

Child Safe Organisations Bill 2024

Submission No:	16
Submitted by:	Create Foundation
Publication:	Making the submission and your name public
Attachments:	
Submitter Comments:	



creating a better life
for children and young
people in care

CREATE Foundation Submission on the Child Safe Organisations Bill 2024 – Community Support and Services Committee

July 2024

CREATE Foundation

A 15 Lever Street

Albion, QLD 4010

T 02 9267 1999

E advocacy@create.org.au



About CREATE Foundation

The CREATE Foundation is the national consumer peak body for children and young people with an out-of-home care experience. We represent the voices of over 45,000 children and young people currently in care, and those who have transitioned from care, up to the age of 25. Our vision is that all children and young people with a care experience reach their full potential. Our mission is to create a better life for children and young people in care.

To do this we:

- **CONNECT** children and young people to each other, CREATE and their community to
- **EMPOWER** children and young people to build self-confidence, self-esteem, and skills that enable them to have a voice and be heard to
- **CHANGE** the care system, in consultation with children and young people, through advocacy to improve policies, practices and services and increase community awareness.


We achieve our mission by facilitating a variety of programs and services for children and young people with a statutory care experience and developing policy and research to advocate for a better care system.

Introduction

The CREATE Foundation is pleased to submit our feedback to the Department of Child Safety, Seniors and Disability Services (DCSSDS) in relation to the policy objectives of the Child Safe Organisations Bill 2024 (the Bill). CREATE endorses the proposed Bill which includes recommendations from the 2017 final report of the Royal Commission into Institutional Responses to Child Sexual Abuse. This Bill aims to intervene and ensure vulnerable young people in care, experiencing abuse or who have experienced sexual abuse have access to adequate, trauma-informed support and agencies are accountable to the National Principles for Child Safe Organisations. For this submission, CREATE focuses on the voices and perspectives of young people, in care or with a lived experience of care. The Bill is consistent with CREATE's commitment to improving the safety and wellbeing of young people in Queensland.

Context

As of June 2022, over 46,200 children were in out-of-home care in Australia (AIHW, 2022), indicating a significant increase from previous years, driven by a 7.3% rise since 2017 (AIHW, 2022). Childhood sexual abuse typically occurs before the age of 15, with initial cases for women often happening between 5 to 9 years old, affecting 49% or 547,000 individuals (AIHW, 2023b). Younger children, notably those in this age group, are more likely to disclose abuse to their mothers. However, children in care, often under non-family supervision, face challenges in reporting abuse, increasing their vulnerability to prolonged harm (AIHW, 2023d). For adolescents aged 10 to 14, comprising 51% or 175,000 cases, initial abuse often occurs (AIHW, 2023d). In Queensland there were 9,651 in out-of-home care as of 2022 (Stevens et al., 2024). This number of children in care has increased to 11,679 as of 31 December 2023 (Queensland Government, 2023). Of these children, between 2021-22, 304 were the subject of substantiation of abuse in care, with 15.3% of that abuse being sexual (Australian Institute of Health and Welfare, 2023c).



Creating a mandate for organisations to adhere to National Principles of Child Safe Organisations embedded in the Bill and establishing a nationally consistent reportable conduct schemes (RCS) enhances child protection practices, ensuring independent oversight across sectors in responding to allegations of abuse across jurisdictions.

Young person-oriented practice

Many survivors of sexual abuse in foster care or residential care settings have reported incidents perpetrated by residents within the same home (Australian Government, 2024). Creating a youth-focused approach will aid in promoting safety and stability in residential care. Young people currently indicate that they feel other young people are more aware of this risk than carers:

“Young people know more about this stuff than the workers do.” (Female, Queensland, 21, 2024)

Therapeutic response and access

Establishing a youth-oriented approach to therapeutic responses is required to ensure developmentally and culturally appropriate interventions (Holden et al., 2020; van der Kolk, 2015). Currently, organisations struggle to effectively recognise, react to, and respond to child sexual abuse. Therapeutic interventions for children with sexual behaviours vary across Australian states and territories, employing disparate theoretical models and delivery methods that may not be child friendly. Many therapeutic services face resource inadequacies, unable to meet the demand for services and are often ill-equipped for the complexity of young people experiencing sexual behaviour or traumatic re-enactment (Holden et al., 2020; van der Kolk, 2015).

As supported by the Bill, incorporation of family and carers into therapeutic interventions will promote trust and facilitate healthy therapeutic responses. Additionally, this will help keep all parties accountable to their responsibility (Trubey et al., 2024). Identifying needs and providing appropriate support and interventions are paramount to safeguarding all children in care, particularly those in residential setting (Holden et al., 2020). This includes equipping carers and staff with the necessary information to support children effectively and assess potential risks to the safety of other children, including the child's siblings within the placement (Queensland Government, 2023). There is often a significant lack of supervision in child protection care arrangements, increasing opportunities for unsupervised interactions among children and limited access to parents and carers for protection (Newcomb, 2023).

Harmful Sexual behaviour

There is a widespread lack of knowledge, understanding, and consistent terminology regarding harmful or problematic sexual behaviour within care settings, along with inadequate organisational responses (Australian Government, 2017). The spectrum of harmful sexual behaviours varies significantly depending on children's backgrounds and circumstances. An individual response to behaviour is required (Australian Government, 2017). Adults across institutions have faced challenges in recognising, reacting to, and responding appropriately to incidents involving children displaying harmful sexual behaviours (Australian Government, 2017).

As noted in the Bill, early identification of children's harmful sexual behaviours is critical, particularly within contemporary out-of-home care environments where such behaviours are increasingly observed. Establishing a framework that encompasses primary and secondary prevention and intervention is essential to ensure all stakeholders have access to appropriate resources.

CREATE recommends:

CREATE Foundation Submission on the Child Safe Organisations Bill 2024

Page 3

- Therapeutic intervention for young people who have experienced sexual violence or who engage in problematic and harmful sexual behaviour should be prioritised to receive evidence-based, contemporary therapeutic modalities by qualified professionals. This should be individualised and tailored to a young person's circumstance, needs and behaviours.
- Involving children and young people in the strategic development, design, implementation and evaluation of initiatives for early intervention and support in relation to the implementation of the National Principles for Child Safe Organisations.
- Conducting research and evaluation in care-specific cases to build the evidence base for using best practices to prevent child sexual abuse in care settings and harmful or problematic sexual behaviours in children.
- As the Bill recommends, staff training that includes accounting for the difference between healthy and harmful sexual behaviours, and appropriate responses and supports for intervention.
- Implement the 'Power to Kids' or similar program in Queensland to support sexual safety of young people living in residential care settings. This program aims to provide children and youth workers with the skills to prevent child sexual abuse and exploitation through psychoeducation, communication skills and intervention strategies.
- As the Bill recommends, provide advice, guidelines and ongoing professional development for all foster and kinship/relative carers and residential care staff about preventing and responding to the harmful or problematic sexual behaviours.

Information Sharing

Implementation of National Principles for Child Safe Organisations as proposed in the Bill means that mechanisms for information sharing, record keeping, and data management are considered to ensure that young people are safeguarded in all care arrangements.

There is a pressing need for a unified national database to prevent individuals posing a risk to children's safety from being authorised as carers across different states or territories. Currently, regulatory frameworks and administrative practices for out-of-home care vary significantly between jurisdictions, resulting in inadequate coordination and information sharing (Australian Government: Department of Social Services, 2011). Establishing a national standard for information exchange would mitigate the risk of violence and abuse against children in cross-state care arrangements. Furthermore, such a database would increase transparency of information, history and assessments relevant to both carers and residential staff so that more informed decisions regarding placement of children could occur, particularly concerning instances of abuse. Young people have indicated that they feel there is a lack of consistency and communication in care departments:

"There is no stability and consistency with CSOs and other departments." (Young person, Queensland 18, 2023)

By establishing agreed-upon reporting measures and standardised definitions for child abuse, including robust data-sharing protocols, jurisdictions can effectively manage and respond to cases of abuse that occur within care settings (AIHW, 2022; Australian Government, 2017). This unified approach ensures that relevant data is recorded comprehensively and shared promptly among pertinent authorities, facilitating timely intervention and protection measures, safeguarding CREATES's goal of safety and stability of those in care.



Record Keeping

The recommendations from the Royal Commission into Institutional Responses to Child Sexual Abuse highlights significant gaps in the reporting and management of reports of abuse within care settings, often leading to delays, underreporting, or non-reporting altogether (Australian Government, 2017). Additionally, young individuals in care frequently report being uninformed about the processes surrounding their disclosures and lacking access to their own records, even when such access is granted, due to insufficient information provided:

"Nobody at the Department told my anything. I got all of my information from other kids at the resi." (Young Person, Queensland, 21, 2024)

We endorse the recommendation in the Bill of a minimum retention period of 45 years for records related to child sexual abuse, ensuring comprehensive and accurate documentation of reports and allegations. This is crucial to support children in care who may delay reporting abuse. By maintaining detailed records that document all incidents, responses, and decisions affecting child safety and wellbeing, including instances of sexual abuse, organisations can provide clarity and transparency. This approach not only assures children that their experiences are documented but safeguards children in alignment with the National Child Safe Principles.

Current processes for sharing information with children whose childhoods are documented in institutional records are unclear and often not known to children and young people. Young people are consistently frustrated by not knowing what information is held about them, whether this information informs care arrangements and understanding how their safety has been planned for by child protection departments and care agencies. This reflects the voices of young people who have expressed frustration over their lack of access to their own records.

"I don't get enough info from child safety about my life. There is not enough detail." (Young Person, Queensland 14, 2023)

Complaints

CREATE supports the recommendations for the Bill related to complaints. Implementing a complaints process aligned with the National Principles for Child Safe Organisations embedded in the Bill, will enable out-of-home care providers to adopt a clear, comprehensive and accessible framework for responding to complaints. A child-focused complaints process is crucial for empowering children and other stakeholders within institutions to voice concerns and ensure that their complaints are addressed promptly and appropriately (National Office for Child Safety, n.d; (Australian government, 2017). For children in care, this promotes their ability to assist in their own safety and have a better understanding of how to make complaints and the steps they can then take (National Office for Child Safety, n.d; (Australian government, 2017). This is supported by feedback young people have about not understanding the systems in place.

"I didn't understand anything they said." "I just nodded along but didn't really understand it. The way information was delivered was not ideal." (Young person, Queensland, 22, 2024)

Currently, organisations often ignore or downplay complaints, employing inadequate investigation standards that fail to effectively assess and manage risks to children's safety in their care (Australian Government, 2017; Australian Government 2024). Introducing a robust complaints process has the potential to reduce mishandling of complaints and minimise instances of ongoing child sexual abuse,



thereby enhancing the protection of children in care (Australian Government, 2017; Australian Government 2024).

Ultimately, implementing clear and transparent procedures for recordkeeping and access empowers children in care to be informed about their own safety and assertive about their circumstances, fostering a supportive environment where their rights and experiences are respected and upheld (Australian Government: Department of Social Services, 2011; Australian Government, 2017).

CREATE recommends:


- Establishment of a national registry detailing information related to carers, residential staff and others involved in care processes to enable information sharing across jurisdictions.
- That any registry created appropriately attends to cultural considerations for Aboriginal and Torres Strait Islander, culturally and linguistically diverse communities, and details the staff who are best suited to aiding those with disabilities. Regional and remote information should also be captured in the registry.
- Establish a framework where designated bodies can share information pertinent to children's safety, including details related to child sexual abuse, across all Australian jurisdictions through an integrated information exchange scheme.
- Co-design information sharing and record keeping processes with young people to elevate the experiences of young people in accessing information held about them.
- Child safe organisations should have in place a child-focused complaint handling system that is capable of being understood by children, staff, volunteers and families.
- We recommend that organisations have clear access to policies and procedures that set out how they should respond to complaints of child sexual abuse, that go beyond legal obligations, as recommended in the Bill, and promote the sensitivity and care that are required in these circumstances.

Workforce

Developing a standardised framework for children dealing with abuse is essential. Presently, there is a significant lack of clarity and inconsistent approaches in addressing these issues within care settings (Australian Government, 2017). Organisations frequently encounter difficulties in identifying, responding to, and effectively managing incidents of child sexual abuse. This is further intensified by diverse therapeutic practices across Australian states and territories, which employ varying service models and delivery methods that may not consistently prioritise child-friendly or culturally sensitive approaches (Australian Government, 2017).

"There is no stability and consistency." (Young Person, 18, Queensland, 2023)

There are inherent barriers to reporting abuse, including insufficient reporter training, education and guidance (Australian Government, 2017). Protections for reporters, particularly those residing in care settings, are inadequate (Australian Government, 2024). There is a critical need for reform in obligatory reporting models that extend beyond legal mandates for reporting abuse to child protection authorities. These measures are essential to enhance child protection and ensure the safety of children in care.



Additionally, effective policies and procedures must be standardised for all out-of-home care providers across jurisdictions. This will ensure that responses to child sexual abuse and harmful behaviours are consistent, comprehensive, and focused on child safety and wellbeing. By integrating these recommendations into a cohesive system, a robust framework can be established for therapeutic interventions that are responsive to the needs of children in care, particularly those who have experienced or are at risk of experiencing abuse. This approach not only enhances the safety and support available to vulnerable children but also ensures that all stakeholders are equipped to effectively address and mitigate risks within residential care settings, by ensuring institute specific support for the 84% were sexually abused by an adult (AIHW, 2023b).

CREATE recommends:

- Structuring a framework for provision of professional training and clinical supervision for carers, residential staff and professionals in the field to support the implementation of the Bill.
- Include all professionals engaging in child-related work, inclusive of unlicensed care services, to be subject to any reporting or training requirements.
- Ensuring there is consistent, reliable and sustainable processes for staff to seek help to understand how to support young people experiencing sexual behaviour, understanding the Bill and implementing the National Principles for Child Safe Organisations.
- Ensuring training is available for all individuals the Bill affects to support sufficient identification and reporting of abuse occurring within residential care.

Carers and abuse occurring in out-of-home care settings

Establishing a national register, as set out in the Bill, that incorporates comprehensive child safety measures necessitates mandatory authorisation processes for all foster and kinship/relative carers, as well as residential care staff. It is crucial to implement a mandated annual review of these measures to ensure ongoing compliance and effectiveness. Further, there is a critical need for a national standard that encompasses comprehensive training on child protection and trauma-informed practices related to abuse (AIHW, 2023b; Australian Government, 2017)). Such training is essential for equipping carers with the tools to address the needs of children in out-of-home care, including those with harmful sexual behaviours.

CREATE recommends:

- All out-of-home care service providers should conduct annual reviews of authorised carers that include interviews with all children in placements with the carer under review, as recommended in the Bill.
- All organisations that provide out-of-home care should develop strategies that increase the likelihood of safe and stable placements for children in care. This should be specifically included in the Bill.
- All training for carers and workers in out-of-home care should emphasise that their practice should take account of the different developmental needs of the children in their care and incorporate culturally safe measures. This should be incorporated into the Bill.



Conclusion

CREATE affirms the recommendations made in relation to the Bill and emphasises that children in residential care should be able to access a consistent, intensive therapeutic model of care designed to meet the complex needs of children with histories of abuse and trauma. Additionally, all residential care staff should be provided with regular training and professional supervision by appropriately qualified clinicians regarding child sexual abuse and harmful sexual behaviour.

Contact

Should you have any questions or require additional information, please contact Kathryn Burke, National Advocacy and Influencing Manager, CREATE foundation. E: [REDACTED]

References

- Australian government. (2017). *The Royal Commission into Institutional Responses to Child Sexual Abuse*. Australian Government.
https://www.childabuseroyalcommission.gov.au/sites/default/files/a_brief_guide_to_the_final_report.pdf
- Australian Government. (2024). *National Strategy to Prevent and Respond to Child Sexual Abuse 2021–2030*. Commonwealth of Australia, National Office for Child Safety, National Strategy to Prevent and Respond to Child Sexual Abuse 2021–2030.
<https://www.childsafety.gov.au/system/files/2024-04/national-strategy-to-prevent-and-respond-to-child-sexual-abuse-21-30.PDF>
- Australian Government: Department of Social Services. (2011). *An outline of National Standards for out-of-home care*.
https://www.dss.gov.au/sites/default/files/documents/pac_national_standard.pdf
- Australian Institute of Health and Welfare [AIHW]. (2021). *Child protection Australia 2019–20, Summary*. Australian Institute of Health and Welfare. [Child protection Australia 2019–20, Summary - Australian Institute of Health and Welfare \(aihw.gov.au\)](https://www.aihw.gov.au/child-protection-australia-2019-20-summary)
- Australian Institute of Health and Welfare [AIHW]. (2022). *Child protection Australia 2020–21, Summary*. Australian Institute of Health and Welfare. <https://www.aihw.gov.au/reports/child-protection/child-protection-australia-2020-21/contents/summary>
- Australian Institute of Health and Welfare [AIHW]. (2023a). *Children and young people*. Australian Institute of Health and Welfare. <https://www.aihw.gov.au/family-domestic-and-sexual-violence/population-groups/children-and-young-people>
- Australian Institute of Health and Welfare [AIHW]. (2023b). *Child sexual abuse*. Australian Institute of Health and Welfare; Australian Institute of Health and Welfare. <https://www.aihw.gov.au/family-domestic-and-sexual-violence/types-of-violence/child-sexual-abuse>
- Australian Institute of Health and Welfare. (2023c). *Safety of children in care 2020–21*. In AIHW. Australian Government. <https://www.aihw.gov.au/getmedia/c97fb571-8535-476b-a6a7-7975e143ac0b/safety-of-children-in-care-2020-21.pdf?v=20211126104920&inline=true>
- Australian Institute of Health and Welfare [AIHW]. (2023d). *Understanding family, domestic and sexual violence*. In AIHW. <https://www.aihw.gov.au/getmedia/7d96333c-2119-463c-a3e3-316bdce9892/aihw-fdsv-combined.pdf>
- Child Family Community Australia. (2018, September). *What is child abuse and neglect?*
- Crime and Misconduct Commission. (2004). *Protecting children: An inquiry into abuse of children in foster care - full report*. Crime and Misconduct Commission.
- CREATE Foundation Submission on the Child Safe Organisations Bill 2024

- 
- <https://www.ccc.qld.gov.au/sites/default/files/Docs/Public-Hearings/Abuse-of-children-in-foster-care/Protecting-children-An-inquiry-into-abuse-of-children-in-foster-care-Report-2004.pdf>
- Crime and Misconduct Commission. (2008). *How the criminal justice system Handles allegations of sexual abuse*. Crime and Misconduct Commission.
<https://www.ccc.qld.gov.au/sites/default/files/Docs/Public-Hearings/Sexual-offence-matters/How-the-criminal-justice-system-handles-allegations-of-sexual-abuse-Report-2008.pdf>
- Holden, M., Turnbull, A., Holden, J., Heresniak, R. Ruberti, M. & Saville, E. (2020). *Therapeutic Crisis Intervention* (7th ed.). Residential Child Care Project, Cornell University.
- National Office for Child Safety. (n.d.). *Child Safety: Speak up and make a complaint*.
<https://www.childsafety.gov.au/Resources/Speak-Up-Make-Complaint#:~:Text=The%20Royal%20Commission%E2%80%99s%20research%20affirmed%20the%20importance%20of,To%20make%20a%20complaint%20or%20raise%20a%20concern.;>
Australian Government .
- Newcomb, M. (2023, March 23). Our child protection system is clearly broken. Is it time to abolish it for a better model? *The Conversation*. <https://theconversation.com/our-child-protection-system-is-clearly-broken-is-it-time-to-abolish-it-for-a-better-model-200716>
- Quadara, A. (2017). *Framework for historical influences on institutional child sexual abuse: 1950–2014*. AIFS. https://aifs.gov.au/sites/default/files/2022-06/research_report_-_frameworks_for_historical_influences_on_institutional_child_sexual_abuse_-_causes.pdf
- Queensland Government. (2023, December 31). *Media handout Who do I contact MEDIA INFORMATION: 31 DECEMBER 2023 CHILD AND FAMILY PERFORMANCE STATISTICS*. Queensland Government: Our Performance. <https://performance.dcscs.qld.gov.au/our-performance/media-handouts-and-contacts/media-handout>
- Queensland Government. (2023, December 14). *Child Safety Practice Manual: Support a Child in care*. <https://cspm.csyw.qld.gov.au/kenticoimage.axd/media/79df2c57-d4a3-4fe2-8d85-3d5dc4192ed4/support-a-child-in-care-20231214.JPG?height=931&width=654&mode=crop&d=103326&hmac=d665edc90bb983f0a690f5e30733ed966981336297001f87e6d990498383d3d9>
- Stevens, E., Gahan, L., & Australian Institute of Family Studies and the Australian Human Rights Commission. (2024). *Improving the safety and wellbeing of vulnerable children: A consolidation of systemic recommendations and evidence*. In AIFS . The Australian Institute of Family Studies . <https://aifs.gov.au/sites/default/files/2024-06/RR-Improving-safety-wellbeing-vulnerable-children.pdf>
- Trubey, R., Evans, R., McDonald, S., Noyes, J., Robling, M., Willis, S., Boffey, M., Wooders, C., Vinnicombe, S., & Melendez-Torres, G. J. (2024). Effectiveness of Mental Health and Wellbeing Interventions for Children and Young People in Foster, Kinship, and Residential Care: Systematic Review and Meta-Analysis. *Trauma, Violence, & Abuse*, 0(0).
<https://doi.org/10.1177/15248380241227987>
- Van der Kolk, B. A. (2014). *The body keeps the score: Mind, brain and body in the transformation of trauma*. London, UK: Allen Lane.
- Wright, K., Swain, S., & McPhillips, K. (2017). The Australian Royal Commission into Institutional Responses to Child Sexual Abuse. *Child Abuse & Neglect*, 74, 1–9.
<https://doi.org/10.1016/j.chiabu.2017.09.031>