

The Australian Council For Children & Youth Organisations Inc

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The Secretary
Senate Community Affairs Reference Committee
Suite S1 59
Parliament House
CANBERRA ACT 2600

Dear Secretary

Inquiry into children in institutional care

The Australian Council for Children & Youth Organisations is pleased to make the following submission in relation to the above-mentioned inquiry. We wish to confine our submission to item 1(g) of the Committee's terms of reference.

Our organisation welcomes the decision to conduct this inquiry. We recognise the need for past injustices in relation to the abuse of children in institutional care to be documented, acknowledged and for some form of "closure" to be achieved.

We have a particular interest in item 1(g) of the Committee's terms of reference due to our organisation's focus on preventative strategies – to ensure that the failures of the past are not repeated now or in the future.

Who we are

Established in October 2001, the Australian Council for Children & Youth Organisations is an initiative of some of Australia's leading philanthropic trusts and foundations, in partnership with community service organisations, the Police, Magistrates and the judiciary.

Our goal is to achieve the development of standards and the implementation of a transparent accreditation process for all organisations working with children and young people.

Our Board comprises Andrew Blode (chairman), Ian Allen OAM, Stuart Bensley, Robert Smorgon, Vicki Smorgon and Andrew Walsh PSM.

Funding for the Council's establishment and development of its accreditation model has been received from the following sources:

- The Besen Family Foundation;
- The BHP Community Trust;
- The George Castan Family Charitable Trust;
- The Commonwealth Department of Family & Community Services;
- The Gandel Charitable Trust;
- Dame Elisabeth Murdoch;
- The Myer Foundation;
- The Pratt Foundation;
- The R.E. Ross Trust;
- The Jack & Robert Smorgon Families Foundation; and
- Victorian Health Promotion Foundation (Vic Health).

Endorsement for our work has also been received from:

- Christine Nixon APM - Chief Commissioner, Victoria Police;
- Judge Jennifer Coate – President, Children's Court of Victoria;
- Ian Gray – Chief Magistrate, Magistrates' Court of Victoria; and
- Royal Australasian College of Physicians (Paediatric & Child Health Division – Victoria)

The Council is a member of the Australian Research Alliance for Children & Youth and an Associate Member of Family Services Australia.

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Why we exist

Victoria Police data compiled between 1988 – 1996 found that more than 20% of child sex offenders (in cases involving two or more victims) obtained access to their victims through community-based organisations including welfare, youth, church and sporting groups.

In New South Wales the 1997 Wood Royal Commission found:

"Many of these bodies [non-government agencies involved with the protection and care of children] are not subject to notification requirements, are staffed by volunteer and untrained workers, have no monitoring processes for staff selection or membership, have no protocols or guidelines for responding to child sexual abuse ... and are inadequately qualified to deal with such matters. Evidence led before the Commission, and cases within the criminal justice system, both historically and currently, reveal that each has been the subject of complaints of this type, many of which have been of a most serious

kind, and later established to the criminal standard of proof. "Wood Royal Commission, Final Report, Volume IV, August 1997.

In our view, Australia's children and young people are entitled to nothing less than nationally consistent standards and accountability mechanisms to achieve a zero harm environment in all organisational settings.

There have been some positive developments towards a nationally consistent approach including:

- The establishment of the National Childcare Accreditation Council;
- The introduction of a Private Member's Bill into Federal Parliament (May 2003) proposing a nationally consistent suitability check process for staff and volunteers working with children and young people; and
- The decision by the Ministerial Council on Education (July 2002) to develop a National Safe Schools Framework and its more recent decision (July 2003) to develop nationally consistent legislation for the conduct of suitability checks in relation to people working in schools.

However, there are also major gaps to be filled including:

- Variation from jurisdiction-to-jurisdiction within Australia regarding the minimum legal requirements for conducting suitability checks in relation to staff and volunteers working with children. While NSW and Queensland have enacted laws in this regard, the two schemes differ in important respects. At present, no other State or Territory has passed "suitability checks" legislation.
- Variation from jurisdiction-to-jurisdiction within Australia regarding accreditation requirements for the provision of "out-of-home care" to children and young people requiring statutory services. NSW has established the Office of the Children's Guardian for this purpose. Queensland has legislated to establish a licensing regime for the same purpose. At present, no other State or Territory has legislated to ensure accreditation as a fundamental requirement of providing "out-of-home care" to our most vulnerable citizens.
- At present, there is no requirement for organisations providing services to children and young people to develop a "child protection policy" for the protection of young service users. South Australia's *Layton Report* (March 2003) recommends: "That all agencies who employ persons who work with or have access to children either in a paid or a voluntary capacity should develop appropriate child protection policies and guidelines. All agencies funded by State Government agencies will be required to develop child protection policies and guidelines as a prerequisite to receiving Government funding." (Recommendation 132, Chapter 17) We fully endorse the adoption of this recommendation in all Australian jurisdictions.

Development of the Council's accreditation process

The first phase of the Council's accreditation process (currently being piloted in Victoria) is built on the following **foundation stone**:

- **Screening** of staff and volunteers (based on Victorian Department of Human Services and Victoria Police guidelines);
- **Child Protection Policy** (based on the "Choose With Care" model developed by Child Wise Australia); and
- A transparent, external **audit process** to ensure that these requirements are met.

The commitment to developing an accreditation process grew out of a series of roundtable discussions between philanthropic trusts and community service organisations in Victoria during 2001. A consensus emerged from these discussions that accreditation would strengthen the service sector and that a new organisation dedicated to this task should be established.

In March 2002 the Pilot Accreditation Project commenced with the development of the Council's standards and related accreditation materials. To date, 23 Victorian community service organisations have participated in the Pilot Accreditation Project.

The primary aim of the project is to create a pathway for community organisations to achieve a foundational level of safe practice and to aspire to continuous quality improvement.

The accreditation process includes:

- An introductory forum attended by senior staff and middle management;
- An initial training session to be attended by each service's primary contact for the project;
- Two follow-up forums – to check progress with implementation and share the learning;
- Internal self-assessment phase; and
- External audit & accreditation phase.

External consultants to the pilot project are:

- Audit – Centre for Quality in Health and Community Services, La Trobe University
- Training – Child Wise Australia
- Evaluation – Wellness Promotion Unit, Victoria University

The independent evaluation report prepared by Victoria University (July 2003) concluded:

"All of the organisations that participated felt that the project improved their policies, processes and practices either through training, resourcing or the networking of the sector. One of the most important aspects of the process is that ACCYO has provided the impetus for the development, implementation and revision of child protection standards across the organisations."

The Victoria University report listed a range of other benefits arising from the project:

"While participating organisations already had a strong commitment to best practice in care, a child or young person coming into contact with them after this project will receive a higher standard of protection than they previously might have."

"The project has met the objective of understanding the process organisations go through when implementing a policy such as child protection and the subsequent change process that occurs within the organisation. The evaluation has generated a wealth of information about the inhibiting and facilitative factors of the project."

"One of the most important aspects of the process is that ACCYO has provided the impetus for the development, implementation and revision of child protection standards across the organisations."

"The ACCYO process encouraged the development of a collaborative community across the sector and this can only contribute to the enhanced well being of the children and young within these organisations as well as the professional development of staff and volunteers."

"By providing the standards ACCYO has not only given the participating organisations a standard to compare against but has also provided consistency amongst the organisations. Indeed, all of the participating organisations supported the move towards a consistent standard of care across the sector."

"ACCYO has provided a body organisations can refer to when developing, implementing and reviewing child protection policy and practice."

In 2003/04 the program will be extended to an additional 100 community organisations in Victoria.

Recommendations:

In conclusion, we call on the Committee to endorse the following proposals:

1. That all Australian jurisdictions be encouraged to develop nationally consistent "suitability checks" legislation for staff and volunteers working with children - based on the comprehensive NSW model (which incorporates criminal history, employment history and domestic violence history);
2. That all Australian jurisdictions be encouraged to adopt the recommendation contained in South Australia's *Layton Report* for the development of a comprehensive "child protection policy" as a prerequisite for receipt of government grants;
3. That all Australian jurisdictions be encouraged to create a legislated accreditation process for "out-of-home care" such as the NSW model being developed by the Office of the Children's Guardian; and
4. In relation to all other services for children and young people not already covered by an accreditation process, that the model being developed by the Australian Council for Children & Youth Organisations be examined by State and Territory Governments for its potential implementation.

Attached to this submission (as separate electronic files) are the standards and self-assessment reports used in the Council's pilot accreditation project. A full copy of Victoria University's independent evaluation of the pilot accreditation project is available upon request.

We again thank the Committee for the opportunity to make this submission. We would welcome the opportunity to further assist the Committee in its deliberations.

Yours sincerely,

Anton Hermann
Chief Executive