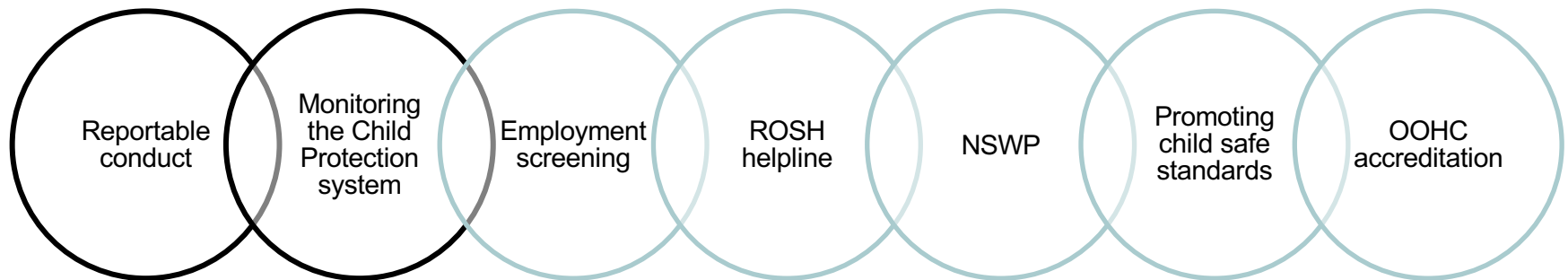
March 2018



Overview

1. Our role in safeguarding children in the reportable conduct sphere
 2. What have we learnt from operating the reportable conduct scheme?
 3. The future: looking forward post Royal Commission
-

Safeguarding children in NSW



NSW legislative framework -relating to agencies who provide services to children such as schools, approved children's services, OOHC, those providing camps



NSW Ombudsman

*Ombudsman Act 1974
(Part 3A)
Community Services
(Complaints, Reviews and
Monitoring) Act 1993
(CS CRAMA)*

Oversights reportable
allegations against
employees/ volunteers

Monitoring/ reviewing
the child protection
system



Office of the Children's Guardian

*Child Protection
(Working with
Children) Act 2012*

Employment
screening for
child-related
workers



Community Services

*Children and
Young Persons
(Care and
Protection) Act
1998*

Provides for the
reporting of
children at risk of
significant harm



NSW Police Force

Crimes Act 1900

Prosecutes
offences against
children

OMBUDSMAN FUNCTIONS RELATING TO CHILD PROTECTION

The NSW Ombudsman has a broad range of functions relating to the delivery of child protection services in NSW. These functions are outlined in the *Community Services (Complaints, Reviews and Monitoring) Act 1993* (CS-CRAMA) and Part 3A of the *Ombudsman Act 1974*.

THE REPORTABLE CONDUCT SCHEME

Main reportable conduct functions of the Ombudsman

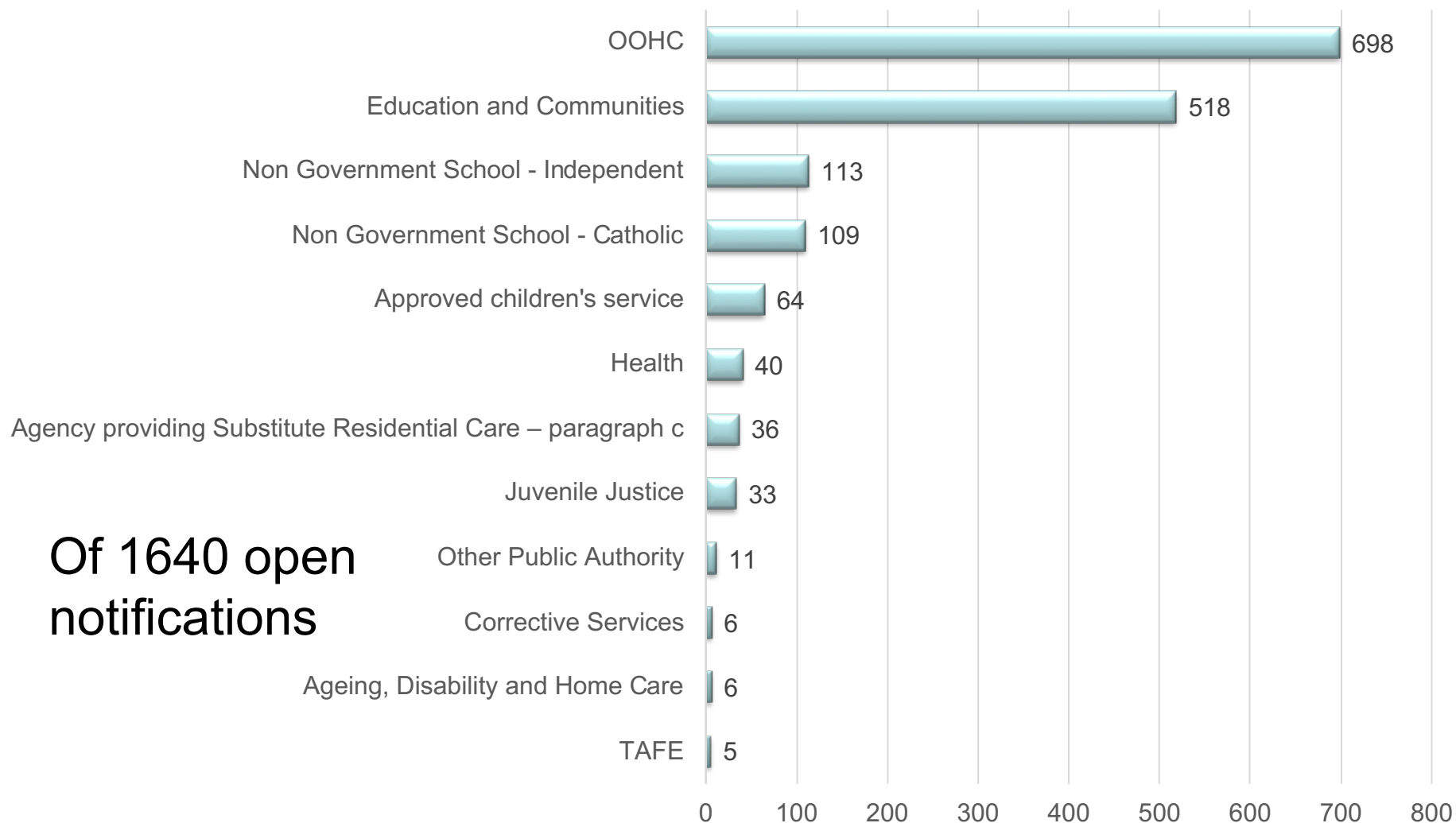
- Handling notifications of individual reportable allegations
 - Keeping systems under scrutiny
 - Intel function
 - Capacity building function
 - Responding to complaints about the handling of reportable allegations
 - Directly providing information to the WWCC scheme
 - Actively supporting a sophisticated interagency response to complex matters
-

What are reportable allegations?

Part 3A defines reportable conduct as:

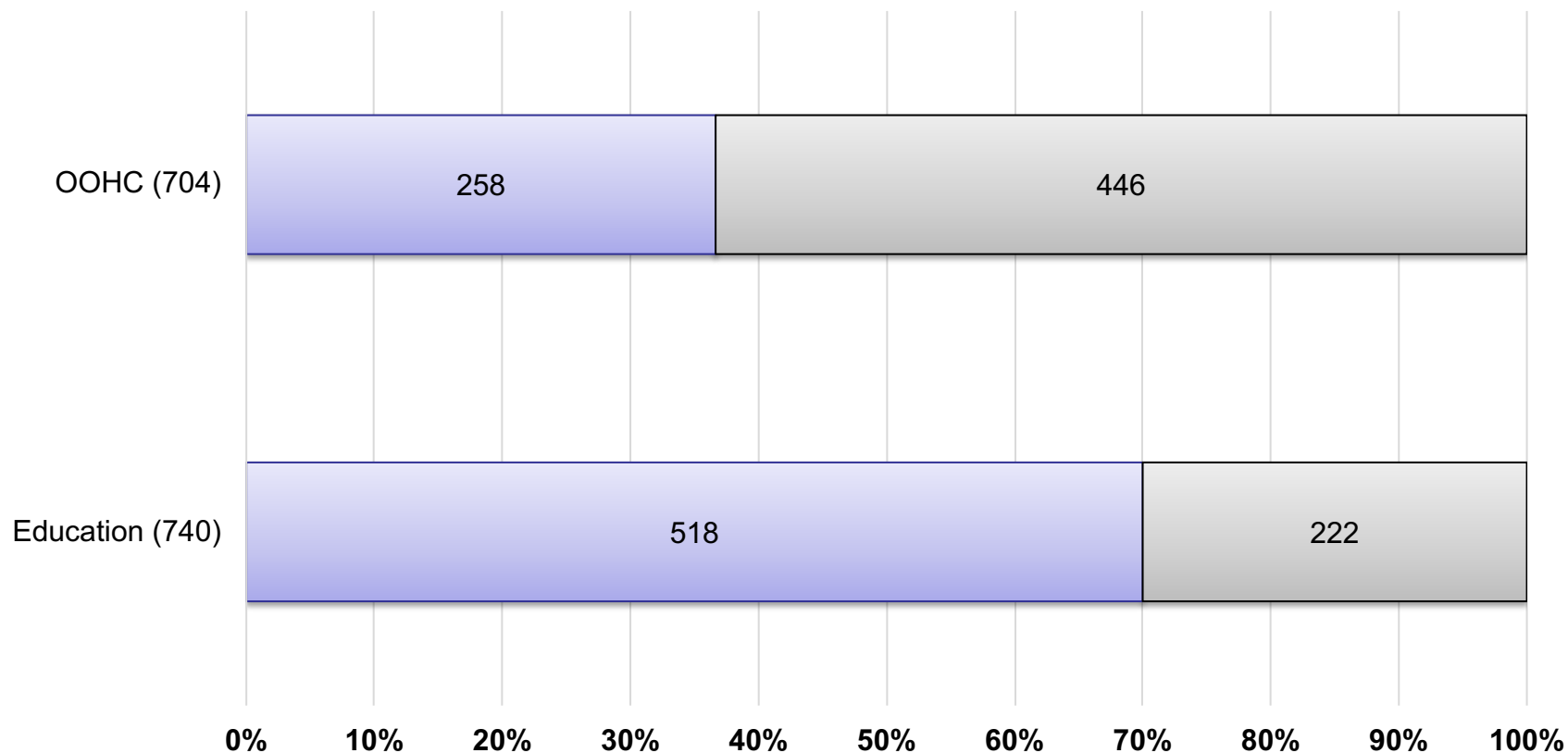
- (a) Any sexual offence, or sexual misconduct, committed against, with or in the presence of a child;
 - (b) Any assault, ill-treatment or neglect of a child; or
 - (c) Any behaviour that causes psychological harm to a child.
-

Open notifications by sector



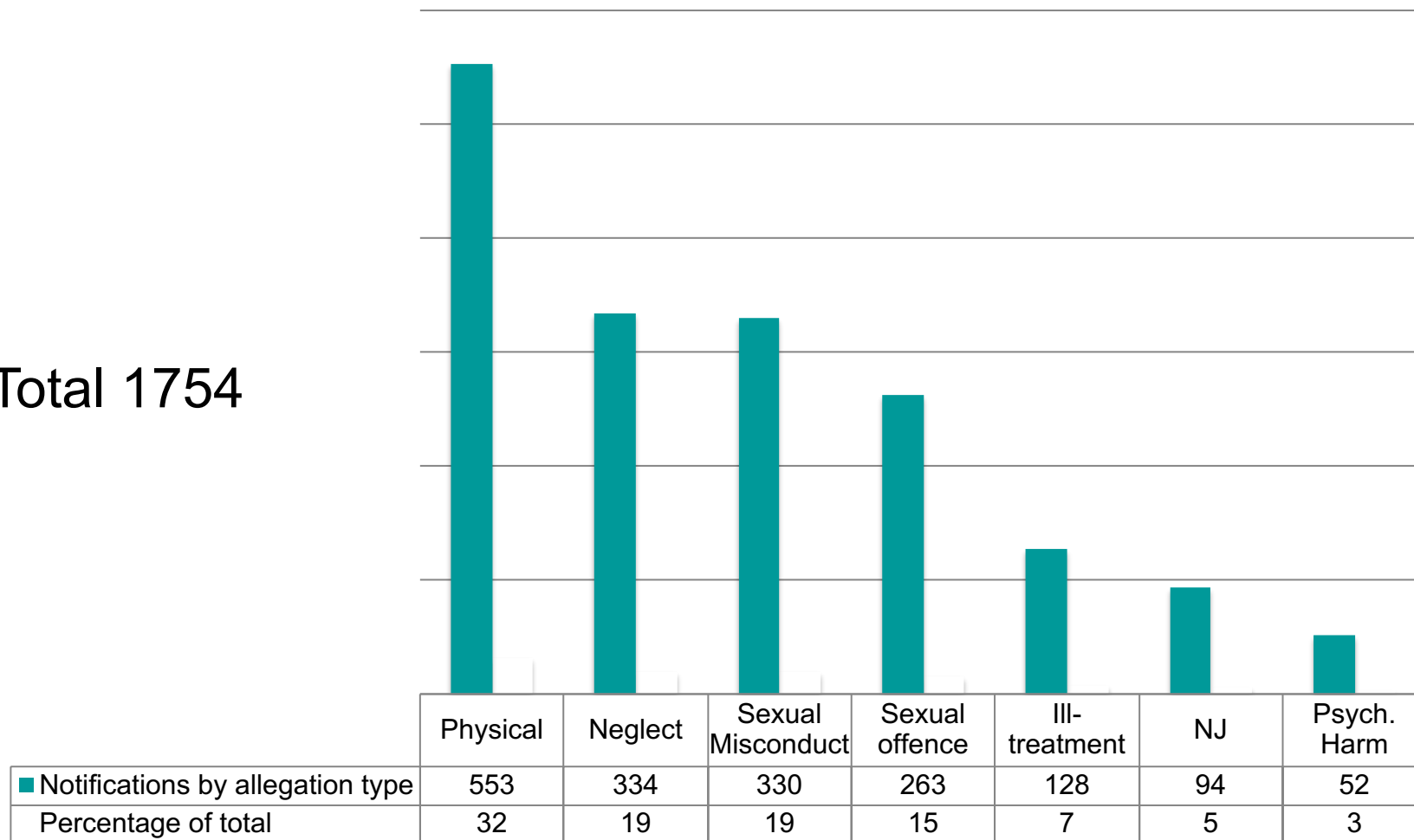
EDUCATION AND OOHC NOTIFICATIONS

■ Gov ■ Non-gov



Notifications received 2016 – 2017 financial year by allegation type

Total 1754



NSW open notifications involving criminal offences

- 1614 open notifications*.
- 146 matters (9%) were the subject of a criminal investigation that has now concluded. A further 224 matters (14%) are the subject of an active criminal investigation.
- 166 matters (10%) involve employees who have been charged with one or more criminal offences relating to the notification.

| Criminal charge | Percentage |
|-----------------|-------------------------|
| Sexual | 80.7% (134 individuals) |
| Physical | 19.3% (32 individuals) |

*Figures accurate as at 29 September 2017

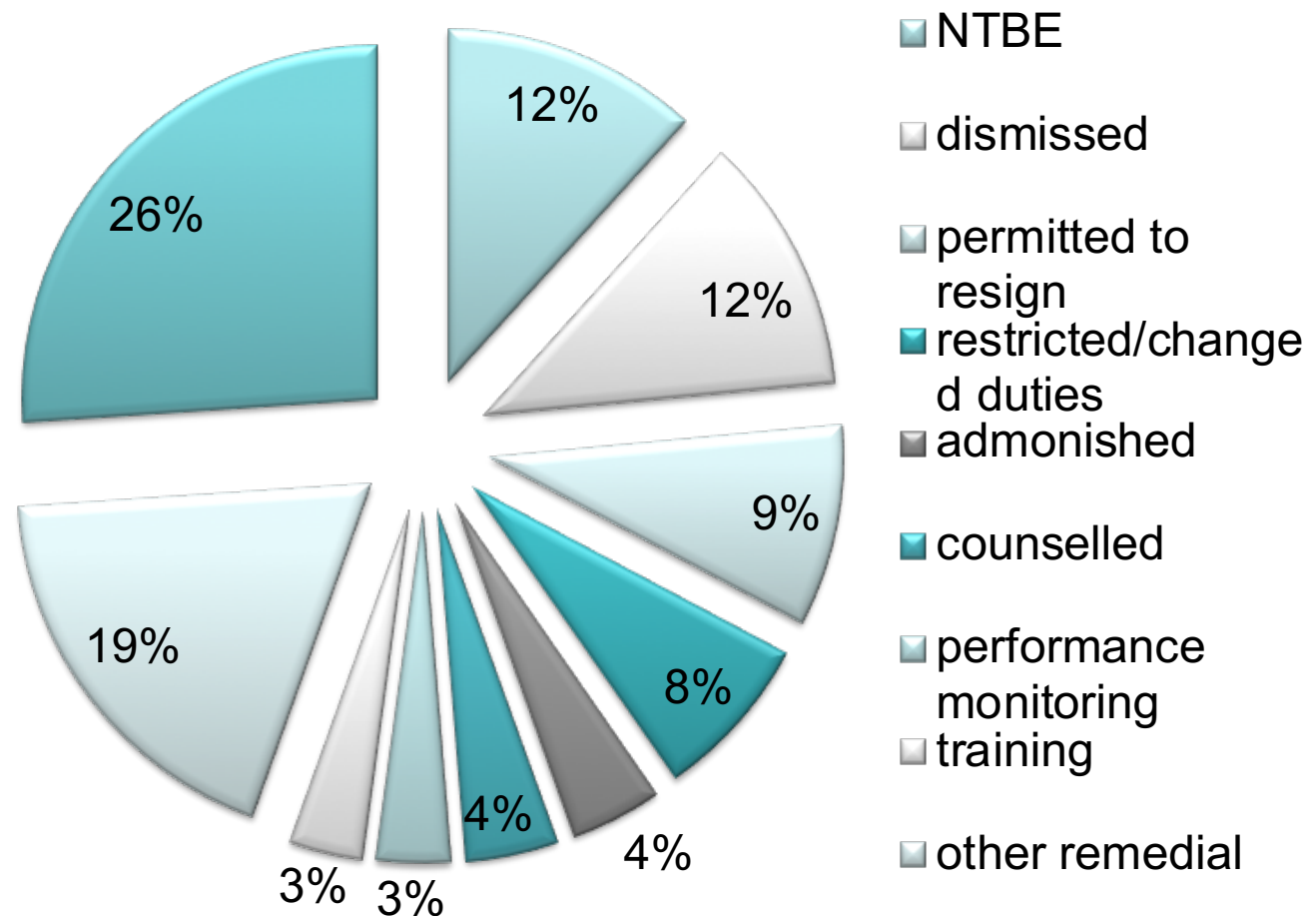
Action taken at conclusion of reportable conduct investigation (schools sector)

Percentage of matters sustained:
25%

Percentage of matters resulting in disciplinary or remedial action:
69%

Percentage of matters in which multiple forms of action was taken:
20%

(hence percentages do not add up to 100)



Criminal charges in the Education sector

- Of the 1640 current open notifications, 740 are from the education sector
- Of the 740, 518 are government schools and 222 are non-government schools
- Of the 740 open education matters, 79 involve at least one criminal charge. 45 of these are government schools and 34 are non-government.

| Types | Government Schools | Non-gov schools | Total |
|--------------|---------------------------|------------------------|--------------|
| Physical | 9 | 2 | 11 |
| Sexual | 37 | 34 | 71 |

Sexual misconduct/offence sustained rates – schools sector

During the two year period between 2015-2017:

- the overall sustained rate for sexual misconduct/sexual offence matters relating to the **schools sector** was **28%** (compared to 24% from across all sectors).
- the overall sustained rate for sexual misconduct/sexual offence notifications relating to the **government schools sector** was **28%**.
- the overall sustained rate for sexual misconduct/sexual offence notifications relating to the **non-government schools sector** was **27.5%**.

Across the government and non-government school sectors, there are very consistent rates of sustained findings for sexual misconduct/ offence matters.

Total notifications received by agency – five year comparison

| Sector | 2012/2013 | 2013/2014 | 2014/2015 | 2015/2016 | 2016/2017 |
|--|------------|-------------|-------------|-------------|-------------|
| Centre based care (long day care and preschools) | 72 | 76 | 135 | 114 | 125 |
| OOSH centres & vacation care | 8 | 11 | 19 | 10 | 15 |
| Family day care | 14 | 13 | 14 | 12 | 11 |
| Government OOHC | 237 | 284 | 236 | 236 | 276 |
| Non-government OOHC | 171 | 255 | 373 | 468 | 588 |
| Education | 311 | 330 | 226 | 275 | 450 |
| Non-government Catholic | 56 | 63 | 91 | 74 | 69 |
| Non-government Independent | 56 | 97 | 105 | 70 | 80 |
| Other | 70 | 60 | 106 | 127 | 144 |
| Total | 995 | 1189 | 1305 | 1386 | 1758 |

Criminal offences in the approved children's services sector

Of current open files, only **3 of 156** matters involving individuals who have been charged are from Approved Children's Services.

1 individual was charged with physical assault and 2 with sexual related offences.

Sustained findings

All allegations

For this sector, the sustained rate over the past two years is **28.5%** (compared to **27.6%** for all industry groups).

Sexual misconduct/offence matters

For this sector, the overall sustained rate is **23.9%** (compared to **23%** for all industry groups).

Physical assault allegations

For this sector, the overall sustained rate is **25%** (compared to **21.6%** for all industry groups).

Neglect allegations

- For this sector, the overall sustained rate is **43%** (compared to **34.2%** for all industry groups)

Reporting rates

The number of reports is not particularly high. Is this due to:

- **poor compliance** with the reportable conduct scheme;
 - a low rate of **allegations** which meet the reporting threshold; and/or
 - a low rate of reportable conduct **incidents** taking place in these services?
-

PROVIDING PRACTICAL SUPPORT AND ENHANCING SYSTEMS UNDER 3A

Building strong business relations with NSW Police

In all of these areas, the Ombudsman can – and does – play an important role in bringing parties together and in ensuring that critical information is provided, understood and actioned. For example, the Ombudsman’s office is in a unique position to contribute to identifying child protection risks through its direct access to both the policing and child protection databases, combined with its own reportable conduct holdings. This access provides the Ombudsman’s office with a ‘helicopter’ view of critical information which is not accessible to other agencies (including even the NSWPF). In fact, the Ombudsman’s office is often the only agency with access to all key core information about a particular matter, and in these circumstances, it will often take an active role in ensuring that information is shared with appropriate parties and that appropriate action is taken.

Andrew Scipione, former Police Commissioner, NSW Police

Informing the NSW WWCC

The NSW Ombudsman provides information to inform the Children's Guardian's risk assessment through:

1. Chapter 16A – referrals of information
 2. Notifications of Concern (Schedule 1 WWCC Act 2012)
 3. Responses to requests for information from the Children's Guardian (section 31)
-

Since we commenced our WWCC function in June 2013, we have made 1897 referrals of information – about persons who may pose a risk to children – to the Children’s Guardian:

| Type of Referral to/from OCG | Number |
|---|--------|
| Notification of Concern | 54 |
| Chapter 16A referrals to OCG | 871 |
| Chapter 16A requests to OCG | 358 |
| S31 notices received from OCG and responded to by Ombudsman | 614 |

* Figures accurate as at 29 September 2017

Information access and exchange

- Chapter 16A
 - Ombudsman advocated simplifying information sharing
 - Introduced in 2009 – Wood Special Inquiry reforms
 - Enabled enhanced interagency collaboration – Ombudsman, agencies & other key stakeholders (Police, FACS, OCG) – leading to improved child safety
 - Direct access to key databases – *our helicopter view*
 - Proactive in ensuring that agencies are provided with critical information
 - Consolidating relevant information into one brief – *Putting together the pieces of the puzzle.*
-

Building strong partnerships

- We are connected with, and committed to, supporting agency staff working at the coalface.
 - We seek to establish strong business relationships with, and provide support to, representative bodies across key sectors.
 - We have built strong business relationships with key NSW government authorities e.g. NSW Police, NSW Children's Guardian (runs the WWCC check), Department of Family and Community Services (FACS), NSW Education Standards Authority (NESA), and the early childhood regulator (ECED).
 - We regularly convene cross agency discussions to promote an informed and coordinated response to complex cases.
-

Developing technical capacity of agencies

- ‘Hands on’ quality assurance of agencies’ investigations, where required
 - Building capacity within agencies/across sectors
 - Delivering education and training
 - Induction video for early childhood and OOSHC educators: *What you need to know about the reportable conduct scheme*
-

Calls for a nationally consistent reportable conduct scheme and an expansion of coverage

Stakeholders have consistently advocated for:

- expansion of the reportable conduct scheme
 - national consistency of reportable conduct schemes
-

Most Reverend William Wright, Bishop of the Catholic Diocese of Maitland-Newcastle

While our schools and out-of-home care services have been subject to Part 3A of the [Ombudsman Act], thus affording enhanced protection for children in those circumstances, it has been an anomaly that the core of our churches, our parishes and various communities of faith, have been largely excluded from the scrutiny and support of the Ombudsman's office with consequent potential risk implications for children.

Therefore, we respectfully request you initiate the requisite legislative changes to promote the passage of the proposed amendments through the Parliament so as to ensure that the children of our parishes in New South Wales enjoy the same protections as those receiving educational and welfare services.

Dr Glenn Davies, the Anglican Archbishop of Sydney

Many thousands of children participate in the activities of almost all of the 2,870 parishes across the Anglican Diocese of Sydney each week. Over 1,200 licensed clergy and church workers and 14,000 volunteers have obtained a Working With Children Check to engage in child-related work in our parishes. We are just one Anglican Diocese of seven in NSW, representing one denomination among many in the State.

It is my considered opinion that the use of the definition of 'child-related work' in the Child Protection (Working With Children) Act 2012 and the Regulations that determine when a Working With Children Check is required could provide a sound basis for appropriately extending the reportable conduct scheme to apply to matters in a parish context.

With respect, I therefore ask you to consider proposing amendments to the Ombudsman Act which would rectify this situation and provide more consistent protection for children across NSW.

Letter to the NSW Attorney-General with the support of the other six Bishops of the Anglican Dioceses in NSW, 22 December 2015

Keith Ainge, Head of Safe Church Office, Hillsong Church

As the Head of Safe Church, I appreciate that the reason for being under the reportable conduct scheme is a little bit nebulous, but we believe that it's an incredibly positive thing for us and we have found the support of the Deputy Ombudsman and his office for us has been outstanding. We're happy to be a part of the reportable conduct scheme. We believe, in fact, that all churches should be under the reportable conduct scheme because of the benefit that it gives to the churches in being able to understand situations. So we're very happy to be a part of it.

Rabbi Kastel Chief Executive Officer of Jewish House; member of the Child Protection Taskforce, NSW Jewish Board of Deputies

A lot of the work that we've done, we've worked very closely with the NSW Wales Ombudsman's Office, and I think it is important to recognise the incredible work that they do and the importance of having religious institutions and other institutions as part of the reportable conduct scheme so that it gives us more of a framework to be able to manage, within our own organisations, if something comes up, how to deal with it, how to deal with the people around it, et cetera. Their guidance has been invaluable. Even though many of us are not part of their scheme yet, I think it is important to add our voice, as so many others, that they include and broaden their purview.

Michael Coutts-Trotter, Secretary, NSW Department of Family and Community Services

In our [Royal Commission] *Institutional review of Commonwealth, state and territory governments* case study, Mr Coutts-Trotter agreed that one of the benefits of the New South Wales reportable conduct scheme is that it requires institutions that come under the scheme to have robust complaint management systems in place. The scheme guides institutions on responding to complaints of child sexual abuse, including reporting requirements and investigative practice.

In our [Royal Commission] *Institutional review of Commonwealth, state and territory governments* case study, Mr Michael Coutts-Trotter told us that the Ombudsman does a good job of balancing its oversight responsibilities with its capacity building programs.

Ms Beth Blackwood, Independent Schools of Australia

I think one of the positives about the Ombudsman system is providing advice around HR [human resources] issues. So if you have a member of staff against whom there have been allegations, but not proven allegations, what are the processes there and being able to provide some advice, and particularly advice if the investigations do not lead to charges.

COAG commitment to nationally harmonised reportable conduct schemes

In April 2016, COAG welcomed Chief Minister Barr's proposal for nationally harmonised reportable conduct schemes to improve oversight of responses to allegations of child abuse and neglect. COAG agreed, in-principle, to harmonise reportable conduct schemes, similar to the current model in operation in NSW and announced in the ACT and Victoria.

Royal Commission recommendations

- Expansion of the reportable conduct scheme to include:
 - those who work with children in religious organisations, and
 - those employees and volunteers that provide overnight camps
 - State and territory governments should establish nationally consistent legislative schemes (reportable conduct schemes), based on the approach adopted in New South Wales
-

Royal Commission – 10 Elements of a Child Safe Institution

Child safety is embedded in institutional leadership, governance and culture

Children participate in decisions affecting them and are taken seriously.

Families and communities are informed and involved.

Equity is promoted and diversity respected.

People working with children are suitable and supported.

Processes to respond to complaints of child sexual abuse are child focused.

Staff are equipped with the knowledge, skills and awareness to keep children safe through continual education and training.

Physical and online environments minimise the opportunity for abuse to occur.

Implementation of child safe standards is continuously reviewed and improved.

Policies and procedures document how the institution is child safe.

LOOKING TO THE FUTURE

What is the national challenge?

Achieving a well integrated and well executed national response that drives ongoing improvement in child safe practice across institutional settings.

This is not just about institutions. The reforms need to reach the children and their families.

Approved Children's Services sector

- to rationalise oversight
- to establish what should be the reporting norm
- to look at investigative capacity across the sector and how to strengthen it

AVs and their parents and carers

- greater engagement and better support

Schools

- identifying outlier schools and sectors
-

Religious denominations

- continuing to build the necessary relationships
- identifying and delivering on the strategies required to assist them to well execute their responsibilities
- identifying and responding to outlier faiths

Capacity building work with the OCG

- Joint standing committee of religious denominations and survivor groups examining what's required to deliver on the child safe standards
 - Identifying outlier groups who may need additional support
-

Providers of overnight camps

- Identifying the stakeholders and building the necessary relationships
- Exploring the challenge of building the capacity of organisations to adequately meet the challenge

National Research Agenda

- Improve our understanding of the adequacy of the identification of and response to child abuse within and between various institutional settings
 - Strengthening the evidence base around risk and effective preventative and responses within and between various institutional settings
-

AN EXAMPLE: USING JOINT RESEARCH TO INFORM CHILD SAFE PRACTICE

Reportable conduct data

Allegation

Reporting rates

Allegation types

Sustained finding rates

Criminal investigations

Criminal charges

Convictions

Abuse setting

Victim profile

Age

Gender

Context

Source of disclosure

SOA profile

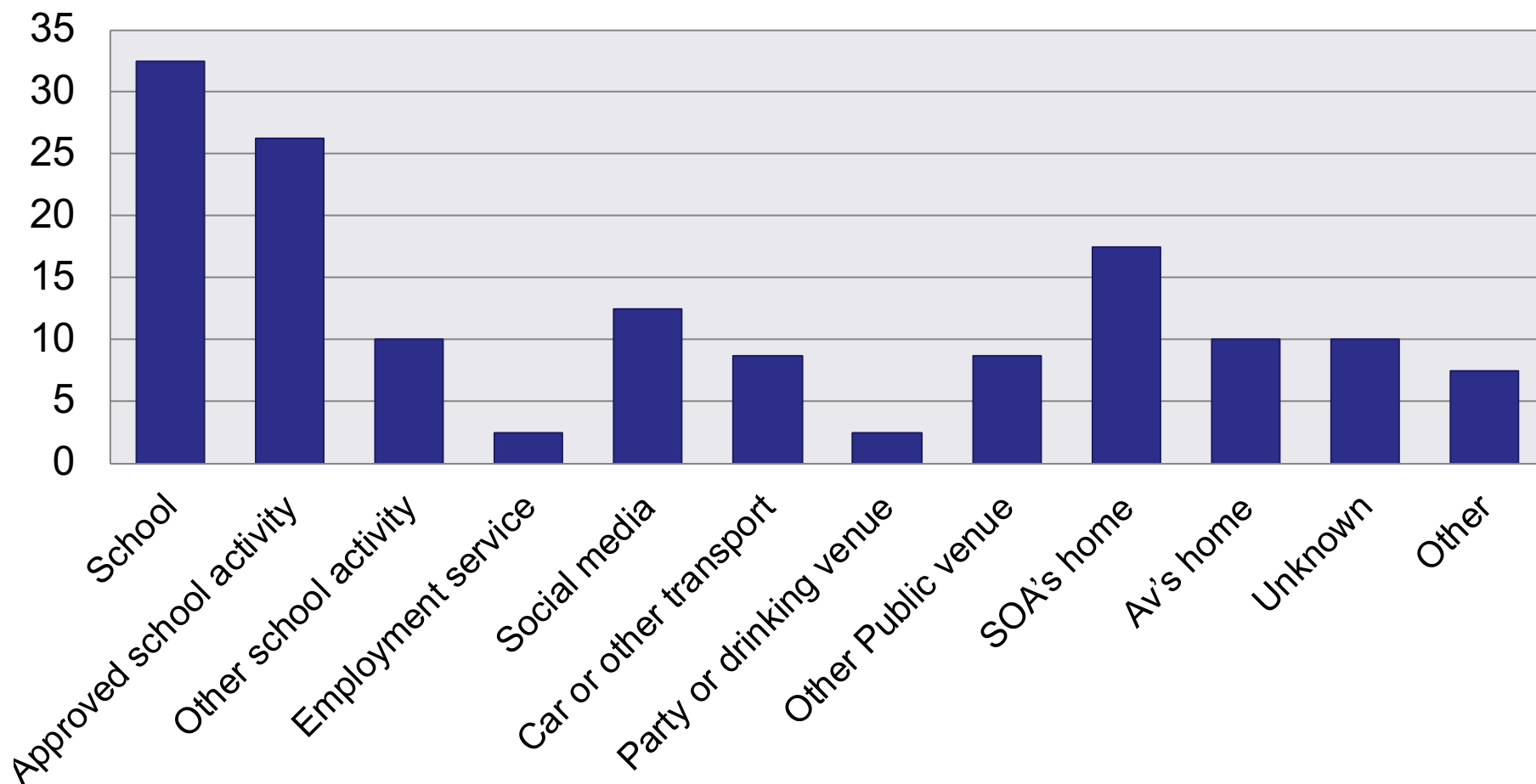
Gender

Age roles

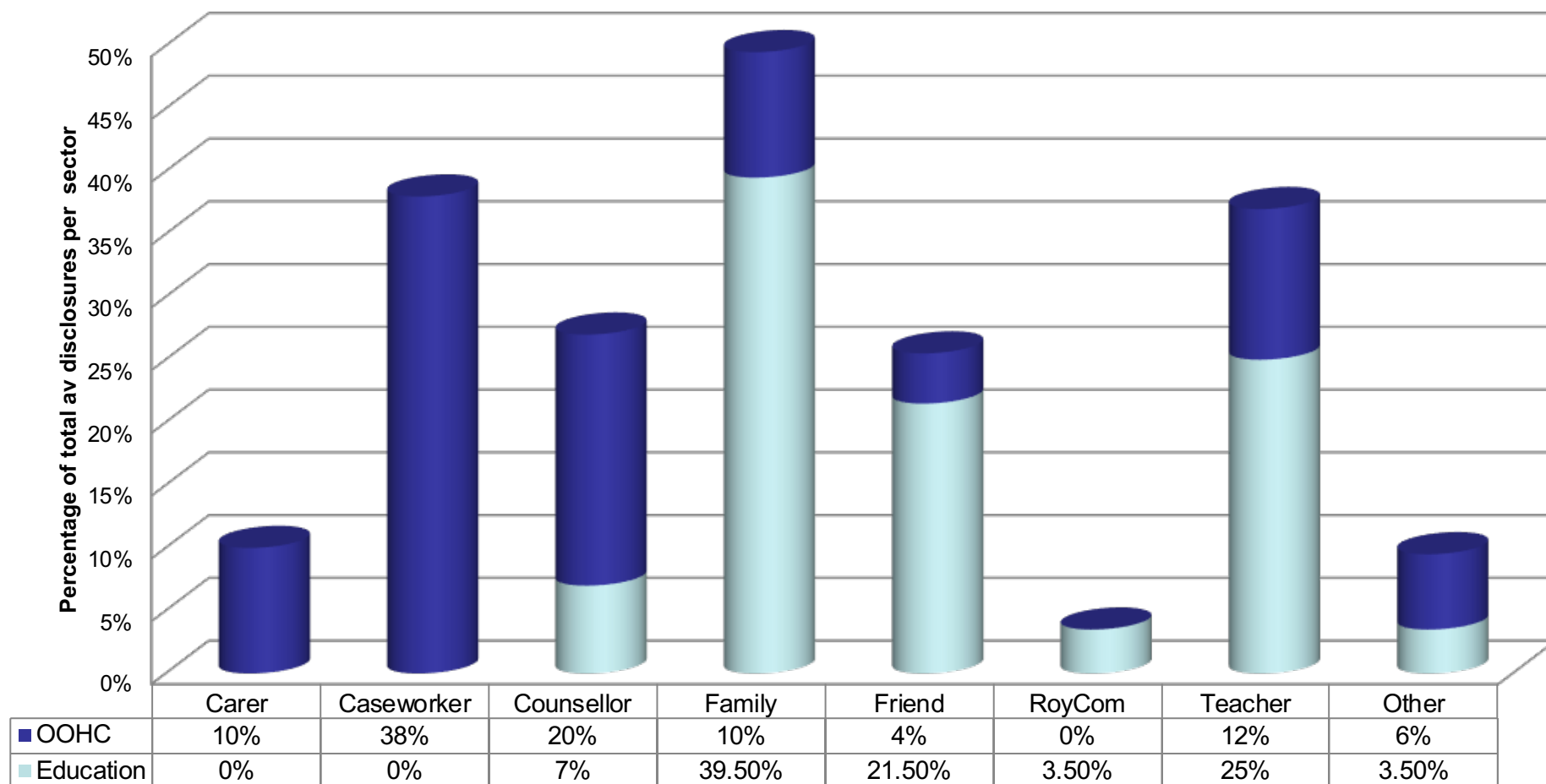
Types of professional
boundary crossing

Nature of disciplinary
action

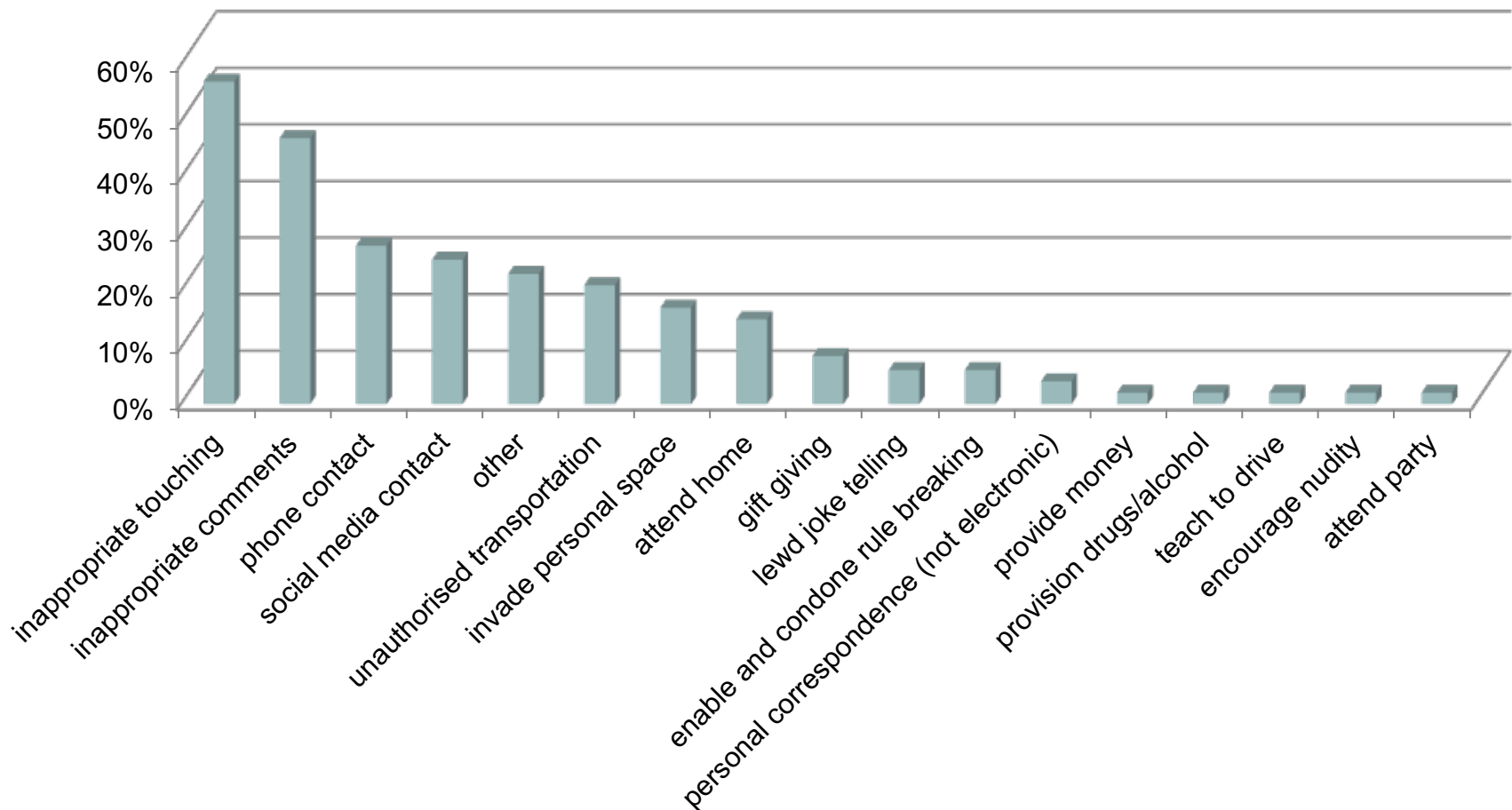
Education sector- Locations where abuse took place



Category of person AV disclosed to (who then reported)



Types of boundary crossing in Education and prevalence as a percentage of all matters involving boundary crossing



Contact us

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- Facsimile (02) 9283 2911
- Telephone typewriter (TTY) (02) 9264 8050
- Email nswombo@ombo.nsw.gov.au
- Web www.ombo.nsw.gov.au

Community Education and Training Unit

- Phone (02) 9286 0900
 - Email training@ombo.nsw.gov.au
-

AFTERNOON TEA

2:15PM – 2:30PM



GROUP ACTIVITY/ WORKSHOP WORLD CAFÉ

2:30PM – 4:15PM



World café topics

1. How as a collective can we improve knowledge sharing and cooperation across organisations?
2. What skills, knowledge and behaviours do we have to instill in staff, and how?
3. How do we build a child safe community?
4. What do we do to ensure our prevention approach is child centered?
5. How can we improve complaint handling processes?

CONCLUSION

4:15PM – 4:30PM



Thank you

Siebert Neethling CEO
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