

FINAL REPORT

Making institutions child safe



Royal Commission
into Institutional Responses
to Child Sexual Abuse

VOLUME 6

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Volume 6

Making institutions
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Content warning

This volume contains information about child sexual abuse that may be distressing. We also wish to advise Aboriginal and Torres Strait Islander readers that information in this volume may have been provided by or refer to Aboriginal and Torres Strait Islander people who have died.

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Preface

The Royal Commission

The Letters Patent provided to the Royal Commission required that it ‘inquire into institutional responses to allegations and incidents of child sexual abuse and related matters’. In carrying out this task, the Royal Commission was directed to focus on systemic issues, be informed by an understanding of individual cases, and make findings and recommendations to better protect children against sexual abuse and alleviate the impact of abuse on children when it occurs. The Royal Commission did this by conducting public hearings, private sessions and a policy and research program.

Public hearings

A Royal Commission commonly does its work through public hearings. We were aware that sexual abuse of children has occurred in many institutions, all of which could be investigated in a public hearing. However, if the Royal Commission was to attempt that task, a great many resources would need to be applied over an indeterminate, but lengthy, period of time. For this reason the Commissioners accepted criteria by which Senior Counsel Assisting would identify appropriate matters for a public hearing and bring them forward as individual ‘case studies’.

The decision to conduct a case study was informed by whether or not the hearing would advance an understanding of systemic issues and provide an opportunity to learn from previous mistakes so that any findings and recommendations for future change the Royal Commission made would have a secure foundation. In some cases the relevance of the lessons to be learned will be confined to the institution the subject of the hearing. In other cases they will have relevance to many similar institutions in different parts of Australia.

Public hearings were also held to assist in understanding the extent of abuse that may have occurred in particular institutions or types of institutions. This enabled the Royal Commission to understand the ways in which various institutions were managed and how they responded to allegations of child sexual abuse. Where our investigations identified a significant concentration of abuse in one institution, the matter could be brought forward to a public hearing.

Public hearings were also held to tell the stories of some individuals, which assisted in a public understanding of the nature of sexual abuse, the circumstances in which it may occur and, most importantly, the devastating impact that it can have on people’s lives. Public hearings were open to the media and the public, and were live streamed on the Royal Commission’s website.

The Commissioners' findings from each hearing were generally set out in a case study report. Each report was submitted to the Governor-General and the governors and administrators of each state and territory and, where appropriate, tabled in the Australian Parliament and made publicly available. The Commissioners recommended some case study reports not be tabled at the time because of current or prospective criminal proceedings.

We also conducted some private hearings, which aided the Royal Commission's investigative processes.

Private sessions

When the Royal Commission was appointed, it was apparent to the Australian Government that many people (possibly thousands) would wish to tell us about their personal history of sexual abuse as a child in an institutional setting. As a result, the Australian Parliament amended the *Royal Commissions Act 1902* (Cth) to create a process called a 'private session'.

Each private session was conducted by one or two Commissioners and was an opportunity for a person to tell their story of abuse in a protected and supportive environment. Many accounts from these sessions are told in a de-identified form in this Final Report.

Written accounts allowed individuals who did not attend private sessions to share their experiences with Commissioners. The experiences of survivors described to us in written accounts have informed this Final Report in the same manner as those shared with us in private sessions.

We also decided to publish, with their consent, as many individual survivors' experiences as possible, as de-identified narratives drawn from private sessions and written accounts. These narratives are presented as accounts of events as told by survivors of child sexual abuse in institutions. We hope that by sharing them with the public they will contribute to a better understanding of the profound impact of child sexual abuse and may help to make our institutions as safe as possible for children in the future. The narratives are available as an online appendix to Volume 5, *Private sessions*.

We recognise that the information gathered in private sessions and from written accounts captures the accounts of survivors of child sexual abuse who were able to share their experiences in these ways. We do not know how well the experiences of these survivors reflect those of other victims and survivors of child sexual abuse who could not or did not attend a private session or provide a written account.

Policy and research

The Royal Commission had an extensive policy and research program that drew upon the findings made in public hearings and upon survivors' private sessions and written accounts, as well as generating new research evidence.

The Royal Commission used issues papers, roundtables and consultation papers to consult with government and non-government representatives, survivors, institutions, regulators, policy and other experts, academics, and survivor advocacy and support groups. The broader community had an opportunity to contribute to our consideration of systemic issues and our responses through our public consultation processes.

Community engagement

The community engagement component of the Royal Commission's inquiry ensured that people in all parts of Australia were offered the opportunity to articulate their experiences and views. It raised awareness of our work and allowed a broad range of people to engage with us.

We involved the general community in our work in several ways. We held public forums and private meetings with survivor groups, institutions, community organisations and service providers. We met with children and young people, people with disability and their advocates, and people from culturally and linguistically diverse communities. We also engaged with Aboriginal and Torres Strait Islander peoples in many parts of Australia, and with regional and remote communities.

Diversity and vulnerability

We heard from a wide range of people throughout the inquiry. The victims and survivors who came forward were from diverse backgrounds and had many different experiences. Factors such as gender, age, education, culture, sexuality or disability had affected their vulnerability and the institutional responses to the abuse. Certain types of institutional cultures and settings created heightened risks, and some children's lives brought them into contact with these institutions more than others.

While not inevitably more vulnerable to child sexual abuse, we heard that Aboriginal and Torres Strait Islander children, children with disability and children from culturally and linguistically diverse backgrounds were more likely to encounter circumstances that increased their risk of abuse in institutions, reduced their ability to disclose or report abuse and, if they did disclose or report, reduced their chances of receiving an adequate response.

We examined key concerns related to disability, cultural diversity and the unique context of Aboriginal and Torres Strait Islander experience, as part of our broader effort to understand what informs best practice institutional responses. We included discussion about these and other issues of heightened vulnerability in every volume. Volume 5, *Private sessions* outlines what we heard in private sessions from these specific populations.

Our interim and other reports

On 30 June 2014, in line with our Terms of Reference, we submitted a two-volume interim report of the results of the inquiry. Volume 1 described the work we had done, the issues we were examining and the work we still needed to do. Volume 2 contained a representative sample of 150 de-identified personal stories from people who had shared their experiences at a private session.

Early in the inquiry it became apparent that some issues should be reported on before the inquiry was complete to give survivors and institutions more certainty on these issues and enable governments and institutions to implement our recommendations as soon as possible. Consequently, we submitted the following reports:

- *Working With Children Checks* (August 2015)
- *Redress and civil litigation* (September 2015)
- *Criminal justice* (August 2017)

Definition of terms

The inappropriate use of words to describe child sexual abuse and the people who experience the abuse can have silencing, stigmatising and other harmful effects. Conversely, the appropriate use of words can empower and educate.

For these reasons, we have taken care with the words used in this report. Some key terms used in this volume are set out in Chapter 1, 'Introduction' and in the Final Report Glossary, in Volume 1, *Our inquiry*.

Naming conventions

To protect the identity of victims and survivors and their supporters who participated in private sessions, pseudonyms are used. These pseudonyms are indicated by the use of single inverted commas, for example, ‘Roy’.

As in our case study reports, the identities of some witnesses before public hearings and other persons referred to in the proceedings are protected through the use of assigned initials, for example, BZW.

Structure of the Final Report

The Final Report of the Royal Commission into Institutional Responses to Child Sexual Abuse consists of 17 volumes and an executive summary. To meet the needs of readers with specific interests, each volume can be read in isolation. The volumes contain cross references to enable readers to understand individual volumes in the context of the whole report.

In the Final Report:

The **Executive Summary** summarises the entire report and provides a full list of recommendations.

Volume 1, *Our inquiry* introduces the Final Report, describing the establishment, scope and operations of the Royal Commission.

Volume 2, *Nature and cause* details the nature and cause of child sexual abuse in institutional contexts. It also describes what is known about the extent of child sexual abuse and the limitations of existing studies. The volume discusses factors that affect the risk of child sexual abuse in institutions and the legal and political changes that have influenced how children have interacted with institutions over time.

Volume 3, *Impacts* details the impacts of child sexual abuse in institutional contexts. The volume discusses how impacts can extend beyond survivors, to family members, friends, and whole communities. The volume also outlines the impacts of institutional responses to child sexual abuse.

Volume 4, *Identifying and disclosing child sexual abuse* describes what we have learned about survivors’ experiences of disclosing child sexual abuse and about the factors that affect a victim’s decision whether to disclose, when to disclose and who to tell.

Volume 5, *Private sessions* provides an analysis of survivors' experiences of child sexual abuse as told to Commissioners during private sessions, structured around four key themes: experiences of abuse; circumstances at the time of the abuse; experiences of disclosure; and impact on wellbeing. It also describes the private sessions model, including how we adapted it to meet the needs of diverse and vulnerable groups.

Volume 6, *Making institutions child safe* looks at the role community prevention could play in making communities and institutions child safe, the child safe standards that will make institutions safer for children, and how regulatory oversight and practice could be improved to facilitate the implementation of these standards in institutions. It also examines how to prevent and respond to online sexual abuse in institutions in order to create child safe online environments.

Volume 7, *Improving institutional responding and reporting* examines the reporting of child sexual abuse to external government authorities by institutions and their staff and volunteers, and how institutions have responded to complaints of child sexual abuse. It outlines guidance for how institutions should handle complaints, and the need for independent oversight of complaint handling by institutions.

Volume 8, *Recordkeeping and information sharing* examines records and recordkeeping by institutions that care for or provide services to children; and information sharing between institutions with responsibilities for children's safety and wellbeing and between those institutions and relevant professionals. It makes recommendations to improve records and recordkeeping practices within institutions and information sharing between key agencies and institutions.

Volume 9, *Advocacy, support and therapeutic treatment services* examines what we learned about the advocacy and support and therapeutic treatment service needs of victims and survivors of child sexual abuse in institutional contexts, and outlines recommendations for improving service systems to better respond to those needs and assist survivors towards recovery.

Volume 10, *Children with harmful sexual behaviours* examines what we learned about institutional responses to children with harmful sexual behaviours. It discusses the nature and extent of these behaviours and the factors that may contribute to children sexually abusing other children. The volume then outlines how governments and institutions should improve their responses and makes recommendations about improving prevention and increasing the range of interventions available for children with harmful sexual behaviours.

Volume 11, *Historical residential institutions* examines what we learned about survivors' experiences of, and institutional responses to, child sexual abuse in residential institutions such as children's homes, missions, reformatories and hospitals during the period spanning post-World War II to 1990.

Volume 12, *Contemporary out-of-home care* examines what we learned about institutional responses to child sexual abuse in contemporary out-of-home care. The volume examines the nature and adequacy of institutional responses and draws out common failings. It makes recommendations to prevent child sexual abuse from occurring in out-of-home care and, where it does occur, to help ensure effective responses.

Volume 13, *Schools* examines what we learned about institutional responses to child sexual abuse in schools. The volume examines the nature and adequacy of institutional responses and draws out the contributing factors to child sexual abuse in schools. It makes recommendations to prevent child sexual abuse from occurring in schools and, where it does occur, to help ensure effective responses to that abuse.

Volume 14, *Sport, recreation, arts, culture, community and hobby groups* examines what we learned about institutional responses to child sexual abuse in sport and recreation contexts. The volume examines the nature and adequacy of institutional responses and draws out common failings. It makes recommendations to prevent child sexual abuse from occurring in sport and recreation and, where it does occur, to help ensure effective responses.

Volume 15, *Contemporary detention environments* examines what we learned about institutional responses to child sexual abuse in contemporary detention environments, focusing on youth detention and immigration detention. It recognises that children are generally safer in community settings than in closed detention. It also makes recommendations to prevent child sexual abuse from occurring in detention environments and, where it does occur, to help ensure effective responses.

Volume 16, *Religious institutions* examines what we learned about institutional responses to child sexual abuse in religious institutions. The volume discusses the nature and extent of child sexual abuse in religious institutions, the impacts of this abuse, and survivors' experiences of disclosing it. The volume examines the nature and adequacy of institutional responses to child sexual abuse in religious institutions, and draws out common factors contributing to the abuse and common failings in institutional responses. It makes recommendations to prevent child sexual abuse from occurring in religious institutions and, where it does occur, to help ensure effective responses.

Volume 17, *Beyond the Royal Commission* describes the impacts and legacy of the Royal Commission and discusses monitoring and reporting on the implementation of our recommendations.

Unless otherwise indicated, this Final Report is based on laws, policies and information current as at 30 June 2017. Private sessions quantitative information is current as at 31 May 2017.

Summary

This volume examines the role that community prevention can play in making institutions child safe. It discusses the Royal Commission's proposed Child Safe Standards which aim to make institutions safer for children, and the way that regulatory oversight and practice should be improved to facilitate the implementation of the Child Safe Standards in institutions. It addresses the emerging issue for institutions of creating online environments that are child safe.

Through our case studies and in private sessions, we heard many stories where institutions failed to protect children in their care from sexual abuse. What we heard showed that child sexual abuse in institutions continues today and is not just a problem from the past. We learned that institutional cultures and practices that allowed abuse to occur and inhibited detection and response continue to exist in contemporary institutions. Children's safety and best interests must be at the core of an institution's operations, and be supported by a well-informed community.

The initiatives recommended in this volume aim to achieve cultural change in the community and institutions to ensure that children are valued, their rights are respected and their best interests are paramount. This involves creating an environment where institutional child sexual abuse could be better prevented, identified, reported and responded to.

Creating child safe communities through prevention

For institutions to be safe for children, the communities in which the institutions are located need to be safe for children. A focus on all Australian communities is needed to address child sexual abuse wherever it occurs. The whole nation can contribute to change.

Our work has shown that there are misperceptions, attitudes, beliefs and behaviour in all Australian communities that can enable, encourage or normalise sexually abusive behaviour towards children. Such attitudes and misunderstandings can discourage victims from disclosing abuse or seeking help.

A well-informed and proactive community could help to create an environment that is hostile to child sexual abuse. This could make it harder for people to groom and abuse children, increasing the likelihood of grooming behaviour and abuse being identified and reported, and making it easier for victims to disclose abuse. Such communities could increase pressure on institutions to create environments for children that are safe.

Child safe institutions need child safe communities

Institutions interact with children across a broad range of sectors and activities, such as schools, sport and recreation clubs, support services and childcare centres. These institutions are part of the fabric of our daily lives and reflect community priorities, needs and values. Making such institutions safe for children requires making *communities* safe – places where every child is valued, and where their rights to safety and wellbeing are respected and upheld.

Well-designed and appropriately tailored prevention initiatives could help to mobilise all community members to be agents of change. Through building knowledge and capacity, parents, volunteers, professionals and others could become better equipped to recognise and counter problematic attitudes and behaviour that put children at risk, and know how to respond to warning signs and indicators.

Community-based prevention initiatives are part of a comprehensive response to building a strong, preventive system for creating child safe organisations. These could be delivered concurrently with changes to policies and procedures, training in institutions and legislative reforms.

How the community needs to change

To develop community-based prevention initiatives, it is important to understand the characteristics of communities that enable child sexual abuse to occur in institutions.

Our work has shown that members of the community lack understanding of the nature of child sexual abuse, including the characteristics of adult perpetrators, grooming practices, and risks to children in both physical and online environments. Harmful sexual behaviours in children are also not well understood.

Further, we have heard that problematic community attitudes and behaviour can contribute to child sexual abuse, and to its effects on children being overlooked, minimised, denied, or even tolerated and perpetuated. Social taboos and stigmatisation also create barriers to seeking help when concerns are raised.

The public health approach to community prevention

We recommend that the Australian Government oversee the development and implementation of a national strategy to prevent child sexual abuse (see Recommendation 6.1). This strategy should apply a public health approach to the prevention of child sexual abuse.

Also known as the population health approach, the public health approach is used when a preventable problem is widespread, serious and associated with severe long-term effects on individuals and communities. This approach was originally designed for disease prevention, but has been modified to address other complex problems relating to social behaviour. The model is well established and has been applied to child sexual abuse, both in Australia and overseas.

Community initiatives for preventing child sexual abuse

We have concluded that the objectives of community prevention initiatives should be to:

- increase awareness and knowledge about child sexual abuse, both inside and outside of institutional contexts
- counter problematic attitudes and practices that increase risks to children
- strengthen the community's capacity to respond effectively, and remove social barriers to seeking help and disclosing abuse.

This involves building on the strengths in communities that can help to keep children safe.

Initiatives must reach and involve all communities at all levels, including leaders, families, workers and children themselves. They must be delivered in accessible ways for different cultural contexts, languages and religious settings. They must also take account of barriers to participation, such as individual impairments and community attitudes towards disability, culture and ethnicity.

Our recommended national strategy should encompass a number of complementary initiatives that could contribute to change in communities (see Recommendation 6.2), including:

- social marketing campaigns for all communities
- prevention education through early childhood centres, schools and other institutional settings for children and parents
- online safety education for children and young people, and their parents and carers
- prevention education for tertiary students intending to work in child-related occupations
- help-seeking services for potential perpetrators
- information and help-seeking services for bystanders (family members and other community members) who are concerned that an adult they know may perpetrate child sexual abuse or that a child may be at risk of harmful sexual behaviours.

Several considerations are common to the design and implementation of the community prevention initiatives (see Recommendation 6.3). These are to:

- build on and learn from evidence-based strategies for preventing violence against adults and children, and for addressing other forms of child abuse and bullying
- tailor and target initiatives to reach, engage and provide access to all communities, ensuring accessible and inclusive approaches
- involve children and young people in the development, design, implementation and evaluation of all initiatives
- use research and evaluation to build the evidence base for best practices to prevent child sexual abuse and harmful sexual behaviours in children, and to guide the development and refinement of interventions, including the piloting and testing of initiatives.

What makes institutions safer for children

We examined the elements that define a child safe institution, noted the reasons that institutions fail, and considered what standards could be applied to make them safer places for children. From this work we identified 10 Child Safe Standards that we believe would contribute most effectively to improve the safety of children in institutions.

Defining a child safe institution

Child safe institutions create cultures, adopt strategies and take action to prevent harm to children, including child sexual abuse. We have adopted a definition of a child safe institution as one that consciously and systematically creates conditions that reduce the likelihood of harm to children, creates conditions that increase the likelihood of identifying and reporting harm, and responds appropriately to disclosures, allegations or suspicions of harm.

Developing the Child Safe Standards

We have developed Child Safe Standards that articulate the essential standards of a child safe institution (see Recommendations 6.5). The Child Safe Standards can guide what institutions need to do to be child safe by setting best practice to drive and guide performance.

The 10 standards that would make institutions safer for children are:

- Standard 1: Child safety is embedded in institutional leadership, governance and culture
- Standard 2: Children participate in decisions affecting them and are taken seriously
- Standard 3: Families and communities are informed and involved
- Standard 4: Equity is upheld and diverse needs are taken into account
- Standard 5: People working with children are suitable and supported
- Standard 6: Processes to respond to complaints of child sexual abuse are child focused
- Standard 7: Staff are equipped with the knowledge, skills and awareness to keep children safe through continual education and training
- Standard 8: Physical and online environments minimise the opportunity for abuse to occur
- Standard 9: Implementation of the Child Safe Standards is continuously reviewed and improved
- Standard 10: Policies and procedures document how the institution is child safe.

We have also identified the core components of each Child Safe Standard as guidance for institutions in implementing the standards (see Recommendation 6.6).

Understanding the Child Safe Standards

Our work on child safe institutions has been underpinned by the United Nations Convention on the Rights of the Child. Consistent with Article 3 of the convention, all institutions should act with the best interests of the child as a primary consideration (see Recommendation 6.4).

The Child Safe Standards are a benchmark against which institutions can assess their child safe capacity and set performance targets. The standards work together to articulate what makes a child safe institution. All the standards are of equal importance and are interrelated. They should be read holistically, not in isolation, as there are necessary overlaps. Standards can cut across, or be relevant to, other standards.

The standards are designed to be principle-based and focused on outcomes and changing institutional culture as opposed to setting prescriptive rules that must be followed or specific initiatives that must be implemented. This is to enable the standards to be applied to, and implemented by, institutions in a flexible way, informed by each institution's nature and characteristics. The risk of child sexual abuse varies from institution to institution. Therefore, every institution needs to consider each standard and take time to identify risks that may arise in their context, and find ways to mitigate or manage those risks.

The standards are intended to be dynamic and responsive rather than static and definitive, and would be subject to review.

Improving child safe approaches

Protecting children and promoting their safety is everyone's business. It is a national priority that requires a national solution. Everyone – the Australian Government and state and territory governments, sectors and institutions, and communities, families and individuals – has a role to play to better protect children in institutions.

While we heard about child sexual abuse in institutions that spanned the past 90 years, it is not a problem from the past. Child sexual abuse in institutions continues today. Through our private sessions and public hearings, we heard about abuse that occurred in the last 10 to 15 years in a range of institutions, such as schools, foster and kinship care, respite care, health and allied services, performing arts institutions, childcare centres and youth groups. We also learned that institutional cultures and practices that allow abuse to occur and inhibit detection and response continue to exist in contemporary institutions.

The Royal Commission has developed a national solution to better protect children in institutions. We have determined what could make institutions safer for children, and how institutions could be required and supported to be child safe. The approach is proportional to the risk of harm and the characteristics of different institutions.

Children's safety and their best interests must be at the core of all child-related institutions' operation and purpose. Many institutions that we inquired into did not have a culture where the best interests of children were a priority and were championed by leaders. We heard in our case studies that some leaders did not take responsibility for their institution's failure to protect children against sexual abuse. Some leaders felt their primary responsibility was to protect the institution's reputation, and the person accused or other adults involved, without recognising the impact this had on the children. Poor practices, such as inadequate governance structures, failing to record and report complaints, or understating the seriousness of complaints, were evident in our case studies.

A lack of understanding of child sexual abuse in institutional settings continues, particularly misperceptions about child sex offenders. There is also a lack of understanding about grooming behaviours. People have tended to believe adults over children, and to be afraid of falsely accusing someone of child sexual abuse for fear of retaliation. Our case studies and research reveal many examples where abuse was reported but the perpetrators denied the abuse and were believed over the child. All these factors contributed to the abuse of children and poor responses by institutions to that abuse.

We considered options for driving cultural change and practice in valuing children, respecting their rights and promoting a child safe environment, and thus keeping children safe in institutions and the broader community. Supporting cultural change through leadership and capacity building should be a key focus of implementing the Child Safe Standards. Government should invest in supporting and building the capacity of institutions to become child safe by partnering with sector regulators, peak bodies, sector leaders and other bodies to better support institutions.

We believe that improving child safe approaches in institutions will ultimately reduce the risk of institutional child sexual abuse. Valuing children and their rights is the foundation of all child safe institutions. By promoting the best interests of children as a primary consideration, we believe institutions will better prevent, identify and respond to child sexual abuse and other forms of abuse, and create an environment where the community, parents and children can expect and demand institutions to be child safe.

Current child safe approaches

Since the concept of a child safe institution first emerged in Australia, about a decade ago, a range of child safe institution frameworks have been developed. Some are nationally agreed, others are state or territory based, or apply only to specific sectors. Some approaches are mandatory and others voluntary.

Need for an improved national approach

Despite significant work to improve the safety of children in institutions across Australia, current approaches to child safety in institutions at the national, state and territory, and sector levels vary in scope and content. The differences create unequal and inadequate protection of children in institutions, as well as inefficiencies, additional costs and burdens.

Overwhelming support has been expressed for a national approach to child safe institutions. The benefits of a national approach are many. National consistency, based on the best available evidence, leadership and coordination, is needed to better protect children from harm in institutions.

Our proposed Child Safe Standards should be the foundation of a nationally consistent approach to children's safety in institutions. The standards should be agreed to by the Council of Australian Governments (Recommendation 6.7).

All institutions should strive to be child safe. The national Child Safe Standards should be mandatory for institutions that engage in child-related work and should be embedded in legislation (see Recommendations 6.8, 6.9 and 6.13).

The implementation of mandatory Child Safe Standards would make it clear that child safety in institutions that engage in child-related work is not optional and would thus drive cultural change.

Improving regulatory oversight and practice

Well-designed Child Safe Standards will be effective only if they are implemented and regulated in a way that considers the diversity of institutions implementing the standards. Governments must strike the right balance between ensuring that Child Safe Standards are implemented effectively and that institutions are not overly burdened by the weight of compliance. Government oversight should aim to achieve better safety for children while minimising costs for institutions.

State and territory regulation and oversight for the protection of children in institutions varies in scope and context. Current child safe approaches are neither consistent nor coordinated in how they deal with institutional child sexual abuse. An important part of creating our national solution to improve child safe approaches is to outline a consistent way for state and territory governments to improve regulation and oversight of the Child Safe Standards through monitoring and enforcement, and capacity building and support.

An independent oversight body in each state and territory should be responsible for monitoring and enforcing the Child Safe Standards (see Recommendations 6.10 and 6.11). Governments might enhance the roles of existing children's commissioners or guardians for this purpose.

The oversight body should be able to delegate functions to sector regulators, such as school registration authorities, to capitalise on existing regulatory regimes. The standards should be incorporated into existing regulatory or legislative frameworks where possible. For example, the proposed National Disability Insurance Scheme (NDIS) Quality and Safeguards Commission would need to consider the appropriate means to incorporate the Child Safe Standards into the NDIS Quality and Safeguarding Framework, and include education about the standards as part of its capacity-building role for NDIS providers. The Quality and Safeguards Commission could work collaboratively with state and territory oversight bodies responsible for monitoring and enforcing the Child Safe Standards to appropriately facilitate compliance with the Quality and Safeguarding Framework and the Child Safe Standards in NDIS-funded services and support.

When enforcing the Child Safe Standards, regulators should take a responsive approach and focus on building the capacity of institutions to be child safe. This approach would encourage compliance and reduce the regulatory burden on institutions.

The independent state and territory oversight body should work with local governments, sectors, non-government organisations and the community to enable them to provide capacity building and support to institutions. This work should focus on building the culture of an institution to be child safe, and on helping institutions to know and understand the Child Safe Standards.

Some jurisdictions and sectors have developed child safe resources and initiatives. Fragmented and inconsistent approaches by jurisdictions have led to inefficiencies, duplication, and additional costs and burdens. There is currently no authoritative, central source of child safe, capacity-building resources that are quality assured and evidence based. A centralised approach to capacity building and support could minimise the burden on institutions and work to eliminate duplication and fragmentation. A national role could facilitate collaboration across sectors and jurisdictions.

We believe government and institutional investment to prevent institutional child sexual abuse is justified. The impact of institutions' child sexual abuse often has lifelong repercussions and can have significant social and economic consequences on victims and survivors, their family, friends and the community. Significant social and economic costs of institutional child sexual abuse include costs related to healthcare, lost earnings and tax revenue, increased need for welfare and child protection, the criminal justice system, and crime.

The safety of children in institutions is everyone's responsibility. Promoting the value of children and empowering families to understand child safety can influence institutions in the community. Institutions or frameworks that do not directly engage with children or child-related issues, such as workplace health and safety schemes, government and non-government procurement practices, local governments (see Recommendation 6.12) and insurance companies, also have a role in creating safety for children. Our recommendations in our *Criminal justice* report about the civil and criminal liability of institutions would also influence the behaviour of institutions.

National leadership, coordination and continuous improvement

The need for a nationally consistent approach to children's safety in institutions across Australia is clear. Only national leadership, coordination and continuous improvement can drive the effective implementation of interventions to better protect children, and maximise collaboration and the efficient use of resources across jurisdictions.

A national approach would also facilitate the integration of child safe initiatives with other national strategies aimed at protecting children, including the National Plan to Reduce Violence against Women and their Children 2010–2022 and the National Disability Strategy 2010–2020.

The National Framework for Protecting Australia’s Children 2009–2020 has promoted the national importance of child safety, and fostered collaboration and cooperation across governments and non-government organisations. There appear to be limitations in the current arrangements under the National Framework for Protecting Australia’s Children, for example the Framework’s governance, funding, focus on child protection stakeholders, research agenda and transparency.

We believe:

- the Australian Government is best placed to drive national consistency, collaboration and continuous improvement (see Recommendation 6.14)
- evaluation and review of implementation and outcomes are necessary to improve child safe strategies
- there should be a national role to evaluate, review and publicly report on the implementation of the Child Safe Standards and recommend improvements.

The Australian Government should develop a National Framework for Child Safety that is endorsed and governed by the Council of Australian Governments (COAG) to supersede the existing National Framework for Protecting Australia’s Children, which expires in 2020 (see Recommendation 6.15). The National Framework for Child Safety should commit governments to implementing long-term child safety initiatives and hold them to account. It should specifically include institutional child sexual abuse as well as broader child safety issues, and include links to other related policy frameworks. The government should commit adequate long-term funding to initiatives in the National Framework for Child Safety.

The Australian Government should establish a National Office for Child Safety in the Department of the Prime Minister and Cabinet, to provide a response to the implementation of the Child Safe Standards nationally, and to develop and lead the proposed National Framework for Child Safety (see Recommendations 6.16 and 6.17). The Australian Government should transition the National Office for Child Safety into an Australian Government statutory body within 18 months of this Royal Commission’s Final Report being tabled in the Australian Parliament. Establishment by legislation would give the office longevity, accountability, appropriate governance arrangements, and sufficient powers and resources to perform its functions.

An Australian Government minister should be given portfolio responsibility for national leadership of children’s policy issues, including child safety (see Recommendation 6.18). Creation of a ministerial portfolio would cement child safety as a national priority. The portfolio should include responsibility for the implementation and effectiveness of the National Framework for Child Safety and its associated initiatives.

A phased approach going forward

The implementation of our recommendations for improving child safe approaches should be a priority for governments. Our recommended changes are significant and will affect a large number of institutions. Implementation should begin immediately, with a phased approach.

Phased implementation is preferred to:

- emphasise the long-term cultural change needed
- allow time for institutions to build their capacity to comply with the Child Safe Standards, recognising that sectors vary in readiness to comply
- allow time for regulatory bodies and governments to build their own capacity to implement the changes and carry out new functions, as jurisdictions vary in readiness to implement.

Preventing and responding to online child sexual abuse in institutions

Ensuring children are safe online is a growing area of concern in communities and institutions. While most accounts of child sexual abuse in institutions that we heard predate the availability of digital technology, its use is an emerging theme in more contemporary accounts. Addressing these online risks is a critical aspect of creating child safe environments for institutions.

For young people, the boundaries between online and offline interactions are becoming increasingly arbitrary and invisible. We acknowledge that access to digital media is an essential component of children's rights and that most online interactions for children are positive and support their social development, relationships and education. However, the nature of the online environment and the rapidly evolving ways in which it is being used create risks that need to be identified, considered and minimised to better protect children from harm. A balanced approach is needed that acknowledges the positive role played by online technologies in young people's lives and their advanced digital skills and fluency online.

The importance of creating child safe online environments for children is reflected in our proposed Child Safe Standard 8: Physical and online environments minimise the opportunity for abuse to occur. This relates to how institutions can minimise the opportunity for abuse to occur as a result of children's online activity, and to respond effectively when incidents do occur.

To help meet Child Safe Standard 8, institutions require more support. The Australian Government's Office of the eSafety Commissioner, which was established in July 2015 as an independent statutory office, has a national leadership role in the online safety of children, and would be best placed to lead this work.

We have concluded that effective responses to online child safety could only result from a highly coordinated and collaborative approach that involved a range of agencies and a number of key components. A useful way to think about these key components is as ‘the four e’s’: education, engineering, enforcement and engagement.

Risks of child sexual abuse in an online environment

To address online child sexual abuse or harmful sexual behaviours by children, we considered the following issues:

- the use of online communications for grooming purposes by adult perpetrators
- the use of digital technologies and platforms to produce, distribute, broadcast and traffic child exploitation materials, including images, video and live-streaming of sexual abuse of children
- image-based abuse, including non-consensual sharing or publishing of sexual images of children for blackmail, humiliation, payback or trafficking purposes.

Further, as an area for future consideration, we note the impacts that have been associated with children’s increasing exposure to online pornography.

There is some indication that children who are vulnerable to harm online are often already at risk offline. In such instances, digital media tends to serve as a tool to facilitate or aggravate an existing problem.

Challenges for effective prevention of and response to online child sexual abuse

A considerable number of existing initiatives, mechanisms and areas of legislation in Australia could be built on to support children’s online safety. However, we heard that despite these considerable efforts, challenges remain for the effective prevention of, and coordinated responses to, online child sexual abuse, as technologies rapidly change and online behaviours evolve. These include:

- the need for more comprehensive and relevant online safety education to be delivered to all children and parents
- the lack of effective policies, procedures and practices to ensure children’s online safety in institutions
- the need for effective, coordinated and proportional responses to online incidents that occur in institutions
- the need to increase national capability across agencies, including law enforcement, to deal with complex technological challenges and share effective responses.

Opportunities for effective prevention and response to online child sexual abuse

We have concluded that there are opportunities for strengthening children's safety online and improving responses to online child sexual abuse. These should build on the considerable work that is underway in Australia, and on existing mechanisms, frameworks, programs and resources.

Online safety is a rapidly evolving and dynamic area of activity. Our recommendations in Chapter 5 reflect this, as well as the need for a combination of flexible, ongoing, nationally coordinated measures.

Importantly, this work should be led by and build on the work of the Office of the eSafety Commissioner, acknowledging the Australian Government's overarching responsibilities under the *Enhancing Online Safety for Children Act 2015*.

We conclude that key opportunities to strengthen children's safety online and improve responses to online child sexual abuse include:

- a nationally consistent approach to online safety education embedded in school curricula, starting from an early age and staged appropriately from Foundation year to Year 12. Vulnerable children who may not access formal school education programs should be engaged through targeted responses (see Recommendation 6.19)
- national online safety education aimed at parents and other community members to better support children's safety online (see Recommendation 6.20)
- pre-service education and in-service staff training to support child-related institutions in creating safe online environments (see Recommendation 6.21)
- an e-safety framework and resources to support schools in creating child safe online environments, which includes strengthening institutional policies and procedures, and implementing codes of conduct (see Recommendation 6.22)
- centralised mechanisms within state and territory departments of education to support schools in managing responses when online incidents occur and ensuring the appropriate level of escalation of issues to relevant agencies (see Recommendation 6.23)
- building national capacity and collaboration to deal with the complexities of the evolving online environment (see Recommendation 6.24).

Recommendations

The following is a list of the recommendations made in this volume.

Creating child safe communities through prevention (Chapter 2)

Recommendation 6.1

The Australian Government should establish a mechanism to oversee the development and implementation of a national strategy to prevent child sexual abuse. This work should be undertaken by the proposed National Office for Child Safety (see Recommendations 6.16 and 6.17 in Chapter 4) and be included in the National Framework for Child Safety (see Recommendation 6.15 in Chapter 4).

Recommendation 6.2

The national strategy to prevent child sexual abuse should encompass the following complementary initiatives:

- a. social marketing campaigns to raise general community awareness and increase knowledge of child sexual abuse, to change problematic attitudes and behaviour relating to such abuse, and to promote and direct people to related prevention initiatives, information and help-seeking services
- b. prevention education delivered through preschool, school and other community institutional settings that aims to increase children's knowledge of child sexual abuse and build practical skills to assist in strengthening self-protective skills and strategies. The education should be integrated into existing school curricula and link with related areas such as respectful relationships education and sexuality education. It should be mandatory for all preschools and schools
- c. prevention education for parents delivered through day care, preschool, school, sport and recreational settings, and other institutional and community settings. The education should aim to increase knowledge of child sexual abuse and its impacts, and build skills to help reduce the risks of child sexual abuse
- d. online safety education for children, delivered via schools. Ministers for Education, through the Council of Australian Governments, should establish a nationally consistent curriculum for online safety education in schools. The Office of the eSafety Commissioner should be consulted on the design of the curriculum and contribute to the development of course content and approaches to delivery (see Recommendation 6.19 in Chapter 5)
- e. online safety education for parents and other community members to better support children's safety online. Building on their current work, the Office of the eSafety Commissioner should oversee the delivery of this education nationally (see Recommendation 6.20 in Chapter 5)

- f. prevention education for tertiary students studying university, technical and further education, and vocational education and training courses before entering child-related occupations. This should aim to increase awareness and understanding of the prevention of child sexual abuse and potentially harmful sexual behaviours in children
- g. information and help-seeking services to support people who are concerned they may be at risk of sexually abusing children. The design of these services should be informed by the Stop It Now! model implemented in Ireland and the United Kingdom
- h. information and help seeking services for parents and other members of the community concerned that:
 - i. an adult they know may be at risk of perpetrating child sexual abuse
 - ii. a child or young person they know may be at risk of sexual abuse or harm
 - iii. a child they know may be displaying harmful sexual behaviours.

Recommendation 6.3

The design and implementation of these initiatives should consider:

- a. aligning with and linking to national strategies for preventing violence against adults and children, and strategies for addressing other forms of child maltreatment
- b. tailoring and targeting initiatives to reach, engage and provide access to all communities, including children, Aboriginal and Torres Strait Islander communities, culturally and linguistically diverse communities, people with disability, and regional and remote communities
- c. involving children and young people in the strategic development, design, implementation and evaluation of initiatives
- d. using research and evaluation to:
 - i. build the evidence base for using best practices to prevent child sexual abuse and harmful sexual behaviours in children
 - ii. guide the development and refinement of interventions, including the piloting and testing of initiatives before they are implemented.

What makes institutions safer for children (Chapter 3)

Recommendation 6.4

All institutions should uphold the rights of the child. Consistent with Article 3 of the United Nations Convention on the Rights of the Child, all institutions should act with the best interests of the child as a primary consideration. In order to achieve this, institutions should implement the Child Safe Standards identified by the Royal Commission.

Recommendation 6.5

The Child Safe Standards are:

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 upheld and diverse needs are taken into account
5. People working with children are suitable and supported
6. Processes to respond to complaints of child sexual abuse are child focused
7. Staff are equipped with the knowledge, skills and awareness to keep children safe through continual education and training
8. Physical and online environments minimise the opportunity for abuse to occur
9. Implementation of the Child Safe Standards is continuously reviewed and improved
10. Policies and procedures document how the institution is child safe.

Recommendation 6.6

Institutions should be guided by the following core components when implementing the Child Safe Standards:

Standard 1: Child safety is embedded in institutional leadership, governance and culture

- a. The institution publicly commits to child safety and leaders champion a child safe culture.
- b. Child safety is a shared responsibility at all levels of the institution.
- c. Risk management strategies focus on preventing, identifying and mitigating risks to children.
- d. Staff and volunteers comply with a code of conduct that sets clear behavioural standards towards children.
- e. Staff and volunteers understand their obligations on information sharing and recordkeeping.

Standard 2: Children participate in decisions affecting them and are taken seriously

- a. Children are able to express their views and are provided opportunities to participate in decisions that affect their lives.
- b. The importance of friendships is recognised and support from peers is encouraged, helping children feel safe and be less isolated.
- c. Children can access sexual abuse prevention programs and information.
- d. Staff and volunteers are attuned to signs of harm and facilitate child-friendly ways for children to communicate and raise their concerns.

Standard 3: Families and communities are informed and involved

- a. Families have the primary responsibility for the upbringing and development of their child and participate in decisions affecting their child.
- b. The institution engages in open, two-way communication with families and communities about its child safety approach and relevant information is accessible.
- c. Families and communities have a say in the institution's policies and practices.
- d. Families and communities are informed about the institution's operations and governance.

Standard 4: Equity is upheld and diverse needs are taken into account

- a. The institution actively anticipates children's diverse circumstances and responds effectively to those with additional vulnerabilities.
- b. All children have access to information, support and complaints processes.
- c. The institution pays particular attention to the needs of Aboriginal and Torres Strait Islander children, children with disability, and children from culturally and linguistically diverse backgrounds.

Standard 5: People working with children are suitable and supported

- a. Recruitment, including advertising and screening, emphasises child safety.
- b. Relevant staff and volunteers have Working With Children Checks.
- c. All staff and volunteers receive an appropriate induction and are aware of their child safety responsibilities, including reporting obligations.
- d. Supervision and people management have a child safety focus.

Standard 6: Processes to respond to complaints of child sexual abuse are child focused

- a. The institution has a child-focused complaint-handling system that is understood by children, staff, volunteers and families.
- b. The institution has an effective complaint-handling policy and procedure which clearly outline roles and responsibilities, approaches to dealing with different types of complaints and obligations to act and report.
- c. Complaints are taken seriously, responded to promptly and thoroughly, and reporting, privacy and employment law obligations are met.

Standard 7: Staff are equipped with the knowledge, skills and awareness to keep children safe through continual education and training

- a. Relevant staff and volunteers receive training on the nature and indicators of child maltreatment, particularly institutional child sexual abuse.
- b. Staff and volunteers receive training on the institution's child safe practices and child protection.
- c. Relevant staff and volunteers are supported to develop practical skills in protecting children and responding to disclosures.

Standard 8: Physical and online environments minimise the opportunity for abuse to occur

- a. Risks in the online and physical environments are identified and mitigated without compromising a child’s right to privacy and healthy development.
- b. The online environment is used in accordance with the institution’s code of conduct and relevant policies.

Standard 9: Implementation of the Child Safe Standards is continuously reviewed and improved

- a. The institution regularly reviews and improves child safe practices.
- b. The institution analyses complaints to identify causes and systemic failures to inform continuous improvement.

Standard 10: Policies and procedures document how the institution is child safe

- a. Policies and procedures address all Child Safe Standards.
- b. Policies and procedures are accessible and easy to understand.
- c. Best practice models and stakeholder consultation inform the development of policies and procedures.
- d. Leaders champion and model compliance with policies and procedures.
- e. Staff understand and implement the policies and procedures.

Improving child safe approaches (Chapter 4)

Council of Australian Governments

Recommendation 6.7

The national Child Safe Standards developed by the Royal Commission and listed at Recommendation 6.5 should be adopted as part of the new National Statement of Principles for Child Safe Organisations described by the Community Services Ministers’ Meeting in November 2016. The National Statement of Principles for Child Safe Organisations should be endorsed by the Council of Australian Governments.

State and territory governments

Recommendation 6.8

State and territory governments should require all institutions in their jurisdictions that engage in child-related work to meet the Child Safe Standards identified by the Royal Commission at Recommendation 6.5.

Recommendation 6.9

Legislative requirements to comply with the Child Safe Standards should cover institutions that provide:

- a. accommodation and residential services for children, including overnight excursions or stays
- b. activities or services of any kind, under the auspices of a particular religious denomination or faith, through which adults have contact with children
- c. childcare or childminding services
- d. child protection services, including out-of-home care
- e. activities or services where clubs and associations have a significant membership of, or involvement by, children
- f. coaching or tuition services for children
- g. commercial services for children, including entertainment or party services, gym or play facilities, photography services, and talent or beauty competitions
- h. services for children with disability
- i. education services for children
- j. health services for children
- k. justice and detention services for children, including immigration detention facilities
- l. transport services for children, including school crossing services.

Recommendation 6.10

State and territory governments should ensure that

- a. an independent oversight body in each state and territory is responsible for monitoring and enforcing the Child Safe Standards. Where appropriate, this should be an existing body.
- b. the independent oversight body is able to delegate responsibility for monitoring and enforcing the Child Safe Standards to another state or territory government body, such as a sector regulator.
- c. regulators take a responsive and risk-based approach when monitoring compliance with the Child Safe Standards and, where possible, utilise existing regulatory frameworks to monitor and enforce the Child Safe Standards.

Recommendation 6.11

Each independent state and territory oversight body should have the following additional functions:

- a. provide advice and information on the Child Safe Standards to institutions and the community
- b. collect, analyse and publish data on the child safe approach in that jurisdiction and provide that data to the proposed National Office for Child Safety
- c. partner with peak bodies, professional standards bodies and/or sector leaders to work with institutions to enhance the safety of children
- d. provide, promote or support education and training on the Child Safe Standards to build the capacity of institutions to be child safe
- e. coordinate ongoing information exchange between oversight bodies relating to institutions' compliance with the Child Safe Standards.

Local government

Recommendation 6.12

With support from governments at the national, state and territory levels, local governments should designate child safety officer positions from existing staff profiles to carry out the following functions:

- a. developing child safe messages in local government venues, grounds and facilities
- b. assisting local institutions to access online child safe resources
- c. providing child safety information and support to local institutions on a needs basis
- d. supporting local institutions to work collaboratively with key services to ensure child safe approaches are culturally safe, disability aware and appropriate for children from diverse backgrounds.

Australian Government

Recommendation 6.13

The Australian Government should require all institutions that engage in child-related work for the Australian Government, including Commonwealth agencies, to meet the Child Safe Standards identified by the Royal Commission at Recommendation 6.5.

Recommendation 6.14

The Australian Government should be responsible for the following functions:

- a. evaluate, publicly report on, and drive the continuous improvement of the implementation of the Child Safe Standards and their outcomes
- b. coordinate the direct input of children and young people into the evaluation and continuous improvement of the Child Safe Standards
- c. coordinate national capacity building and support initiatives and opportunities for collaboration between jurisdictions and institutions
- d. develop and promote national strategies to raise awareness and drive cultural change in institutions and the community to support child safety.

National Framework for Child Safety

Recommendation 6.15

The Australian Government should develop a new National Framework for Child Safety in collaboration with state and territory governments. The Framework should:

- a. commit governments to improving the safety of all children by implementing long-term child safety initiatives, with appropriate resources, and holding them to account
- b. be endorsed by the Council of Australian Governments and overseen by a joint ministerial body
- c. commence after the expiration of the current National Framework for Protecting Australia's Children, no later than 2020
- d. cover broader child safety issues, as well as specific initiatives to better prevent and respond to institutional child sexual abuse including initiatives recommended by the Royal Commission
- e. include links to other related policy frameworks.

National Office for Child Safety

Recommendation 6.16

The Australian Government should establish a National Office for Child Safety in the Department of the Prime Minister and Cabinet, to provide a response to the implementation of the Child Safe Standards nationally, and to develop and lead the proposed National Framework for Child Safety. The Australian Government should transition the National Office for Child Safety into an Australian Government statutory body within 18 months of this Royal Commission's Final Report being tabled in the Australian Parliament.

Recommendation 6.17

The National Office for Child Safety should report to Parliament and have the following functions:

- a. develop and lead the coordination of the proposed National Framework for Child Safety, including national coordination of the Child Safe Standards
- b. collaborate with state and territory governments to lead capacity building and continuous improvement of child safe initiatives through resource development, best practice material and evaluation
- c. promote the participation and empowerment of children and young people in the National Framework and child safe initiatives
- d. perform the Australian Government's Child Safe Standards functions as set out at Recommendation 6.15
- e. lead the community prevention initiatives as set out in Recommendation 6.2.

Recommendation 6.18

The Australian Government should create a ministerial portfolio with responsibility for children's policy issues, including the National Framework for Child Safety.

Preventing and responding to online child sexual abuse in institutions (Chapter 5)

Recommendation 6.19

Ministers for education, through the Council of Australian Governments, should establish a nationally consistent curriculum for online safety education in schools. The Office of the eSafety Commissioner should be consulted on the design of the curriculum and contribute to the development of course content and approaches to delivery. The curriculum should:

- a. be appropriately staged from Foundation year to Year 12 and be linked with related content areas to build behavioural skills as well as technical knowledge to support a positive and safe online culture
- b. involve children and young people in the design, delivery and piloting of new online safety education, and update content annually to reflect evolving technologies, online behaviours and evidence of international best practice approaches
- c. be tailored and delivered in ways that allow all Australian children and young people to reach, access and engage with online safety education, including vulnerable groups that may not access or engage with the school system.

Recommendation 6.20

Building on its current work, the Office of the eSafety Commissioner should oversee the delivery of national online safety education aimed at parents and other community members to better support children's safety online. These communications should aim to:

- a. keep the community up to date on emerging risks and opportunities for safeguarding children online
- b. build community understanding of responsibilities, legalities and the ethics of children's interactions online
- c. encourage proactive responses from the community to make it 'everybody's business' to intervene early, provide support or report issues when concerns for children's safety online are raised.
- d. increase public awareness of how to access advice and support when online incidents occur.

Recommendation 6.21

Pre-service education and in-service staff training should be provided to support child-related institutions in creating safe online environments. The Office of the eSafety Commissioner should advise on and contribute to program design and content. These programs should be aimed at:

- a. tertiary students studying university, technical and further education, and vocational education and training courses, before entering child-related occupations; and could be provided as a component of a broader program of child sexual abuse prevention education (see Recommendation 6.2)
- b. staff and volunteers in schools and other child-related organisations, and could build on the existing web-based learning programs of the Office of the eSafety Commissioner.

Recommendation 6.22

In partnership with the proposed National Office of Child Safety (see Recommendation 6.16 and 6.17), the Office of the eSafety Commissioner should oversee the development of an online safety framework and resources to support all schools in creating child safe online environments. This work should build on existing school-based e-safety frameworks and guidelines, drawing on Australian and international models.

The school-based online safety framework and resources should be designed to:

- a. support schools in developing, implementing and reviewing their online codes of conduct, policies and procedures to help create an online culture that is safe for children
- b. guide schools in their response to specific online incidents, in coordination with other agencies. This should include guidance in complaint handling, understanding reporting requirements, supporting victims to minimise further harm, and preserving digital evidence to support criminal justice processes.

Recommendation 6.23

State and territory education departments should consider introducing centralised mechanisms to support government and non-government schools when online incidents occur. This should result in appropriate levels of escalation and effective engagement with all relevant entities, such as the Office of the eSafety Commissioner, technical service providers and law enforcement.

Consideration should be given to:

- a. adopting the promising model of the Queensland Department of Education and Training's Cyber Safety and Reputation Management Unit, which provides advice and a centralised coordination function for schools, working in partnership with relevant entities to remove offensive online content and address other issues
- b. strengthening or re-establishing multi-stakeholder forums and case-management for effective joint responses involving all relevant agencies, such as police, education, health and child protection.

Recommendation 6.24

In consultation with the eSafety Commissioner, police commissioners from states and territories and the Australian Federal Police should continue to ensure national capability for coordinated, best practice responses by law enforcement agencies to online child sexual abuse. This could include through:

- a. establishing regular meetings of the heads of cybersafety units in all Australian police departments to ensure a consistent capacity to respond to emerging incidents and share best practice approaches, tools and resources
- b. convening regular forums and conferences to bring together law enforcement, government, the technology industry, the community sector and other relevant stakeholders to discuss emerging issues, set agendas and identify solutions to online child sexual abuse and exploitation
- c. building capability across police departments, through in-service training for:
 - i. frontline police officers to respond to public complaints relating to issues of online child sexual abuse or harmful sexual behaviours
 - ii. police officers who liaise with young people in school and community settings.

1 Introduction

1.1 Overview

Our work on creating child safe institutions is underpinned by the United Nations Convention on the Rights of the Child, which was ratified by Australia in 1990. Australia has a responsibility to protect children from sexual abuse and to prevent it from occurring, under Articles 19 and 34 of the convention. By fulfilling children’s rights, we believe institutions will create a positive, child safe environment that better protects children from harm.

Throughout our inquiry, we heard many cases of institutions across Australia failing to protect children from sexual abuse and to respond appropriately and effectively when it does occur. Our work has highlighted that these institutional failings are not isolated but arise from systemic problems in institutions and the community. It is important to learn from what we have heard to make institutions safer for children. Many of the people who came forward to share their experiences or to give evidence said that they wanted to tell their story because they did not want it to happen to others.

This volume recommends a national strategic approach to preventing child sexual abuse by making institutions child safe. It examines the roles that community prevention and the Royal Commission’s recommended Child Safe Standards could play in achieving this, including how regulatory oversight and practice could be improved to implement the standards in institutions. It also proposes measures to prevent online child sexual abuse in institutions and enable institutions to respond appropriately if it does occur.

The initiatives recommended in this volume aim to achieve cultural change in the community and in institutions to ensure the best interests of children are paramount. This involves creating an environment where institutional child sexual abuse could be better prevented, identified, reported and responded to.

1.2 Terms of Reference

The Letters Patent establishing the Royal Commission required that we ‘inquire into institutional responses to allegations and incidents of child sexual abuse and related matters’ and set out the Terms of Reference of the inquiry.

In carrying out this task, we were directed to focus on systemic issues, informed by an understanding of individual cases. We were required to make findings and recommendations to better protect children against sexual abuse and alleviate the impact of abuse on children when it occurs.

This volume addresses the future focus of our Terms of Reference. Under paragraph (a) we were directed 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’. Paragraphs (b) and (c) also directed us to consider what institutions and governments need to do to improve their responses to child sexual abuse in institutional contexts and reduce the impact on survivors.

1.3 Links with other volumes

This volume, along with Volume 7, *Improving institutional responding and reporting* and Volume 8, *Recordkeeping and information sharing*, recommend a national approach to making institutions child safe.

Together, these volumes explain how institutions could be made safer for children by better preventing, identifying, responding to and reporting institutional child sexual abuse. Recognising that protecting children is everyone’s responsibility, they look at the role communities, institutions, government, individuals and a range of other actors could play to create child safe institutions.

The three volumes recommend independent but interrelated initiatives to create child safe institutions.

As noted, this volume recommends a national community prevention strategy; the implementation of the Child Safe Standards for institutions, supported by improved regulatory oversight and practice; and initiatives that could help institutions to prevent online child sexual abuse and respond appropriately if it does occur.

Volume 7 recommends measures to improve institutional responses to complaints of child sexual abuse; the identification of unacceptable or concerning behaviours within institutions; obligatory reporting of child sexual abuse; and the oversight of institutional complaint handling and investigation.

Volume 8 recommends best practice principles for institutional records and recordkeeping, and improved information-sharing arrangements, including an information exchange scheme for prescribed bodies.

The recommendations in the three volumes aim to:

- reduce the risk of community and institutional child sexual abuse
- drive cultural change in communities and institutions so that all institutions put the best interests of children first and at the heart of their purpose and operation
- build a nationally consistent approach to making institutions child safe
- enable the community, parents and children to expect and demand institutions to be child safe and hold institutions to account for the safety of children in their care
- through improved reporting practices, enable governments to better identify and intervene in institutions that pose significant risk to children.

While Volumes 6, 7 and 8 address how *all* institutions could be made child safe, Volumes 11 to 16 consider child safety in particular institutional settings.

1.4 Key terms

The inappropriate use of words to describe child sexual abuse and the people who experience the abuse can have silencing, stigmatising and other harmful effects. Conversely, the appropriate use of words can empower and educate.

For these reasons, we have taken care with the words used in this report. Some key terms used in this volume are described below. A complete glossary is contained in Volume 1, *Our inquiry*.

Children with harmful sexual behaviours

We use the term ‘children with harmful sexual behaviours’ to refer to children under 18 years who have behaviours that fall across a spectrum of sexual behaviour problems, including those that are problematic to the child’s own development, as well as those that are coercive, sexually aggressive and predatory towards others. The term ‘harmful sexual behaviours’ recognises the seriousness of these behaviours and the significant impact they have on victims, but is not contingent on the age or capacity of a child.

Child safe institutions/child safe organisations

'Child safe institutions' create cultures, adopt strategies and take action to prevent harm to children, including child sexual abuse. The Australian Children's Commissioners and Guardians (ACCGs) defines a child safe institution as one that consciously and systematically:

- creates conditions that reduce the likelihood of harm to children
- creates conditions that increase the likelihood of identifying and reporting harm
- responds appropriately to disclosures, allegations or suspicions of harm.

Child sexual abuse in an institutional context

The term 'child sexual abuse' refers to any act which exposes a child to, or involves a child in, sexual processes beyond his or her understanding or contrary to accepted community standards. Sexually abusive behaviours can include the fondling of genitals, masturbation, oral sex, vaginal or anal penetration by a penis, finger or any other object, fondling of breasts, voyeurism, exhibitionism, and exposing the child to or involving the child in pornography. It includes child grooming, which refers to actions deliberately undertaken with the aim of befriending and establishing an emotional connection with a child, to lower the child's inhibitions in preparation for sexual activity with the child.

Our Terms of Reference specify that child sexual abuse occurs in an institutional context if, for example, the abuse:

- happens on a premises of an institution or where its activities occur, or in connection with its activities
- is engaged in by an institution's official in circumstances where the institution has, or its activities have, in any way contributed to the risk of abuse
- happens in any other circumstances where an institution is, or should be treated as being, responsible for adults having contact with children.

Disclosure

'Disclosure' is the process by which a child conveys or attempts to convey that they are being or have been sexually abused, or by which an adult conveys or attempts to convey that they were sexually abused as a child. This may take many forms, and might be verbal or non-verbal. Non-verbal disclosures using painting or drawing, gesticulating, or through behavioural changes, are more common among young children and children with cognitive or communication impairments. Children, in particular, may also seek to disclose sexual abuse through emotional or behavioural cues, such as heightened anxiety, withdrawal or aggression.

Information sharing/information exchange

We use the terms ‘information sharing’ and ‘information exchange’ to refer to the sharing or exchange of information, including personal information about, or related to, child sexual abuse in institutional contexts. The terms refer to the sharing of information between (and, in some cases, within) institutions, including non-government institutions, government and law enforcement agencies, and independent regulator or oversight bodies. They also refer to the sharing of information by and with professionals who operate as individuals to provide key services to or for children.

Mandatory reporter/mandatory reporting

A ‘mandatory reporter’ is a person who is required by either state or territory legislation to report known and suspected cases of child abuse and neglect to a nominated government department or agency (typically the child protection authority).

‘Mandatory reporting’ refers to where a legislative requirement is placed on an individual to report known and suspected cases of child abuse and neglect to a nominated government department or agency (typically the child protection authority).

Offender

We use the term ‘offender’ for a person who is found by a court to have done something that is prohibited by law.

Perpetrator

We use the term ‘perpetrator’ to describe an adult who has sexually abused a child.

Record

A ‘record’ refers to information created, received, and maintained as evidence and/or as an asset by an organisation or person, in pursuance of legal obligations or in the transaction of business or for its purposes, regardless of medium, form or format.

Report

A 'report' refers to instances where concerns relating to child sexual abuse are notified to an authority or agency external to the relevant institution – for example, where a person or institution notifies the police, a child protection agency, an oversight agency or a professional or registration authority.

Reportable conduct

'Reportable conduct' refers to conduct that must be reported under legislation that obliges designated institutions to report allegations of institutional child sexual abuse to an independent statutory body.

Victim and survivor

We use the terms 'victim' and 'survivor' to describe someone who has been sexually abused as a child in an institutional context. We use the term 'victim' when referring to a person who has experienced child sexual abuse at the time the abuse occurred. We use the term 'survivor' when referring to a person who has experienced child sexual abuse after the abuse occurred, such as when they are sharing their story or accessing support. Where the context is unclear, we have used the term 'victim'.

We recognise that some people prefer 'survivor' because of the resilience and empowerment associated with the term.

We recognise that some people who have experienced abuse do not feel that they 'survived' the abuse, and that 'victim' is more appropriate. We also recognise that some people may have taken their lives as a consequence of the abuse they experienced. We acknowledge that 'victim' is more appropriate in these circumstances. We also recognise that some people do not identify with either of these terms.

When we discuss quantitative information from private sessions in this volume, we use the term 'survivor' to refer both to survivors and victims who attended a private session and those (including deceased victims) whose experiences were described to us by family, friends, whistleblowers and others. This quantitative information is drawn from the experiences of 6,875 victims and survivors of child sexual abuse in institutions, as told to us in private sessions to 31 May 2017.

1.5 Structure of this volume

Chapter 2 explains our approach to creating child safe communities through community prevention. An institution is more likely to be child safe if the community it sits within understands and values children’s rights to safety and wellbeing. The chapter discusses the community issues and attitudes that can help to enable child sexual abuse and deter victims and survivors from seeking help or disclosing abuse. It examines why a focus on all Australian communities is needed to address child sexual abuse in institutions, and explains our recommended approach to community prevention of child sexual abuse, based on a public health approach.

Chapter 3 explains what makes institutions safer for children by identifying 10 national Child Safe Standards, which articulate the essential elements of a child safe institution. The standards are based on the best available Australian and international evidence. The chapter explains how we identified the standards and how they could be used to address institutional failures and risk factors, and provides guidance on how they could be implemented in institutions.

Chapter 4 explains how child safety approaches could be improved across Australia – at a national, state and territory, and local level – as part of a national effort to secure children’s safety in institutions. It looks at how national leadership, coordination, implementation and continuous improvement of the Child Safe Standards and other child safe approaches could be facilitated in a way that would minimise the burden on institutions.

Chapter 5 discusses the emerging and rapidly evolving issue of children’s safety online, and what is needed to help institutions meet the standard for child safe online environments. A balanced approach is needed that acknowledges the positive role of online technologies in young people’s lives, while addressing the risks of online child sexual abuse, such as grooming, child sexual exploitation and image-based abuse. The chapter explains some of the challenges and opportunities for the effective prevention of online child sexual abuse and coordinated responses to online incidents.

2 Creating child safe communities through prevention

2.1 Overview

What if we changed the way we think about child sexual abuse, from inevitable to preventable? ... We need to recognise that, like every form of violence, child sexual abuse is an avoidable tragedy.¹

This chapter explains our approach to creating child safe communities through prevention, which is an important foundation of our proposed national approach to creating child safe institutions.

For institutions to be safe for children, the communities in which the institutions are located need to be safe for children. The work of the Royal Commission has shown that there are misperceptions, attitudes, beliefs and behaviour in all Australian communities that can enable, encourage or normalise sexually abusive behaviour towards children. Such attitudes and misunderstandings can discourage victims from disclosing abuse or seeking help. The whole nation can contribute to change.

Well-informed and proactive communities could help to create an environment that is hostile to child sexual abuse, making it harder for people to groom and abuse children, increasing the likelihood of grooming behaviour and abuse being identified and reported, and making it easier for victims to disclose abuse and seek help. Such communities could increase pressure on institutions to create child safe environments.

Victims and survivors of child sexual abuse frequently told the inquiry of environmental and cultural factors in communities and institutions that facilitated abuse or kept it hidden. These included poor attitudes and behaviour towards children; cultures of intimidation, bullying or violence; and a lack of understanding and awareness of the indicators and dynamics of child sexual abuse. We also heard of barriers that prevented potential perpetrators from seeking help before abuse occurred.

Prevention is a strong theme in our Terms of Reference, which state that ‘all children deserve a safe and happy childhood’. The United Nations Convention on the Rights of the Child enshrines children’s right to protection.² Australia has signed this convention and other international conventions and treaties that obligate it to take all appropriate legislative, administrative, social and educational measures to protect children from sexual and other forms of abuse.

Sexual abuse of children can have lasting consequences, leading to compromised lives. But as well as the social imperative for preventing such abuse, there is also an economic imperative. Our work has shown that the cost to society of such abuse can continue for generations. Given the scale of abuse in Australia, the long-term cost of not addressing its effects is high. This includes the direct costs of physical and mental health care, welfare, and justice and redress, as well as indirect costs such as lost productivity.

One survivor said:

What is the economic factor? ... the economic and intellectual loss ... [caused by child sexual abuse] to society ... The people, the shining people we could have [been] ... My main reason is to say these things, about the killing of souls, and the killing of potential.³

Sexual abuse of children in institutions has often been accompanied by other acts that are harmful to the child, such as physical and emotional abuse and neglect – often within an institutionalised culture of intimidation, humiliation or bullying.⁴ Our Terms of Reference state that we should examine such related matters regarding any unlawful or improper treatment of children connected or associated with child sexual abuse. To that end, in this chapter, we have considered preventing child sexual abuse in the context of preventing all forms of child maltreatment.

Although our Terms of Reference do not require us to examine child sexual abuse outside institutional settings, our recommendations are likely to help prevent and improve the response to abuse wherever it occurs. This is crucial in our focus on prevention. National research we commissioned indicates that the majority of allegations of child sexual abuse reported to police occurs outside institutions, primarily within the context of families.⁵ The true extent of child sexual abuse within institutions is unknown. We are also aware of the cumulative harm associated with previous experiences of maltreatment. A history of child abuse and maltreatment prior to entering care may put a child at increased risk in that institution.⁶

This chapter identifies what needs to change in communities to help prevent child sexual abuse. It discusses community issues and attitudes that may enable child sexual abuse and deter victims and survivors from seeking help or disclosing abuse. It examines why a focus on Australian communities is needed to address child sexual abuse in institutions and explains our proposed approach to community prevention of child sexual abuse, based on a public health approach.

2.2 Child safe institutions need child safe communities

Institutions for children, such as schools, sport and recreational clubs, support services and childcare centres, are part of the fabric of our daily lives and reflect community priorities, needs and values. Making those institutions safe for children requires making *communities* safe – places where every child is valued, and where their rights to safety and wellbeing are respected and upheld. In a submission to the Royal Commission, Australian not-for-profit child abuse prevention organisation Child Wise said:

The wider attitude to child abuse within a community will affect how it is viewed at an organisational level, and within that organisation. Greater knowledge and understanding in the general community will improve the chances of detecting child abuse. It will also increase the likelihood of an organisation employing representatives who are already committed to an open and aware culture.⁷

The work of the Royal Commission has highlighted how public misunderstanding, problematic attitudes and behaviour, and a lack of awareness have enabled sexual abuse of children both inside and outside institutional settings, and deterred disclosure by victims and witnesses.

Community attitudes, beliefs, norms and behaviours can normalise, minimise or encourage or minimise abuse, and discourage it being detected, disclosed or reported.⁸ The identification and development of strategies to change problematic community attitudes are now recognised as critical to preventing and reducing various social problems, such as violence against women.⁹

Responsibility for child safety should be shared across all communities. Governments play an important leading role in preventing child sexual abuse, including in coordinating activities and providing resources. However, individuals, families, neighbourhoods, businesses and the media, as well as institutions, also have a role.¹⁰

community service organisations, government and all citizens have a role in creating environments of safety and wellbeing for children. As such, the promotion of safety and prevention of criminal abuse against children and young people can only be achieved with a whole-of-community approach ... [this] forms the foundation for creating specific child safe strategies which seek to promote overall community cohesion and unity.¹¹

While communities need to hold institutions to account for the wellbeing of all children in their care, institutions need to be open to positive community influences that promote child safety.

The Royal Commission has seen how risks to children are increased when institutions are shielded from public scrutiny and the community's protective role is diminished. This was evidenced in many of our case studies.¹² In these closed settings, sexual abuse of children was part of a pervasive pattern of child maltreatment. People in positions of power acted with a sense of impunity and children's voices were silenced. A survivor highlighted this normalisation of sexual abuse:

At first I thought what [he] was doing to me was normal as he was doing it to other children at the [children's] home as well. As I got older, ... I started to realise that what he was doing was wrong.¹³

Well-designed and appropriately tailored prevention initiatives could help to mobilise all community members to be agents of change.¹⁴ Through building knowledge and capacity to respond, parents, other carers, volunteers, tertiary students training to go into child-related professions, staff and others could become better equipped to recognise and counter problematic attitudes and behaviour that put children at risk, and know how to respond to warning signs.

Community-based prevention initiatives are part of a comprehensive response to building a strong, preventive system for creating child safe organisations. These could be delivered concurrently with changes to policies and procedures, training within institutions and legislative reforms, as set out in Chapters 3 and 4.

2.3 How communities need to change

To effectively address sexual violence against children it is necessary to recognise that it is not only a social problem perpetuated by the adults abusing/exploiting the children, but by non-abusing adults through complicity, silence, denial and failure to take appropriate action.¹⁵

To develop community-based prevention initiatives and target them to the right audiences, it is important to understand the characteristics of communities that enable child sexual abuse to occur in institutions.

Our work has shown that communities lack understanding of the nature of child sexual abuse, including of adult perpetrators and grooming practices. Harmful sexual behaviours in children are also not well understood.

Further, community attitudes and behaviour can contribute to child sexual abuse, as well as its effects on children, being overlooked, minimised, denied, or even tolerated and perpetuated.¹⁶ Child sexual abuse and harmful sexual behaviours can also be facilitated by online technologies, as an emerging area of risk to children's safety and wellbeing.

These issues are discussed below.

2.3.1 Understanding the nature of child sexual abuse

Our case studies and private sessions have illustrated the broad range of roles held by people who failed to recognise the signs of child sexual abuse and grooming behaviour. They included parents, guardians and carers, volunteers and employees, managers, school principals and teachers, board and committee members, doctors and allied healthcare staff, legal professionals, faith and religious leaders and representatives, youth group leaders, police officers, child welfare officers, and employees of government and industry complaint-handling organisations.

The profiles of individuals who may perpetrate child sexual abuse are broader than the commonly understood stereotypes of offenders.¹⁷ However, many of the behavioural indicators of grooming and sexual abuse are ambiguous, requiring people to judge or interpret whether the indicators are concerning.¹⁸

Research suggests that many people do not believe they have the knowledge or confidence to recognise child sexual abuse. They include community members who do not know where to access information or help if they suspect a child is being abused or at risk of being abused.¹⁹ We were advised that there can be low understanding of child sexual abuse and child protection systems among communities from culturally and linguistically diverse backgrounds, especially for people who have arrived in Australia more recently.²⁰

To start to address these issues, prevention education and programs need to build a shared understanding of what constitutes child sexual abuse, including the diverse nature and behaviour of perpetrators, such as grooming behaviour, and the varied settings where abuse can occur.²¹ These issues are discussed in this section.

Debunking myths about perpetrators

There are a range of myths about child sexual abuse which can prevent children and their families from being alert to the possibility of abuse, or can prevent its detection or disclosure. These myths include that all perpetrators are strangers to their victims, and that victims have brought the abuse upon themselves.²²

A common view is that sex offenders are ‘monsters’ who are different from other criminals and the rest of society.²³ Demonising perpetrators has helped to reinforce this stereotype and mask the behaviour of those who do not appear to fit this category.²⁴

Commissioned research suggests that there is considerable variation in the characteristics of perpetrators.²⁵ While those who sexually abuse children are overwhelmingly male, apart from gender there is no reliable or fixed profile for perpetrators.²⁶

Our work has shown that people commonly overlooked or did not ‘see’ abuse, despite indications otherwise, because they believed that the perpetrator was not ‘the sort of person’ who would sexually abuse children.²⁷ People holding certain positions in society, such as teachers, priests and doctors, and people working in children’s services have been seen as trustworthy and exempt from suspicion. As two survivors told us:

He told me no one would believe me because of his position in the school ... he’s a respected community leader. ‘Who’s going to believe you? No one’s going to believe you. You’re nothing. You’re nothing.’ And that’s what I believed for a long, long time.²⁸

He liked to brag about how he covered his tracks and how no one would ever believe he’d had anything to do with me. ... No one would take the word of a local drunk’s daughter over a Roman Catholic priest. I felt trapped and alone.²⁹

There were numerous examples in our case studies and private sessions where victims told us they had disclosed abuse and had not been believed because the perpetrator appeared to be a ‘normal’ or ‘trusted’ adult who did not fit the stereotype of an abuser. These misconceptions were highlighted in our schools private roundtable.³⁰

They were also seen in our *Case Study 2: YMCA NSW’s response to the conduct of Jonathan Lord (YMCA NSW)*. One staff member who worked with Lord, a childcare worker, stated that her understanding of a typical offender was influenced by the media and television. She

had envisaged that a person who sexually abused children would be somebody older and unmarried, who had taken that 'sort of sexual orientation through the means of desperation rather than choice'.³¹ Another witness stated that Lord did not fit her mental image of a person who sexually abused children.³²

Some research suggests that only a subset of perpetrators in institutional settings have a specific sexual interest in children. It appears that some perpetrators who have sexually abused children within institutions could be characterised as 'opportunity takers' who take advantage of situations, such as circumstances where access to children is unsupervised.³³ Perpetrators may also abuse both girls and boys, rather than having an exclusive preference for one sex.³⁴

While a relatively small number of identified perpetrators are female, more work is needed to better understand female perpetrators and the nature of the risks they can pose to children.³⁵ Among the 6,875 survivors we heard about in private sessions, 10.9 per cent said they experienced abuse by a female perpetrator. This is consistent with research we commissioned suggesting that females may account for 6–11 per cent of child sexual abuse across all settings.³⁶

Recognising the signs of grooming

Grooming refers to a perpetrator's tactics and strategies to facilitate the sexual abuse of a child. The intention of grooming is to gain or increase access to a child, build trust, obtain the child's compliance, and maintain the child's secrecy to prevent them from disclosing.³⁷ Grooming is commonly an incremental process, and can involve stages of increasing intensity.³⁸

Misunderstandings about the nature of perpetrators contribute to low community awareness of grooming behaviour.

There can be a lack of understanding that grooming can target not only the child, but also the people around the child who may otherwise be a source of safety and protection. Further, grooming may target the child's environment, such as an institutional setting.³⁹ This can involve perpetrators befriending parents and family members and positioning themselves as safe and trusted adults who could participate in a range of activities with the child.⁴⁰

Other gaps in community understanding can include not realising that:

- children do not need to be alone to be groomed⁴¹
- children are usually sexually abused by someone they know, rather than a stranger⁴²
- online communication and pornography can be used as tools for grooming.⁴³

Grooming is often difficult to identify because the behaviour involved is not necessarily explicitly sexual or directly abusive.⁴⁴ It generally consists of many separate actions that, in isolation, are not necessarily criminal or abusive.⁴⁵ Grooming usually involves gaining or increasing access to a child, building trust, obtaining the child's compliance, and maintaining the child's secrecy to prevent them from disclosing.⁴⁶ Most grooming behaviour is covert and deceptive rather than overt. Some grooming behaviours can co-exist with behaviour that occurs in normal relationships between adults and children.⁴⁷

The intent behind grooming behaviour may not be obvious to the victim or to a bystander observing the situation. We heard from many victims that grooming was identified only after the abuse had occurred.⁴⁸ Many parents and professionals told us they had not seen the signs that a child in their care was being groomed.⁴⁹

Of the survivors who attended the Royal Commission's private sessions, 86.8 per cent said they had experienced at least one form of sexual abuse. Of these survivors, 22.8 per cent told us they experienced some form of grooming behaviour for the purpose of sexual contact. A survivor told us that during the grooming process she felt very uncomfortable and in retrospect recognised that she had been in a state of constant anxiety. She had hoped her mother would realise that something was wrong but this did not happen.⁵⁰

Grooming of adults connected to the child

Research suggests that a perpetrator may attempt to gain access to the child through the family or carers by establishing friendships with them to secure their confidence, trust and cooperation, or manipulating them so they are slow to understand or believe what they are seeing.⁵¹

In our private sessions we heard that a male childcare worker sent the mother of a young boy many text messages about her son. These included photos of the child, offers of money, gifts and social invitations with offers to babysit the boy.⁵²

In another example, we were told that a man who assisted with his daughter's competitive sports events groomed a young girl and her parents. This included offering the girl competitive opportunities that her parents supported, taking the family out for meals, and giving her mother gifts.⁵³

In some cases, adults who had been groomed sided with the perpetrator or trivialised or ignored the incident to unconsciously protect themselves from a later sense of betrayal.⁵⁴

Grooming of organisations

Perpetrators may also groom the organisations with which they are associated.⁵⁵ Using their management, employment or volunteer roles, they can manipulate trust and authority to gain control over children.⁵⁶

Our *YMCA NSW* case study is an example of the way in which many individuals within an institution can fail to recognise grooming on the part of the organisation.⁵⁷ Commissioned research on this case study concluded that the people involved did not fully understand what was in front of them. They saw childcare worker Jonathan Lord's behaviour with the children in his care, but did not recognise it as grooming.⁵⁸

There can be a general assumption that people working in children's services are caring and well intentioned. Lord was liked by his co-workers and popular with the children in his care, and he appeared to have an affinity for children. Parents and colleagues took his grooming behaviour at face value as displaying a positive professional interest in children.⁵⁹

Lord's actions, when viewed in isolation by busy co-workers, had appeared benign. One co-worker did not think it was unusual that Lord provided free babysitting services for the children who attended the service. She had 'just thought that he was a nice guy'.⁶⁰ Another co-worker interpreted the attention Lord paid to children as 'going above and beyond' in his job role.⁶¹

Only in retrospect were observers able to combine Lord's actions and identify them as grooming.⁶² This highlights the challenge for bystanders who become aware of these situations: to reconcile the incompatibility of seemingly positive behaviour with abuse.

Case Study 37: The response of the Australian Institute of Music and RG Dance to allegations of child sexual abuse (Centres for performing arts) demonstrated how grooming multiple children, family members and staff members can help facilitate child sexual abuse. The perpetrator, Grant Davies, ran the RG Dance school in Sydney with his sister. For more than 10 years, he used grooming techniques including repeatedly behaving in an 'overly familiar', 'affectionate' manner which breached professional boundaries with the children, touching children in a manner which indicated a personal relationship, making inappropriately sexualised comments about the students, giving them gifts, and regularly sending messages on social media to children and parents late at night, including sexually explicit messages to children.⁶³

This behaviour was repeatedly observed by RG Dance students, parents, Davies's ex-wife, and teachers and administrative staff, including Davies's sister.⁶⁴ She told the Royal Commission that although she raised what she viewed as her brother's boundary violations with him many times, she did not recognise his behaviour as criminal or being 'paedophilic' in nature.⁶⁵

Grooming in both face-to-face and online settings is considered in more detail in Volume 2, *Nature and cause*. Online grooming through digital technologies is discussed in this chapter in the context of children's safety when online.

Understanding harmful sexual behaviours in children

Problematic or harmful sexual behaviours in children can range from those that are potentially concerning, such as excessive self-stimulation in young children, to secretive and compulsive sexual behaviours that may be considered criminal in children aged 10 and over, including indecent and sexual assault. Sometimes these behaviours can be highly coercive and involve force.⁶⁶

Our work has shown that communities have limited understanding and awareness of harmful sexual behaviours in children, and lack the capacity to deal effectively with this behaviour.⁶⁷ There is low awareness that children of all ages may be victimised or exhibit harmful sexual behaviours, and limited knowledge about age-appropriate sexual development, which is needed to assess whether a child or young person is demonstrating sexual behaviours that may be harmful.⁶⁸

Children with sexual behaviours that are harmful to others may be stereotyped as sex offenders and stigmatised.⁶⁹ Conversely, their behaviour may be seen as ‘sexual experimentation’ and the impacts minimised and not recognised as harmful.⁷⁰

Children’s sexual development is a taboo subject for many people in many communities.⁷¹ Addressing harmful sexual behaviours in children is an even more complex and difficult social issue, prohibiting open, balanced and informed discussion and education. As noted by an expert witness at our public hearing on this issue, universal education across all Australian communities can encourage change:⁷²

I think that with the Royal Commission, we’re actually at a juncture where we could potentially change the narrative and start to do the community education that is required and that will elicit the sensitive and respectful responses that have in mind the safety and wellbeing of both children with these behaviours and children that are subjected to them.⁷³

Community prevention initiatives can increase understanding and skills, helping people to recognise early warning signs that children may be at risk and to respond effectively. This includes understanding the reasons why children and young people may engage in harmful sexual behaviours. Research suggests that children behaving in this way are more likely to have experienced physical, emotional or sexual abuse or been exposed to materials such as pornography or inappropriate adult sexual interactions.⁷⁴

The issue of harmful sexual behaviours in children is discussed further in Volume 2, *Nature and cause* and more extensively in Volume 10, *Children with harmful sexual behaviours*.

Understanding risks to children in online environments

Ensuring children are safe online is a growing concern in schools and other communities.⁷⁵ There needs to be greater understanding in communities of how digital technologies and media can be used positively, safely and effectively.

The boundaries between online and offline interactions are becoming increasingly arbitrary and artificial for Australian children.⁷⁶ Whereas parents tend to distinguish between the offline and online worlds, for young people technology is simply another part of their everyday lives.

Nearly all children aged 8–17 in Australia access the internet.⁷⁷ The importance they place on the internet significantly increases with age.⁷⁸ Most 8–17 year olds have used social networking services.⁷⁹ In 2012, 78 per cent of 8–9 year olds had used social networking services, increasing to 99 per cent by the ages of 16–17.⁸⁰ Whereas 8–11 year olds mainly use these services to play games, 12–17 year olds are more likely to use them to communicate with peers and others.⁸¹

Digital technologies tend to serve as a tool to facilitate or aggravate an existing problem rather than being in and of itself a problem.⁸² This is important to bear in mind when considering prevention initiatives, as digital tools can be part of the solution. The ubiquity of online communications makes them an important part of child sexual abuse prevention programs. Children and young people can find useful information online, such as advice and help, that adults may not be willing or able to discuss with them directly.

Risks in the online environment

The evolving nature of online technologies and the ways they are used can put children's safety and wellbeing at risk. There needs to be greater understanding in communities of how children can use the online environment positively, safely and effectively.⁸³ These emerging issues are discussed in more detail in Chapter 5 and are summarised below. Risks of harm to children in the online environment include:⁸⁴

- perpetrators of child sexual abuse using online communications for grooming⁸⁵
- sexual images of children being obtained, produced and/or distributed for purposes of trafficking, coercion, blackmail, humiliation or payback
- children engaging in practices such as 'sexting' (sending sexually explicit messages or photographs through online platforms), which may expose them or their peers to harm through non-consensual sharing of images
- children's exposure to explicit online content that may prove harmful to themselves or others.

Some of the barriers to the potential occurrence of child sexual abuse in a physical environment do not exist or are weakened in an online environment. Online forms of communication increase the opportunity for private interactions between a child and a perpetrator that are concealed from parents or other adults. In some instances, building feelings of trust and connection can occur more rapidly in the online environment.⁸⁶

Research suggests that some but not all children who are at risk online may already be more vulnerable offline.⁸⁷

Online grooming

Digital technology has opened new avenues for communication for potential abusers, as a tool for grooming children and related adults. This can include using the internet and associated technologies such as telephones and computers, and channels such as email, text messages, social media platforms and online forums.⁸⁸ While some perpetrators may conceal their identity by pretending to be a similar age as the child, not all adult perpetrators hide their identity.⁸⁹ About half of online grooming appears to be perpetrated by someone already known to the child.⁹⁰ In these situations, the online environment can be used as a tool to facilitate or maintain sexualised contact with a known child.⁹¹

This is an area of growing relevance for institutions, as communications between staff, volunteers and children are increasingly facilitated through mobile devices and digital platforms, and as the use of technologies evolves.

Our *Centres for performing arts* case study showed that dance teacher Grant Davies extensively used online tools to groom students of RG Dance and their parents over many years. He communicated via texts and instant messages through MSN Messenger and Facebook, often late at night, and used the tools to exchange explicit photos and videos with certain students. In this way, he remained in contact with some students for all hours of the day.⁹²

Image-based abuse

A growing area of concern is the occurrence of image-based abuse. This is when intimate or sexual photos, videos or texts are shared online without consent, either to humiliate or shame someone, or for the entertainment of others.⁹³ Users of such image-sharing platforms may post identifying information or derogatory comments about the images, may encourage other users to rate them, or may contact victims to abuse, threaten or scare them.⁹⁴ This form of online abuse can also involve 'sextortion', where threats are made to expose a sexual image, for reasons such as control, intimidation, sexual gratification and monetary gain.⁹⁵

The emerging risks of image-based abuse and sextortion for children were highlighted in consultations with expert stakeholders and young people, and by expert witnesses in *Case Study 57: Nature, cause and impact of child sexual abuse in institutional contexts (Nature, cause and impact of child sexual abuse)*.⁹⁶

The Royal Commission was told of instances where online media was used to blackmail a child or a parent to facilitate further sexual abuse or to prevent disclosure.⁹⁷

The impacts on children of exposure to online pornography

Internet-based pornography is prolific, explicit and readily accessible to children and young people. A significant proportion of children and young people are exposed to or access pornography, with the internet as the dominant media.⁹⁸

There is a growing body of literature and commentary on the negative impact that pornography may have on some young people's attitudes to sex, sexuality and relationships, and other behaviours.⁹⁹ While the evidence is not conclusive, some recent research suggests there may be an association between viewing violent, sexually explicit pornography and higher levels of delinquent, aggressive and sexually coercive behaviour among young people.¹⁰⁰

The Australian Government has noted the need for further research into the exposure of children and young people to online pornography and other pornographic material.¹⁰¹ This followed the findings from an Australian Senate inquiry in 2016, which examined the potential harms to children and young people arising from exposure to online pornography.¹⁰² This issue is considered in relation to harmful sexual behaviours in children in Volume 10, *Children with harmful sexual behaviours*.

2.3.2 Attitudes and behaviour that can increase risks to children

Community attitudes and behaviour that can contribute to child sexual abuse or deter disclosure of abuse include:

- children being less valued and respected than others, reducing the 'investment' in their safety
- tolerance and perpetuation of a broader culture of intimidation, bullying and violence¹⁰³
- social taboos and stigmatisation that censor or prohibit open, informed discussion and education
- barriers that may prevent potential perpetrators from seeking help before abuse occurs.

How children are valued and respected

The power of dominant societal attitudes and the lack of value assigned to ... children and their lives are glaringly apparent in retrospect. Yet a far greater and more confronting challenge is to identify these in our own time and the role they continue to play in children's ongoing vulnerability to sexual abuse, despite today's unprecedented focus on children's safety and wellbeing.¹⁰⁴

Societal attitudes about how children are valued and respected can influence how people respond to child sexual abuse. Our work has identified several pervasive attitudes and behaviour that can enable abuse or deter disclosure:

- Children can be considered as ‘possessions’ or ‘owned commodities’ of families.¹⁰⁵
- Children’s voices are silenced and their sphere of influence is limited.¹⁰⁶
- Children who have sexual interactions with adults are seen as complicit or culpable, rather than as victims of abuse.¹⁰⁷
- Children are not believed when they disclose abuse or are not considered reliable witnesses to the abuse.¹⁰⁸ This is even more likely if the child has a cognitive or communication impairment.
- Members of the community can have misconceptions that children with a disability are asexual or will not suffer harmful impacts from sexual abuse, and that disability-specific institutions are protective by nature and therefore abuse will not occur in them.¹⁰⁹

We were told by numerous survivors how they had disclosed sexual abuse to parents or other adults and were not believed. Knowing this has increased perpetrators’ power to silence children and to appear trustworthy in the eyes of parents. This has been a common theme in the testimony of survivors:

This is what all these predators know. That kids just don’t talk.¹¹⁰

Those who deny abuse can shift the blame from the perpetrator to the child, with the child’s behaviour framed as promiscuous or consensual. Two survivors told the Royal Commission:

I waited a couple of days before I said anything ... I went in and I told dad what had happened and he said, ‘Are you sure you didn’t encourage him?’ I walked out of the room and my relationship with my dad, it just got worse from that stage.¹¹¹

[The matter] should have been investigated. I should have been treated with respect and listened to. I should not have been beaten for telling the truth as a little child.¹¹²

In Case Study 30: The response of Turana, Winlaton and Baltara, and the Victoria Police and the Department of Health and Human Services Victoria to allegations of child sexual abuse, we investigated the responses by staff of the three youth training centres to the sexual abuse of former child residents of these institutions between the 1960s and early 1990s. We heard that when survivors reported the abuse to staff, they were accused of telling lies and physically punished.¹¹³

The degree to which children are still not believed by adults when disclosing abuse is hard to assess as most of the testimony we heard related to abuse that occurred before 2005. As an indication of broader contemporary attitudes towards children's credibility in Australia, a nationally representative survey of 1000 adults conducted in 2016 for the Valuing Children Initiative found that 63 per cent of respondents thought that a child was less likely to be believed than an adult.¹¹⁴

In the *Centres for performing arts* case study, a father told us that his daughter had lost a lot of friends after she disclosed in 2007 that she had been sexually abused by dance teacher Grant Davies at RG Dance. The daughter told us that she was not believed and that rumours were spread about her, which continued until 2016.¹¹⁵ Her father also said that she saw online chats where other RG Dance students said that she was trying to bring RG Dance down.¹¹⁶

From the very small number of private sessions in which survivors or witnesses discussed abuse that occurred after 2005, there were several instances in which the veracity of the child had been questioned. One survivor told us of a situation in the mid-to-late 2000s when his foster parents had not believed that their son, who was about 18 years old, had sexually abused him.¹¹⁷

A culture of intimidation, bullying and violence

We heard from many victims who experienced sexual abuse in the context of physical punishment and violence.¹¹⁸ We also heard about perpetrators who had used entrapment and other strategies, such as manipulation, coercion, physical violence and threats, to enable or facilitate child sexual abuse or harmful sexual behaviours, or to deter disclosure.¹¹⁹

A perpetrator who is more powerful than a victim may have less need to embark on a grooming process, instead forcing a child into an abusive situation.¹²⁰ Physical force or violence is used to overcome a child's resistance to sexual abuse, instil fear and silence a victim.¹²¹ As we heard from a survivor with reference to residential care:

Grooming seems to me to be irrelevant as a concept in these large institutions ... Physical violence was the norm. So there are very few defences against that. Very few people that you could turn to in that situation ... Accompanying that regime of violence was a regime of intimidation, a regime of sexualisation.¹²²

The close association between physical violence and sexual abuse was highlighted in *Case Study 5: Response of The Salvation Army to child sexual abuse at its boys' homes in New South Wales and Queensland*. In all four homes considered, there was a culture of frequent excessive physical punishment.¹²³ Physical punishment or the threat of violence by The Salvation Army officers or employees was used to coerce boys in the residential homes into being sexually abused and into secrecy.¹²⁴

In another case, we heard that a Scout leader who had been sexually abusing a younger female assistant with intellectual disability had sent her threatening text messages to attempt to maintain her silence about the abuse.¹²⁵

In our *Centres for performing arts* case study, we heard that dance teacher Grant Davies exercised strong power and control over his students by oscillating between intimidating, bullying behaviour and overtly affectionate, friendly behaviour. His bullying and coercion included physical punishment, public humiliation and emotional blackmail, which included telling students not to disclose his inappropriate online communications to their parents. This appeared to foster a culture of control, extreme competition and favouritism.¹²⁶

Research indicates that children exposed to one form of violence are at greater risk of experiencing other types of violence.¹²⁷ Some children can become the targets of multiple kinds of victimisation by a variety of offenders. This can include experiencing physical or emotional abuse by parents, carers, assaults or harassment by peers, and sexual abuse by acquaintances or strangers. We heard from one survivor:

A lot of kids there that come to these homes ... come from a situation where there is violence and they got taken away and out in a home. But they ... confused the sexual behaviour with love. ... I didn't realise it then, but I realise it now.¹²⁸

An organisational culture that allows bullying, harassment and intimidation between peers may increase a child's vulnerability to sexual harm from other students, due to abusive behaviour being tolerated or encouraged, or the bullied child feeling 'different' or marginalised.¹²⁹ *Case Study 45: Problematic and harmful sexual behaviours of children in schools* examined two Sydney Independent boys' schools, The King's School and Trinity Grammar School. We heard that acts of sexual harm involving students occurred within a broader culture of school bullying.¹³⁰

How coercion, entrapment and other forms of abuse and neglect can be associated with child sexual abuse is considered further in Volume 2, *Nature and cause*.

Social taboos and stigmatisation as barriers to seeking help

Social taboos have contributed to the invisibility of child sexual abuse and have kept children silent.¹³¹ Many of the adult survivors who came forward told us that this was the first time they had been able to speak about what had happened. Some told us that when they had tried to disclose earlier, they had been shamed and silenced. For example, two survivors said:

People say, 'Why didn't you tell him to stop? Why didn't you tell your parents?' I couldn't. He was a priest. I thought priests were very close to God. I was ashamed to talk about anything to do with sex.¹³²

[My foster mother] called me all the names under the sun and accused me of leading this man on and, ‘How dare you let him touch you like that? How dare you lead him on? If you ever say anything to anyone, everyone in town is going to think you’re nothing but a dirty slut’. And she pretty much shut me down.¹³³

We heard how this shame and embarrassment had hindered many victims in talking about their experience to others and reaching out for help sooner.¹³⁴ As discussed further in Volume 4, *Identifying and disclosing child sexual abuse*, this was the most common barrier to disclosing described by survivors attending a private session (46 per cent of those who had disclosed as an adult and 27.8 per cent of those who had disclosed as children said shame and embarrassment was a barrier). Some survivors also told us of the devastating and lasting impacts of carrying the burden of these secrets through their lives.¹³⁵

Some victims had not disclosed because of the fear of affecting significant people in their lives. Even if people are not directly involved in the abuse, they can be stigmatised for their association with those convicted, accused or suspected of abuse. In research we commissioned, a service provider described the considerable difficulties family members of perpetrators face when seeking help because of stigma and the associated shame.¹³⁶

Negative responses can inhibit victims and witnesses of abuse, and family members or friends of potential perpetrators, from disclosing abuse or seeking support.

Community members and volunteers working with children told the Royal Commission that they would hesitate to report concerns about an adult’s behaviour in the absence of ‘concrete evidence’, as they were aware of the damage that incorrect or false reports could have on the person’s life.¹³⁷ In *Case Study 41: Institutional responses to allegations of the sexual abuse of children with disability*, a mother gave evidence that when she reported the possible sexual abuse of her daughter by a staff member of community service provider FSG Australia, the manager expressed concern for the alleged perpetrator’s family:

[The manager] then said, ‘We have to consider his wife and family. He has a nice little girl’. I remember thinking, ‘What about my nice little girl?’¹³⁸

Research we commissioned suggests that almost two-thirds of young people would turn to a peer when encountering a situation they felt was unsafe.¹³⁹ Other research also concludes that young people are more likely to ask peers for support and advice about sexual relationships and practices than adults.¹⁴⁰

Our work has highlighted that a barrier to disclosure for some children has been a lack of understanding of the boundaries between innocent touching, sexual touching and sexual abuse. The lack of language to capture and express these distinctions can be a further barrier to disclosure. Consistent with other research, many survivors we spoke to described being uncertain whether their experience as children was sexual abuse (see Volume 4, *Identifying and disclosing child sexual abuse*).¹⁴¹ There is a need for children to start sex education at an earlier

age than currently occurs, beginning with parents talking to their children. This would involve countering the belief that children are 'innocent' blank slates and the reluctance to recognise and discuss children's sexuality.¹⁴² These concepts of children can result in attempts to preserve children's innocence through withholding information.¹⁴³

In addressing social taboos surrounding child sexual abuse, it would be important to tailor the approach, including the language and settings, to the many different cultural contexts in which children grow up in Australia.¹⁴⁴

Barriers to seeking help for potential perpetrators attracted to children

In Australia, child sexual abuse prevention has focused on equipping children to protect themselves from abuse, rather than on preventive measures for potential perpetrators.¹⁴⁵

Research and policy responses relating to perpetrators have concentrated on people who have already abused children. There has been limited research on and policy interventions for individuals who have a sexual preoccupation with children but have not acted on these desires.¹⁴⁶

International research suggests that perpetrators are often aware of their attraction to children for some time before they come to the attention of the justice system or seek treatment. A German prevention and treatment program, Prevention Project Dunkelfeld, found that clients of the program had been aware of their attraction to children for an average of 17 years before accessing treatment.¹⁴⁷

This provides opportunities for intervention to prevent potential perpetrators committing offences.¹⁴⁸ These opportunities are discussed later in the chapter.

Research we commissioned identifies several barriers that would need to be overcome before adults with sexual thoughts about children would seek help.¹⁴⁹ These include:

- denial of the need for help
- concerns about confidentiality and the fear of profound consequences of disclosure, including damage to personal relationships, loss of employment and being convicted
- feelings of shame and guilt, and fear of stigmatisation. Several service providers told us of the significant stigma and social abhorrence of people with sexual thoughts about children.¹⁵⁰

These barriers to seeking help are among those identified for a range of issues that are very different in nature to child sexual abuse but can also be stigmatised. Research on gambling, HIV and AIDS, mental illness, and substance abuse has found that barriers to accessing services include stigma, fear, guilt, lack of service awareness, service cost, waiting times and geographical location.¹⁵¹

The idea of providing support to adults who could become perpetrators may be confronting for many people. There has been resistance in Australia to investing in services of this nature compared to investing in traditional criminal justice approaches.¹⁵² However, repugnance towards perpetrators can discourage open discussion of child sexual abuse and its prevention, and potentially reduce policymakers' appetite for funding prevention programs.¹⁵³

In Australia, support programs are only available to sex offenders who have been convicted. These are operated in corrective services agencies in all states and territories. In the Australian Capital Territory, New South Wales, Victoria and Western Australia, these agencies also run programs for convicted adult sex offenders living in the community (see our *Criminal justice* report).¹⁵⁴ However, there is a lack of support services for potential perpetrators, and their access to psychological services can be hampered by location and cost.¹⁵⁵

There are compelling reasons why such help-seeking services should be available for people at risk of perpetrating abuse. Child sexual abuse has a very high social and economic cost, often including very negative long-term impacts on victims (see Volume 3, *Impacts*). We caution not to place the entire responsibility for preventing child sexual abuse on potential victims and indeed everyone else *other* than potential or actual perpetrators. Society should facilitate access to treatment for those who self-identify as being at risk of perpetrating child sexual abuse and are willing to undertake treatment.

The influence of the media in shaping community attitudes

The media can play a strong role in preventing child sexual abuse by raising awareness and fostering debate. This includes accurately representing abuse and its impacts, and constructively portraying children.

During the past few decades, the media in many parts of the world have played a critical role in bringing to the public's attention the seriousness, nature and extent of child sexual abuse, both inside and outside institutional settings. This has been a catalyst for criminal justice responses, inquiries, reforms, redress and support for victims.

In the United States in 2002, *The Boston Globe's* Spotlight team reported on alleged widespread child sexual abuse by clergy in the Catholic Church over several decades. Similarly, in New South Wales, the *Newcastle Herald's* 'Shine the light' series of articles led by journalist Joanne McCarthy and published between 2012 and 2017 described the alleged responses to sexual abuse of children, including in the Catholic Church in the Hunter region in 2012.¹⁵⁶ This and related investigative reporting influenced the establishment of a NSW Special Commission of Inquiry in 2012 into investigations of allegations of child sexual abuse in the Catholic dioceses of Maitland-Newcastle and also this Royal Commission.¹⁵⁷

Throughout this inquiry, local and national mainstream media have widely broadcast our work and findings, and increased public awareness of child sexual abuse.

2.4 The public health approach to community prevention

The Royal Commission recommends that Australia apply the public health approach to the prevention of child sexual abuse. Also known as the population health approach, the model is well established and has been applied to child sexual abuse both in Australia and overseas.¹⁵⁸ The appropriateness of this model for addressing child sexual abuse was recognised by expert witnesses in the *Nature, cause and impact of child sexual abuse* case study, and in consultation with stakeholders.¹⁵⁹

The public health approach is used when a preventable problem is widespread, serious and associated with severe long-term effects on individuals and communities.¹⁶⁰ It typically involves four steps, which are:¹⁶¹

1. understanding the extent and characteristics of the problem – the ‘who, what, when, where and how’ of the problem
2. identifying factors that increase the risk of the problem occurring (‘risk factors’), and those that can help stop or reduce the problem (‘protective factors’)
3. developing, testing and evaluating prevention strategies and programs that target these risk and protective factors
4. disseminating evidence about what works and what doesn’t, with the aim of replicating and scaling up successful interventions for widespread implementation.

Over several decades, the public health approach has been applied to a wide range of health-related issues, such as preventing HIV and AIDS, reducing smoking, and limiting exposure to the sun.¹⁶² Some prevention programs using this approach have been shown to have cost benefits, given the higher cost of addressing acute and chronic issues after they have occurred or become entrenched.¹⁶³

Traditionally, the model is represented as a pyramid with three tiers. In the health context, the base of the pyramid is defined as working with the whole population, as well as more specific audiences, to prevent a problem (‘primary prevention’). The middle level involves early detection and interventions to address early manifestations of the problem (‘secondary prevention’). The top level involves working with individuals or groups who have already experienced the problem, to prevent recurrence and minimise further harm (‘tertiary prevention’).¹⁶⁴

2.4.1 Applying the approach to complex problems

While the public health approach was originally designed for disease prevention, it has been modified to address other complex problems relating to social behaviour, such as reducing fatalities and injuries on the roads through promoting the use of seatbelts and child restraints,¹⁶⁵ preventing gambling, and preventing violence against women and children.¹⁶⁶

Addressing child protection and family violence

There has been considerable support in Australia and overseas for using a public health approach to address child protection.¹⁶⁷ In Australia this approach has been applied as early as 1993 and in numerous recent child protection inquiries, and underpins the National Framework for Protecting Australia's Children 2009–2020.¹⁶⁸ This approach has also been widely used in the family violence field.¹⁶⁹

There is considerable value in looking to these areas of work to inform community prevention of child sexual abuse, as highlighted by an expert witness in the *Nature, cause and impact of child sexual abuse* case study, and in consultation with stakeholders.¹⁷⁰

In the child protection, health and family violence areas, the model has been adapted to suit each context. In child protection, secondary prevention is generally defined as targeting families in which children are at risk of maltreatment, but where abuse has not occurred.¹⁷¹ This contrasts with the health field, where secondary prevention traditionally includes interventions to target early symptoms of the disease. In the family violence field, the literature includes examples of both definitions of secondary prevention – that is, where abuse has commenced and where it has not yet occurred.¹⁷²

2.4.2 Applying the approach to preventing child sexual abuse

When adapted to the prevention of child sexual abuse, the three levels of the public health model can be distinguished as follows:¹⁷³

- Primary prevention aims to prevent child sexual abuse through interventions across the Australian population, regardless of risk.
- Secondary prevention aims to prevent child sexual abuse through detection of risk or, where manifestations of the problem are identified, to prevent recurrence. This can also be referred to as 'early intervention'.
- Tertiary prevention aims to minimise the harm associated with child sexual abuse or prevent recurrence, through interventions with individuals or groups.

The National Framework for Protecting Australia’s Children 2009–2020 includes the prevention of child sexual abuse under Outcome 6.¹⁷⁴ Primary and secondary prevention strategies under this outcome include raising awareness in children, families and the broader community of child sexual abuse and cybersafety, applying filtering mechanisms relating to cybersafety, and continuing existing prevention initiatives in relation to child sexual abuse and harmful sexual behaviours by children.¹⁷⁵ This outcome acknowledges that the dynamics and drivers of child sexual abuse are not necessarily the same as for other forms of child abuse, and therefore its prevention may require different responses.¹⁷⁶

The national framework places a strong focus on preventing abuse and neglect at a population level.¹⁷⁷ There was support for more focus on primary and secondary prevention approaches to child sexual abuse by numerous experts in the *Nature, cause and impact of child sexual abuse* case study.¹⁷⁸ This reflects a broader shift from the traditional focus on tertiary responses (that is, what happens *after* a child is maltreated) to a focus on primary responses (that is, *before* a child is maltreated). In practice, all three levels of prevention are important for a comprehensive, integrated response, and the boundaries between them can be fluid.¹⁷⁹ Interventions at one level can flow on to encourage change at another level.

We have seen these connections as a result of the Royal Commission’s work and the considerable media coverage it has generated across the country.

Our focus on what happens in institutions after abuse has occurred, through hearings, private sessions and work on redress, has generated public discussions on the broader issue of child sexual abuse. This is likely to have increased the public’s awareness and understanding of the nature and extent of abuse and how it can affect people’s lives. Awareness and understanding are precursors to social change. Engaging and educating the Australian population in this way are examples of primary prevention and can help mobilise and equip communities to prevent abuse.

Raising community awareness and stimulating these difficult conversations may also have removed some of the barriers and stigmatisation that have kept victims and witnesses silent. A total of 6,875 survivors, family members and witnesses of child sexual abuse have come forward to tell their stories in person to the Royal Commission and many more have contacted us by telephone or in writing. Some have gone on to access tertiary services and therapeutic treatment, to seek redress, or to assist in criminal justice procedures against those responsible.

2.5 Community initiatives for preventing child sexual abuse

The key to preventing child abuse is generating sustained community commitment to understanding the dimensions of the problem, believing in the magnitude of the problem and really appreciating the suffering of children who are traumatised by abuse.¹⁸⁰

We have concluded that the objectives of community prevention initiatives should be to increase awareness and knowledge about child sexual abuse (both inside and outside institutional contexts), counter problematic attitudes and practices that increase risks to children, strengthen the capacity for members of the community to respond effectively, and remove social barriers to seeking help and disclosing abuse. This involves building on the strengths in communities that can help keep children safe.

Initiatives should reach and involve all communities at all levels, including leaders, families, workers and children themselves. They should be delivered in accessible ways for different cultural contexts, languages and religious settings. They should also take account of barriers to participation, such as individual impairments and community attitudes towards disability, culture and ethnicity.

As young people emphasised in our commissioned research, it is important for children to be central to the design and implementation of community initiatives to ensure the solutions meet their needs. For example, children and young people understand and experience safety differently to adults.¹⁸¹ This research also suggests that when children and young people have confidence in the adults and institutions that are responding to their safety concerns, they are more likely to raise their concerns, seek help and make disclosures.¹⁸²

Child sexual abuse can be prevented. However, there is no single solution and multiple complementary initiatives are required to address the complex issues involved.¹⁸³ Community-based initiatives delivered concurrently with institutional changes to policies and procedures, training and legislation would provide the basis for a robust system to underpin child safe organisations.

The primary and secondary interventions that could contribute to change in communities are:

- social marketing campaigns for all communities
- prevention education through early childhood centres, schools and other institutional settings for children and parents
- online safety education for children and young people, and their parents and carers
- prevention education for tertiary students intending to work in child-related occupations
- help-seeking services for potential perpetrators
- information and help-seeking services for bystanders (family members and other community members) who are concerned that an adult they know may perpetrate child sexual abuse or that a child may be at risk of harmful sexual behaviours.

These community prevention initiatives are discussed in this section. Common considerations for the design and implementation of such initiatives are discussed at the end of the section.

2.5.1 Social marketing campaigns

Social marketing campaigns are important to increase the effectiveness of programs that adopt a public health approach. They can be effective in persuading target audiences to change attitudes or adopt recommended behaviour,¹⁸⁴ whether on their own or with professional assistance.¹⁸⁵

Social marketing campaigns on child sexual abuse aim to increase people's awareness and knowledge of the issue, and change attitudes, beliefs and behaviour that may enable abuse to occur and deter people from seeking help and disclosing. They can contribute to a clear, consistent community understanding of child sexual abuse: that it is unacceptable and that it can be prevented and addressed.

We recommend that social marketing campaigns be designed and implemented to drive change at the population-wide level. These primary prevention campaigns would target all members of the community and particularly children, young people, parents and carers.

Secondary prevention campaigns could also be developed to complement or support early intervention initiatives, such as the help-seeking and information services discussed in this chapter. These would be designed to target situations where there may be early manifestations of child sexual abuse, concerns about problematic or harmful sexual behaviours in children, or a lack of clarity about whether adult behaviour is appropriate or constitutes grooming. These campaigns could also target identified groups or communities in which children may be either more vulnerable to harm, or less able to access universal campaigns.

Developing an integrated social marketing campaign for community prevention of child sexual abuse would be a complex and challenging task. It is important not to overstate the influence of campaigns but to see them as one element of an overall, multilayered prevention strategy.

There is considerable experience to draw on for this work, in Australia and overseas.

What this initiative would involve

A variety of strategies can be used for social marketing campaigns as part of a public health approach. These include social advertising, public education campaigns, dissemination of information resources, and targeted, local community-level activities to get messages across to the community. These can be complemented by, for example, helplines, support groups, peer-to-peer programs and community development initiatives.

Developing effective social marketing campaigns

Drawing on best-practice approaches, an effective social marketing campaign would require clearly identifying:¹⁸⁶

- what the campaign aims to achieve
- what knowledge, attitudes and skills are needed to encourage people to change, including their motivators and barriers
- who the campaign needs to reach, including various segments within the overall audience, based on their existing knowledge, beliefs and attitudes. This could guide the development of targeted approaches by showing how different groups of people think and behave, and what it may take to change their attitudes and behaviour
- the campaign messages and creative approaches that would resonate with these audiences
- the media, channels and settings to deliver the campaign to access and engage *all* communities, including groups that may be harder to reach
- where and how often audiences would need to be exposed to the messages
- the number of stages the campaign would require to sustain change in communities and avoid fatigue. It takes time to achieve lasting behavioural change. Sustained and engaging campaign activities are required to reinforce key messages and generate public commitment for the long term.

To answer these questions, market research would be essential. This includes testing campaign messages and creative approaches to ensure they are effective with the target audience. This is particularly important where the objectives of the campaign are to address sensitive and controversial issues. People's attitudes and beliefs can often screen out incoming messages that contradict their own core values.¹⁸⁷ Information needs to effectively cut through the daily flood of competing communications.

One of the challenges in educating the public about child sexual abuse would be to strike a balance between being vigilant about potential risks and not undermining trust between community members. Knowledge and skills are needed to equip children and adults to be alert to risks, without undermining positive and supportive behaviour and relationships that help keep children and young people safe.

Campaign messages

Primary prevention campaigns aimed at the wider population could include a combination of general and specific messages, identified through market research and testing.

The Commission heard wide support from stakeholders for a national campaign with an overarching message that children have a right to be safe and need to be heard.¹⁸⁸

Other primary prevention messages should aim to:

- raise awareness of the nature of grooming
- challenge stereotypes of perpetrators
- shape attitudes and behaviour that prioritise children's safety and wellbeing
- encourage safe behaviour for children when online
- emphasise the long-term impacts of child sexual abuse and the importance of stopping it before it starts
- create communities in which children feel willing and able to raise concerns before abuse occurs.

Secondary prevention campaign messages could be designed to support people who may be at risk and promote early intervention initiatives by letting community members know where they can seek advice and help if they are concerned:

- that someone they know may perpetrate child sexual abuse or that a child is at risk
- about their own sexual thoughts relating to children.

As discussed in this chapter, the Commission's work and other research suggests that there are several barriers that may deter people from speaking out or seeking help, whether they are bystanders or potential perpetrators. High-quality formative research and testing should inform the development of effective messages that could help people overcome these barriers.

Delivering the campaign

We recommend that a wide range of settings and communication channels be used to deliver social marketing campaigns, to maximise their reach to audiences and their impact.

Campaign messages could be delivered through a mixture of national, regional and local media, both mainstream and independent. This could include television, radio, print, social media, outdoor and billboard advertising. Dedicated websites and digital apps could be used to provide supporting information, including educational materials and links to services. Print materials such as brochures and posters could be disseminated in community venues such as primary healthcare settings. Grassroots, locally driven initiatives to raise public awareness about child sexual abuse could help to reinforce these messages.

Stakeholders highlighted the benefits of using respected high-profile individuals and community leaders as campaign 'champions'.¹⁸⁹ These ambassadors could challenge and encourage others to stand up against child sexual abuse. We were cautioned that champions should be given adequate skills and knowledge about preventing child sexual abuse to avoid misinformation being perpetuated – being a recognised community leader is not enough to promote greater understanding.¹⁹⁰

Coordination with related interventions, services and supports

Social marketing campaigns can complement more targeted strategies, increasing the effectiveness of an overall prevention strategy.¹⁹¹ Effective previous campaigns relating to child safety and wellbeing have had links with existing programs and supports, which has helped to facilitate and sustain the intended behaviour change.¹⁹²

If social marketing campaigns achieve their outcomes, public demand for assistance, information and support is likely to increase, and support services need to be resourced to respond.¹⁹³ In some previous social marketing campaigns, the increase in demand has been high and swift.¹⁹⁴

Services and support that are complementary to a social marketing campaign might include a website and a telephone helpline to enable people to access further information, receive help or be referred to other services.¹⁹⁵

Working closely with the media to get messages out

The impact of social marketing campaigns can be increased when strong partnerships are formed with the media to complement the campaign, beyond paid advertising that would form the basis of the campaign. Strategies could include providing media training to staff in organisations involved in the delivery of the campaign. These individuals could then provide the media with information for news stories relating to the prevention of child sexual abuse.

The benefits of this approach are demonstrated by the It's not OK social marketing campaign against family violence in New Zealand. Strategies included training for journalists on the issues and media training for a national network of media spokespeople who journalists could approach for stories about family violence. This aimed to ensure that the spokespeople could comment on family violence issues, write media releases, respond confidently when approached by journalists, and provide local stories and perspectives. An audit of media coverage after the campaign found that it had increased both the volume and accuracy of media coverage of family violence. The national network of trained media advocates also continued to operate beyond the campaign.¹⁹⁶

Existing work to learn from and build on

Two major Australian reviews of child protection social marketing campaigns have been undertaken. They conclude that these campaigns can positively influence people's awareness and knowledge, and, to some degree, influence attitudes and behaviour.¹⁹⁷ Similar conclusions were drawn from evaluations of a limited number of media campaigns on child sexual abuse that have been conducted in Australia and overseas.¹⁹⁸

Social marketing campaigns have been used to complement and support child sexual abuse-related helpline services overseas. An example is the Stop It Now! model, which originated in the US and now also operates in Ireland, the Netherlands and the United Kingdom.¹⁹⁹ This model provides telephone and email support via a helpline to adult perpetrators and potential perpetrators, parents of young people with problematic sexual behaviours, and community members who are concerned that someone they know may perpetrate child sexual abuse.²⁰⁰ Social marketing campaigns have been used to increase awareness and knowledge of child sexual abuse, and to encourage people to contact the helpline service.

An initial evaluation of Stop It Now! in 1997 found that two years after the program was implemented, community members had increased their awareness and knowledge of child sexual abuse. There had also been a modest increase in the number of calls to the helpline. However, most residents still did not know what to do when faced with a child sexual abuse situation.²⁰¹ A more recent evaluation of the program indicates that the mainstream advertising used by the Netherlands Stop It Now! helpline has helped raise awareness of the services, especially by potential perpetrators. This is now the most common way users find out about the helpline.²⁰²

Evaluation of a multimedia social marketing campaign run by Darkness to Light, a US organisation that aims to educate communities about child sexual abuse, had broadly comparable findings. The campaign used television and radio announcements, an educational pamphlet and a website. The messages were focused on primary and secondary prevention, and included talking to children about sexual abuse, its prevalence, the consequences of abuse, and where to get more information. A campaign evaluation with parents in the target group found that the campaign had a significant impact on knowledge about child sexual abuse and behavioural responses in hypothetical situations. However, there was no apparent impact on attitudes or actual behaviour.²⁰³

The evaluations of both the Stop It Now! and Darkness to Light campaigns highlight that media campaigns may benefit from being combined with other prevention initiatives.²⁰⁴

Work to develop grassroots local initiatives to increase community awareness of child sexual abuse can draw on initiatives conducted by non-government organisations focused on sexual abuse and child safety. For example, both Bravehearts and the Daniel Morcombe Foundation hold a national 'day' each year to raise awareness and funds – White Balloon Day and Day for Daniel respectively. Community organisations, businesses, schools and individuals run events as part of these days.²⁰⁵

Social marketing campaigns to reduce violence and bullying

Family violence and bullying prevention strategies provide relevant examples of delivering community-wide social marketing initiatives. They include the national advertising campaign, Let's stop it at the start, which focuses on changing attitudes and behaviour that may lead to domestic violence against women and children.²⁰⁶ The campaign has two themes: to stop people making excuses for aggressive and disrespectful behaviour and to start conversations with young people to foster respectful behaviour that is not aggressive.

Another national initiative, The Line, is a primary prevention behaviour change campaign delivered by Our Watch as a key initiative under the National Plan to Reduce Violence against Women and their Children 2010–2022. The campaign aims to encourage young people aged from 12 to 20 years to develop healthy and equal relationships and reject violence. It also supports other influencers such as parents and teachers.

The Line campaign demonstrates the value of initial market research to inform the campaign. To identify the messages to be used in the campaign, market research identified social attitudes, norms and practices that affected behaviour. The research highlighted the need for targeted and tailored communications and intervention strategies for different audience segments (for example, by level of emotional maturity), using a multiphased, integrated campaign with a strong focus on schools.²⁰⁷

An example of a social marketing campaign targeting bystanders is the Australian Human Rights Commission's national cyberbullying social marketing campaign, BackMeUp, which was launched in 2013. The campaign aimed to encourage bystanders who witness cyberbullying to take positive, effective and safe action. It was informed by research that demonstrated that most bullying occurs in front of bystanders, most of whom either feel powerless to act or encourage the bullying.²⁰⁸

The market research for the BackMeUp campaign identified barriers to seeking help, strategies to address these barriers, what would motivate bystanders to act, and the most effective messages for bystanders and forms of media to communicate those messages.²⁰⁹ This research also informed the central focus of the campaign: a video competition through Facebook, where teenagers were encouraged to make a video about how they could help someone who was being cyberbullied.²¹⁰ The BackMeUp campaign also used ambassadors who had personal experience of bullying.²¹¹

2.5.2 Education through early childhood centres, schools and other institutional settings

Child sexual abuse prevention education aims to provide children with knowledge and skills to help protect themselves from potentially abusive situations and to be aware of how to seek help in the event of abuse or attempted abuse.²¹² The need for this kind of education was strongly supported by numerous stakeholders, including several experts in the *Nature, cause and impact of child sexual abuse* case study, the young people we consulted, and numerous survivors in our private sessions.²¹³

Education to prevent child sexual abuse should also complement programs to prevent other forms of violence and abuse, as different types of abuse can share common consequences and risk and protective factors. Further, victims may have experienced more than one type of abuse.²¹⁴

Education could aim to communicate universal prevention messages and increase awareness and skills in both children and their parents. Childcare, preschool, school, out-of-school-hours care, and sport and recreational settings can be effective channels to deliver this education.

What this initiative would involve

Research suggests that prevention education should be provided to children and young people across all age groups in a range of settings.²¹⁵ A comprehensive education program needs to be provided, rather than an ad hoc approach, such as one-off education sessions.

These settings could include:

- childcare, which encompasses Australian Government-approved long day care, family day care and out-of-school-hours care
- preschool, for children aged 3–4 years, before they start school
- primary school, for children aged about 5–11 years. Primary school begins with a foundation year, variously called preparatory, reception, or preschool in different jurisdictions
- secondary school, for children aged about 12–18 years
- sport and recreation programs, which are offered in most Australian communities to children from a young age. These are generally accessed on a voluntary basis.

Prevention programs need to be inclusive and accessible to children with disability and children from different cultural backgrounds, and evaluated to ensure they deliver their intended outcomes. The learning outcomes, content and delivery need to be tailored to meet the needs of all children at different developmental stages and with different cognitive abilities.²¹⁶

People delivering child sexual abuse prevention education in these settings need to be appropriately skilled and trained.²¹⁷ They may be teachers or external facilitators from organisations with expertise in this field. The young people we consulted noted the value of education delivered by peers or at least by people of a younger age.²¹⁸

The program design and workforce training needs to be sensitive to the fact that both those delivering the education, and those receiving it, may have experienced child sexual abuse or other forms of abuse.

Prevention education through preschools and schools

Neither the Australian Government’s Early Years Learning Framework nor the Australian Curriculum for schools includes child sexual abuse prevention as a topic to be covered.²¹⁹

Early Years Learning Framework for preschool children – The framework is the curriculum that applies in all Australian education settings that serve children aged 0–5 years.²²⁰ It makes no explicit mention of the prevention of child sexual abuse or of any of the specific concepts typically found in child sexual abuse prevention programs for young children, such as how to distinguish appropriate from inappropriate touch requests or how to respond to an inappropriate touch request.²²¹

The most relevant area in the framework is Outcome 3: Children have a strong sense of wellbeing. This covers children taking increasing responsibility for their health and physical wellbeing, and being ‘happy, healthy, safe and connected to others’. To a lesser extent, prevention is related to Outcome 1: Children have a strong sense of identity, which emphasises children feeling safe, secure and supported, and Outcome 2: Children are connected with and contribute to their world, which includes understanding reciprocal rights and responsibilities.

The Australian Curriculum for schools – We commissioned a national audit of child sexual abuse prevention policies and curricula in 32 Australian primary school systems, covering government, Catholic and Independent school sectors in all states and territories. The audit, covering foundation (preparatory, reception and preschool) to Year 6, was based on information collected in late 2013 and early 2014.²²²

Child sexual abuse prevention must be inferred or interpreted within the scope of the Australian Curriculum.²²³ The learning area in the curriculum where child sexual abuse prevention content is typically located is ‘Health and physical education (F-10)’, although it is not explicitly stated there.²²⁴ Schools may choose to cover this in Strand 1 (‘Personal, social and community health’) within this learning area.²²⁵ Two Strand 1 focus areas are potentially relevant: ‘Safety’ and ‘Relationships and sexuality’.²²⁶

Another learning area, ‘General capabilities’, covers broader knowledge, skills, behaviour and dispositions, which could be relevant to child sexual abuse prevention.²²⁷ Aspects of child sexual abuse prevention are implicit in various statements elsewhere in the curriculum.²²⁸

The audit found that only eight of the school systems (12.5 per cent) had specific child sexual abuse prevention education curricula. Of these, four had a policy requiring compulsory child sexual abuse prevention education.²²⁹

There was considerable variation in the type of curricula available on this topic.²³⁰ (This is discussed further in Volume 13, *Schools*.) The audit concluded that the most comprehensive curriculum in Australia was the South Australian Government’s Keeping Safe: Child protection curriculum.²³¹ In some areas, child sexual abuse prevention programs were delivered in primary schools, by both government and non-government organisations, on an ad hoc basis or on request from schools.²³²

A national report on child sexual abuse prevention published in 2015 confirmed that there is considerable variation in the approach taken by jurisdictions. It said that no state or territory had specific child sexual abuse prevention education policies for schools. Only Western Australia, South Australia and the Australian Capital Territory had a commitment to providing child sexual abuse prevention education in their curricula. New South Wales and Victoria left it at the discretion of individual schools. New South Wales, Western Australia and the Australian Capital Territory required that this topic be taught in health and physical education classes; there was no such requirement in Victoria, Queensland, Tasmania and the Northern Territory.

All jurisdictions had resources for prevention education publicly available on their websites. However, the report noted that it may be challenging for untrained educators to assess the quality of the material if they have not had specific training.²³³

There is no comparable national audit of secondary school (Years 7–12) policies and curricula on child sexual abuse prevention. However, as noted, the ‘Health and physical education (F–10)’ learning area, which extends to students in Years 7–10, does not explicitly include child sexual abuse prevention.²³⁴

A national, integrated approach to prevention education in preschools and schools – There should be a nationally consistent approach to child sexual abuse prevention education programs for children in preschool and school. There may also be a need for minimum national standards for this program content.

This should include embedding explicit education about child sexual abuse prevention into both the Early Years Learning Framework and the ‘Health and physical education (F-10)’ learning area of the Australian Curriculum.²³⁵ This should be done in such a way that teachers understand what they are to teach, and how and when they are to teach it.²³⁶

Areas that could be covered include:

- recognising grooming and other forms of sexual abuse
- knowing that perpetrators may be people who are known and trusted
- identifying safe and unsafe situations
- self-protection skills and strategies
- skills and strategies for seeking help (for example, who to tell, what help is available, how to access it, and how to support peers if they are in trouble)
- understanding respectful and responsible sexual behaviour towards others.

Child sexual abuse prevention education should be integrated with education aimed at preventing all forms of violence against children, in any setting.²³⁷ Life skills and behaviour that children could apply to preventing violence could be integrated into the Australian Curriculum’s ‘General capabilities’, which encompass broader knowledge, skills, behaviour and dispositions, and play a significant role in equipping students to live and work successfully. Many of these capabilities, particularly those relating to personal and social capability, ethical understanding, and critical and creative thinking, may be relevant to the prevention of violence. They are similar to attributes identified in a wide range of prevention programs, such as problem solving, relationship and communication skills, advocacy, seeking help and self-efficacy (belief in one’s ability to succeed in specific situations).²³⁸

Delivering education in other settings

It is important to provide education for children and young people not only in schools but in a range of settings, including sport and recreation, community services, health, local government, justice, media, popular culture and the arts.²³⁹ These settings can be convenient and efficient vehicles for delivering universal and non-stigmatising messages to young people.

As proposed in the *Nature, cause and impact of child sexual abuse* case study, sport and recreation institutions can play a role in the prevention of child sexual abuse.²⁴⁰

In 2012, outside school hours, 1.7 million children aged 5–14 years participated in at least one organised sport and almost 1 million participated in at least one organised cultural activity, such as playing a musical instrument, singing, dancing, drama or art and craft.²⁴¹ Sport and recreation activities also provide an opportunity to engage with parents, some of whom may be involved in the activities, for example, as volunteers or coaches.

These institutions have a prominent and positive position in society and can be used as gateways to raise awareness about the importance of child safety across all communities.²⁴² In evidence to the Royal Commission, stakeholders from sport and recreation institutions indicated a willingness to focus on child safety.²⁴³

Prevention approaches in sport and recreation organisations are discussed in Volume 14, *Sport, recreation, arts, culture, community and hobby groups*. This includes establishing child safety officers in local councils and sports-related peak bodies across Australia to work with sport and recreation clubs and other local businesses that provide services to children.

Reaching vulnerable children

Schools cannot be relied on as the sole delivery channel for prevention education for children. Some children may not regularly attend or be able to attend school, such as those who are in out-of-home care; who are experiencing homelessness; who have chronic illness or disability; who cannot speak English; and who live in remote communities, including Aboriginal and Torres Strait Islander communities.

These groups can be more vulnerable to child sexual abuse.²⁴⁴ Therefore delivery channels and mechanisms for secondary prevention education messages are particularly important, in addition to primary prevention messages.

Commissioned research suggests that children in out-of-home care can be at high risk of sexual abuse and may be particularly vulnerable to harm.²⁴⁵ The research found that one of these children's concerns was living close to other young people 'with high sex drives and limited knowledge or education about sex, sexuality and healthy relationships to draw on'. The child felt that this was a concern because it could lead to inappropriate sexual activity.²⁴⁶

Volume 12, *Contemporary out-of-home care* discusses the additional and tailored education programs required for children in these settings.

Children in immigration detention also face particular barriers to accessing information which would otherwise be delivered through school-based education programs or by parents. The need for education strategies that are tailored to the needs of this group are discussed in Volume 15, *Contemporary detention environments*.

Methods for delivery of education

A variety of methods could be used to deliver sexual abuse prevention programs to children and young people in schools and other settings. Evaluations of high methodological quality have been conducted mainly on child-focused prevention programs in a physical environment – for example, using face-to-face instruction, modelling, role plays, puppets, and films and DVDs.²⁴⁷

There are no high-quality evaluations of such programs delivered online, or comparative studies of offline versus online delivery.²⁴⁸ However, some research exists on wider issues associated with the design and delivery of online programs.²⁴⁹

Online methods should be designed, piloted and tested to complement physical delivery methods. Other health interventions have shown that the most effective approach combines offline and online methods.²⁵⁰ Online methods such as educational games, videos, apps and interactive websites capitalise on the widespread use of digital media by children and young people, and provide a cost-effective and innovative way to engage young people.²⁵¹

Ensuring accessibility for all children

Tailored materials and engagement strategies would be needed to ensure all children, families and communities could access prevention information.

All prevention education should be accessible by children with disability.²⁵² The international literature establishes that children with disability face increased risks of sexual abuse and other forms of maltreatment.²⁵³ Our stakeholder feedback agreed strongly with this and advised that extra attention was required regarding the needs of children with disability.²⁵⁴

We have been told that children with disability can often miss out on appropriate relationship, sex and sexuality education because they cannot attend relevant classes or the material is not accessible to them.²⁵⁵ Many children with disability do not access the health curriculum in their schools because they are segregated, including for certain classes.²⁵⁶ This can lead to them missing out on critical information and discussions about safety.²⁵⁷ Prevention programs should be inclusive, accessible and designed to meet children's physical, cognitive or communication needs.²⁵⁸

To ensure accessibility, it would be essential to consider the ways in which sexual abuse is discussed and understood across different religions and cultures. This includes adapting programs for specific sub-populations and groups.²⁵⁹ For example, a volume of the Keeping Safe: Child protection curriculum in South Australia has been drafted for children and young people from culturally and linguistically diverse backgrounds. This includes guiding principles,

such as establishing positive learning environments for these students and considering their backgrounds in planning educational activities.²⁶⁰ The Keeping Safe: Child protection curriculum also emphasises that culturally sensitive approaches to child protection should not outweigh or compromise the safety and wellbeing of children and young people.²⁶¹

Existing work to learn from and build on

In developing a national approach to child sexual abuse prevention education, it would be useful to build on the programs that have been delivered in both preschools and schools, even though there is no explicit requirement for this in the Early Years Learning Framework and Australian Curriculum.

Preschool settings

The ‘Keeping Safe: Child protection curriculum’ has educational modules for each age band, including for children aged 3-5 years. This learning band considers the characteristics of young learners and the importance of partnerships with families and communities to reinforce children’s growing knowledge, positive sense of self, and ability to take action.²⁶² The curriculum also emphasises the use of ‘teachable moments’, where children’s everyday experiences can become the focus of discussions about safe and unsafe situations.²⁶³

Bravehearts also provides education programs for children from birth. These include Ditto’s Keep Safe Adventure Show, in which Ditto, a life-sized mascot, teaches children self-protective skills. The show is complemented by a DVD to reinforce the messages. This program is tailored for children aged 0-4 years and children aged 5-8 years. Parents are invited to attend with their children.²⁶⁴

School and other settings

Two separate but overlapping programs related to the prevention of child sexual abuse are delivered in Australian schools.

The first and most relevant focuses on teaching age-appropriate personal safety messages and skills. This type of program focuses on preventing child sexual abuse by adults and generally targets children in the years before formal school and up to Years 5–7.²⁶⁵ Such programs are also known as personal safety, body safety, protective behaviour, and child protection education programs.

As discussed above, the national audit we commissioned of child sexual abuse prevention policies and curricula in 32 Australian primary school systems concluded that the South Australian Keeping Safe curriculum was the most comprehensive.²⁶⁶ Keeping Safe comprises two themes (‘We all have the right to be safe’ and ‘We can help ourselves to be safe by talking to people we trust’), which are explored through four focus areas (‘The right to be safe’, ‘Relationships’, ‘Recognising and reporting abuse’, and ‘Protective strategies’). As well as the Early Years Band for children before they start school, Keeping Safe includes an Early Years

Band for reception (preparatory or preschool) to Year 2, a Primary Years Band (Years 3–5), a Middle Years Band (Years 6–9) and a Senior Years Band (Years 10–12). Each has age-appropriate content. As the year levels rise, more complex topics, such as myths and facts about child sexual abuse and grooming, are introduced.²⁶⁷

The Victorian Government has also developed a broader sexuality education program across all primary year levels, called *Catching On*.²⁶⁸ The program's resources are designed to build knowledge, skills, and behaviour to enable students to make responsible and safe choices.²⁶⁹

Specialist non-government organisations providing child sexual abuse prevention programs in schools and other settings include Act for Kids, Bravehearts, the National Association for Prevention of Child Abuse and Neglect (NAPCAN), Protective Behaviours Australia, the Daniel Morcombe Foundation, Safe4Kids, and various adult sexual assault services.²⁷⁰

The second type of program of relevance is respectful relationships education. This emerging body of programs targets older children and young people, generally from Years 5–12. The main aim of these programs is to prevent domestic and family violence, and other gender-based violence.²⁷¹ They are relevant to preventing harmful sexual behaviours by children, and can be complementary and linked to the programs that focus on child sexual abuse prevention, as discussed above.

The work on respectful relationships education has identified core elements of good practice, including the importance of a whole school approach to achieve sustained and positive cultural change. This involves shifts at a policy, structural, process, system and institutional level, and reinforcing messages in multiple areas of the curriculum, in schools and communities, and to students, school staff and parents.²⁷² Evaluation of the Victorian Government's trial of Respectful Relationships Education in Schools found that the program improved students' attitudes, knowledge and skills in discussing issues of violence, equality and respectful relationships. It also found that, under the program, schools took steps towards developing school-wide cultures of gender equality and respect.²⁷³

The new Victorian Government resource, *Building Respectful Relationships: Stepping out against gender-based violence*, was introduced in 2017 for students in Years 8–10. It is supported by teaching resources that have the central themes of gender, power, violence and respect.²⁷⁴ Some program elements, such as the creation of safe spaces in schools and how to respond to disclosure, could be transferrable to child sexual abuse prevention education, although this is untested at present.

Useful examples of respectful relationships programs in sport are those provided in major sporting organisations such as the National Rugby League and Australian Football League.²⁷⁵

The Moore Center, US

The Moore Center for the Prevention of Child Sexual Abuse is a world leader in child sexual abuse prevention policy, research and program development. Based at the Johns Hopkins Bloomberg School of Public Health in Baltimore, Maryland, US, the centre conducts original research and policy analysis to determine best practice approaches to preventing child sexual abuse using a public health model.²⁷⁶ The centre's research develops and evaluates primary prevention interventions to reduce child sexual abuse. It also aims to improve understanding of the cost, causes and consequences of child sexual abuse, and the policies that are needed to address it.²⁷⁷

A key stream of the centre's work relates to young people, families and schools, which includes some current projects underway that are focused on children with harmful sexual behaviours. These projects can highlight lessons for evidence-based practice in this area.

The centre is developing an innovative universal prevention program, called Responsible Behavior with Younger Children, to reduce older children's harmful sexual behaviours towards younger children. The program aims to educate older children about rules and appropriate boundaries with their peers or younger children and to encourage conversations between parents and older school children. It also aims to increase bystander involvement.²⁷⁸

The centre's Help Wanted project, a collaboration with the Association for the Treatment of Sexual Abusers, aims to develop and evaluate a web-based prevention intervention to support adolescents who are sexually attracted to prepubescent children. The project brings together experts from law enforcement, therapy, victim advocacy, prevention, research, and policy to identify strategies to help young people who are attracted to children to avoid acting on those interests. It includes developing resources for families and practitioners. This project will be informed by research with 18–30 year olds who were sexually attracted to prepubescent children during or prior to their adolescence.²⁷⁹

Drawing on findings from program evaluations

Work on designing child sexual abuse prevention programs should draw on the findings from previous rigorous evaluations of similar programs.

Commissioned research which reviewed evaluation literature on the impacts of preschool child sexual abuse prevention programs found some evidence of positive impacts.²⁸⁰ Programs appear to be effective at increasing young children's ability to detect inappropriate touch requests, and increase their behavioural skills around what to do and say, who to tell and what to report if they receive an inappropriate touch request.²⁸¹ The programs are also well received by parents and preschool teachers, and do not appear to increase children's anxiety or fear.²⁸² The impact on disclosure rates is not yet known.²⁸³

There is stronger evidence that school-based child sexual abuse education programs have positive impacts on children's knowledge and skills. A systematic review of evaluations found that these programs are effective in improving knowledge and self-protective skills among primary school-aged children, and did not increase their anxiety or fear. The knowledge children gained was retained six months later. It is not known whether these programs have longer term outcomes in terms of affecting the incidence or prevalence of child sexual abuse.²⁸⁴

Safe Touches is a US-based school prevention program implemented by the New York Society for the Prevention of Cruelty to Children. The program involves a short workshop, which uses puppets to role-play scenarios that help children learn and practise safety concepts. Children are also given an age-appropriate activity book on body safety to complete at home with their parents or carers. Evaluation of the program as delivered to second- and third-grade students in a large, multiracial, urban area of low socio-economic status found that it significantly increased knowledge about inappropriate touching.²⁸⁵

There are limited studies examining the impacts of child sexual abuse prevention programs for parents, which highlights the need for further evaluation in this area.²⁸⁶ One study found that parents who participated in such programs showed increased knowledge about child sexual abuse and were more likely to discuss the issue with their children.²⁸⁷

Evaluation of Canadian child sexual abuse prevention program Prevent It!, which was delivered to the general public, found that the program had major impacts on behaviour, attitudes and knowledge. It delivered evidence-based workshops through community groups such as child-related organisations. The workshops aimed to increase knowledge about child sexual abuse and to expose myths. The program also focused on producing actual behavioural outcomes. The evaluation, held three months after program participation, found that the program was highly effective in improving knowledge, attitudes and several aspects of behaviour. Participants' behavioural changes included talking much more about child sexual abuse and healthy sexual development, looking for evidence of child sexual abuse, and taking steps to protect children.²⁸⁸

2.5.3 Prevention education for parents

Education of parents is a critical strategy to help prevent child sexual abuse, since parents are in a unique position to educate and protect their children from sexual abuse.²⁸⁹ They are also often the most readily available source of information for their children about child sexual abuse prevention, and support by parents is critical for the success of school-based prevention programs.²⁹⁰ Research suggests that parents can talk to their children about this issue from an early age – it is important to talk early and talk often about this issue.²⁹¹ Parents can reinforce messages that are given to children in school and other settings by clarifying concepts and helping their children to apply what they have learnt in their daily lives.²⁹²

What this initiative would involve

Research suggests that parents often do not have the knowledge and resources to educate their children effectively about sexual abuse and harmful sexual behaviours by other children and young people.²⁹³ Commissioned research found that parents in two focus groups had not engaged in any education about how to prevent child sexual abuse.²⁹⁴ These parents reported feeling ambivalent about whether they could or would have conversations with children about this issue or teach them self-protective skills. Many were concerned about the developmental appropriateness of these conversations, and were unsure about how to resolve this. Most also felt they had no real understanding about age-appropriate sexual development.²⁹⁵

Parent education should aim to equip them with the knowledge and skills to help them protect their children from sexual abuse. It could encourage them to start and continue conversations with their children.

Our work suggests that such education for parents should cover the same general topics as that for children and young people, with a focus on how parents can protect and support their children. This education should also cover what is age-appropriate behaviour versus concerning sexual behaviour in children and young people, and how to seek help for concerning behaviour if required.

Schools are an important setting for engaging parents. Research indicates that this is one of the preferred sources of information about child sexual abuse prevention for parents.²⁹⁶ A combination of face-to-face and online methods such as social media platforms and apps for mobile devices may be appropriate.²⁹⁷

Parents' engagement with their children's sports and recreational activities provides an additional or alternative setting to deliver prevention information. This is discussed further in Volume 14, *Sport, recreation, arts, culture, community and hobby groups*.

Existing work to learn from and build on

A range of training, resources and information has been developed in Australia and overseas to educate parents about child sexual abuse and harmful sexual behaviours.

In Australia, Bravehearts provides education resources for parents, including a kit to complement its Ditto's Keep Safe Adventure Show DVD, which explains the key prevention messages, advises how parents can reinforce these messages with their children, and suggests language and guided discussion topics.²⁹⁸

Also in Australia, Child Wise provides face-to-face education sessions on child safety for parents. These aim, among other things, to provide parents with the tools to recognise and prevent risks to child safety, speak to their children about difficult issues, and increase protective factors. Child Wise also provides online resources for parents on topics including distinguishing between normal and concerning sexual behaviour in children and young people by age group, talking to children about safety, and ‘wising up’ to child sexual abuse. The last topic has a version for Aboriginal and Torres Strait Islander parents and carers.²⁹⁹

Play by the Rules, an interactive website, aims to keep sport safe, fair and inclusive. The Australian site provides resources on such issues as child protection, sexual relationships between coaches and players, bullying and cyberbullying, sexual harassment and discrimination. Its resources include toolkits, online training, interactive scenarios, and an interactive magazine.³⁰⁰ Although the website is primarily focused on sporting organisations and their staff and volunteers, it also targets parents and provides opportunities for broader community education.

In the US, the Moore Center has developed Parents Promoting Positive Sexual Development, which teaches parents how to talk to their children about responsible behaviour with others. The program aims to promote healthy sexual development of children and reduce the prevalence of child sexual abuse. The Safer, Smarter Kids program developed by the US-based Lauren’s Kids foundation, which aims to prevent sexual abuse, has, among its programs, a school education program that includes resources for parents of children with special needs.³⁰¹

The international Stop It Now! program provides online resources for parents on preventing child sexual abuse and harmful sexual behaviours. This program supports parents who are concerned that an adult may be at risk of abusing a child or that their child may be at risk of committing harmful sexual behaviours against another child. The US program’s tips sheets cover topics including:

- how to distinguish between normal and concerning sexual behaviours in children and young people
- how to identify signs that a child or teenager may be at risk of harming another child
- how to talk to children and young people about sports coaches or other adults who show signs of sexual interest in children
- what questions to ask when selecting a school or other youth program.³⁰²

2.5.4 Online safety education

Online safety for children is an emerging area of risk, both for communities and institutions. In Chapter 5, we propose a number of complementary initiatives to support institutions in creating child safe online environments and responding more effectively when incidents occur. This includes the need for a comprehensive approach to delivering online safety education nationally to all children and parents.

The Australian Government has recognised online safety as a priority. Its efforts are led by the Office of the eSafety Commissioner, an independent statutory office.³⁰³ The office aims to empower all Australians to explore the online world safely.

The Australian Government's Enhance Online Safety for Children program is providing \$7.5 million over four years from 2014–15 to help schools access certified programs.³⁰⁴ Online safety is a focus in two key Australian Government policy frameworks:

- The National Framework for Protecting Australia's Children 2009–2020 has a focus on raising awareness about the role of the internet as a facilitator in child sexual abuse, including through online safety education.³⁰⁵
- The National Safe Schools Framework identifies cybersafety and cyberbullying as two key 'new and emerging challenges' for schools to address.³⁰⁶

Online safety education related to preventing child sexual abuse and harmful sexual behaviours can target areas of risk such as:

- use of digital technologies by perpetrators to facilitate grooming and child sexual abuse
- non-consensual sharing of youth-produced sexual images and sextortion
- impacts associated with children's exposure to online pornography.

What this initiative would involve

Online safety education programs for children

Expert stakeholders highlighted the need for consistent and comprehensive programs of online safety education for children to be integrated into the Australian school curriculum and appropriately staged for children from an early age.³⁰⁷

Stakeholders noted that aspects of online safety education can be usefully integrated with existing school curriculum content on respectful relationships and cyberbullying. We also heard that educational content and messages need to resonate more strongly with children and young people at each developmental stage. This includes a balanced and positive approach that acknowledges the realities of children's evolving behaviour online, delivered by certified providers.³⁰⁸

The young people we consulted strongly supported online safety education being provided from a young age and tailored to particular age groups.³⁰⁹ The majority of those consulted would like to receive more education on this issue.

Our work has highlighted that online safety education should comprehensively cover a range of issues and topics relevant to preventing child sexual abuse and harmful sexual behaviours. This includes:

- awareness of how online technologies can be used to facilitate grooming and other behaviours such as image-based abuse and sextortion
- strategies to avoid or help minimise these risks, such as:
 - use of current security tools and privacy settings
 - only having online contact with people known and trusted, and assessing the reliability of online sources
 - skills for dealing with difficult online situations such as unwanted communication or requests³¹⁰
- the importance of ensuring that online relationships are healthy, positive and respectful, including:
 - understanding privacy and consent in the online environment, including image sharing
 - understanding that online pornography does not necessarily reflect reality and can influence social norms around sexual behaviour, body image, gender and aggression
 - challenging harmful attitudes or potentially harmful sexual relationships that can result from exposure to online pornography³¹¹
- understanding legalities of online activities, including producing, engaging with and distributing sexually explicit material of children
- knowledge of where and how to seek help for yourself or for a peer, including the roles of the Office of the eSafety Commissioner, and internet and social media providers.

Australian online safety education has predominantly focused on privacy and security concerns.³¹² A balance is required between helping children to avoid the risks that are associated with digital technology and empowering them to maximise the opportunities that the technology presents.³¹³ Research on online safety education suggests that the following approaches should be taken to achieve this balance:

- a staged approach, which delivers content that is appropriate to the developmental age and cognitive abilities of the children being taught
- a strengths-based approach, which focuses on key interpersonal skills, such as digital citizenship, building respectful relationships, ethical decision making, and skills that can help negotiate behavioural boundaries³¹⁴
- a hands-on approach, which uses digital technology as the medium for education. This is beneficial for equipping students with strategies to keep safe online, where real exposure to online risk can improve digital literacy³¹⁵
- a lifelong learning approach to digital participation, as online education needs to keep up with the constantly changing digital environment and technologies, and their associated safety risks.³¹⁶ Many Australian online safety education programs for young people and parents are a ‘one-off.’³¹⁷

National approach to children’s online safety education

While there has been a considerable amount of work done on online safety education in Australia, this has tended to be fragmented rather than comprehensive, focusing on one or a small number of broader online safety issues, such as privacy, cyberbullying or online etiquette.³¹⁸ Our consultations with young people suggested that there are variations in the nature of online safety programs in different states and territories, and across different schools.³¹⁹

We have concluded that a national, consistent approach should be developed for online safety education for children and young people, which should be introduced across all jurisdictions and embedded in the Australian Curriculum (see Chapter 5 and Recommendation 6.19).

The most relevant areas of the curriculum include ‘Digital technologies’, ‘Health and physical education (F-10)’ and the ‘General capabilities’.³²⁰

Online safety education for children should be integrated into a broader national approach to child sexual abuse prevention education in schools and other youth-related organisations, as discussed in Section 2.5.2.³²¹ It should be accessible to all children, including those with diverse backgrounds and needs.

Online safety education for parents to support children

Expert stakeholders emphasised the importance of broader online safety education for parents and other community members so they are better able to actively support children's safety and wellbeing online, and respond when things go wrong.³²²

The fact that young people often have higher levels of digital literacy than their parents should be considered in developing online safety education for parents.³²³ We were told that one of the key challenges for parents is to keep up with the rate of technological change and to understand what children are using, how they are socialising online and how they can use the technological protections that are available. This view was supported by young people, who believe it is important for adults in institutions and for parents to be educated about the way young people use social media and are informed in a more balanced way about online risks.³²⁴

Building on its current work, the Office of the eSafety Commissioner should oversee the delivery of national education aimed at parents and other community members to better support children's safety online (see Chapter 5 and Recommendation 6.20).

We have concluded that online safety education for parents could cover the same broad types of issues as that for children and young people, but from the perspective of how to support and protect them as technologies evolve. This should include education delivered both online and face-to-face.³²⁵

Education programs and resources for parents should aim to:

- keep them up-to-date on emerging risks and opportunities for safeguarding children online and where to seek help and support
- build understanding of responsibilities, legalities and ethics of children's interactions online
- encourage all members of the community to respond proactively, to make it 'everybody's business' to intervene early, provide support or report issues when concerns for children's safety online are raised.

We have heard from expert stakeholders that there is also a need to raise public awareness and visibility of the functions of the Office of the eSafety Commissioner and its responsibilities, legal powers, and the advice and resources it provides to communities and institutions.³²⁶

Practical technological strategies that parents can undertake include installing filtering software at home, checking security settings on all devices, helping children to set their online profiles to private, and developing household safety guidelines.³²⁷ Offline strategies for parents include discussing online safety issues with children on an ongoing basis, maintaining open communication with children, and identifying other trusted people that children could discuss problems with if they did not want to talk to their parents.³²⁸

Delivering online safety education

In addition to schools, online safety education could be delivered to children and parents through other settings and channels, such as youth-related organisations and dedicated websites.

Program design and delivery should take into account that both those delivering the education, and those being educated, may have experienced child sexual abuse or other forms of abuse.

Social marketing campaigns could be used to reinforce key messages and to prompt and direct people to educational resources, such as the Office of the eSafety Commissioner's iParent website. The Australian Government delivered a social marketing campaign as part of its Cybersmart online safety initiative, which was launched in 2008. The program included educational films and advertisements, supported by educational resources on the Cybersmart website.

The Australian Human Rights Commission's BackMeUp campaign used local celebrities to educate students about cyberbullying, and encouraged young people to support any friends who were being cyberbullied. The campaign included a video competition for young people and a television advertisement.³²⁹

Existing work to learn from and build on

There is a wide range of online safety education research and initiatives undertaken by the Australian Government, state and territory governments, and non-government organisations that could be built on.

Online safety programs and resources for children and young people

A national, consistent approach to online safety education for children and young people could build on the following Australian online safety initiatives:

- The Office of the eSafety Commissioner's resources for primary and secondary schools include fact sheets, teacher resources aligned to the Australian Curriculum, video resources and online student games. Some materials specifically relate to child sexual abuse, including 'sexting', offensive or illegal content, and unwanted online communication.³³⁰
- ThinkUKnow is a partnership between Microsoft Australia, Datacom and the Commonwealth Bank of Australia, and is delivered in collaboration with the New South Wales Police Force, Northern Territory Police, Queensland Police Service, South Australia Police, Tasmania Police, Western Australia Police and Neighbourhood Watch Australasia. The program offers online resources and face-to-face sessions on online safety for Years 3–12 students, which are tailored to topical issues that each age group might face online.³³¹

- The Student Wellbeing Hub website provides information and resources on online safety for primary and secondary students, tailored by age. This hub has been developed by Education Services Australia and funded by the Australian Government Department of Education and Training.³³²
- CyberEcho is a comprehensive educational resource for upper primary school students, which was developed by Bravehearts in partnership with Google. It aims to teach children strategies to help them stay safe online.³³³
- PROJECT ROCKIT runs interactive, strengths-based face-to-face and online workshops on cyberbullying, online safety and digital citizenship, which are designed by young people for young people.³³⁴
- Alannah and Madeline Foundation's eSmart Schools is a behaviour-change initiative that aims to help improve children's online safety and reduce cyberbullying and bullying.³³⁵
- Reality and Risk: Pornography, Young People and Sexuality addresses the impacts of children's exposure to online pornography. This community project is based on VicHealth's Preventing violence against women: A framework for action and includes resources for secondary school students, teachers and school leaders. The resource titled 'In the picture: supporting young people in an era of explicit sexual imagery' provides comprehensive school materials, including video clips of interviews with young people and those working in pornography.³³⁶ The project has produced two DVDs for use with young people.³³⁷

Online safety programs and resources for parents

In our consultations with young people and other stakeholders, the importance of online safety education for parents, as well as children, was strongly supported.³³⁸

A national, consistent approach to online safety education for parents and other carers could build on the following Australian online safety initiatives:

- iParent is a web-based resource of the Office of the eSafety Commissioner. It covers topics such as online pornography, cyberbullying and unwanted contact. The resources on online grooming include an animation and a video that advises parents how they can protect children.³³⁹
- ThinkUKnow offers presentations for parents in schools and community groups, parent resources including a cybersafety guide that covers cyberbullying and online grooming, and a Family Online Safety Contract for parents and children to sign as an agreement in their household.³⁴⁰
- The Student Wellbeing Hub website developed by Education Services Australia includes information and resources on online safety for parents of primary and secondary students. This includes a link to a US resource on recognising online grooming.³⁴¹

- The Daniel Morcombe Foundation has a video about online safety for parents, which covers issues such as grooming, pornography, ‘sexting’ and parental controls.³⁴²
- ‘Who’s chatting to your kids’ is an online brochure for parents developed by Taskforce Argos, Queensland Police. The brochure provides tips to help children stay safe when using social media, and explains ways that social media can be used by child sexual abuse perpetrators for grooming purposes. It includes a Family Internet Safety Agreement.³⁴³
- Alannah and Madeline Foundation’s eSmart School framework aims to help schools improve online safety and reduce cyberbullying and bullying, and involves building partnerships with parents to ensure consistency in children’s online safety and wellbeing in both the home and school environment.³⁴⁴
- Reality and Risk: Pornography, Young People and Sexuality addresses the impacts of children’s exposure to online pornography. Its resources include a series of fact sheets for parents.³⁴⁵

Lessons from evaluations of online safety programs

Future work on online safety programs also needs to consider the evaluations conducted in this field.

A systematic review was conducted of evaluations of programs for young people and their parents that aimed to address a range of online abusive interpersonal behaviour, including sexual solicitation, problematic exposure to pornography, cyberbullying and stalking.³⁴⁶

The review indicated that these programs have a positive impact on knowledge but not on behaviour. While internet safety knowledge significantly increased, there was no significant impact on changing risky online behaviour.³⁴⁷ Even in relation to increasing knowledge, programs targeting both children and parents can have different outcomes for each audience. An evaluation of the Australian Government’s national Cybersmart Outreach program found that for parents it raised awareness of online safety issues and was ‘eye-opening’, but for children it provided only an extension of content that was already ‘largely familiar’ to them.³⁴⁸ This reinforces the need for young people to inform the design and delivery of online safety programs, as highlighted in our consultations with young people.³⁴⁹

Further work is required to evaluate the outcomes of online safety programs, including what kind of programs can be more effective in changing behaviour as well as attitudes, and the most effective delivery methods.³⁵⁰

2.5.5 Prevention education for tertiary students

Tertiary students studying courses in child-related occupations are important to building capacity to help prevent child sexual abuse in their communities and institutional settings. These courses could include allied health, childcare, disability, early childhood, education, health, law, medicine, midwifery, psychology, psychiatry and social work delivered through universities, technical and further education (TAFE) colleges and vocational education and training (VET) institutions. Child sexual abuse prevention education should be included in all courses for child-related occupations.³⁵¹

As informed community members, students in these courses can influence broader attitudinal and behavioural change in their own social networks, as well as organisational cultures and practices once they begin work.

If tertiary students were trained in preventing child sexual abuse and harmful sexual behaviours in children and went on to work in child-related fields and settings, they could contribute to broader cultural change in their organisations and potentially become advocates for child safety.³⁵² Our work has highlighted that educating institutional staff and volunteers could have helped to prevent or detect child sexual abuse, and improved the institutional response to it. This is illustrated by our two case studies on Toowoomba and Perth Independent schools.³⁵³ Staff training in institutional settings should build on student training in tertiary institutions. (See Chapters 3 and 4.)

Education for tertiary students is part of a career-long continuum of building capacity in staff to prevent child sexual abuse and harmful sexual behaviours by children.

What this initiative would involve

This initiative would require the development of a comprehensive curriculum that covers preventing, identifying and responding to child sexual abuse and harmful sexual behaviours by children. Such a curriculum should be included in all tertiary courses that prepare students for child-related occupations and integrated with existing child safety course content, including prevention of child maltreatment.³⁵⁴

The curriculum content would need to be tailored to specific disciplines. To prepare for this work, the content of existing courses should be mapped to determine whether it is based on the best available evidence.

Our work suggests that the topics that tertiary students should cover are:

- the nature and incidence of child sexual abuse, and the risk and protective factors for victims and perpetrators³⁵⁵
- the long-term impacts of child sexual abuse and the critical importance of preventing abuse for children in the future
- how to talk to children, recognise behavioural indicators of abuse, including the grooming of children and adults, and the importance of maintaining professional boundaries with child clients³⁵⁶
- online safety, including the impact of online pornography on attitudes and its use as a grooming tool
- common myths and stereotypes that can enable abuse to occur and impede identification and disclosure of abuse³⁵⁷
- best practice approaches to the prevention of and early intervention for child sexual abuse and harmful sexual behaviours by children and young people³⁵⁸
- how and where to seek help for people who are concerned that a child may be at risk
- common psychological and other impacts on victims and their families³⁵⁹
- the spectrum of healthy to harmful sexual behaviours by children and young people.

The design and delivery of programs need to be sensitive to the fact that both those delivering the education, and those receiving it, may have experienced child sexual abuse or other forms of abuse.

The work to develop content relating to the prevention of child sexual abuse in tertiary courses could be led by the Australian Government in partnership with the university, TAFE and VET sectors. Relevant professional associations and registering authorities should also be consulted. For example, professional registration boards have standards that must be met before tertiary courses can be accredited.³⁶⁰

Tertiary courses in media and journalism should include training on how to sensitively and constructively cover child sexual abuse and harmful sexual behaviours by children and young people. This content could be included in existing ethics courses, for example. This could encourage constructive media coverage that would promote an accurate understanding of child sexual abuse in communities.

Existing work to learn from and build on

Tertiary courses for child-related occupations address child safety to greater or lesser extents. A national approach to tertiary education in child sexual abuse prevention would be required. This should build on the content of relevant courses nationally, where the data-mapping exercise has identified that the content is based on the best available evidence.

Course content has been mapped in some child-related occupations, including education, midwifery, nursing and psychology.³⁶¹ These reviews have found that there is either inadequate or no content relating to child protection in these courses.³⁶² They have also found relatively little coverage of key issues such as the prevention of child sexual abuse, and the associated risk and protective factors.³⁶³ These reviews have recommended that more content relating to child protection be provided in tertiary courses.³⁶⁴

There can also be marked differences between disciplines. We were told that clinical psychology and psychiatry courses do not adequately address child sexual abuse as a cause of mental illness, and that social worker training addresses child sexual abuse much better than these disciplines.³⁶⁵

National work to develop course content in this field should be informed by the best available Australian and international evidence on content for child maltreatment broadly and child sexual abuse specifically. It should also consider adult learning principles and the benefits of multidisciplinary training. This is recommended by the world peak body for the prevention of child abuse and neglect, the International Society for the Prevention of Child Abuse and Neglect (ISPCAN).³⁶⁶

In the US, the Gundersen National Child Protection Training Center and Winona State University have developed the Child Advocacy Studies Program. This program has developed evidence-based, interdisciplinary undergraduate and postgraduate courses in child protection for universities. These courses are informed by research and practice experience, and aim to establish a baseline of knowledge in core competencies related to child protection. Universities are required to undergo an accreditation and approval process before they can teach these courses.³⁶⁷

There is very little evaluation evidence on the impacts of providing child protection training to tertiary students.³⁶⁸ Evaluation of a United Kingdom course for early childhood educators, Pastoral Pathways, found a significant increase in knowledge after the program.³⁶⁹ The course had greater child protection content than the UK average, took a child's rights approach, addressed the context and impact of child maltreatment, and incorporated a range of theoretical and legal frameworks. These features may have contributed to the positive outcome.³⁷⁰

Evaluation of a brief online tutorial course about child maltreatment for undergraduate education and graduate counselling students in the US found that the course significantly increased students' knowledge. They were assessed immediately after the course.³⁷¹

Course content for media and journalism students about reporting on child protection issues could be informed by current media guidelines and resources in Australia and overseas. These cover the media reporting of sensitive issues including child sexual abuse and other forms of child maltreatment, violence against women, and suicide.³⁷² The content includes identifying common stereotypes, using language appropriately, reporting on individual cases, placing articles in context, and presenting information to encourage community understanding and prevention of child maltreatment.

Pre-service training in tertiary courses for education is discussed in Volume 13, *Schools*.

2.5.6 Help-seeking services for potential perpetrators

This initiative aims to establish a service to support people who are sexually attracted to children and who may seek voluntary treatment before they first abuse.

People who recognise and are concerned about their sexual attraction to children may have the level of awareness to seek help from a service dedicated to potential perpetrators of child sexual abuse. We acknowledge that these people who are aware of their sexual attraction to children are only a subset of people who may be at risk of becoming perpetrators of sexual abuse of children.³⁷³

A number of stakeholders told us that they supported services being made available for people who are at risk of offending and are willing to seek help.³⁷⁴ These stakeholders included some survivors and their representative groups, organisations for child sexual abuse prevention, out-of-school-hours care services, attendees at our Adelaide multicultural forum, psychologists with significant experience treating those who have and have not acted on their sexual attraction to children, and knowmore (the free legal service for people considering engaging with the Royal Commission). One subgroup identified for help-seeking services was the very small minority of survivors of child sexual abuse and/or other forms of child maltreatment who were concerned about their own potential to sexually abuse other children.³⁷⁵

What this initiative would involve

We have concluded that a confidential national support service is required for potential perpetrators.³⁷⁶ This conclusion is supported by the promising services overseas that are discussed in this section. The service could include a national helpline, online and print information, support, and referral to other services or treatment.

Establishing such a service could depend on overcoming community resistance to supporting this group, as the stigmatisation of perpetrators is a significant obstacle to engaging with potential perpetrators.³⁷⁷ Before they accessed help, potential perpetrators would also have to overcome significant social barriers, including stigma, denial, shame, guilt, and concerns about confidentiality.

The help-seeking service should be complemented by social marketing campaigns, to promote the service to potential users and referral agencies and to overcome the social barriers to seeking help.³⁷⁸

Information resources such as brochures and a website, as well as social media strategies, could be developed. Scoping work would be needed to identify effective ways to distribute these materials to the target group, for example, in conjunction with the Working With Children Check system.

How such a service would operate in Australia would need thorough consideration, including work to scope, develop, test, pilot and refine an appropriate model. This would include ongoing monitoring and evaluation of the service, particularly in its initial operation.

Important lessons can be learnt from two international programs that provide confidential telephone helplines and voluntary support to potential perpetrators: Stop It Now! and Prevention Project Dunkelfeld. These programs represent two of the most significant, recent developments in the community prevention of child sexual abuse.³⁷⁹

Stop It Now! provides confidential support to adult perpetrators and potential perpetrators of child sexual abuse, as well as to members of the community as concerned bystanders. This is provided initially through a telephone helpline or an email, followed, if required, by short-term, targeted support via telephone or a face-to-face meeting.³⁸⁰ Prevention Project Dunkelfeld in Germany provides a confidential, one-year group treatment program for perpetrators and potential perpetrators who have not come to the attention of the justice system.³⁸¹

The family violence campaign, 'It's not OK' in New Zealand also has useful lessons for Australia.

These programs are discussed below.

The need for services

There are no dedicated national help services currently available in Australia for potential perpetrators of child sexual abuse to help prevent them committing abuse for the first time.³⁸²

Telephone and online support services have been provided in Australia for many years for perpetrators and people experiencing a wide range of other social problems, including family violence, gambling, substance abuse and mental illness.³⁸³

We commissioned research that highlighted the need for services in Australia for potential perpetrators of child sexual abuse. This research examined the types of help needed by people who were concerned that they may sexually abuse a child, and support for parents, other community members and professionals who were concerned about someone they knew in this situation.

The service providers, including helplines, consulted for this research and several other stakeholders that provided advice to the Royal Commission noted the service gap for potential perpetrators.³⁸⁴

At a state or local level, the key services available to perpetrators and potential perpetrators are a small number of private psychologists with specific expertise in this area.³⁸⁵ However, all the national helplines consulted for the research reported difficulties with referring potential perpetrators to psychologists for longer term counselling. Barriers to access included cost and a lack of services in regional and remote areas.³⁸⁶

To help cover the cost, a Medicare rebate may be available for some clients under the Better Access scheme. However, the maximum number of sessions allowed does not support the long-term work required with this target group.³⁸⁷ The scheme covers up to 10 sessions per calendar year, with an additional six sessions available in 'exceptional circumstances'. It is also only available to those with a diagnosed mental disorder.³⁸⁸

The demand for such a service would need to be determined first. This should consider that some perpetrators who fear they will abuse again may contact the service, although they are not the intended target group.

The level of demand from potential perpetrators in Australia is unknown, and it is not yet possible to determine what proportion of the population has a sexual interest in children. In the US, it is estimated that about 3–5 per cent of the male population has paedophilic disorder. Female prevalence is likely to be a fraction of that rate.³⁸⁹ The proportion who are potential perpetrators is unknown.

The commissioned research also provides insight into the potential demand for a help-seeking service. Staff from several national helplines had received calls from potential perpetrators who were concerned they may sexually abuse a child. Staff felt this occurred often enough to demonstrate a demand for such a service.³⁹⁰ Since none of the helplines collected data on the reasons for these calls, the demand cannot be quantified.³⁹¹ The only known attribute of these callers is that all were male.³⁹² The Royal Commission's call centre has also received calls from people who were concerned that they may perpetrate abuse.

The experience overseas with Stop It Now! and Prevention Project Dunkelfeld suggests that there is demand for help-seeking services that target potential perpetrators.³⁹³

The effect of confidentiality on overseas services

The extent of confidentiality for callers would be a critical issue to consider in developing a national help-seeking service for potential perpetrators.³⁹⁴

In all Australian jurisdictions, staff in specified organisations are required under mandatory reporting laws to report past and current child sexual abuse. Staff in New South Wales, Victoria, Queensland and the Northern Territory must report where they have a reasonable suspicion that a child is likely to be abused. In South Australia and Tasmania this obligation only extends to situations where the potential perpetrator is living with the child.³⁹⁵

Overseas, confidentiality appears to have been a significant factor in determining whether individuals do or do not seek help before offending.³⁹⁶

Stop It Now! in the UK and Ireland allows callers to remain anonymous. However, the caller is told that any information identifying a child who has been or is at risk of being abused, or another criminal offence, will be passed to relevant authorities.³⁹⁷ This would apply in Australia also. In contrast, Stop It Now! in the Netherlands offers callers confidentiality (unless there are specific risks of sexual abuse) to the point where they can choose to be referred to regular forensic treatment.³⁹⁸ Patient–doctor confidentiality protects patients from disclosure of any previous offences to the authorities.³⁹⁹

In an analysis of 2012–13 call data, the percentage of callers in the Netherlands who were potential perpetrators was 52 per cent, compared with 17 per cent in the UK and Ireland. This suggests that men in the Netherlands were prepared to seek help at a much earlier point in their ‘offending pathway’ than in the UK and Ireland.⁴⁰⁰ Users of the Netherlands helpline, both perpetrators and potential perpetrators, said the guarantee of anonymity as well as accessibility of the service and a respectful approach towards callers were key success factors for the service.⁴⁰¹

Prevention Project Dunkelfeld provides confidential support to perpetrators and potential perpetrators who have not come to the attention of the justice system. In Germany, it would be a breach of confidentiality to report either a committed or planned offence in this context.

Delivering services

The Australian Government has recognised the value and importance of strengthening telephone and online forms of support for mental health services generally. Telephone and online interventions can be as effective as face-to-face services. Further, they are cost-effective, can be accessed from regional and remote areas, and provide anonymity.⁴⁰²

These factors may make telephone and online channels ideal for a confidential national service for people seeking help regarding child sexual abuse. The government should consider whether such a service should provide comprehensive support services in-house or act as a gateway by referring people to support services.⁴⁰³ Helpline options include a stand-alone service that is

dedicated to potential perpetrators or a service that is integrated into a helpline with a related function, but retains a strong focus on potential perpetrators. Related functions might include child abuse and neglect, family violence, or support services for men. It would be important for an integrated helpline to tailor services to attract and meet the needs of potential perpetrators.

Regardless of where the service sits, it would require highly skilled staff who are given ongoing training and supervision. Findings from related programs suggest that staff would require expertise in preventing child sexual abuse, working with sexual abusers, providing support in an empathetic and non-judgmental way, and motivating people who are typically fearful and distrustful to accept support.⁴⁰⁴

Existing work to learn from and build on

Research we commissioned identified only one national service in Australia that was dedicated to supporting people at risk of becoming perpetrators of child abuse – it closed on 30 June 2016 due to a lack of funding.⁴⁰⁵ The Child Abuse Prevention Service (CAPS) was a non-government organisation that focused on the prevention of child abuse.⁴⁰⁶ Its helpline had operated from 1973. Expenses associated with the helpline included employing staff with appropriate expertise, and training and supervising staff.⁴⁰⁷

In the absence of specialised services, potential perpetrators have been using helplines that were established for other issues.⁴⁰⁸ These are discussed below, in relation to concerned bystanders. Many of these helplines noted that they received calls from men who were concerned about their sexual thoughts about children and/or their use of child exploitation material.⁴⁰⁹ Sometimes the men described their experiences as a ‘one-off’, for example, viewing child pornography once and feeling guilty and ashamed later. At other times, they described a ‘more chronic obsessive compulsion, continually thinking about sexual acts with a child’.⁴¹⁰

Australia can learn from the experience of several overseas programs for potential perpetrators of child sexual abuse, discussed below.

Stop It Now! (Ireland, the Netherlands, UK and US)

The Stop It Now! helpline provides free advice and support to:

- perpetrators and potential perpetrators of child sexual abuse; that is, people who are concerned about their thoughts, feelings and behaviour towards children
- family and other community members who are concerned about adults who may be perpetrators or potential perpetrators
- family and other community members who are concerned about a child or young person’s harmful sexual behaviours.

Advice and support are provided on an anonymous and confidential basis by specialised staff via a telephone helpline, email and face-to-face. As discussed in Section 2.5.1, the service has been promoted via social marketing strategies.⁴¹¹

The model, which is based on a public health approach, offers support at two levels:

- Information and guidance (via telephone or email) is followed by a request for people to agree to implement one or more protective actions.
- Short-term, targeted support (via telephone, email or face-to-face) is offered for people who are experiencing complex or challenging issues.⁴¹² In the Netherlands, this includes up to six free therapeutic treatment sessions with a specialist forensic therapist.⁴¹³

Stop It Now! developed a toolkit to help European organisations set up helplines that suited their regions. The kit includes guidance on identifying the helpline's aims and objectives, the target groups, and the model for design and delivery. It also contains information on promotion, monitoring and evaluation.⁴¹⁴ The kit, as well as an economic analysis of the Stop It Now! helplines in the Netherlands and UK, could inform development of an Australian helpline.⁴¹⁵

Evaluation of Stop It Now! has been encouraging. Potential perpetrators and others using the Netherlands service provided very positive feedback about the helpline, including the nature and quality of information provided and the skills, empathy and attitude of staff, including their ability to challenge the callers.⁴¹⁶ They reported having more control over their feelings, behaviour and situation, 'mainly because they were finally able to share their secret'.⁴¹⁷

The evaluations of the Ireland/UK and Netherlands helplines found that users reported positive impacts that were consistent with the program aims and the factors that can reduce the risk of offending or reoffending.⁴¹⁸ These factors include recognising and addressing their problematic behaviour, acknowledging that viewing child pornography is harmful, accepting referrals to other support services such as psychology, and remaining in employment.⁴¹⁹ The program had also assisted people to overcome their internal barriers to seeking help.⁴²⁰

Prevention Project Dunkelfeld (Germany)

Berlin-based Prevention Project Dunkelfeld, meaning 'dark field' of undetected offences, works with perpetrators and potential perpetrators, including those who have self-identified as having a sexual interest in children but have not been arrested for or convicted of child sexual abuse offences. The project provides a one-year group-based treatment program, using a broad cognitive behavioural approach, on a confidential basis.⁴²¹ The Berlin Project for Primary Prevention of Child Sexual Abuse by Juveniles provides a modified version of the program for 12–18 year olds.⁴²²

The project has run extensive media campaigns that have been successful in attracting a large number of contacts and participants in the project, with messages informed by market research with perpetrators.⁴²³ This included people from across Germany, Switzerland and Austria. Most of those who participated in a clinical interview travelled a considerable distance. This highlights the need for strong specialist service provision.⁴²⁴

The concrete, practical messages used for these successful media campaigns were informed by research with perpetrators. They emphasised empathy and understanding, confidentiality, reducing fear of penalty by the justice system, and where to seek help.⁴²⁵ This illustrates the benefits of market testing with the intended audience, and providing a campaign integrated with other services.

An evaluation of the pilot program appeared to include only actual perpetrators rather than potential perpetrators.⁴²⁶ Evaluation of the impact of the program for potential perpetrators is yet to be undertaken.

It's not OK (New Zealand)

Lessons can be learnt from helplines and their associated social marketing campaigns for different but related complex social problems, such as family violence. It's not OK is a social marketing campaign in New Zealand that promotes the message that family violence is unacceptable, and encourages both perpetrators and victims to seek help. The campaign was successful in motivating male perpetrators to call a telephone helpline, view a website, and engage with the campaign's national and local champions. It also achieved strong awareness in Maori and Pacific communities.⁴²⁷

One of the campaign's success factors was the use of a consistent brand to unify local, national and media initiatives. Another factor was the use of simple, clear, positive, universally appealing stories that challenged social norms and featured 'real' men rather than actors. Campaign messages included 'Family violence – it's not OK ... but it is OK to ask for help'. The campaign was a departure from previous campaigns, which used shock tactics to blame, shame and demonise people.⁴²⁸

2.5.7 Information and help-seeking services for concerned bystanders

Everyone in the community has a role to play in helping to prevent child sexual abuse and harmful sexual behaviours by young people. This initiative aims to support community members, 'bystanders', who are concerned that:

- an adult they know may be at risk of perpetrating child sexual abuse
- a child or young person they know may be at risk of sexual abuse or harm
- a child or young person they know may be displaying harmful sexual behaviours.

What this initiative would involve

There is a need for a confidential national help-seeking service for concerned bystanders. This service would be outside the formal legal responses of police or child protection agencies. It would enable members of the public to discuss their concerns, ask questions and explore scenarios in relation to child sexual abuse or grooming. Experts attending our stakeholder workshops identified the lack of such a service in Australia.⁴²⁹

A bystanders' help-seeking service would need to be scoped, tested, piloted and evaluated. It could possibly be part of the help-seeking service for potential perpetrators discussed in Section 2.5.6. It could be promoted through a social marketing campaign, particularly initially. The campaign should aim to overcome the social barriers, such as fear and uncertainty, which prevent bystanders seeking help.⁴³⁰

The gap in services

Commissioned research suggests that a range of existing helplines are being used by people who are concerned that an adult may perpetrate child sexual abuse or that a child may engage in harmful sexual behaviour. The callers include people who have concerns about whether their child or another child is showing inappropriate sexual behaviour or about their partner's or ex-partner's behaviour towards a child.⁴³¹ While these calls to the existing helplines demonstrate that people are seeking help for these matters, the scale of this demand is unknown and none of these services collects quantitative data on callers' concerns.⁴³²

Three helplines which include a specific focus on child sexual abuse operate nationally. Bravehearts's information and support line is the only one that deals solely with child sexual abuse. The other two – Blue Knot Helpline and Child Wise National Child Abuse Helpline – deal with child maltreatment broadly.⁴³³ The commissioned research noted that Bravehearts and Child Wise on occasion have provided guidance on concerns about the behaviour of an adult that may lead to future child sexual abuse, or concerns about harmful sexual behaviour of a child.⁴³⁴ Prevention of child sexual abuse is a primary role of both these services.⁴³⁵

Six other national helplines serve young people, men and families, but do not deal with child sexual abuse specifically. They are: headspace (youth mental health), Kids Helpline, MensLine Australia, 1800 MYLINE (young people's relationship issues), 1800 RESPECT (family violence) and Act For Kids (child abuse).⁴³⁶

Calls to Child Family Community Australia (CFCA) also suggest the demand for a service for concerned bystanders. Its help desk receives one to two calls a week from community members and professionals requesting advice about responding to child safety concerns. Often these calls are requests for information about next steps, including reliable practical advice, other than a statutory response. CFCA, managed by the Australian Institute of Family Studies, is an information exchange for practitioners and policy makers, not a helpline for the public.⁴³⁷

Occasionally, people who were concerned that someone may be at risk of perpetrating child sexual abuse contacted the Royal Commission's call centre. This concern from members of the community typically related to an adult working in an institution, such as a teacher or priest. We also received calls from parents who were concerned about their children demonstrating potentially harmful sexual behaviours and whether this may indicate that they had been abused.

Delivering services

A confidential national help-seeking service could provide support via telephone or online, or both. In scoping the service, the government should consider whether it should provide comprehensive support services in-house or act as a gateway by referring people to support services.⁴³⁸

Other considerations are whether the service would be stand-alone or integrated into a helpline that had a related function, such as child maltreatment or family violence. The latter option would likely require modifications to ensure the service attracted and met the needs of bystanders with concerns relating to child sexual abuse.

Whether stand-alone or integrated, the service would require staff who have the appropriate expertise to work with concerned bystanders and are given ongoing training and supervision.

Existing work to learn from and build on

As discussed, commissioned research reported that two national helplines, Bravehearts and Child Wise, have on occasion been providing support to concerned bystanders. Development of a national help-seeking service could be informed by the experience of these and other Australian helplines which have supported this target group previously.

This national service could also be informed by the experience of other Australian helplines for different, but related, issues. For example, Join the Dots is an online tool developed by Bravehearts and Taskforce Argos, Queensland Police's team responsible for online child exploitation. It aims to provide a safe, anonymous and official process for young people to identify and report predatory online behaviour that can lead to the prosecution of perpetrators and protect young internet users.⁴³⁹ In this way, young people can act as concerned bystanders to protect younger children.

Overseas, Stop It Now! provides telephone, email and face-to-face support to concerned bystanders. The same telephone helpline is used by concerned bystanders and potential perpetrators and perpetrators.

Between 2002 and 2012 Stop It Now! UK and Ireland received over 31,000 calls from more than 14,000 people. Of these calls, 23.7 per cent (7,429) were from family, friends and adults concerned about the behaviour of another adult and 4.5 per cent (1,405) were from parents, carers and friends concerned about a child or young person's sexual behaviour.⁴⁴⁰

Stop It Now! demonstrates the value of research when developing a service for bystanders. In one US location, research identified gaps in community knowledge and services, and some problematic community attitudes. The model that was developed addressed these issues by targeting the community through a mass media campaign.⁴⁴¹ This program has increased community recognition and understanding of child sexual abuse, and its ability to keep children safe by promoting strategies to manage and reduce the risk of harmful sexual behaviours.⁴⁴² It also assisted bystanders to overcome their own barriers to seeking help.⁴⁴³

Research on Stop It Now! in the UK and Ireland showed that the service has had positive impacts for concerned bystanders. This included increasing their recognition and understanding of child sexual abuse, and ways to manage and reduce the risk of sexually harmful behaviours.⁴⁴⁴ The program also appeared to assist community members in overcoming their own internal barriers to seeking help.⁴⁴⁵

2.5.8 Common considerations for community prevention initiatives

Several considerations are common to the design and implementation of the community prevention initiatives outlined in this chapter. They are to:

- implement a national strategy for preventing child sexual abuse
- build on and learn from evidence-based strategies for preventing violence against adults and children, and for addressing other forms of child abuse and bullying
- tailor and target initiatives to reach, engage and provide access to all communities, particularly population groups that are more vulnerable to child sexual abuse
- involve children and young people in the development, design, implementation and evaluation of initiatives
- use research and evaluation to
 - build the evidence base for using best practices to prevent child sexual abuse and harmful sexual behaviours in children and young people
 - guide the development and refinement of interventions, including the piloting and testing of initiatives before they are implemented.

A national strategy for community prevention

A national strategy for preventing child sexual abuse would require strong leadership and a long-term commitment to educating and mobilising communities. It would serve as an overarching structure to coordinate, integrate and oversee the initiatives discussed in this chapter, and to evaluate long-term outcomes.

The Royal Commission recommends that the Australian Government, in collaboration with state and territory governments, establish a National Office for Child Safety. This is discussed in Chapter 4. We envisage that the office would lead efforts to make communities and institutions safe for children, coordinating partnerships with state, territory and local governments, the non-government sector and communities. We propose that the office develop and implement a national plan for child safety to succeed the National Framework for Protecting Australia's Children 2009–2020. The framework for a national strategy for community and institutional prevention of child sexual abuse could sit within this plan.

This would require the Australian Government, as well as state and territory governments, to commit to significant long-term investment in community prevention of child sexual abuse. State and territory governments would be required to work with the federal government to implement initiatives and invest. However, to be effective, a national strategy would need to encourage a 'whole-of-nation' response, not only a 'whole-of-government' response.⁴⁴⁶ To achieve this, community partnerships and participation would need to be at the centre of program design and implementation.

In the area of family violence, there is now more focus on prevention. This provides some useful examples of cross-sector cooperation and integration, including the value of:

- a long-term strategy that is realistic about the pace of change and takes an incremental approach⁴⁴⁷
- a comprehensive, integrated approach that recognises the importance of primary prevention alongside secondary and tertiary responses⁴⁴⁸
- a coordinated approach across all levels of government, and related sectors.⁴⁴⁹ These include health, justice, social services, disability, child and family services, and services for Aboriginal and Torres Strait Islander people and people from culturally and linguistically diverse backgrounds
- interventions that target individuals and families, local communities and organisations, together with universal interventions aimed at the whole population.⁴⁵⁰

Building on strategies for preventing violence and bullying against adults and children

The development of a national strategy for preventing child sexual abuse should be linked to the National Plan to Reduce Violence against Women and their Children 2010–2022 and its associated activities.⁴⁵¹

This plan provides an agreed framework for action by the Australian Government and state and territory governments. It focuses on preventing violence by raising awareness and building respectful relationships. It aims to effect attitudinal and behavioural change at the cultural, institutional and individual levels by targeting young people. The plan also engages with the non-government and private sectors.

A priority of the plan is to build a strong and lasting evidence base. To achieve this, the Australian Government and state and territory governments have funded Australia's National Research Organisation for Women's Safety Limited (ANROWS), which operates under the plan as a national centre of excellence.

In 2015, ANROWS, Our Watch and the Victorian Health Promotion Foundation (VicHealth) launched *Change the story: A shared framework for the primary prevention of violence against women and their children in Australia*.⁴⁵² *Change the story* provides evidence-based guidance to government, the non-government and private sectors, and communities on how to lead, coordinate, resource and support efforts to prevent violence against women and children. It also informs and supports the development of policy and legislation, prevention strategies, programs and advocacy.⁴⁵³

The national work in family violence has been complemented by state-level initiatives. Of relevance is the Victorian Government's research, policy and practice development work on gender-based violence, which has been recognised internationally during the past 10 years. VicHealth's Preventing violence against women: A framework for action, launched in 2009, has provided a consistent and integrated approach to preventing violence against women and their children.

The National Safe Schools Framework could also inform the work to develop a national approach to preventing child sexual abuse. Developed by the federal Department of Education and Training, the framework is supported by all Australian education jurisdictions. It provides a vision and guiding principles for safe, supportive and respectful school communities that promote student wellbeing. It adopts a whole-of-school approach to safety and wellbeing, and identifies nine elements of effective practice to help schools prevent bullying, violence and harassment. Each element contains a comprehensive range of strategies for school communities to use, based on good practice, research-based literature, and feedback from all educational systems, sectors and educators.⁴⁵⁴

Tailoring and targeting initiatives to engage all communities

National initiatives should reflect the diversity in Australian communities, and should reach, engage and provide access to Aboriginal and Torres Strait Islander people, people from culturally and linguistically diverse backgrounds, people with disability, and people of any age.

Universal community prevention strategies should work in tandem with tailored approaches for specific populations and settings. Targeted strategies should be designed at local levels and involve participation by those with expertise in particular cultures, structures and processes, as well as prevention of child sexual abuse.

Involving children and young people

What you need to be doing is come to us teens and just ask us the best way to get through to us. Asking other adults isn't very smart because what they were taught or told and their ideas are probably quite different to a teenager's.⁴⁵⁵

Children's right to have a say and be heard is one of the four central principles of the UN Convention on the Rights of the Child. Children and young people should be central to and valued in the development of all community prevention activities. This would include participating in reference or advisory groups, the design of activities, market testing, and the evaluation of initiatives, materials and delivery channels. This would ensure that prevention initiatives meet the needs of children and young people, and have the greatest impact.⁴⁵⁶

The importance of involving children and young people to inform program development was highlighted in research we commissioned with children and young people into safety in institutions, in our consultations with young people, and by an expert who gave evidence in our *Nature, cause and impact of child sexual abuse* case study.⁴⁵⁷ We have emphasised the importance of participation by children and young people in decisions affecting them in our proposed national Child Safe Standard 2: Children participate in decisions affecting them and are taken seriously (see Chapter 3).

Consultations with children and young people as part of the development of prevention initiatives should be conducted safely and ethically. They should be tailored to meet the needs of children of differing ages and capacities, to ensure that all voices are heard. Research we commissioned shows there can be marked differences in the views of children by age.⁴⁵⁸ Consultations must also take account of diverse cultural and linguistic contexts. They should follow appropriate community protocols and ensure cultural safety for Aboriginal and Torres Strait Islander children.

Research we commissioned with children and young people with cognitive and other disabilities used a variety of methodological approaches to seek their views. These included an easy-to-read pictorial resource; game-based activities; mapping in pictures; photo documentation; guided collage; walk-along interviews, where researchers accompanied children in their everyday activities; and specialist communication tools such as Talking Mats.⁴⁵⁹

Young people play a key role in all activities at ReachOut Australia, which collaborates with young people and experts to deliver mental health services online. This includes raising awareness through a national network of youth ambassadors. Young people are involved in developing and testing the content and design of online services through membership of the ReachOut producers group; membership of the online Youth Editorial Board, which reviews all website content; and participating in workshops. Young people contribute to ReachOut's social media activities by sourcing youth-friendly mental health images. They also participate in all the organisation's research and evaluation projects.⁴⁶⁰

As part of its role, the proposed National Office for Child Safety should consult with children on their safety concerns and the effectiveness of the child safe initiatives.

Using best practice research and evaluation to guide design and implementation

The research and evaluation of child sexual abuse prevention programs would require a nationally coordinated approach.⁴⁶¹ Research and evaluation should be used to build the evidence base for best practices in preventing child sexual abuse and harmful sexual behaviours in children and young people. They should also guide the development and refinement of interventions, including the piloting and testing of initiatives before they are implemented.

A range of existing research and evaluation could guide this work. This includes that conducted by the US-based Moore Center, which could inform the conceptual development and design of initiatives, and help identify what may work in practice.

From the outset, it would be critical to incorporate processes for using the best research in creating initiatives and rigorously evaluating those initiatives. Research design should be culturally safe, appropriate and accessible for the intended target groups, to ensure all perspectives are included.

Formative market research and evaluation research would be required to guide the design and implementation of new initiatives.

Formative market research is usually undertaken when sexual abuse prevention initiatives are being designed, or during implementation to further refine and improve them. During design, such research helps ensure that the programs are feasible, appropriate and acceptable.⁴⁶² For primary prevention initiatives, this could include identifying:

- social attitudes, knowledge, skills and behaviour that are relevant to child sexual abuse prevention
- the main drivers of social attitudes that need to be addressed in diverse communities
- the characteristics of the target groups, including issues relevant to program accessibility and cultural safety
- key messages, and communications materials and methods.

Evaluation research helps to determine if a program is working or not, and why. Its components include:

- outcome or impact evaluation, to assess whether the program has achieved its intended outcomes over the short and long terms
- process evaluation, to assess whether it has been implemented as intended
- economic evaluation, to assess its economic benefits and costs.⁴⁶³

For measuring the impacts of primary prevention interventions, evaluation can be undertaken before program implementation to determine a baseline, and during and after to assess change over time.⁴⁶⁴ This longitudinal approach is important because changes resulting from prevention programs can take time to achieve or be short-lived.⁴⁶⁵ It is also desirable to use a control group to have greater confidence that any changes were due to the program rather than another factor.⁴⁶⁶

A useful reference for this work is the longitudinal evaluation of The Line, which involves a baseline survey of young people's attitudes and behaviour, and subsequent waves of tracking research.⁴⁶⁷

Recommendation 6.1

The Australian Government should establish a mechanism to oversee the development and implementation of a national strategy to prevent child sexual abuse. This work should be undertaken by the proposed National Office for Child Safety (see Recommendations 6.16 and 6.17 in Chapter 4) and be included in the National Framework for Child Safety (see Recommendation 6.15 in Chapter 4).

Recommendation 6.2

The national strategy to prevent child sexual abuse should encompass the following complementary initiatives:

- a. social marketing campaigns to raise general community awareness and increase knowledge of child sexual abuse, to change problematic attitudes and behaviour relating to such abuse, and to promote and direct people to related prevention initiatives, information and help-seeking services
- b. prevention education delivered through preschool, school and other community institutional settings that aims to increase children's knowledge of child sexual abuse and build practical skills to assist in strengthening self-protective skills and strategies. The education should be integrated into existing school curricula and link with related areas such as respectful relationships education and sexuality education. It should be mandatory for all preschools and schools
- c. prevention education for parents delivered through day care, preschool, school, sport and recreational settings, and other institutional and community settings. The education should aim to increase knowledge of child sexual abuse and its impacts, and build skills to help reduce the risks of child sexual abuse
- d. online safety education for children, delivered via schools. Ministers for Education, through the Council of Australian Governments, should establish a nationally consistent curriculum for online safety education in schools. The Office of the eSafety Commissioner should be consulted on the design of the curriculum and contribute to the development of course content and approaches to delivery (see Recommendation 6.19 in Chapter 5)
- e. online safety education for parents and other community members to better support children's safety online. Building on their current work, the Office of the eSafety Commissioner should oversee the delivery of this education nationally (see Recommendation 6.20 in Chapter 5)

- f. prevention education for tertiary students studying university, technical and further education, and vocational education and training courses before entering child-related occupations. This should aim to increase awareness and understanding of the prevention of child sexual abuse and potentially harmful sexual behaviours in children
- g. information and help-seeking services to support people who are concerned they may be at risk of sexually abusing children. The design of these services should be informed by the Stop It Now! model implemented in Ireland and the United Kingdom
- h. information and help seeking services for parents and other members of the community concerned that:
 - i. an adult they know may be at risk of perpetrating child sexual abuse
 - ii. a child or young person they know may be at risk of sexual abuse or harm
 - iii. a child they know may be displaying harmful sexual behaviours.

Recommendation 6.3

The design and implementation of these initiatives should consider:

- a. aligning with and linking to national strategies for preventing violence against adults and children, and strategies for addressing other forms of child maltreatment
- b. tailoring and targeting initiatives to reach, engage and provide access to all communities, including children, Aboriginal and Torres Strait Islander communities, culturally and linguistically diverse communities, people with disability, and regional and remote communities
- c. involving children and young people in the strategic development, design, implementation and evaluation of initiatives
- d. using research and evaluation to:
 - i. build the evidence base for using best practices to prevent child sexual abuse and harmful sexual behaviours in children
 - ii. guide the development and refinement of interventions, including the piloting and testing of initiatives before they are implemented.

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3 What makes institutions safer for children

3.1 Overview

Through our case studies, commissioned research, private sessions and consultations, we heard of thousands of cases in which institutions were said to have failed to protect children in their care from sexual abuse. Information we gathered through our inquiry showed that child sexual abuse in institutions continues today and is not just a problem from the past.

A key aspect of our task has been to examine what makes institutions ‘child safe’. Child safe institutions create cultures, adopt strategies and take action to prevent harm to children, including child sexual abuse. In this chapter, we examine the foundations of a child safe institution, note the reasons that institutions fail, and consider what standards could be applied to make them safer places for children.

Our work on child safe institutions is underpinned by the United Nations Convention on the Rights of the Child (UNCRC), which Australia ratified in 1990. Consistent with Article 3 of the UNCRC, we believe all institutions concerned with children should act with the best interests of the child as a primary consideration.¹ We believe this foundational principle should be at the core of all child-related institutions’ purpose and operation.

Acknowledging that any proposed standards had to be underpinned by a solid evidence base, we undertook extensive research in Australia and internationally to identify what makes institutions safer for children. Each standard was then rated by an expert panel for relevance, reliability and achievability, and tested through further consultation.

The outcome of this research is a list of 10 Child Safe Standards that we believe can make institutions much safer places for children.² Our purpose was not to specify in detail the implementation of these standards. It was to provide illustrations from what we have heard from our case studies, commissioned research, private sessions and consultations of the failures by institutions, in part or in whole, as well as successful approaches that generated a child safe environment for children.

3.2 Defining a child safe institution

3.2.1 Foundations of a child safe institution

The Royal Commission was required to examine institutional responses to child sexual abuse and identify how children could be better protected. A key aspect of our task was examining what would make institutions ‘child safe’.

Child safe institutions create cultures, adopt strategies and take action to prevent harm to children, including child sexual abuse. We have adopted the Australian Children's Commissioners and Guardians' definition of a child safe institution as one that consciously and systematically:³

- creates conditions that reduce the likelihood of harm to children
- creates conditions that increase the likelihood of identifying and reporting harm
- responds appropriately to disclosures, allegations or suspicions of harm.

The concept of a child safe institution emerged in Australia in the last decade in response to increased community awareness of the vulnerability of children to harm, particularly children in the care of institutions. This awareness was due partly to high-profile cases of child maltreatment in institutional settings and partly to the reports of public inquiries, such as *Bringing them home* and *Forgotten Australians*, and, in Victoria, *Betrayal of trust*.⁴ In many instances, these inquiries and their reports were catalysts for developing policies and other initiatives to improve child safety in institutions, and, in particular, to prevent child sexual abuse.

While this Royal Commission is focused on sexual abuse of children in institutions, most child safe frameworks have broader application and aim to help institutions prevent, identify and improve responses to physical, sexual, emotional and/or psychological abuse and neglect of children, not just sexual abuse. We have been told by many survivors of child sexual abuse in institutions that they also experienced physical abuse, psychological maltreatment and neglect.⁵

It is therefore important for child safe institutions to take a broad approach, recognising that different forms of abuse occur together. Risk strategies and child safe policies should cover all the intentional and unintentional harms that can be reasonably foreseen for children in the institution's care and should include preventive measures.

We acknowledge that the risk of child sexual abuse can never be eliminated. Creating environments that are so risk averse as to inhibit the development of healthy and positive relationships between adults and children and curtail institutions' work with children should be avoided.⁶ A proportional response is required. Most children who participate in institutional activities or care are safe and benefit from the services. Policies must avoid creating an undue burden, particularly on smaller institutions, which may divert resources from serving children and young people. The United States Centers for Disease Control and Prevention refers to this as 'balancing caution and caring'.⁷

As noted, our work on child safe institutions is underpinned by the UNCRC. In particular, it is guided by the child's rights to:⁸

- have their best interests as a primary concern in decisions affecting them
- non-discrimination
- have the responsibilities of parents or carers respected
- participate in decisions affecting them
- be protected from all forms of violence, including all forms of sexual exploitation and sexual abuse, including while in the care of parents, guardians or other carers
- special protection for children with disability.

Consistent with Article 3 of the UNCRC, we believe all institutions concerned with children should act with the best interests of the child as a primary consideration.⁹ Article 3 states:

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.
2. States Parties undertake to ensure the child such protection and care as is necessary for his or her wellbeing, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.
3. States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

We believe this foundational best interests principle should be at the core of all child-related institutions' purpose and operation. Institutions and their leaders need to make sure it is widely understood and applied by all staff and volunteers.

In accordance with Articles 19 and 34 of the UNCRC, all children in Australia have a right to protection from all forms of violence and harm, including sexual abuse, in institutions.¹⁰ Article 19 of the UNCRC states:¹¹

1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.
2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programs to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

Article 34 of the UNCRC states:¹²

States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:

- (a) the inducement or coercion of a child to engage in any unlawful sexual activity
- (b) the exploitative use of children in prostitution or other unlawful sexual practices
- (c) the exploitative use of children in pornographic performances and materials.

The UNCRC places obligations on Australia to implement children's rights through legislative, administrative and other measures; and to make the principles enshrined in the UNCRC widely known and understood.¹³ Many countries have adopted constitutional provisions which determine the status of the treaties in the national law, so that there are clear and direct legal implications of becoming a party to a treaty.¹⁴

Given the foundational importance of child rights to child safety in institutions and the broader community, the Australian Government could consider ways to further strengthen the implementation of the UNCRC in Australia to promote cultural change towards valuing children and respecting their rights, which is central to making institutions and communities safer for children.

Our work has been further influenced by national policy agreements, such as the National Framework for Protecting Australia’s Children 2009–2020 and the National Plan to Reduce Violence against Women and their Children 2010–2022, and by literature on the prevention of child sexual abuse.

3.2.2 Failure of institutions to keep children safe

In private sessions up until 31 May 2017, we heard from almost 7,000 survivors and their family members of their experiences of child sexual abuse in institutions across Australia. We also received 992 written accounts from survivors of child sexual abuse. Given delays in disclosing abuse,¹⁵ considerable under-reporting, and that a proportion of victims would have now passed away, it is likely that the number of children who were abused in institutional settings in Australia in the 20th and 21st centuries is much higher, and that only a small proportion of those abused in institutions came forward to speak with us.

Through our case studies, commissioned research, private sessions and consultations we heard examples from across Australia of institutions from a diverse array of sectors failing to protect the children in their care.

The types of institutions we examined included statutory out-of-home care, education, faith based, recreation, sports and clubs, healthcare, youth detention facilities, childcare, supported accommodation, arts and culture, social support services, disability service providers, the defence forces and youth employment.

We heard of child sexual abuse in institutions that spanned the past 90 years. In our private sessions, we heard about abuse that occurred as early as the late 1920s. The public hearings of our case studies often considered abuse from the 1950s to the 1990s. This historical perspective should be expected, as we heard of survivors who took over 30 years to disclose the abuse. While some victims disclosed during or shortly after the abuse, the average time taken to disclose abuse among survivors who spoke to us in private sessions from May 2013 to July 2016 was 23.9 years. This is consistent with other research and discussed in more detail in Volume 4, *Identifying and disclosing child sexual abuse*.¹⁶

Information gathered through our inquiry showed that child sexual abuse in institutions continues today. It is not a problem from the past. Through our private sessions and public hearings, we heard many cases of abuse occurring in the past 10 to 15 years in a range of institutions, such as schools, foster and kinship care, respite care, health and allied services, performing arts institutions, childcare centres and youth groups. The private sessions included 279 children who told Commissioners they were sexually abused for the first time after 1999. Research commissioned by us examined police data on recent allegations of child sexual abuse (2008–13) and found that about 5 per cent of sexual abuse allegations reported to police occurred in an institutional context (see Chapter 3 of Volume 3, *Impacts*).¹⁷

We also learned that institutional cultures and practices that allowed abuse to occur and inhibited detection and response continue to exist in contemporary institutions.¹⁸ We heard in our case studies that some leaders did not take responsibility for their institution's failure to protect children against sexual abuse.¹⁹ There continues to be a lack of understanding of child sexual abuse in institutional settings, in particular misperceptions about child sex offenders.²⁰ There is also a lack of understanding about grooming behaviours.²¹ There is a tendency for people to believe adults over children, and to be afraid of falsely accusing someone of child sexual abuse for fear of retaliation.²² There are many examples in our case studies and commissioned research where abuse was reported but the perpetrators denied the abuse and were believed over the children.²³

Research we commissioned also identified types of institutions where organisational culture could impact on the prevention, identification and response to child sexual abuse. These included the more closed or 'total institutions' that had significant control over the lives of those they cared for,²⁴ such as youth detention and immigration detention facilities or boarding schools. In these types of institutions, the characteristics of organisational cultures that arose – such as secrecy, power and control – could increase the likelihood of harm to children. Characteristics that existed in other types of institutions, such as competitiveness or 'macho' cultures, could prevent disclosure of abuse and a proper response to it.

Children's safety and their best interests must be at the core of all child-related institutions' operation and purpose. However, we saw that 'the best interests of the child'²⁵ had not been a primary consideration of institutional leaders and staff in many instances. For example, some felt their primary responsibility was to protect the institution's reputation and the person accused or other involved adult, without recognising the impact this had on the children.²⁶ In addition, poor practices such as inadequate governance structures and failing to record and report complaints, or understating the seriousness of complaints, was evident in our case studies.²⁷

3.2.3 Addressing institutional risk factors

A core part of our work was to identify the risks in institutions that could increase the likelihood of abuse occurring in them. In Volume 2, *Nature and cause*, we discussed some of the cultural, operational and environmental risks identified through our case studies, commissioned research, private sessions and consultations. With institutional risk, several factors should be considered:

- The level of risk is different in each institutional context and can change over time. For example, the risks in a sporting institution will be different from the risks in a school or youth detention facility. Risks associated with institutions in which staff enter a child's home to provide personal care will be different from risks associated with a hospital. Risk factors must be considered in each individual institutional context and monitored over time.
- Risk factors can also be influenced by the community in which the institution operates, for example, community attitudes towards children and the extent to which the institution is perceived to be a source of authority.
- All institutions have multiple risk factors. Children are exposed to higher levels of risk when institutions take no action to address those factors. However, the presence of multiple risk factors does not necessarily result in abuse, and abuse can happen even when the level of risk is low.
- The presence of risk factors within an institutional context will affect each child differently. Some children are more vulnerable than others in some contexts, for instance, where the institutional culture is one that undervalues or discriminates against certain children, such as children with disability or Aboriginal and Torres Strait Islander children.

All institutions have a responsibility to protect children from potential sexual abuse by preventing, identifying and mitigating risks and responding appropriately when abuse occurs.

The Child Safe Standards we have identified are designed to help institutions address the multiple risks that can arise for them. While institutions should have regard to the risks explored in Volume 2, *Nature and cause*, the standards developed by the Royal Commission provide a systemic framework for them to address all the cultural, operational and environmental risks that may arise. Institutions will need to consider each standard, take time to identify related risks, and develop ways to mitigate or manage those risks.

3.3 Developing the Child Safe Standards

We have developed standards that articulate the key components or elements of a child safe institution. The Child Safe Standards can guide what institutions need to do to be child safe by setting best practice to drive and guide performance.

The 10 standards that would make institutions safer for children are:

- Standard 1: Child safety is embedded in institutional leadership, governance and culture
- Standard 2: Children participate in decisions affecting them and are taken seriously
- Standard 3: Families and communities are informed and involved
- Standard 4: Equity is upheld and diverse needs are taken into account
- Standard 5: People working with children are suitable and supported
- Standard 6: Processes to respond to complaints of child sexual abuse are child focused
- Standard 7: Staff are equipped with the knowledge, skills and awareness to keep children safe through continual education and training
- Standard 8: Physical and online environments minimise the opportunity for abuse to occur
- Standard 9: Implementation of the Child Safe Standards is continuously reviewed and improved
- Standard 10: Policies and procedures document how the institution is child safe.

In this section, we explain:

- how we identified the Child Safe Standards
- how the Child Safe Standards should be understood
- why each of the Child Safe Standards is an essential part of a child safe institution.

Our purpose was not to develop specific guidelines on how institutions should implement these standards, but to share what we have heard from our case studies, commissioned research, private sessions and consultations about the failures by institutions, in part or in whole, to protect children. It is also to highlight successful approaches that generated a child safe environment. We provide additional detail on what institutions could do to implement each of the standards in Appendix A.

Examples have been drawn from our case studies of both historical and contemporary institutions. We acknowledge that some of the institutional and community conditions from historical case studies no longer exist – these case studies have been used as examples to illustrate key issues. However, information from our private sessions suggests it would be a grave mistake to assume these issues and risks existed only in the past.

3.3.1 Identifying the Child Safe Standards

A core component of our work focused on identifying what made an institution child safe. This was necessary because although many child safe approaches existed, none were underpinned by a strong evidence base. For this reason, we decided that we could add significant value by creating a solid evidence base for what it meant to be a child safe institution.

We drew on established methods in guideline development as a model for identifying the key elements of a child safe organisation.²⁸ The process included:

- setting the purpose and scope of the Royal Commission’s child safe work
- forming and analysing the evidence base
- identifying an initial set of key elements
- testing and improving the proposed elements through expert opinion and stakeholder experience
- producing a final set of recommended standards, based on the initially identified key elements of a child safe organisation.

Developing the evidence base

The standards were identified from extensive scoping and analysis of the best available research, combined with experiential and contextual evidence,²⁹ here and overseas. We analysed existing child safe institution frameworks, guidelines and standards developed in Australia³⁰ and internationally.³¹ We reviewed research and literature on the characteristics of child sexual abuse and child safe institutions,³² and findings and recommendations from previous inquiries.³³ We supplemented the existing body of evidence with information from research commissioned by us, case studies and submissions in response to our *Issues paper 3: Child safe institutions*.

During the analysis, we carefully reviewed each document, extracting as much detail as possible to identify what was needed to make institutions safer for children. We assembled statements in a series of tables, searched them for common characteristics, and grouped similar items. To these groups of statements we attached descriptive labels (later called 'elements'). We examined all of the statements to identify strengths (these were retained), overlaps (redundancies were removed), and gaps (these were highlighted for further development).

From this analysis, we initially identified nine key elements of a child safe institution and two themes that cut across all the elements for further testing. The elements were:

- institutional leadership, governance and culture
- human resource management
- child safe policy and procedures
- education and training
- children's participation and empowerment
- family and community involvement
- physical and online environment
- review and continuous improvement
- child-focused complaint handling process.

The cross-cutting themes were:

- responding to children's diverse experiences and needs
- different types of institutions with varying institutional risk.

The key elements were supported by sub-elements to give examples of practice that might be observed in a child safe institution.

Testing the evidence base

Expert opinion and stakeholder experience were used to test the approach. We commissioned a research study to test the key elements of child safe organisations and their supporting sub-elements.³⁴ The research study obtained systematic feedback from a panel of 40 Australian and international independent experts, including academics, children's commissioners and guardians, regulators and other child safe sector experts and practitioners.

The expert panellists were asked whether each of the proposed elements and sub-elements were:

- relevant – their presence could indicate that an institution was child safe
- reliable – they consistently indicated child safety across a range of institutions and over time
- achievable – they could be achieved by most institutions, given the will and the resources to implement them.

The vast majority of experts determined that all elements were relevant and reliable, and about two-thirds agreed that they were achievable.³⁵ A very small number of expert panellists thought that five of the nine elements were unreliable or not achievable. No panellists indicated that any of the elements were irrelevant.

This rigorous process was necessary as we were attempting to build a strong evidence base to underpin existing child safe approaches. Additional detail on the process is available in the research study we commissioned.³⁶

Strengthening the evidence base

The expert panel was asked to suggest deletions, additions and changes to the wording of the elements and sub-elements. To maintain the integrity of this process, the elements were reviewed in conjunction with the panel's comments and revised. Revisions were also made in response to key findings of the consultations with children and young people by the Royal Commission and the children's commissioners.³⁷

The expert panel recorded mixed views about whether the cross-cutting theme of 'responding to children's diverse experiences and needs' should become a separate element. This question was further tested during stakeholder consultations with over 60 representatives from government and non-government agencies, academics and representatives from child-related industries, including from highly regulated and less regulated settings. These consultations made it clearer that the cross-cutting theme of 'responding to children's diverse experiences and needs' should be incorporated as a distinct element and labelled as 'equity and diverse needs', as supported by most Aboriginal and Torres Strait Islander and multicultural stakeholders.³⁸

Following consultation, we removed the second cross-cutting theme on different types of institutions with varying institutional risk. It is our view that all institutions must consider their risk of harm to children in the context of the specific activities they undertake, and the needs and diversity of the children they serve. It is acknowledged that institutions will have varying degrees of risk, and the issue of differentiating approaches is better addressed in the implementation and regulation of the Child Safe Standards.

The 10 new Child Safe Standards are based on the strongest evidence available domestically and internationally and articulate the elements required to make institutions safer for children.

3.4 Understanding the Child Safe Standards

As noted, the Royal Commission’s work on child safe institutions was underpinned by the UNCRC. Article 3 of the UNCRC states:

In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.³⁹

Consistent with Article 3, all institutions concerned with children should act with the best interests of the child as a primary consideration.⁴⁰ To achieve this, we believe all such institutions should implement the Child Safe Standards identified by the Royal Commission (see Figure 6.1).



Figure 6.1 – The Child Safe Standards

The Child Safe Standards are a benchmark against which institutions can assess their child safe capacity and set performance targets. The standards work together to articulate what makes a child safe institution. All the standards are of equal importance and all are interrelated. They should be read holistically, not in isolation, as there are necessary overlaps. Different standards can cut across, or be relevant to, other standards. For example, the standard on institutional leadership, governance and culture is an important part of other standards, such as children's participation and empowerment. Similarly, the standard on equity and diverse needs cuts across, and is a relevant consideration for, all standards. The implementation of the Child Safe Standards would also help drive cultural change within institutions to ensure the best interests of children are central to their operation and purpose.

The standards are designed to be principle based and focused on outcomes, as opposed to setting detailed and prescriptive rules that must be followed, or specific initiatives that should be implemented. This is to enable them to be applied to, and implemented by, institutions in a flexible way, informed by each institution's nature and characteristics. Every institution would need to consider each standard and take time to identify risks that could arise in their context, and find ways to mitigate or manage those risks.

The standards are intended to be dynamic and responsive rather than static and definitive, and would be subject to review.

We believe that certain types of institutions should be required by law to implement the child safe standards. See Chapter 4 for our recommendations about an improved national approach to the safety of children in institutions, the reasons why we think some institutions should be required by government to implement the standards, and how governments could support institutions to be child safe.

Standard 1: Leadership, governance and culture

Child safety is embedded in institutional leadership, governance and culture

A child safe institution is committed to child safety. This commitment is supported at all levels and is embedded in an institution's leadership, governance and culture, and all aspects of the institution's business and practice.

Institutional culture consists of the collective values and practices that guide the attitudes and behaviour of staff and volunteers in institutions.⁴¹ It guides 'the way things are done' and the way issues are managed, dealt with and responded to. A positive child-focused culture can help to protect children from sexual abuse and facilitate the identification and proper response to child sexual abuse.⁴²

Leaders play a critical role in creating and maintaining an institutional culture where children's best interests, respect for their rights and their protection from harm are at the heart of the institution's operation and the responsibility of all staff at all levels. Leaders should also maintain a culture where concerns are treated seriously and acted on and the reporting of instances of abuse is not obstructed or prevented. Leaders should espouse a positive child safe culture by conveying the values, beliefs and practices that they adhere to, and, by implication, the values, beliefs and practices that staff and volunteers within an institution are expected to ascribe to.⁴³

However, the impact of leaders is limited. Institutional cultures are shared by all members of the institution. They are built from the bottom up as well as from the top down. In *Case Study 2: YMCA NSW's response to the conduct of Jonathan Lord (YMCA NSW)*, Professor Stephen Smallbone, a psychologist from the School of Criminology and Criminal Justice at Griffith University, told us that staff in child-related organisations should have a culture of 'extended guardianship' or shared personal responsibility, where preventing abuse is seen as the ordinary responsibility of all adults.⁴⁴ This means that child safety must be a shared responsibility for all levels of an institution.

Leadership that prioritises children's safety is also needed to drive prevention and response initiatives. Without such leadership in institutions, the development and implementation of the measures may languish, proceed too slowly or not proceed at all.

Governance encompasses the systems, structures and policies that control the way an institution operates, and the mechanism by which the institution, and its people, can be held to account.⁴⁵ Governance strongly influences an institution's practices and decision-making processes. It is embedded in the good behaviour and the good judgment of those responsible for running an institution.⁴⁶

An institution's governance can be shaped by a variety of factors, including its constitution and policies, government regulation and oversight, and community expectations.⁴⁷ In government-run institutions, external oversight can be particularly important in facilitating good governance and internal decision-making. Boards of directors are also an important part of many institutions' governance structures. As leaders, board members play a pivotal role in influencing governance frameworks and setting an institution's culture by determining and maintaining its vision, purpose and values.⁴⁸

Integrity, transparency and accountability, risk management, culture and ethics are important elements of good governance and can help an institution to meet its objectives.⁴⁹ For every institution striving to be child safe, it is important that its governance arrangements support the implementation of the Child Safe Standards. It is also important that the institution's leaders set clear accountabilities for all levels of the institution's governance structure.

In this section, we look at our case studies, commissioned research, private sessions and consultations to highlight why embedding child safety in institutional leadership, governance and culture is essential to a child safe institution. The information we have gathered through our inquiry has shown that many institutions' approach to leadership, governance and culture has not prioritised the safety of children, and, as a consequence, children suffered harm.

What we found

Our case studies

Leadership and institutional culture: Examples of poor institutional leadership and culture were evident in many of our case studies. The following are just some examples.

In *Case Study 5: Response of The Salvation Army to child sexual abuse at its boys' homes in New South Wales and Queensland*, we saw how poor institutional culture could prevent abuse from being disclosed.⁵⁰ Between 1950 and the 1970s, the conduct of staff in four Salvation Army residential boys' homes indicated an institutional culture of punishing children⁵¹ with the result that children feared staff members.⁵² Boys who complained were punished, disbelieved or accused of lying, and no further action was taken. Often a boy's complaint was directed by the institution to the manager who had perpetrated the abuse. When senior staff at The Salvation Army were made aware of an allegation of child sexual abuse against a staff member, it was not investigated. As a result, boys were deterred from reporting abuse, and those outside the homes were often unaware of the allegations.⁵³

Similarly, in *Case Study 33: The response of The Salvation Army (Southern Territory) to allegations of child sexual abuse at children's homes that it operated (The Salvation Army children's homes, Australia Southern Territory)*, former residents gave evidence that any children who attempted to complain or report abuse were threatened with physical harm, accused of telling lies, subjected to physical abuse or disbelieved.⁵⁴

The *YMCA NSW* case study highlighted that the failure of that institution to enforce and educate staff on existing child protection policies created an institutional culture where the perpetrator of abuse, Jonathan Lord, was able to groom and sexually abuse children for over two years without detection. YMCA Caringbah did not have a culture of vigilance or shared personal responsibility for the safety of children,⁵⁵ and staff and management tolerated inappropriate behaviour by Lord despite that behaviour being in breach of institutional policy.⁵⁶ For example, a manager did not enforce rules prohibiting Lord from babysitting and engaging in outside activities with children. Management also breached policies, contributing to a culture where child safety was not a priority.⁵⁷

In addition, leaders of YMCA NSW did not accept that there were systemic failures to protect children in the institution through recruitment and staff training.⁵⁸ During the public hearing, senior management blamed junior staff for contributing to the circumstances in which Lord was able to abuse children in their care.⁵⁹

In other cases, leaders actively denied responsibility for the abuse that occurred and worked to insulate the institution from outside threats. In *Case Study 3: Anglican Diocese of Grafton's response to child sexual abuse at the North Coast Children's Home*, the Anglican Diocese of Grafton argued that it had no legal liability for sexual abuse by staff when faced with a legal claim for abuse that occurred at the children's home between 1940 and 1985. The legal claim was initiated in 2006 by 40 former residents of the home. The denial of responsibility was despite the children's home being strongly associated with the church and controlled by a board of management that included a local church leader.⁶⁰ The bishop resisted giving a victim information about the issue of liability due to concerns that the information might result in legal action against committee members. We found that the institution acted to protect its reputation over the safety of children.⁶¹

An institutional culture where the desire to protect an institution's reputation was stronger than the desire to protect the interests of children has been frequently illustrated in our case studies. The following are some examples.

- In *Case Study 1: The response of institutions to the conduct of Steven Larkins (Scouts and Hunter Aboriginal Children's Service)*, we found that the Regional Commissioner of Scouts Australia NSW responded to the complaints and allegations about Steven Larkins in 1997 with a desire to protect the reputation of Scouts Australia NSW.⁶²
- In *Case Study 20: The response of The Hutchins School and the Anglican Diocese of Tasmania to allegations of child sexual abuse at the school*, the board of management governing the school had refused to apologise to a survivor of child sexual abuse to avoid or limit reputational damage to the school.⁶³
- In *Case Study 26: The response of the Sisters of Mercy, the Catholic Diocese of Rockhampton and the Queensland Government to allegations of child sexual abuse at St Joseph's Orphanage, Neerkol (St Joseph's Orphanage, Neerkol)*, we heard from some Catholic religious within those institutions that they prioritised protecting the church's reputation when responding to allegations of child sexual abuse and therefore did not make sufficient enquiries relating to the specific complaints.⁶⁴

However, in *Case Study 49: Institutional review of The Salvation Army, Australia Eastern Territory and Australia Southern Territory (Institutional review of The Salvation Army)*, Commissioner Floyd Tidd, National Commander of The Salvation Army, explained how The Salvation Army now sees the importance of protecting children over the reputation of the institution:

I think in the journey of working with survivors, the journey of the Royal Commission, the journey over these last 10, 15 years, The Salvation Army has come to terms with the reality that our reputation does not need to be protected; children need to be protected; and, in doing so, the reputation of The Salvation Army will take care of itself. Doing that which is right for survivors and for children, creating safe environments, will look after the reputation. We don't start with the reputation. We start with the child.⁶⁵

We were told that there was resistance to cultural change in institutions' middle management, where there was a focus on the growth of the organisation rather than the importance of the guardianship for children.⁶⁶ Ms Janise Mitchell, Director of YMCA NSW, stated that cultural change could be a long and difficult process for institutions.⁶⁷ She noted that cultural change is a journey:

I think one of the things that has been important in the transformation process for [YMCA] New South Wales is the congruence from the board down to the operational level and that any weaknesses at any level pose a threat to the robust nature of what it is we're trying to achieve. I think whilst we talk about policy, it really is culture and it's a major change management piece.⁶⁸

Ms Mitchell also stated:

The big thing is visible leadership, that people know who I am, people know who the child protection manager is, and it's actually being in the service and being able to ask the hard questions and also have people ask you the hard questions. It's also about, again, that external view in. Part of the Australian Childhood Foundation review was looking at the culture, that people felt comfortable to escalate, people felt that they were being trained and people understood what safeguarding was.⁶⁹

Governance: Examples of poor institutional governance also arose in some of our case studies.⁷⁰ We heard how an institution's management structure, including whether it was strictly hierarchical or flatter, could affect the level of accountability of individuals within it, and its ability to identify and respond appropriately to child sexual abuse. Institutions governed along strict hierarchical lines could become so highly controlled that it was difficult for staff to challenge established norms and practices, and make complaints.⁷¹

For example, in *Case Study 18: The response of the Australian Christian Churches and affiliated Pentecostal churches to allegations of child sexual abuse (Australian Christian Churches)* we examined allegations of child sexual abuse against Kenneth Sandilands, a teacher at Northside Christian College, from 1983 to 1992, and the response of the college and the church to allegations during this period. The governance structure of Northside Christian College consisted of a church board and a college council comprising the senior pastor, Pastor Denis Smith, and parents of students at the college. The college council was involved in managing the day-to-day business of the college.⁷²

Pastor Smith chaired the college council from 1981 to 1998. We were told he ‘controlled everything in the college’ and ‘everything in relation to the college was kept secret and private’.⁷³ Pastor Smith had sufficient knowledge that Sandilands posed an unacceptable risk to children as he was aware of a number of allegations of abuse that occurred between 1986 and 1992. However, he did not disclose complaints to the college council. This meant the council was not able to properly discharge its duty in managing the school or make decisions about managing the safety of children.

Case Study 22: The response of Yeshiva Bondi and Yeshivah Melbourne to allegations of child sexual abuse made against people associated with those institutions (Yeshiva Bondi and Yeshivah Melbourne) also highlighted the dangers to good governance where there are familial, personal and financial conflicts of interest. Employees of Yeshivah Centre, members of incorporated associations and the committee of management were closely connected through family, friendships and relationships by marriage. We found that there had been no transparency within the hierarchically structured leadership of Yeshivah Melbourne to deal with perceived or actual familial and personal conflicts of interest. This in turn contributed to poor governance on the part of the committee of management.⁷⁴

In the *Scouts and Hunter Aboriginal Children’s Service* case study, we heard how perpetrator Steven Larkins tightly controlled the Hunter Aboriginal Children’s Service (HACS), where he was the principal officer. Larkins selected extended family members to work and volunteer at HACS and to serve on its board. We were told that several members of management depended on Larkins for advice on policies, procedures and legal requirements, including those related to child protection. Larkins separated staff from the management committee, controlled committee meetings and restricted communication between the HACS management committee and staff.⁷⁵ As a result, there was no effective governance mechanism by which staff could monitor Larkins’s behaviour and hold him to account for breaches of HACS policies. These included allowing Larkins to become a carer of a young person in spite of previous allegations that he had sexually abused children, and in breach of HACS policy that staff could not become foster carers for children placed with HACS.⁷⁶

In *Case Study 40: The response of the Australian Defence Force to allegations of child sexual abuse (Australian Defence Force)*, we heard how the unofficial rank hierarchy at Balcombe created an environment that facilitated and contributed to the abuse.⁷⁷ We were told of the sexual and physical abuse perpetrated on five apprentices between about 1970 and 1978 at the Army Apprentice School, Balcombe, Victoria, by other apprentices and staff members.⁷⁸ We concluded that the unofficial hierarchy at Balcombe created an environment that allowed senior apprentices to command and control junior apprentices, which went unchecked by leaders at the institution.⁷⁹ We were satisfied that this hierarchal structure of the institution facilitated and contributed to the abuse.⁸⁰

These case studies highlight how the power dynamics of an institution's leadership – both formal and informal – can stifle the effectiveness of its governance and ultimately affect its ability to protect children. They also highlight the strong link between governance and institutional culture. A positive child safe culture espoused by leaders and staff at all levels can help to guard against abuse of power and can facilitate good governance. Having child safety as an agenda item for institution meetings, at state and federal meetings for federalised institutions, at board meetings and at local team meetings can help keep child safety a priority.

The following case studies are examples of internal governance mechanisms, risk management strategies and codes of conduct that were not child focused.

In *Case Study 15: Response of swimming institutions, the Queensland and NSW Offices of the DPP and the Queensland Commission for Children and Young People and Child Guardian to allegations of child sexual abuse by swimming coaches (Swimming Australia and the DPP)*, we heard that the Queensland Academy of Sport did not have a child protection policy dealing with mitigating the risks of overnight travel at the time of the hearing in July 2014.⁸¹ The alleged perpetrator of abuse, swimming coach Mr Scott Volkens, had been on a number of overnight trips with athletes, and the executive directors of the academy accepted that there was a greater opportunity for child sexual abuse on an overnight trip.⁸²

On risk management, Professor Smallbone told us in the *YMCA NSW* case study that creating a child safe institution began with a clear, evidence-informed concept of the potential risks to children in an organisation's specific setting. This included accidental and non-accidental threats (such as maltreatment), health, safety and wellbeing. For sexual abuse, it required knowing basic facts about the characteristics of abusers and victims, and how, when and where abuse tended to occur.⁸³

In the *Australian Christian Churches* case study, the senior pastor of Northside Christian College, a ministry of Northside Christian Centre (now known as Encompass Church), gave evidence that in the 1980s the college had a code of conduct for teachers that focused on general Christian principles and was not specific to conduct towards children.⁸⁴

In *Case Study 29: The response of the Jehovah's Witnesses and Watchtower Bible and Tract Society of Australia Ltd to allegations of child sexual abuse (Jehovah's Witnesses)*, we heard that all decision making was undertaken by male elders, and that women could not be part of any process that would require a decision to be made.⁸⁵ In our opinion, the requirement that only male elders could participate in decision-making in the investigation process on whether or not someone has committed child sexual abuse was a fundamental flaw and increased the potential for further traumatisation of survivors by excluding women from the making of that decision.⁸⁶

We also heard some positive examples of governance practices, and the practices of boards. For example, in our public hearing for *Case Study 47: Institutional review of YMCA NSW*, we were told of the benefits of a non-hierarchical governance structure:

I think from a practical level, the fact that the structure is relatively flat means that people can contact me or can contact the child protection manager or, in fact, can walk into the CEO's office without fear or, you know, thinking that they are breaking some kind of hierarchical rule, and I think that really assists. In practice, I think having dual reporting – I have a dual reporting to Leisa but also directly to the board, and I have the opportunity to meet with the board ... the child protection manager has a direct line of reporting to the CEO as well as reporting to me, so it does mean that not only is there a practice of transparency but people are also very well aware that there are multiple lines of reporting ... In practice, it means there is every avenue possible for our staff, or for the people who engage with us, to, if they see something or if they are uncertain about something, at least ask for help.⁸⁷

In our *Institutional review of The Salvation Army* case study, Commissioner Tidd explained how cultural change was possible where an institution had a strongly hierarchical structure as it allowed directives to be given and followed through in policy.⁸⁸ Commissioner Tidd also explained how the current hierarchical structure of The Salvation Army was a lot flatter than at the time abuse occurred in many children's homes. He noted that this flatter structure created more avenues for reporting allegations other than just upwards through a single chain of command.⁸⁹ For example, complaints could be made to the Professional Standards Unit, an independent body responsible for receiving reports,⁹⁰ or directly to senior leadership.⁹¹

Our commissioned research

In the research study we commissioned to test the efficacy of the Child Safe Standards, almost all expert panellists considered Standard 1 relevant and more than three-quarters considered it a reliable indicator and achievable.⁹²

Research commissioned by us suggests that child safe institutions and their leaders need to formulate and champion values and beliefs that prioritise child safety relative to other objectives.⁹³ In other words, child safety must be paramount and must replace any cultural attributes in an institution that could undermine a child safe culture.⁹⁴

This is consistent with what children and young people told us. Commissioned research suggests that children and young people want institutions to take responsibility for keeping children safe and prioritise the needs of children above those of adults:

A common view among children and young people was that they felt that adults in institutions often did not regard children's safety as their main responsibility or did not consider it a top priority. Teaching children, supervising children, coaching children and controlling children were all seen as tasks that ... sometimes 'got in the way' of really listening to children and young people and responding to their safety needs.⁹⁵

We know that children with disability are exposed to heightened vulnerability and risk of all forms of maltreatment, including sexual abuse.⁹⁶ Therefore we commissioned a study to ensure that the voices of children with disability, which were largely missing from the research, were also heard.⁹⁷ Chief investigator Dr Sally Robinson found that children in the study expressed the same needs as all other children but she noted that they had extra challenges and 'additional barriers to being able to implement safety strategies'.⁹⁸ This suggests institutions have a responsibility to pay closer attention to the particularities of children with disability, who are more vulnerable.

The way that different institutions encourage a positive child safe culture will vary depending on each institutional context. This is because the culture of different institutions, such as youth detention facilities, sports clubs or schools, can vary. Different institution types with different cultures can present different safety challenges.

Youth detention facilities tend to resemble 'total institutions'. Commissioned research describes total institutions as isolated and enclosed, with their primary purpose to exert near total control over the life of residents.⁹⁹ Cultural characteristics that arise in total institutions include secrecy, where information sharing internally and externally is restricted; abuse of power, where those with power have significant control over the lives and actions of the residents; and failure to deal with complaints and undertake investigations, either internally or at all.¹⁰⁰ These attributes, especially within a context where children are particularly vulnerable and disempowered,¹⁰¹ can create an environment where abuse can more easily occur and jeopardise the proper identification, prevention and response to child sexual abuse.

In contrast, some sporting clubs can emphasise power, aggression, strength and competition.¹⁰² Sporting cultures also have historically maintained a culture of silence, making disclosure of sexual abuse difficult as it is seen as a weakness.¹⁰³ The normalisation of violence or sexualised conduct can also create an environment where abuse may go unrecognised or be viewed as unavoidable.¹⁰⁴ We saw this in our *Swimming Australia and the DPP* case study. Here, the victim of abuse, Ms Simone Boyce, did not tell anyone about the sexual abuse she suffered because the alleged perpetrator, Mr Volkens, was so well regarded in the swimming community. She believed that she could not complain if she were to have a future in competitive swimming, and that no one would believe her if she did.¹⁰⁵

Institutions such as schools which rely on their reputation as safe and nurturing environments for children can be quick to defend threats to their image.¹⁰⁶ We have consistently seen this, with one example being *Case Study 23: The response of Knox Grammar School and the Uniting Church in Australia to allegations of child sexual abuse at Knox Grammar School in Wahroonga, New South Wales (Knox Grammar School)*. This cultural characteristic can mean institutions do not respond adequately to matters relating to child sexual abuse and can place their interests above those of a child who may have disclosed abuse.

However, while institutional cultures may vary, the following attributes should be at the heart of any approach that prioritises children's safety:¹⁰⁷

- The best interests of the child and their protection from harm should be paramount.
- Children's rights should be understood and respected.
- Concerns raised by children and young people and their parents and carers should be treated seriously and acted on.
- Reporting instances of abuse should not be obstructed or prevented.

Our commissioned research told us that these attributes would need to be facilitated by:¹⁰⁸

- encouraging institutional leaders to exhibit attitudes and behaviours that support a child-focused culture through, for example, the kind of people they hire, the behaviour they reward and punish, the matters on which they focus their attention, and the way they respond to crises
- encouraging staff members to embrace a child-focused culture
- encouraging practices that symbolise and support a positive child-focused culture.

Our private sessions

Attendees at our private sessions frequently referred to institutional cultures that were unsafe for children and the failures of leaders to champion child safety. For example, we heard about leaders who ignored complaints of child sexual abuse, protected perpetrators or were perpetrators themselves. Positive comments on leadership and culture were very rare.

'Rainie' told us about a culture in the Jehovah's Witnesses where reporting instances of abuse was obstructed and prevented. 'Rainie' said an elder of the church began sexually abusing him when he was 15 years old and the abuse continued until he was 17. 'Rainie' said that when he complained about the abuse to the other elders, he was told that nothing could be done, as policy indicated that there had to be two witnesses to the abuse to start a formal investigation.¹⁰⁹

He said:

They basically told me to keep quiet. They said if I spoke about it, it would be slander ... It's only when you hit that adult point, you look back and you go 'Wow! Why didn't the other adults step in? Why didn't they stop [it]? Why didn't they do something? Why didn't they get me help?' None of that.¹¹⁰

Another survivor, 'Luisa', told us of being sexually abused by her primary school teacher. She said that, as this teacher also abused other children, his sexually abusive behaviours were well known among the students. 'Luisa' said her mother recognised the signs of sexual abuse and went to see the school principal with at least one other mother. We were told the school principal threatened 'Luisa's' mother with action from the union and told her not to involve the child protection department. 'Luisa' said her mother ended up not going to the police because 'the principal had intimidated her and she felt as though she didn't have that support. Or she didn't have the strength'.¹¹¹

'Neil Christopher' told us that he was placed at a Catholic orphanage by his father when he was 10 after his mother died suddenly. He said he was sexually abused by a family friend who was a priest working at the orphanage.¹¹² He said that when he made a complaint about the abuse to the nuns working at the orphanage:

Their reaction was that we were just telling lies and we basically got flogged for it. I only told them twice, and each time I mentioned it we were flogged. Not just given six, we were flogged for about five or 10 minutes until we couldn't cry anymore, just basically tortured I'd guess you'd call it.¹¹³

'Neil Christopher' said he reported the abuse to the bishop, and the bishop told him that he would have a word with the offending priest but the bishop never got back to him.

We heard a positive story from two pastors at a church in New South Wales about a strong child safe culture that prioritised child safety.¹¹⁴ The pastors observed that here, after several elders of the church allegedly involved in child sexual abuse were reported to the police and removed from their positions, there were changes:

There's been a very strong culture shift from a church that when we took it on there had been no checks in place – no training in place, no awareness ... It's like 'No, you're not working with the children' ... There's an awareness out there that above all else, protection of the vulnerable is the most important thing.¹¹⁵

Our consultations

Most submissions to our issues paper on child safe institutions also identified the critical importance of institutional leadership, governance and culture in protecting children from harm.¹¹⁶ These submissions were from government, religious, advocacy and community institutions.

The Australian Children’s Commissioners and Guardians noted that:

if one element of a child safe organisation were to be prized above others, it might be (in the words of the Royal Commission Issues Paper) ‘an organisational culture that is committed to child safety’... For most organisations, however, such a culture would develop gradually over time, as the other – more specific and tangible – actions and strategies recommended in the National Guidelines are implemented. In particular, in order to be ‘child safe’, an organisation must also be ‘child friendly’, and embrace the participation and empowerment of children and young people.¹¹⁷

Further, the CREATE Foundation submitted that:

fostering an organisational culture which recognises the barriers children and young people may face in being aware of their own rights and enabling them to speak up is an important step to addressing organisational factors which may have provided opportunities for harm to be undetected.¹¹⁸

Standard 2: Children’s participation and empowerment

Children participate in decisions affecting them and are taken seriously

Children are safer when institutions acknowledge and teach them about their right to be heard, listened to, and taken seriously. Article 12 of the UNCRC details the right of a child to express their views and participate in decisions that affect their lives.¹¹⁹ Enabling children and young people to understand, identify and raise their safety concerns with a trusted adult and to feel safe within the institution is important.¹²⁰

A child safe institution is one that seeks the views of children and takes into account their age, development, maturity, understanding and abilities, and the different formats and means of communication they may use. It provides children with formal and informal opportunities to share their views on institutional issues. Children can access sexual abuse prevention programs and information, and feel confident to complain, by using child helplines, for example. Staff are aware of signs of harm in children, including unexplained changes in behaviour, and routinely check children’s wellbeing.

In this section, we look at our case studies, commissioned research, private sessions and consultations to highlight why children’s participation and empowerment is an essential standard of a child safe institution.

What we found

Child safe institutions facilitate and value children's contribution to decision making and listen to their concerns. Children are more likely to raise complaints in an institution that empowers and listens to them. Policies and practices that are shaped by children's views can better prevent harm to children; for example, children may be able to identify risks that are less visible to adults in institutions.

Our case studies

Many of our case studies revealed that institutions did not listen to children or engage with them about their safety. For example, we heard of children who reported sexual abuse to the institution but were not believed and were beaten for making the allegation.¹²¹ In *Case Study 17: The response of the Australian Indigenous Ministries, the Australian and Northern Territory governments and the Northern Territory police force and prosecuting authorities to allegations of child sexual abuse which occurred at the Retta Dixon Home (Retta Dixon Home)*, former residents of Retta Dixon – a home established for 'the maintenance, custody and care of Aboriginal and half-caste children' – told us how the superintendent of the home did not believe victims, did nothing, or caned them for 'lying'.¹²² We heard of many children who were powerless in the institution; for example, they did not disclose abuse at the time it occurred because they did not understand it was wrong or were too ashamed or frightened to tell.¹²³

In *Case Study 24: Preventing and responding to allegations of child sexual abuse occurring in out-of-home care (Out-of-home care)*, we heard how young people felt that adults did not listen to them.¹²⁴ In the *Jehovah's Witnesses* case study, a survivor gave evidence that her parents would not allow her to attend sex education classes at school because the Jehovah's Witnesses institution 'advised against it'.¹²⁵

In *Case Study 21: The response of the Satyananda Yoga Ashram at Mangrove Mountain to allegations of child sexual abuse by the ashram's former spiritual leader in the 1970s and 1980s (Satyananda Yoga Ashram)*, we considered how the Satyananda yoga doctrine was interpreted and applied by the ashram's spiritual leader, Akhandananda, at the time, together with the belief system and institutional culture at the Mangrove Mountain ashram. We were satisfied that the degree to which the children at the ashram were isolated from mainstream community services meant that they were unlikely to turn to outside authorities, such as the police or school, to report abuse. These factors created significant barriers to Akhandananda's child victims disclosing sexual abuse to other adults or peers inside or outside the ashram, who may have been able to help them.¹²⁶

As noted earlier, in the *Swimming Australia and the DPP* case study we considered the experience of Ms Simone Boyce, who told us she was abused by swimming coach Scott Volkers. We heard evidence that Ms Boyce did not tell anyone about the sexual abuse she suffered because Mr Volkers was so well regarded in the swimming community. She believed that if she were to have a future in competitive swimming she could not complain.¹²⁷

In *Case Study 11: Congregation of Christian Brothers in Western Australia response to child sexual abuse at Castledare Junior Orphanage, St Vincent's Orphanage Clontarf, St Mary's Agricultural School Tardun and Bindoon Farm School (Christian Brothers)*, we heard from survivors of child sexual abuse who were not listened to when they reported the abuse, and experienced further abuse after reporting. One survivor told us that when he reported being abused by a Christian Brother to a priest, the priest performed sexual acts on him.¹²⁸ We heard from another survivor that after he tried to report being sexually abused to the police, and was disbelieved, he went back to the school and was physically abused by the same Christian Brother.¹²⁹

In *Case Study 13: The response of the Marist Brothers to allegations of child sexual abuse against Brothers Kostka Chute and Gregory Sutton (Marist Brothers)*, a survivor told us that when he reported being abused to two Marist Brothers, neither of them discussed with him referring the matter to the police. He then did not report his matter to the police as it was his word against the Catholic Marist Brother who abused him.¹³⁰

In the *Australian Defence Force* case study, we heard that the culture at both HMAS *Leeuwin* and Balcombe Apprentice School was such that reporting or disclosing child sexual abuse were met with actual or threatened dishonourable discharge, inaction by staff members, fear of retribution and punishment, and a belief that no action would be taken.¹³¹ We heard from survivors from HMAS *Leeuwin* and Balcombe who said that reporting child sexual abuse would have them labelled a 'dobber'.¹³² One survivor from Balcombe said that it was a 'virtual death wish' to 'dob' on a senior apprentice.¹³³ Survivors from Balcombe and HMAS *Leeuwin* also told us that the shame and humiliation associated with the abuse were deterrents to reporting.¹³⁴ A former Commanding Officer at HMAS *Leeuwin* said that the military environment at HMAS *Leeuwin* did not support 'complaining up'.¹³⁵

In our *Institutional review of The Salvation Army* case study, Mr David Eldridge, a retired Salvation Army Officer, reflected that The Salvation Army and other churches need to engage with the issues concerning young people today, including issues of sexuality and gender. Major Eldridge advised institutions to improve children's safety by listening to the concerns of young people, rather than judging their behaviour as 'deviant'.¹³⁶

Our commissioned research

In our commissioned research on child safe institutions, all expert panellists thought children's participation and empowerment was a relevant indicator that an institution was child safe, three-quarters rated it as a reliable indicator and two-thirds said it was achievable.¹³⁷ A number of experts commented that this standard was a key driver of safety in institutions, with one stating that 'this is one of the more important standards and should be placed first and emphasise that most efforts should go into implementing these elements and sub-elements'.¹³⁸

A research report we commissioned – *Taking us seriously: Children and young people talk about safety and institutional responses to their safety concerns (Taking us seriously)* – found that to feel safe, children and young people need some power and control in an institution.¹³⁹ Children and young people told researchers that while being safe and feeling safe were related and interlinked, they should be understood differently. They believed adults were often more focused on observable threats instead of how children feel and what they need to feel safe. Children and young people told us that they believed adults at times did not recognise or value children’s concerns. They thought this was problematic. Participants believed that responses by institutions were limited without an appreciation of children’s perceived safety needs.¹⁴⁰

The report found that characteristics of a child safe institution were ones that valued children and young people and their participation.¹⁴¹ Children and young people said they wanted to be involved in identifying and dealing with safety issues and believed that, in partnership with adults and institutions, issues such as child sexual abuse could be better dealt with.¹⁴² A young person in the study commented:

I think that adults think they know what kids need to be safe but I don’t think that they do. They base it on what they remember from when they were kids and the world is different now. So they need to talk to kids and find out what it means to them.¹⁴³

In a separate report we commissioned, children and young people with disability and high support needs provided a wealth of information about what ‘being safe’ meant to them, both in conversation with the researchers and through their pictorial maps. Family members also took part in interviews. The report, *Feeling safe, being safe: What is important to children and young people with disability and high support needs about safety in institutional settings? (Feeling safe, being safe)*, found that what helped children and young people feel safe included:

feeling known and valued, having someone to confide in, avoiding contact with people they didn’t know (both strangers and professionals who were little known), feeling able to tell someone if they felt unsafe, and having appropriate opportunities to learn about how to be safe (both formal and informal).¹⁴⁴

Another commissioned report – *Our safety counts: Children and young people’s perceptions of safety and institutional responses to their safety concerns (Our safety counts)* – found that education and information currently provided to children about sexual abuse, particularly to those of high school age, should be reconsidered. The report argued that:

such education should be informed by young people themselves, to ensure that it meets their needs and promoted strategies they believe they would use in situations when they were unsafe.¹⁴⁵

Children and young people in the *Taking us seriously* study raised bullying as a major safety concern. The study found that children looked at how institutions responded to bullying to predict how they might respond to their other safety concerns.¹⁴⁶ Most often, children and young people reported a ‘general lack of faith’ in institutional responses to bullying.¹⁴⁷ In the *Feeling safe, being safe* study, children and young people with disability and high support needs also raised bullying as a major concern. Their accounts of bullying consistently revealed insufficient responses by authority figures. For a number of children and young people, these experiences may lead to a mistrust of adults in authority, making them less likely to disclose their concerns.¹⁴⁸

A survey on children’s and young people’s perceptions of safety and institutional responses as part of the *Our safety counts* report, found that besides bullying, children had other concerns:

Of the characteristics of a child safe organisation identified by children and young people, adults paying attention when a child or young person raised a concern or worry was the most influential characteristic in determining how safe children felt within an institution.¹⁴⁹

The *Our safety counts* research also showed that friendships were crucial to children’s safety in institutions, as ‘over half of participants reported that they were more likely to rely on their friends than adults in their institution if they were worried about something’.¹⁵⁰

Research that builds on these findings identifies that a key protective measure for children in institutional settings is ‘protection through participation’.¹⁵¹ The inclusion of children in the development of the institution’s strategies and responses for their own safety results in a greater likelihood that children will use these strategies and feel positive about them.

It is also clear from the commissioned research that children with disability experience heightened vulnerability to abuse in some contexts and are more likely than others to become sexual abuse victims, yet may be excluded from learning about sexual abuse. Their participation and empowerment is needed and may require additional attention.¹⁵² The research reported:

The principle of ensuring the voices of children are present in matters affecting their lives is now well accepted. This principle needs to be extended to children with disability, and particularly as active participants in developing protective behaviours. To be effective in meeting the needs of children with disability, adults – policy makers, families, practitioners – need to be prepared to see the world through the eyes of these children and young people. This is critically important given that exclusionary practices based on stereotyping children with disabilities as less capable, more dependent and less sexual than their peers lead to ‘over protection’ and greater vulnerability. When relevant knowledge is available and skills taught, these build capacity, resilience and protective behaviours.¹⁵³

For children's participation to be successful it needs to be supported by the whole institution, and dialogue about their safety needs to be ongoing and built into as many interactions between adults and children as possible.¹⁵⁴ In the section on Standard 4 we have outlined different ways in which children can miss out on these interactions.

Our private sessions

Survivors who attended our private sessions frequently referred to a culture where children were 'seen and not heard', where they were ignored and not taken seriously, or were listened to with no action taken in response. We very rarely heard about positive examples of children accessing programs or participating in the decisions that affected them.

'Connell' told the Royal Commission that he left home in 1970 to study at an interstate performing arts school. The school's counsellor referred him to a man who offered his home as student accommodation. 'Connell' said he was sexually abused by this man and later by another man at a placement he moved into. He said that when he told the school counsellor about the sexual assault, the school counsellor told him to 'get used to it', that it was part of the life he'd chosen and to 'go and sort your sexuality out'.¹⁵⁵

'Louis Cole' was kept in a hospital psychiatric ward for five weeks in the mid-1980s due to a bipolar episode. He told us he was sexually abused on two occasions by an older fellow patient while he was heavily sedated. He said that when he reported the abuse to his psychiatrist, he was told that it couldn't have happened and he was 'delusional'. He told us, 'The hardest thing is that no one took me seriously'.¹⁵⁶

'Krystle' told us she was sexually abused by a psychologist assigned by the court when she was made a ward of the state at about age 12 or 13. She said the psychologist groomed her and gave her alcohol and drugs, then soon began sexually abusing her, which continued until she was about 18 years old. She told us she reported the abuse to a range of staff when she entered an adult correctional centre and to her mother but none of them did anything about it.¹⁵⁷ She said she even reported the abuse to a correctional worker:

So that's 2003 and I was still crying out for help and that wasn't listened to ... Could have stopped those ... kids from being hit [sexually abused] ... that's 10 [more] years he's had a reign of terror. And I told that lady [correctional worker] to do something about it and nothing was ever done.¹⁵⁸

'Alistair John' told us he was sexually abused by his sports instructor and a Catholic priest when he was about 12 years old. When he reported the abuse to the church in his 30s, he felt that he was being listened to but 'nothing was offered' to assist him.¹⁵⁹ In another instance, 'Janelle' told us that she reported the sexual abuse of her six-year-old son by a teacher to the principal of the school. She said the principal listened to her in 'disbelief'. 'Janelle' believed an investigation would be conducted, but said when she heard nothing further, she confronted a departmental inspector who told her that because she had not made a formal written complaint, they could not investigate.¹⁶⁰

'Brett Stuart' told us he was sexually abused in a children's home run by the Christian Brothers in the 1970s. He told us that the abuse 'created very embarrassing and shameful scars in [his] memory that will never go away'. This prevented him from talking about it with anyone else before coming to the Royal Commission. He said, 'Kids just need to be listened to a lot, you know. You need to hear them ... I was never ... [In my day] it was to be seen and not heard ... and now ... things have turned'.¹⁶¹

Another survivor identified the importance of educating young children in strengthening their participation and empowerment:

I think even with all the best intentions and with all the best policies, abusers still abuse, don't they. So you really need to empower children. To educate them. Like safe schools and things like that. Those sort of programs so they can know where to go to get help for whatever they need.¹⁶²

Our consultations

We heard from young people in our consultations about the important contribution that children and young people can make to improving safety in institutions.¹⁶³ They told us that institutions should educate children and young people about what sexual abuse is, and should create a safe environment for children to talk about their safety and disclose any complaint. We heard that some bullying campaigns had successfully raised children's awareness of their rights, empowering children and holding institutions to account to create change.¹⁶⁴

Children and young people told us that information is communicated to them through training and education programs.¹⁶⁵ We heard how institutions were empowering children and young people, for example, by including them on teacher selection panels; having them run extracurricular activities such as charities, events and fundraising; having them participate in leadership programs; and training selected children and young people as wellbeing leaders.¹⁶⁶ For example, a group of children and young people told us their school has a motto, 'You don't need to have a badge to be a leader', which encourages everyone to get involved and help to improve safety in institutions.¹⁶⁷

The importance of empowering and engaging children within an institution was noted in many submissions to our issues paper on child safe institutions.¹⁶⁸ The Centre for Excellence in Child and Family Welfare suggested that a commitment by community service organisations to encourage children and young people to be more aware of their own safety would assist in breaking down power inequalities between adults and young children.¹⁶⁹

Stakeholder submissions also strongly supported including the participation and empowerment of children as an important part of being a child safe institution.¹⁷⁰ In its submission, the Truth, Justice and Healing Council asserted that openness to the views of children and young people was an essential part of creating child safe institutions. Listening and responding to children across the spectrum of program design, service delivery, complaints and feedback created the necessary and empowering conditions for child safety.¹⁷¹

The importance of listening to and empowering children was also supported by independent consultations. The Tasmanian Commissioner for Children and Young People was told that without an institutional culture that values, informs and empowers children and prioritises child safety, policy cannot be effective. It also heard that children wanted adults to listen more and that many children are not well prepared, empowered or educated to report abuse.¹⁷² Similarly, consultation with children and young people by the Western Australian Commissioner for Children and Young People reinforced the importance of institutions valuing the contribution of all children and young people and proactively encouraging their participation.¹⁷³

Standard 3: Family and community involvement

Families and communities are informed and involved

A child safe institution observes Article 18 of the UNCRC, which states that parents, carers or significant others with caring responsibilities have the primary responsibility for the upbringing and development of their child.¹⁷⁴ Families and caregivers are engaged with the child safe institution's practices and are involved in decisions affecting their children. Families and caregivers are recognised as playing an important role in monitoring children's wellbeing and helping children to disclose any complaints.

A child safe institution engages with the broader community to better protect children in its care. As outlined in Chapter 2, institutions are more likely to foster a child safe culture if the surrounding community values children, respects their rights, and ensures that children's rights are fulfilled.

In this section, we look at our case studies, commissioned research, private sessions and consultations to highlight why family and community involvement is an essential standard of a child safe institution.

What we found

Parents and carers are primarily responsible for keeping children safe, healthy and happy. Child safe institutions partner with parents and carers to collaborate and draw on their expertise to better protect children and identify and respond to harm. Child safe institutions also partner with the community. Institutions are inseparable from their communities and both need to work together to enhance the safety of children.

Community engagement can make it easier for institutions to implement and enforce their policies. Communities can put pressure on institutions to create a more vigilant environment within which it is harder for perpetrators to groom, commit abuse and avoid detection. Through our inquiry we also saw that in some instances, parents and carers did not adequately fulfil their caring responsibilities. Communities' and institutions' support and care of these children and families are particularly important.

Our case studies

In many of our case studies, we heard of the family's important role in protecting children from abuse and assisting disclosure. In many cases, family members were instrumental in supporting children to disclose abuse and navigate through subsequent investigations.¹⁷⁵ Contrary to this standard, in *Case Study 12: The response of an independent school in Perth to concerns raised about the conduct of a teacher between 1999 and 2009 (Perth independent school)*, staff and parents were not always kept informed of the school's response when complaints were raised.¹⁷⁶ In the *Swimming Australia and the DPP* case study, the Queensland Academy of Sport considered it 'unnecessary' to notify parents and athletes that a coach had been returned to full duties after the Queensland Office of the Director of Public Prosecutions decided to discontinue child sexual abuse proceedings against him.¹⁷⁷ Similarly, in the *Australian Christian Churches* case study, the school did not inform the mother of a child about a complaint of child sexual abuse made by her child.¹⁷⁸

In *Case Study 9: The responses of the Catholic Archdiocese of Adelaide, and the South Australian Police, to allegations of child sexual abuse at St Ann's Special School (St Ann's Special School)*, we heard that the school community was not informed of allegations of child sexual abuse against a school bus driver, including the parents of students who had contact with the driver. Parents and carers told us that if they had been informed, they would have been better equipped to understand the changes in their children's behaviour and provide their children with appropriate care.¹⁷⁹ In the *Christian Brothers* case study, a man who was abused at Castledare Junior Orphanage told us he could not disclose the abuse to his mother when he visited her, as they did not have a good relationship.¹⁸⁰

In the *Satyananda Yoga Ashram* case study, we concluded that the teachings and practice of Satyananda yoga at the Mangrove Mountain ashram between 1978 and 1987 'actively discouraged close relationships between parents and children. This approach provided children with less access to their parents and made it more difficult for them to disclose sexual abuse by the spiritual leader to a trusted adult'.¹⁸¹

In the *Marist Brothers* case study, we found that the Marist Brothers' practice was to keep any complaints of child sexual abuse confidential and not inform the school community or the staff of risks or concerns. We found it was 'clear that accusations or admissions of sexual misconduct by Marist Brothers were treated as highly confidential'.¹⁸² At the time, the Marist Brothers did not inform the community of complaints about a Brother's behaviour and allegations of child sexual abuse.¹⁸³

In the *YMCA NSW* case study, we found that if parents were aware of the institution's child protection policies, they would likely have questioned the grooming behaviours of the perpetrator.¹⁸⁴ YMCA NSW did not have an effective system for giving parents information about policies. We heard that YMCA NSW centres had a 'parents' desk' which had a lot of information and policies on it; however, one YMCA NSW employee told us she had never seen parents reading the policy folder. A parent who gave evidence told us they were never aware of YMCA's

policies, code of conduct or the parents' desk. Professor Smallbone, a psychologist from the School of Criminology and Criminal Justice at Griffith University, emphasised the importance of simple, accessible information for parents and carers, and advised that YMCA NSW needed to do a great deal of work to improve, simplify and more effectively disseminate relevant policy information.¹⁸⁵

In *Case Study 6: The response of a primary school and the Toowoomba Catholic Education Office to the conduct of Gerard Byrnes (Toowoomba Catholic school and Catholic Education Office)*, the police arrested an alleged offender on the day that the mother of a survivor of child sexual abuse complained to them that her daughter had been molested. The offender eventually pleaded guilty to child sexual abuse offences against 13 girls.¹⁸⁶ This highlights the important role that parents and carers can play in the protection of children from harm and, by extension, the importance of institutions keeping parents and carers informed and involved.

In *Case Study 57: Nature, cause and impact of child sexual abuse in institutional contexts (Nature, cause and impact of child sexual abuse)*, Associate Professor Jacqueline Wilson, from the Faculty of Education and Arts at Federation University, gave evidence about the importance of community involvement in total institutions. As noted, 'total institutions' are a form of organisation that controls its members more comprehensively than other types. Some examples of 'total institutions' include prisons, military academies, children's homes and boarding schools.¹⁸⁷ During the hearing, Professor Wilson explained that community involvement in total institutions can produce more positive outcomes for children and staff, by breaking down the control of the institution's culture.¹⁸⁸ In the same hearing, Ms Jatinder Kaur, the Director of JK Diversity Consultants, spoke about how taboos associated with sexuality can differ depending on cultural background. She gave evidence that levels of understanding about child sexual abuse and grooming can be low in some multicultural communities.¹⁸⁹ This raises the importance of taking into account children's cultural contexts when implementing policies to engage and inform families and communities.

Our commissioned research

Most of the expert panellists in our child safe institutions research study thought family and community involvement was a relevant standard for a child safe institution. Three-quarters of the experts thought family and community involvement was a reliable measure and two-thirds rated it as achievable.¹⁹⁰

Our commissioned research into family relationships and disclosures of institutional child sexual abuse found that when it comes to families, disclosure of institutional child sexual abuse, recipients' responses, and the impact of the information on the family are deeply influenced by the social, institutional and cultural context in which the family operates.¹⁹¹ Further, the impacts of disclosure and the ways that family members supported victims were primarily influenced by the nature of the relationship between the victims and individual family members, rather than family dynamics.¹⁹² This research suggests that family relationships are an important part of influencing the:

- impact of disclosure on victims/survivors and family members
- responses to disclosure
- support provided by the family
- identification of support needed.¹⁹³

Commissioned research has examined the factors that influence the vulnerability of children to grooming and sexual abuse.¹⁹⁴ Some risk factors relate to the family characteristics and circumstances in the child's life, including family conflict, violence and breakdown, poor relationships with primary carers, lack of parental supervision and availability, and family devotion or loyalty to the institution.¹⁹⁵ These may increase the risk of child sexual abuse because they decrease the quality and quantity of supervision provided.¹⁹⁶ Several studies have also identified social isolation experienced by a child as a risk factor for sexual abuse across all settings.¹⁹⁷ Perpetrators often target children experiencing such isolation. These risk factors are discussed in more detail in Volume 2, *Nature and cause*.

Perpetrators can also groom families or institutions to build trust and gain access to potential victims to initiate and/or maintain abuse.¹⁹⁸ Raising awareness among families and communities about this behaviour can reduce a perpetrator's opportunities to abuse a child.¹⁹⁹ Family structures, child-rearing responsibilities and community dynamics will differ across cultural contexts²⁰⁰ or be influenced by the needs of children with disability²⁰¹ and this may affect how child sexual abuse is understood and responded to. This makes it important for institutions to seek advice on how to communicate most effectively and appropriately with different types of families. Trusted adults, often parents, carers or family members, can play an important role in helping children to disclose grooming and sexual abuse.²⁰²

Our private sessions

Private session participants very rarely made positive comments about the way in which institutions involved families and communities. Typically, parents who attended private sessions on behalf of abused children told us about negative experiences interacting with institutions where the abuse occurred.

We were told how parents and the community can be pivotal in keeping children safe from sexual abuse in institutions. In one private session,²⁰³ a mother described how a Catholic school Brother enlisted her son in a program to measure the body parts of a cohort of boys to see how they grew over the course of high school. The school did not know of or endorse this program. The mother was worried the Brother was grooming these boys and made several complaints about his behaviours. Although an investigation found there was no criminal act, the mother said her perseverance led to the Brother being transferred from the school and given responsibilities away from children. This private session suggests how parents and communities can be crucial in identifying and reporting risks to children's safety and that institutions can better protect children by supporting and engaging with parents and communities on child safety issues.²⁰⁴

'Gaby' came forward to the Royal Commission to talk about the experience of her son, 'Toby', who had been sent to a camp organised by his primary school. She said that the behaviour of some boys at the school had put 'Toby' off going but the school's deputy principal and camp coordinator had talked him around. She told us that during the camp 'Toby' was sexually abused by two other boys.²⁰⁵

'Gaby' told us about the negative interactions she had with the school:

- She complained to the school principal that the deputy principal did not tell her all the facts about 'the abuse of Toby', which she believed included that the two boys who abused him had been exhibiting violent behaviours that were common knowledge within the school. She said the principal replied that 'Gaby' must be confused about what she had been told but noted her concerns.
- After 'Toby' returned from the camp, he told his mother that he had to meet the deputy principal with the two boys who abused him and had been told to 'come up with a single story'.
- 'Gaby' said when she told the deputy principal not to have any more meetings with 'Toby' about the incident, she was told not to contact the school outside the hours of 9 am to 3 pm.
- 'Gaby' said she met the principal to discuss sanctions against the deputy principal and guidelines for camps and the school's responses to child sexual abuse. However, she said nothing happened and the principal said that the matter would be referred to the child protection department.

Another mother, 'Doris', told us about the experience of her son 'Jaden'. She said that 'Jaden' was sexually abused by two teachers at his Perth primary school in the 1970s. 'Doris' said she was unaware of the abuse of her son until he was an adult. She said she found out that after the abuse, 'Jaden' had approached two education department guidance counsellors for help in telling her about it. 'Doris' said the counsellors told her son that she would stop loving him if he told her about the abuse.²⁰⁶ She said:

It broke my heart to know my son bore this alone all these years ... it is to me the purest form of evil ... With the help of these women my son could've had an enormous weight lifted from him. And the certainty that as a little boy none of this was his fault. But these women not only put my son through hell ... they made it possible for [his teacher] to continue to ruin the lives of many more children for at least a decade.²⁰⁷

'Doris' told the Royal Commission that this event damaged her relationship with her son and that 'Jaden's' relationship with her other son also broke down.

Our consultations

We heard in our consultations that engaging families contributed significantly towards creating child safe institutions and increased openness of accepting problems and issues raised by children and young people.²⁰⁸ Some stakeholders told us they were developing resources to educate families about institutional child sexual abuse and how to prevent it, including raising awareness of possible signs of grooming.²⁰⁹ We heard about the need for tailored, culturally relevant resources to support this education in the many different cultural contexts of Australian communities.²¹⁰

Submissions to our issues paper on child safe institutions identified the involvement of families and communities as a key standard in making institutions child safe. The Australian Children’s Commissioners and Guardians’ Principles for Child Safety in Organisations include ‘value and communicate with families and carers’.²¹¹ In its submission, Micah Projects recommended a family centred and parent–child focused approach to child safety interventions.²¹² Consistent with our discussion in Chapter 2, the Victorian Government told us in its submission that communities, not just institutions, should be child safe.²¹³

Standard 4: Equity and diverse needs

Equity is upheld and diverse needs are taken into account

Equity and non-discrimination are central tenets of the UNCRC. Article 2 emphasises non-discrimination and a commitment to fulfil children’s rights ‘irrespective of ... [their] race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status’.²¹⁴ Just as the safety of children should not depend on where they live, their right to safety should not depend on their social or economic position, their cultural context or their abilities and impairments.

A child safe institution pays attention to equity by taking into account children’s diverse circumstances. It recognises that some children are more vulnerable to sexual abuse than others, or find it harder to speak up and be heard, and will make adjustments to provide all children with equal protection. A child safe institution will tailor standard procedures to ensure these children have fair access to the relationships, skills, knowledge and resources they need to be safe, in equal measure with their peers.

Our case studies, commissioned research, private sessions and consultations indicated that certain key issues should be considered in relation to equity and diverse needs. These issues overlapped with those identified in a number of contemporary inquiries and government reports, which also involved extensive consultation.²¹⁵ We concluded from our inquiry that child safe institutions should pay attention to:

- cultural safety for Aboriginal and Torres Strait Islander children
- the needs of children with disability and responses to disability
- the needs of children from diverse religious and cultural communities
- the needs of very young children
- the impact of prior trauma
- gender differences
- the experiences of lesbian, gay, bisexual, transgender and intersex children
- challenges for children living in remote locations.

We do not propose to define in detail what is required to implement child safe institutions for each of these circumstances. Rather, we note that a child safe institution will be aware and actively inform itself of necessary skills and strategies to ensure all children are included in child safe policies and practices, appropriate to the institution's size, context and type of work.

In this section, we look at our case studies, commissioned research, private sessions and consultations to highlight why upholding equity and responding to diverse needs is an essential standard of a child safe institution.

What we found

Children can experience heightened vulnerability due to their circumstances and the institutional contexts they encounter. Children from diverse backgrounds or with particular support needs have been poorly protected by generic child safe policies that have been effective for others. For example, Aboriginal and Torres Strait Islander children may be less likely to disclose abuse due to a lack of cultural safety and a fear of authorities intruding into their family and community, based on historic experiences of systemic racism and abuse.²¹⁶

Additional attention to cultural safety and closer engagement with the community are necessary for generic policies to be effective. Some children with disability miss out on sexual abuse prevention education at school because they are in segregated classes, or because they do not have the necessary communication supports to understand the information being presented.²¹⁷ Although a policy of providing prevention education may be in place and regularly implemented, children with certain types of disability may not be able to benefit unless attention is given to inclusive and individually appropriate delivery of the program.

We also know that perpetrators target children who appear to be vulnerable, possibly due to family circumstances or social isolation.²¹⁸ They also groom children who may have fewer connections to trusted adults and less confidence or ability to speak out, including children whose additional safety needs are not being addressed by the adults around them.²¹⁹ This can be an issue for children who are questioning their sexuality or gender, as well as children with prior trauma, such as many refugee children, or those currently going through an adverse life event or a range of other circumstances.²²⁰

Institutions must be alert to the extra challenges some children face and to the potential gaps within their overall approach.²²¹ No system is fail-safe, but known risks can be predicted and managed. A child safe institution will ensure it is informed and capable of responding effectively to diverse needs so that it includes all children in its child safety initiatives. Particular attention to prior trauma, disability awareness and cultural safety is required.

Our case studies

Many of our case studies informed us of specific issues and added vulnerabilities that should be taken into account to enhance children's safety.

In the *Retta Dixon Home* case study, we heard how Aboriginal children were taken to a mission home established specifically for 'the maintenance, custody and care of Aboriginal and half-caste children'.²²² They were isolated from their family and community, who lived on the mission where the home was located, and denied the right to speak their language. Victims felt there was no one they trusted to tell of the abuse, and feared punishment for speaking out.²²³ Professor Muriel Bamblett, Chief Executive Officer, Victorian Aboriginal Child Care Agency, gave evidence that connection to culture is a protective factor for Aboriginal children, and that cultural safety is therefore a crucial consideration for a child safe organisation if it is to ensure a supportive environment for disclosure.²²⁴ This includes engagement with communities and providing cultural support for Aboriginal children. The absence of cultural safety in many institutional contexts can compound the risk of abuse by disempowering children, creating barriers to disclosure and inhibiting their access to appropriate support.

In our *Out-of-home care* case study, connection to culture – including access to trusted Aboriginal adults who understand the child's cultural context – was also cited throughout the public hearing as an important standard to underpin children's safety.²²⁵ We were told in multiple consultations and submissions that fear and mistrust of non-Aboriginal service systems resulting from the historical legacy of colonisation, as well as past and ongoing experiences of injustice and disadvantage, could prevent children and their families from disclosing and reporting sexual abuse.²²⁶ This is also confirmed in commissioned research.²²⁷ Further, in some private sessions we heard there could be reluctance to seek help from Aboriginal-specific services due to concerns about confidentiality,²²⁸ particularly if workers were connected to the victim through family and community networks.²²⁹

In the *St Ann's Special School* case study, we heard how the school, the Catholic Archdiocese of Adelaide and police failed to respond adequately to the sexual abuse of children by bus driver and volunteer Brian Perkins.²³⁰ Evidence was presented to show how children with cognitive or communication impairments could be assumed to be incapable of giving evidence or viewed as an 'unreliable witness'.²³¹ The evidence highlighted how difficult it was for children to receive the help they needed to communicate the abuse and to be believed or considered credible.²³² Our *Criminal justice* report discusses reforms to enable witnesses in child sexual abuse cases, including children with disability, to give their best evidence.

Systemic issues in preventing child sexual abuse and in responding to concerns and allegations of child sexual abuse were highlighted in *Case Study 41: Institutional responses to allegations of the sexual abuse of children with disability (Disability service providers)*. One parent gave evidence that she was not told what was happening in the house or the policies and procedures that applied to the care provided at Mater Dei Arnold Avenue Cottage. We were satisfied that Mater Dei had in place a mandatory procedure for weekly communication to parents of residential students. However, we accepted the evidence from the parent that she was not informed about some matters concerning her daughter's care, such as showering arrangements for CIB.²³³

In this case study we also heard about children with disability not being seen as reliable witnesses due to their impairments and their perceived inability to face cross-examination.²³⁴ One of the systemic issues that arose from this case study was the role of police and community services in responding to allegations and incidents of child sexual abuse against children with disability.²³⁵

Information presented by the expert panel in our *Disability service providers* case study, indicated that some disability service providers had a poor understanding of how the child protection system worked and were reluctant to accept shared responsibility for child protection matters.²³⁶ We heard that children with disability and their families had particular difficulty making complaints following incidences of abuse and could be 'brutalised by the system'. We heard they felt disempowered, were not well informed about their rights and were not familiar with the complaints process.²³⁷ We also heard that children with high communication and behaviour support needs were especially dependent on systems, institutions and community vigilance for their safety. Meeting their particular needs should be 'core business' for all service providers.²³⁸

In the *Yeshiva Bondi and Yeshivah Melbourne* case study, we heard how the religious and cultural context of the institution shaped its response to survivors' complaints. We heard that, as a sect of Orthodox Judaism, the life of Chabad-Lubavitch communities typically revolved around the synagogue, with community members looking to their rabbi for leadership and guidance on the application of Jewish law in daily life.²³⁹ The closed nature of these communities separated them from other Jewish groups and broader Australian society. When survivors disclosed the abuse they were either not believed or admonished not to take matters

further by the religious community, which wanted to protect the reputation of the institution and prevent outside scrutiny.²⁴⁰ Community members ostracised survivors and their families for publicly disclosing the abuse to secular authorities.²⁴¹ They were excluded from the community, had spiritual blessings withheld and lost vital support networks.²⁴² In these ways the Yeshivah organisational culture and its particular application of religious laws worked against transparency and child empowerment. Deference to the leadership of the rabbi also prevented the institution making a report to secular authorities.²⁴³ In common with other religious institutions,²⁴⁴ Yeshiva applied religious law in a way that created barriers to disclosure and reporting.²⁴⁵ This was exacerbated by the institution viewing itself as ‘outside’ broader societal systems and values.²⁴⁶ A child safe institution operating in these contexts should be alert to internal community pressures and organisational practices that could prevent children from disclosing and reporting sexual abuse. Additional safeguards would be necessary to reduce these risks.

Our commissioned research

In the research study we commissioned to test the elements of a child safe organisation, expert panellists agreed that institutions should take extra care to address the needs of children with heightened vulnerabilities in particular contexts, taking into account their diverse backgrounds and circumstances. Experts were divided on how best to represent this within the child safe institution framework.²⁴⁷ We considered applying a cross-cutting theme to all standards; including a specific sub-element within each standard; and or creating a separate standard. A similar range of views was reflected by experts and government bodies in our consultations. We concluded that it would be essential for a child safe institution to have the capability to understand and respond to diverse needs. We also decided that this should be a specific organisational skill and one of the 10 core standards, with the same status as all others.

In Volume 2, *Nature and cause*, we discuss research evidence on risk and heightened vulnerabilities. In Volume 4, *Identifying and disclosing child sexual abuse*, we describe barriers to disclosure and the specific needs of children from a range of diverse backgrounds and experiences. In Volume 9, *Advocacy, support and therapeutic treatment services*, we look at the support needs of different populations. This section is a summary of some of the relevant research.

We commissioned research into the vulnerability of Aboriginal and Torres Strait Islander children to sexual abuse in institutions. This research suggests that the ongoing impacts of racially discriminatory policies combined with ongoing systemic racism means that Aboriginal and Torres Strait Islander children are likely to face heightened risks of sexual abuse in institutions.²⁴⁸ Aboriginal and Torres Strait Islander children are also likely to face additional barriers to disclosure, to being believed and to receiving an appropriate response.²⁴⁹ Aboriginal and Torres Strait Islander children are also over-represented in institutions that have situational risks of child sexual abuse, such as out-of-home care,²⁵⁰ youth detention²⁵¹ and some boarding schools.²⁵²

The broad literature on Aboriginal and Torres Strait Islander child safety suggests that ‘provided the necessary social conditions’ are in place, Aboriginal and Torres Strait Islander cultures ‘act as a protective force for children and families’.²⁵³ Aboriginal and Torres Strait Islander cultures – where children are the collective responsibility of the community – are highly protective of children.²⁵⁴ Strong culture is also protective because it builds resilience in communities to help mitigate the negative consequences of past policies and contemporary racism.²⁵⁵ When Aboriginal and Torres Strait Islander children are disconnected from their culture in institutional settings, they face fewer protective factors against child sexual abuse, such as strong attachments with multiple caregivers, a high self-esteem and positive social connections.²⁵⁶

We also commissioned research into current and historical attitudes to disability and how government policy, community opinion and organisational practices had placed children with disability at risk of sexual abuse in institutions. The research noted that in the international literature, the risk of child sexual abuse for children with disability was found to be about three times higher than for children without disability.²⁵⁷ This research also highlighted the absence of adequate Australian data on either prevalence or strategies to prevent sexual abuse of children with disability in institutional contexts. It found that children with disability were not well represented in our national child protection frameworks:

The physical exclusion of children with disability plays out in their virtual absence from national frameworks and implementation plans to protect all Australia’s children. As well, and again despite heightened risk, there is no evidence base in Australia on effective and cost efficient prevention strategies to reduce sexual abuse of children with disability.²⁵⁸

Taking into account the international literature and expert analysis of the best available Australian data, it is beyond doubt that children with disability are at significantly greater risk of maltreatment than other children, including at greater risk of sexual abuse.²⁵⁹ The *Feeling safe, being safe* report we commissioned found in relation to disability:

Research shows that a series of factors negatively impact the likelihood of children and young people receiving effective and timely support if they experience abuse. This includes a reluctance among professionals to believe the high rates of abuse children and young people experience, disbelief of their accounts and a lack of skill in providing appropriate support.²⁶⁰

In the *Feeling safe, being safe* study, children reported having never received instruction or information to help them understand sexuality, healthy relationships or what constituted sexual abuse. This compromised their ability to protect themselves and disclose abuse if it occurred.²⁶¹

Volume 2, *Nature and cause* outlines how children with disability have greater contact with institutions and greater dependency on professionals. Children with disability often engage with multiple strangers in segregated settings, due to their need for assistance with education, communication, health services and other supports related to their impairment. *Feeling safe,*

being safe highlighted the ways in which this interfered with their ‘trust-radar’,²⁶² making it difficult for the children to discern who or what was safe and not safe. This was particularly the case for children and young people who relied on physical personal care, which could sometimes involve intimate touch.

What helped children in the study to feel safe included:²⁶³

- having a secure foundational space (home, for most)
- having friends
- feeling known and valued
- having someone to confide in
- avoiding contact with people they did not know
- feeling able to tell someone if they felt unsafe
- having appropriate opportunities to learn about how to be safe (both formal and informal)
- feeling listened to and having influence over what was happening.

Research has also shown that children from culturally and linguistically diverse backgrounds are likely to face circumstances that could put them at greater risk of abuse or make it more likely that institutions would fail to respond appropriately if abuse occurred. These circumstances could include exposure to racism and discrimination, limited or no access to culturally tailored and adapted primary prevention programs, lower levels of awareness about child sexual abuse issues and the child protection system, different norms about how to discuss sex and sexuality, and limited access to skilled language and cultural translators within institutions.²⁶⁴ Research also suggests that those from culturally and linguistically diverse backgrounds may commonly experience a range of additional barriers to disclosure and reporting, including fears associated with shame and social stigma, which could be intensified in communities with strong collectivist values.²⁶⁵

Without adjustments to accommodate particular circumstances, institutions can unwittingly sustain or contribute to the heightened vulnerability of children.

Our private sessions

Many of our private session attendees described experiences where the institution failed to pay attention to their particular needs. The examples in this section indicate some of the common issues we heard about that a child safe institution should understand and address to ensure children’s safety. They do not cover the full range of issues that children may face, but they illustrate why equity and diversity are important elements of child safety.

During our inquiry, we heard of institutions that did not address the likelihood of racism and placed Aboriginal and Torres Strait Islander children at risk. 'Tansy' told us that in the 1990s she was moved in and out of foster care placements where she was repeatedly sexually abused. 'Tansy' said that although she tried to report the abuse, child protection staff refused to believe her. In her first foster care placement, she was hungry and regularly beaten. 'Tansy' said that the foster father was racist. She said he victimised 'Tansy' in particular, targeting her for abuse because her skin was much darker than that of her siblings. She told us, 'I wasn't even allowed to play with my sisters ... [He] called me black bitch, black dog'.²⁶⁶

'Rainey' told us about her experience of racism in an earlier time. She was born in the 1940s and grew up on a government-run Aboriginal mission in Queensland. At about the age of 15 or 16, under the *Aboriginals Preservation and Protection Act 1939* (Qld), she was sent to work as a housemaid on a remote sheep station. She explained that her boss and other men would come into her quarters at night and rape her. 'Rainey' said she reported the assaults to local police but was raped by them as well. She said, 'What, were you supposed to be just a plaything? What was it – that every white man thought he could have you anytime he wanted?'²⁶⁷

'Rainey' told us she had no choice but to return to the sheep station, where the assaults continued. She eventually became pregnant and was sent to a home for 'wayward girls' in Brisbane for the pregnancy and birth. 'Rainey's' baby boy was then removed from her and also institutionalised.²⁶⁸

We heard from many Aboriginal and Torres Strait Islander survivors about racism connected to their sexual abuse in institutions during this era, which we explain in more detail in Volume 11, *Historical residential institutions*. Research we commissioned showed that racism and disconnection from culture heightened the vulnerabilities that Aboriginal and Torres Strait Islander children faced in historical institutions.²⁶⁹ What is clear is this is also a contemporary experience, highlighting the importance of cultural safety and of responding to racism in creating child safe institutions.²⁷⁰

A number of survivors from culturally and linguistically diverse backgrounds spoke about the language and communication barriers they encountered, as well as the social exclusion they experienced on the basis of their ethnicity. Some survivors' attempts to disclose abuse were thwarted due to the institution's failure to teach children English. 'Maria' had been placed in a Catholic orphanage. She told us she was abused by the priest when she was completing her chores in his unit, as well as by other people who would come to the orphanage and take children out for the day or weekend. She said when she tried to tell the nuns she was being abused, they gave her sanitary pads for her bleeding 'down there'.²⁷¹ We also heard that children had experienced isolation and bullying in schools or other settings specifically because of their ethnicity. They told us they were targeted by perpetrators who groomed them by offering sanctuary from this treatment.²⁷² Some explained that they did not report the abuse because they did not understand they had legal rights or that the abuse was against Australian law, and they feared retribution.²⁷³ Others were instructed by their parents not to tell anyone

in the community what had happened, as it would bring shame to the family, or were told by senior members in the community not to be disobedient and to cooperate with the abuser and not to make trouble for the good of the family.²⁷⁴ Some had also experienced significant prior trauma, particularly those from refugee populations, which undermined their trust of authority figures, especially government.²⁷⁵

Some family members of children with cognitive impairments or additional communication needs told us that when their children disclosed abuse it was misinterpreted as part of their disability, or as oversexualised behaviour.²⁷⁶ Inability to identify signs of abuse led to a lack of action to protect the child.²⁷⁷ We were told that institutions commonly failed to seek specialist support to help children communicate or look further into their changed behaviour. Where abuse was investigated, charges were often dropped.

Our consultations

In submissions to our issues paper on child safe institutions, many stakeholders raised the importance of equity and diverse needs.²⁷⁸ They suggested that institutions should be proactive in designing strategies to respond to the needs of more vulnerable children, commonly drawing attention to cultural contexts, disability and prior trauma as areas that need attention.²⁷⁹ The Queensland Government wrote of providing ‘culturally tailored’ communication strategies and ‘culturally secure mechanisms’ for complaint handling.²⁸⁰ Child Wise referred to ‘safeguards that reflect an awareness of the increased vulnerability’ of some children.²⁸¹ Bravehearts encouraged clear procedures and guidance for staff to respond to ‘particular risks ... and extra barriers ... because of ... race, gender, age, religion or disability, sexual orientation, social background and culture’.²⁸²

Implicit in this view is an understanding that specific efforts are required to ensure the inclusion of all children in safety measures. Stakeholders acknowledged that tailored resources and information might be needed to help institutions respond effectively to children at greatest risk.²⁸³ This need was also promoted by participants in our multicultural forums,²⁸⁴ disability consultations and Aboriginal and Torres Strait Islander engagement events.²⁸⁵ For example, attendees at our multicultural forums identified school-based primary prevention programs as a service that required significant adaptation for children from culturally and linguistically diverse backgrounds – particularly for more recently arrived migrant children who might not have received sex and sexuality education in their country of origin. This may involve adjustments based on different gender expectations, faiths, and family and community contexts.

Our consultations also indicated that child marriage and female genital mutilation are other, sometimes related, forms of abuse and neglect that might be practised by individuals in sections of particular faiths and cultural communities, often in conflict with their own wider community’s views. Although we did not hear about this issue in private sessions, multicultural stakeholders expressed concern for the safety of children subjected to these practices. They sought greater awareness and skilled responses from institutions in addressing such risks.²⁸⁶

Improved data collection and further research were called for to better understand the experiences and needs of highly vulnerable children and those from particular populations.²⁸⁷ Many submissions stressed that a child safe institution should be underpinned by explicit recognition of the rights of all children, including ‘specific groups of children, such as children with disabilities, Aboriginal and Torres Strait Islander, and children [from culturally and linguistically diverse backgrounds]’.²⁸⁸

Standard 5: Human resource management

People working with children are suitable and supported

Human resource management, through screening, recruitment and ongoing performance review, can play an important role in protecting children from harm.

Child-focused human resource practices help screen out people who are unsuitable for working with children, or discourage their application for work. Such practices make sure that child safety is prioritised in advertising, recruitment, employment screening, and the selection and management of all staff and volunteers. During induction processes, all staff and volunteers should be given clear conduct and behavioural guidelines, such as a code of conduct. Child safe institutions recognise that Working With Children Checks can detect only a subset of people who are unsuitable to work with children, and that these checks must be part of a suite of screening practices.

Institutions of all sizes can have child safe human resource management practices in place. Large-scale, professional institutions typically have human resource departments with formal and more comprehensive policies and procedures; however, smaller and volunteer institutions also require policies and procedures because they also recruit, induct and supervise people. All institutions should build child safe checks and practices into their human resource management, proportional to the risk to children in the institution.

In this section, we look at our case studies, commissioned research, private sessions and consultations to highlight why human resource practices are an essential standard of a child safe institution.

What we found

Our case studies, commissioned research and private sessions highlighted many instances where inadequate human resource management practices allowed perpetrators of sexual abuse to work with children, often resulting in abuse.²⁸⁹

Our case studies

Examples of poor human resource practices in institutions were evident in many of our case studies.

We heard of institutions failing to undertake basic referee checks that might have revealed a history of inappropriate behaviours.²⁹⁰ We heard about perpetrators who circumvented Working With Children Check systems²⁹¹ and institutions that allowed staff to work with children without a background check.²⁹² Some institutions did not follow or provide induction processes, leaving staff unaware of child safe policies and procedures.²⁹³ In addition, ineffective performance management and discipline processes failed to ensure staff did not pose a risk to children.²⁹⁴

The *YMCA NSW* case study highlighted how poor human resource management practices could allow perpetrators access to children. In this case, YMCA Caringbah did not follow its own policies and procedures when recruiting the perpetrator of abuse, Jonathan Lord, or conduct any pre-employment screening checks.²⁹⁵ The YMCA manager, Ms Jacqui Barnat, did not discuss Lord's most recent employment with him, nor did she contact his previous employer. Had Ms Barnat taken these steps, it might have been discovered that Lord was dismissed from his previous role because of inappropriate behaviour with children.²⁹⁶ This information might have halted his application for employment.

In the *Swimming Australia and the DPP* case study, we found that the Queensland Academy of Sport continued to employ the alleged perpetrator, Mr Scott Volkers, despite knowing he was the subject of serious allegations of child sexual abuse that amounted to criminal conduct.²⁹⁷ In June 2008, the Academy applied to the Queensland Commission for Children and Young People and Child Guardian (CCYPCG) for a 'blue card' (a suitability notice for child-related employment) for around 59 staff members, including, Mr Volkers.²⁹⁸ With the exception of Mr Volkers, due to a positive result on his criminal history, staff members received a blue card within 28 days.²⁹⁹ In February 2009, the CCYPCG discovered that the Academy was exempt from the screening requirements and the CCYPCG did not have legislative authority to conduct blue card screenings for the Academy.³⁰⁰ The CCYPCG withdrew Mr Volkers's application but allowed the blue cards already issued to stay in place.³⁰¹ From July 2008, Mr Volkers was the only coach employed by the Academy who did not have a blue card.³⁰² Mr Bennett King, the Executive Director of the Academy, gave evidence that he 'made the decision to keep Mr Volkers employed because he was good for Swimming Queensland and for the coaches' and 'was advised through upper management that it was in swimming's best interests to keep him employed'.³⁰³

In March 2009, a second application for a blue card was lodged on behalf of Mr Volkers by Swimming Queensland in response to an anticipated transfer of Mr Volkers's employment from the Academy to Swimming Queensland. Swimming Queensland was aware of the allegations against Mr Volkers through media coverage. In May 2009, CCYPCG decided to issue a negative notice to Mr Volkers.³⁰⁴ Despite the issuing of the negative notice, the Academy continued to employ Mr Volkers until February 2010 when he was appointed Swimming Queensland Head Coach.³⁰⁵

We also heard of the importance of supporting staff in their efforts to protect and take appropriate care of children in institutions. During the public hearing for *The Salvation Army boys' homes, Australia Eastern Territory* case study, a memorandum prepared by the Queensland Department of Children's Services Senior Childcare Officer, Mr Don Smith, was tendered as evidence. In the memorandum, Mr Smith suggested that 'the only answer' to combating the high levels of sexual abuse among the boys at Riverview Boys' Home 'seems to be the provision of adequate staff supervision coupled with an ongoing educational program for the boys'.³⁰⁶ Mr Smith concluded that Riverview was understaffed and underfunded, staff were 'overworked and underpaid', 'supervision, stimulation and care of boys is inadequate', and 'on many counts, minimum standards of care for children in institutions are not being met'.³⁰⁷

In *Case Study 52: Institutional review of Anglican Church institutions*, Bishop Tim Harris told us that the Diocese of Adelaide is working to:

bring that culture of accepting some supervision and accountability and transparency to those who have been trained in earlier times, and in some cases developing wider levels of peer accountability or, in some cases, reporting and debriefing on the practice in a more intentional way.³⁰⁸

Bishop Harris told us that his diocese wants clergy to expect and invite professional supervision and recognise its benefits.³⁰⁹ In our *Nature, cause and impact of child sexual abuse* case study, Dr Elizabeth Letourneau, Director, Moore Center for the Prevention of Child Sexual Abuse, explained that screening processes are limited as it is more likely that concerning behaviours will arise in the context of the staff member's work. She advised that institutions need to put:

strong measures into place that help with the detection of early risk behaviours, that help ensure that we've got good policies, policies around fraternisation, policies around being surveilled when engaging in work with children or in volunteer activities with children, and then policies ... that empower people to take action before something has happened.³¹⁰

Our commissioned research

In the research study we commissioned to test the child safe standards, most of the expert panellists supported the inclusion of this human resource management standard. Almost all participants considered it relevant in indicating that an institution was child safe, more than three-quarters considered it a reliable indicator and two-thirds considered it achievable.³¹¹

Institutions should use a range of human resource practices to protect children from harm. Our scoping review evaluating pre-employment screening practices found that while criminal background checks were an important part of the process, they were only of limited effectiveness unless accompanied by other child safe recruitment practices.³¹²

In analysing how human resource strategies could contribute to child safety, United Kingdom child abuse expert Mr Marcus Erooga commented:

An integrated approach to value based recruitment and selection, management and practice, with a clear ethos of acting in the best interests of children, would seem to offer the most effective way of responding to the challenge of ensuring that children receive the respectful and above all safe service that every organisation aspires to provide.³¹³

Our private sessions

Survivors at our private sessions often spoke about human resource practices in the context of Working With Children Checks. We were told that they thought there should be more rigorous checks. In particular, many survivors of child sexual abuse told us that ongoing monitoring is needed despite employees or volunteers successfully obtaining one of these checks.

‘Michael Peter’ told us that when he was 12 years old in the mid-1950s, he was sexually abused by his teacher in a state high school. The teacher was later charged and acquitted. ‘Michael Peter’ found the courtroom ‘fearsome’ and the police terrifying. He said that no one explained to him what was going on and no teacher inquired into his wellbeing. He also told us that institutional leaders should not use Working With Children Checks as an excuse for complacency, but rather have active and ongoing monitoring of all staff. He also suggested that institutions should treat victims with more kindness.³¹⁴

Similarly, a whistleblower from a Seventh Day Adventist church, ‘Meredith Anne’, told us about her experience in witnessing a deacon touching a child in a sexually abusive way in the early 2000s.³¹⁵ ‘Meredith Anne’ told us how she faced significant challenges in getting the institution to treat her complaint seriously or take action. For example, she said that when she reported the incident to the pastor and he reported it to the senior pastor, the response from the senior pastor and other church elders was that it was not abuse as the touching occurred outside the child’s clothes. Similarly, she said the church’s professional standards committee attempted to take action but was blocked by the local church itself. When the Working With Children Check scheme was introduced, ‘Meredith Anne’ saw it as an action enforced by law as opposed to actions undertaken voluntarily by institutions when deciding what procedures to follow. ‘Meredith Anne’ told us that Working With Children Checks ‘might have changed the paperwork but it hasn’t changed attitudes’.³¹⁶

Our consultations

Human resource management was a strong theme in submissions to our issues paper on child safe institutions.³¹⁷ We were told of the widespread over-reliance on Working With Children Checks as the sole employment screening tool and the dangers inherent in this. As the Western Australian Commissioner for Children and Young People noted:

Research has also indicated that, when charged, the majority of perpetrators detected do not have prior convictions for any form of child maltreatment, and thus would not have been detected by screening processes.³¹⁸

Many submissions to the issues paper confirmed the importance of institutions utilising a range of recruitment and screening procedures, including:³¹⁹

- Working With Children Checks
- police checks
- international police checks
- identity checks
- qualification verifications
- work history checks
- value-based or behavioural-based interviews
- verbal reference checks.

For example, the Victorian Government told us:

Recruitment and selection procedures for new employees and volunteers should clearly signal the organisation's commitment to children's safety (for example, in job advertisements) ... Compliance with the Working With Children Check should be part of an organisation's recruitment and selection processes (where applicable), noting that this is only one element of a broader screening and risk management process. Selection processes should incorporate a range of other checks including work history checks, verification of qualifications and thorough referee checks.³²⁰

The Victorian Government also told us:

Effective staff support and supervision and performance management is also critical to enable any behaviours of concern to be detected early and breaches of relevant policies and standards to be acted upon.³²¹

In addition, institutions told us about child safe recruitment practices. For example, Save the Children Australia trains human resource staff to identify factors that could indicate that a person is not safe to work with children.³²²

Submissions to our issues paper on child safe institutions indicated that management and staff supervision aims to:

- ensure staff are well supervised and provided with performance reviews³²³
- establish a clear chain of authority, reporting and accountability for each position³²⁴
- adhere to child safe policies and procedures as integral to staff performance³²⁵
- provide effective processes to supervise staff working in isolated settings³²⁶
- manage allegations or incidents.³²⁷

Standard 6: Child-focused complaints process

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

A child-focused complaints process is an important strategy for helping children and others in institutions to make complaints. Child safe institutions respond to complaints by immediately protecting children at risk and addressing complaints promptly, thoroughly and fairly.

A child safe institution has clear and detailed policies and procedures about how to respond to complaints. Staff and volunteers understand their responsibility for making a complaint promptly if they become aware of concerning behaviours, as well as their reporting obligations to external authorities. Complaint processes ensure procedural fairness for those whose interests are likely to be affected, have review mechanisms, and ensure any disciplinary action that is taken withstands external scrutiny in accordance with relevant employment law and other employer responsibilities.

In this section, we look at our case studies, commissioned research, private sessions and consultations to highlight why complaint handling and response is an essential standard of a child safe institution. Given the significant issues we heard about complaint handling, Volume 7, *Improving institutional responding and reporting* provides greater detail on this topic, including how the Child Safe Standards can be specifically applied to complaint handling, additional guidance on how institutions can implement the standards, and more detailed analysis of case studies, research, private sessions, and consultations relevant to complaints.

What we found

Through our case studies and private sessions we regularly heard examples of the way institutions failed children in responding to complaints about child sexual abuse.

Our case studies

Examples of poor institutional responses to complaints of child sexual abuse were evident in many of our case studies.

Survivors spoke of the barriers they encountered disclosing abuse and subsequently making a complaint, including a fear of not being believed, having no trusted adult to speak to, or being too intimidated to report the abuse.³²⁸ In some cases complaints processes simply did not exist³²⁹ or were undermined by leadership that placed the interests of the institution ahead of the interests of children.³³⁰ The stories we heard from survivors illustrated where ineffective handling of complaints of child sexual abuse allowed abuse to continue unchecked.³³¹ We heard of inadequate investigations and responses to complaints that were too slow,³³² failed to remove children from harm³³³ and missed opportunities to address systemic weaknesses.³³⁴

We gained insight into how complaint-handling policies and procedures would help institutions to respond appropriately to complaints.

In *The Salvation Army boys' homes, Australia Eastern Territory* case study, we heard evidence that Lieutenant-Colonel George Carpenter was told about the general conduct of the alleged perpetrator, including rumours of child sexual abuse.³³⁵ During the hearing, we were told that The Salvation Army could not find any investigation of that complaint. We were told that the failure to investigate the complaint was partly because there was no policy or procedure at the time that specifically applied to such complaints, and there was an 'over-reliance on the good character of senior individuals within The Salvation Army'.³³⁶

In the *Perth independent school* case study, we heard evidence that a teacher wrote a letter to the head of the preparatory school at a Perth independent school, detailing her concerns about the conduct of another teacher. The teacher anticipated that a copy would be forwarded to the headmaster. However, the head of the preparatory school did not inform the headmaster about the letter and did not raise it with the offending teacher. The head of the preparatory school told us he did not raise the letter with the headmaster because he was unsure of how to respond.³³⁷ Between 1999 and 2004, when concerns about the offending teacher were raised, the school did not have a dedicated child protection policy.³³⁸

During the public hearing for the *St Ann's Special School* case study, we heard evidence that a staff member of the Catholic Education Office did not inform the director of the office about allegations of sexual abuse of a child with intellectual disability against bus driver Brian Perkins when notified by the principal of St Ann's Special School.³³⁹ At the time, the office did not have a specific policy in place imposing any specific responsibilities on volunteers or its employees

who were notified of allegations of child sexual abuse, including those providing respite care. We found that there were failings by the office and the archdiocese when the information about sexual abuse committed by Perkins first emerged, including a failure to take appropriate action to ensure that matters were fully reported and investigated by the Catholic Church parties, and that families were informed and children protected.³⁴⁰

In our *Toowoomba Catholic school and Catholic Education Office* case study, we found the Non-State Schools Accreditation Board of Queensland did not apply articulated benchmarks or standards to assess the adequacy of training programs or other initiatives to implement written processes on child protection.³⁴¹ The school in question was a non-government school, one of 32 primary and secondary schools administered by the Catholic Education Office, Diocese of Toowoomba.

We also heard of instances where institutions did not take a child-focused approach to complaint handling nor support a culture where the best interests of children was a priority. In the *Australian Christian Churches* case study, we concluded that the Australian Christian Churches' 'grievance procedure' for handling complaints against ministers and pastors for sexual misconduct gave higher priority to the protection of pastors than to the safety of children.³⁴² During the public hearing for the case study, we heard evidence that when one allegation of child sexual abuse came to the attention of members of the New South Wales Executive of Australian Christian Churches, they did not act in accordance with their administration manual because the complaint was not in writing.³⁴³ This illustrates the need for institutions to be more flexible and responsive in the way they handle complaints.

A child safe culture does not obstruct or prevent the reporting of child sexual abuse, and facilitates the proper handling of complaints and investigations; however, a poor culture can do the opposite. In *Case Study 30: The response of Turana, Winlaton and Baltara, and the Victoria Police and the Department of Health and Human Services Victoria to allegations of child sexual abuse*, we accepted that some former residents of the youth training and reception centres did not report abuse because they feared punishment or retribution from other residents, did not think they would be believed or did not know to whom to make a report.³⁴⁴ For example, one resident said she was too scared to report sexual abuse by other residents because she feared repercussions from them, which was a culture reinforced by some adult supervisors.³⁴⁵ Institutional leaders must actively work to guard against cultures that obstruct or prevent the reporting of abuse.

Our commissioned research

The inclusion of this standard was supported by most expert panellists in the research we commissioned to test the child safe standards. Most experts considered this standard to be relevant in indicating whether an institution was child safe, four-fifths considered it a reliable indicator and three-quarters considered it achievable.³⁴⁶

The research projects we commissioned also reiterated the need for child-focused complaint handling to facilitate the protection of children. The *Taking us seriously* report into children's views on safety, told us that children and young people wanted adults to acknowledge their concerns, consult with the child or young person before intervening, and help them to build skills to deal with problems about safety.³⁴⁷ Children and young people rely heavily on past experiences when deciding whether to speak up about their safety concerns. Children and young people with disability and high support needs who participated in the *Feeling safe, being safe* study similarly reported that feeling able to tell someone if they felt unsafe, and feeling listened to or having influence over what was happening, was important.³⁴⁸

Additionally, a finding from the *Our safety counts* research project was that the most significant barrier to seeking support at school was feeling uncomfortable talking to adults about sensitive issues. Children and young people were also concerned that things would get worse if they told an adult about their situation, and one in 10 believed that adults at their school would not know what to do if they sought help.³⁴⁹

A commissioned report into failures to identify and report child sexual abuse in institutions, – *Hear no evil, see no evil: Understanding failure to identify and report child sexual abuse in institutional contexts (Hear no evil, see no evil)* – stressed that the effective implementation of complaints processes required an open and child-focused institutional culture.³⁵⁰ This included facilitating adequate staff education and training about preventing child sexual abuse and responding to complaints.³⁵¹

Our commissioned research projects provided insights into the complexities associated with establishing and effectively implementing a child-friendly complaints process.³⁵² However, the research reaffirmed the importance of institutions taking a child-focused approach to complaint handling, helping children to feel comfortable and empowered to make a complaint or raise a concern with institutions and adults within them.³⁵³

Research we commissioned also told us that cultural understandings of gender can inform the response to complaints of child sexual abuse.³⁵⁴ In an institutional context, the people most likely to detect instances of child sexual abuse are rank-and-file workers who are in the closest contact with perpetrators and victims. In order for these people to trigger an institutional response to abuse, they must make credible reports about the abuse to their organisation's leadership. However, in those situations where the leadership positions are held by men, it may be that many detected instances of child sexual abuse fail to trigger a robust institutional response simply because they have been observed by women and communicated to men.³⁵⁵ For example, nuns who identify abuse could be ignored by male priests or, similarly, female staff in schools could be ignored by male principals.

Our private sessions

Attendees in our private sessions frequently told us about the poor quality or absence of complaint-handling processes or procedures. Attendees also told us that those responsible for management or dealing with complaints often did not take the complaints seriously or did not know how to handle them.

'Arnie' was born in the late 1960s and removed from his parents when he was about three years old. He was placed in residential care. He told us of being sexually abused at a family group home, where he was living, and at the home where his brothers were placed when he visited them during the week. 'Arnie' said he reported the abuse to his social worker and she said that she would look into it but nothing was done. He was angry at the social worker for failing to act. He told us, 'It's affected my life'.³⁵⁶

'Janelle' told us that her son was sexually abused by a schoolteacher in the 1980s. She said the teacher was already a convicted child sex offender, which was known to the education department, but the principal at the school was not informed of this conviction. 'Janelle' told us that when she approached department staff to confront them about their knowledge of the teacher's past offences and to ask what they had done about the abuse of her son, they told her she needed to make a formal written complaint. She told us that at every school her son attended after the abuse had happened, she had to explain his experiences and needs to staff. She said that she was rarely taken seriously and nobody believed that her son had been molested by his schoolteacher.³⁵⁷

Survivor 'Joshua Paul' told us that when he was abused by older boys and Brothers at a Marist Brothers institution in New South Wales in the 1960s, he reported the abuse but no action was taken. For example, he said he reported the abuse to the bishop and then to the police. When he was older he went to counselling set up by the Catholic Church. He said he asked if he could get an apology from the Catholic Church but the counsellor said that 'this sort of thing didn't happen back in the sixties'. He told us that telling his story to the Royal Commission would be a relief for him because 'nobody's ever taken me seriously'.³⁵⁸

'Alfreda' told us that a few years ago her son was sexually harassed and assaulted by other schoolboys while in a Catholic boys' school. 'Alfreda' told the Royal Commission that the principal did not take the complaint seriously and told her son to 'stand up for himself' or 'face the problem'. When 'Alfreda' met with the principal for a second time after her son was assaulted again, the principal asked the other boys whether they had seen anything. The boys denied knowledge of the event. 'Alfreda' said she eventually reported the abuse to the Catholic Education Officer, who only provided two perfunctory tutoring lessons and a few sessions of counselling. She told us her request for a refund of school fees was denied.³⁵⁹

Our consultations

Child-focused reporting and responding to complaints of child abuse was supported as a standard of child safe institutions in submissions to our issues paper on child safe institutions. The overwhelming majority of stakeholders supported the need for a clear and accessible complaints process and a robust disciplinary procedural system.³⁶⁰

The Victorian Government told us:

Avenues for reporting incidents, complaints or concerns should be well-publicised and accessible to all people involved with the organisation. Children and families must feel confident that any concerns raised or allegations made will be treated seriously and acted on promptly.³⁶¹

In our consultation with children and young people, the importance of support and encouragement from teachers and staff to children and young people who speak up about their problems was expressed. One young person noted:

I also think that probably if you've gone to see a teacher about it and they've just brushed it off and gone, 'Yeah, go back to class', the next time, if you're having an issue, say you're in a different situation or even in the same situation, like, at the same school or with the same teacher because you may have, like, felt, like, rejected in a sense, it adds, like, to the fear and it lowers the confidence in, like, speaking up the next time something happens.³⁶²

Another young person said:

I think a teacher ... can come up and just ask how you are anyway ... it shows that they actually do care about how you are. Because a lot of teachers don't ask how you are or anything, they just want to teach you. And, like, you know, if a teacher actually comes up and asks how you are, and everything's okay.³⁶³

Similarly, the New South Wales Government told us:

The organisation should have in place policies and procedures to ensure that complaints and concerns are dealt with and responded to appropriately. These should make it clear that a child or someone acting on their behalf can approach any person in the organisation to express concerns about their treatment and that they will be taken seriously, and include the requirement to notify appropriate external authorities.³⁶⁴

Volume 7, *Improving institutional responding and reporting* deals with responding to complaints of child sexual abuse in more detail.

Standard 7: Staff education and training

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

A child safe institution promotes and provides regular ongoing development opportunities for its staff and volunteers through education and training, beginning with induction. Child safe institutions are 'learning institutions' where staff and volunteers at all levels are continually building their ability and capacity to protect children from harm.³⁶⁵

This standard is premised on all staff and volunteers receiving comprehensive and regular training, including induction on the institution's child safe strategies and practices, as well as broader training on child protection.

In this section, we look at our case studies, commissioned research, private sessions and consultations to highlight why education and training is an essential standard of a child safe institution.

What we found

We heard through our case studies, commissioned research and private sessions that education and training of staff and volunteers could have assisted with the prevention, detection and response to child sexual abuse.

Education and training is a core strategy in improving an institution's capacity to protect children and can contribute to creating a child safe culture by clearly and consistently reinforcing the message that child safety is important.³⁶⁶

Institutions should ensure their staff and volunteers have the knowledge, skills and attitudes to effectively prevent, identify and respond to child sexual abuse within institutional contexts. This should include adequate knowledge of increased risk for some children and particular barriers to disclosure.³⁶⁷

Our case studies

Failure to ensure staff were properly equipped with the skills and knowledge to protect children was evident in many of our published case study reports.³⁶⁸ In *The Salvation Army boys' homes, Australia Eastern Territory* case study, a lack of staff training was found to have contributed to the institution's failure to provide a safe and caring environment.³⁶⁹ We found cases where a lack of training contributed to the failure of school staff to attach significance to and act on reports of a teacher's inappropriate and grooming behaviours.³⁷⁰ We heard of staff and management who lacked the knowledge required to protect children in the institution.³⁷¹ In some cases where staff education and training was infrequent or incomplete – as heard in

our *Toowoomba Catholic school and Catholic Education Office* case study – we saw staff fail to follow an institution’s procedures to respond to sexual abuse or exercise a belief that they were adequately trained.³⁷²

In the *Knox Grammar School* case study, we found that between 1988 and 1998 Knox did not have in place any system for training or educating its staff on mandatory reporting obligations imposed by legislation in New South Wales. We considered such training and education to be important because it equips staff with the necessary knowledge and understanding of the dynamics of child sexual abuse and the mechanisms for detecting, investigating and reporting allegations of child sexual abuse.³⁷³

In the *YMCA NSW* case study, we found that the institution did not ensure that its staff at YMCA Caringbah had a formal induction or adequate training, despite child protection training being required under the YMCA’s policies.³⁷⁴ This left staff ill-equipped to apply the institution’s policies to protect children and to understand the importance of reporting any breaches.

Specifically, YMCA NSW failed in its responsibilities by not providing adequate training to staff at YMCA Caringbah on the content of YMCA child protection policies, the nature of sexual abuse and its dynamics, the identification of risks and the procedure for reporting concerns.³⁷⁵

Most training at YMCA Caringbah was informal, through ‘buddying’ or on-the-job-learning. On one occasion, management did not provide child protection training specifically requested by a staff member who worked directly with the offender.³⁷⁶ As a result, several staff were unaware of crucial policies and procedures, and the conduct of the perpetrator went unreported for two years.

During the public hearing for the case study, Professor Smallbone, a psychologist from the School of Criminology and Criminal Justice at Griffith University, stated that child-related institutions should train all staff in child protection. That training, ideally with expert external trainers, should:³⁷⁷

- give staff a clear and valid understanding of sexual abuse and its dynamics, including the characteristics of abusers and victims, and how, when and where sexual abuse is more likely to occur
- empower staff with the knowledge and competencies to prevent sexual abuse, identify risks, report concerns, and respond to discovery, disclosure and allegations of abuse.

Professor Smallbone told us the training of staff who worked with the offender might have helped them to identify and respond to his abuse-related behaviours.³⁷⁸ In *Case Study 47: Institutional review of YMCA NSW*, we were told that YMCA NSW is improving its approach to staff training, supervision and recruitment.³⁷⁹

In the *Perth independent school* case study, staff received limited or no training on protecting children. Several teachers gave evidence that they:³⁸⁰

- had little or no knowledge of procedures for reporting their concerns
- received no training from the school in detecting and reporting suspected child abuse or grooming behaviours
- were concerned that they would be subjected to rejection, ostracism or bullying and harassment from some staff if they were identified as whistleblowers or complainants.

In the *St Joseph's Orphanage, Neerkol* case study, we heard that no records on staff recruitment processes or training were retained by the Sisters of Mercy, who were responsible for appointing and managing staff employed at the orphanage. We heard evidence that the nuns looking after children at the time were not trained to do so.³⁸¹ Many children suffered degrading treatment and lived in appalling conditions at the orphanage. Punishment was often excessive, sadistic and cruel, and did not accord with the regulations under the relevant framework at the time.³⁸² We found that before mid- to late-1996, the Bishop of Rockhampton and the Congregational Leader of the Sisters of Mercy received no training in understanding and responding to complaints of child sexual abuse.³⁸³

However, when allegations of child sexual abuse began attracting media attention, it prompted church conferences to be held in the late 1980s and the 1990s that implemented policies and procedures for responding to such allegations.³⁸⁴ After 1996, the Catholic Diocese of Rockhampton implemented training, developed resources and promoted professional development to support diocesan policy on child protection and complaint handling. In addition, the Sisters of Mercy adopted a professional standards policy which set out the processes for dealing with complaints of physical, emotional and sexual abuse relating to children and vulnerable adults.³⁸⁵ They also established a professional standards committee to formulate processes and guides for the response to and prevention of child sexual abuse.³⁸⁶

An expert specialising in childhood abuse and trauma provided training to staff at all levels of the diocese. This included the Bishop of Rockhampton, Catholic Education Office personnel, Rockhampton Centacare, the priests of the diocese, the Institute Leader and many of the congregation. Sister Berneice Loch, the current Institute Leader of the Institute of Sisters of Mercy of Australia and Papua New Guinea, said that this training marked a pivotal moment for the Sisters of Mercy and prompted a large shift in attitude regarding child sexual abuse.³⁸⁷

We were told the change in attitude has led to better quality training across the Catholic Diocese of Rockhampton since that time, and has had a positive effect on an entire institution with a previous history of physical and sexual abuse.

In *Case Study 50: Institutional review of Catholic Church authorities*, Ms Kathleen McCormack AM, Australian member of the Pontifical Commission for the Protection of Minors, told us about the relationship between education and culture:

if you don't start to have an alert culture [that] becomes part of the staff and the people working with children, you're missing the point ... I think it's education, education, education, and that people start to pick up the behaviours of people, to look at the safe environments, to look at people who are not following the guidelines of the organisation, to look at people who work in isolation, so that all the staff start to understand the indicators. I think that's what has to happen. It has to be an alert culture and that people are working at it all the time.³⁸⁸

Our commissioned research

The *Hear no evil, see no evil* research report into understanding the failure to identify, make a complaint and report child sexual abuse in institutions examined how training could help workers to make better judgments about inappropriate behaviour. The report noted that training and ongoing advice and support were important in educating workers about child sexual abuse, particularly because they were unlikely in the past to have come across a person who sexually abused children.³⁸⁹

In the *Taking us seriously* study, children said that adults within institutions should be informed about the best ways to keep children safe, including through training.³⁹⁰ Child safe training was also found to be important for people working with children with high support needs, to keep them safe.³⁹¹ In the *Feeling safe, being safe* research, training and education for staff emerged as a key factor in improving safety in institutions for children with disability. The report noted:

For those children and young people who need formal care, the literature recognises the need for workers to have adequate resources and support. Part of this support includes training and professional development for professionals, across a wide range of areas, focused on including children and young people creatively and respectfully.³⁹²

This is a call for staff training on child sexual abuse and the particular needs of children with disability. It is also a reminder that skills are needed for ensuring all children's empowerment and participation, so they can be actively involved in their own protection.

The commissioned report *Aboriginal and Torres Strait Islander children and child sexual abuse in institutional settings* noted that a strong connection to culture and positive relationships with family are protective factors.³⁹³ This highlights the need for staff to understand cultural safety and have skills for culturally responsive practice.

Another commissioned report, *Grooming and child sexual abuse in institutional contexts*, noted that training was important in preventing and identifying grooming. It reported that, in particular, training on problematic behaviours and boundary violations was recommended in the research literature.³⁹⁴ This approach is thought to be effective as it ‘not only provides a basis for staff to recognise problematic behaviour but also potential offenders will know their behaviour is subject to scrutiny’.³⁹⁵

The research we commissioned on the risk profiles of institutions identified evidence in the literature that education and training of staff and volunteers was an effective strategy for child safe institutions:

Whether it is in-person or web-based training, most researchers agree that child sexual abuse prevention training is necessary for all employees and volunteers working with children. Wurtele (2012) argued that ‘education is the cornerstone of preventing child sexual abuse and sexual boundary violations by YSO [youth-serving organisation] staff members’.³⁹⁶

In the research study to test the Child Safe Standards, all but one member of the expert panel agreed education and training was a relevant indicator that an institution was child safe, four-fifths agreed it was a reliable indicator and more than two-thirds thought it was achievable.³⁹⁷

Our private sessions

Private session attendees made occasional references to the education and training of adults in institutions, usually in the context of general recommendations for better protecting children.

Survivor ‘Hew’ lived in an Aborigines Inland Mission children’s home when he was a child. He said he was sexually abused by another resident who was six years his senior. He said that he found out later that other children had been abused by different offenders in the home. He believed that the mission ‘failed grossly in some areas of their training for people for the work that was at hand’.³⁹⁸

Similarly, ‘Luisa’ told us she was sexually abused by her primary school teacher after her mother specifically informed him that ‘Luisa’ had previously been sexually abused. Her recommendation to the Royal Commission was that schools need specialists on staff who are trained to recognise the signs that children have been abused, as children were usually frightened and often not strong enough to speak up for themselves.³⁹⁹ ‘Alyssa’, a survivor of child sexual abuse at several foster homes, recommended more specialised programs and more training for staff given the vast number of cases staff have to handle.⁴⁰⁰

‘Francis’⁴⁰¹ told us that he was sexually abused as a 13-year-old boy by a Christian Brother at his school. He later became a Christian Brother himself but eventually left the Order. He told us that he received no training on child protection during his time as a Christian Brother. ‘There was no preparation whatsoever for being in an unregulated sort of environment [nor] any direction about what is acceptable behaviour or not.’⁴⁰²

We also heard recommendations from parents of survivors of child sexual abuse that education and training should extend to parents. For instance, ‘Summer’ and ‘Pete’ were parents to three children, two of whom had disability. They told us that the children’s male respite carer abused their youngest son but they were not aware of it until their son confided in them.⁴⁰³ ‘Summer’ told us that she wanted to see more training opportunities offered to parents:

We got recommended to have a male carer but we weren’t given any information about things we might want to be looking out for. There was massive, obvious grooming going on and we had no idea.⁴⁰⁴

Our consultations

Stakeholders we consulted emphasised that staff education and training was crucial for a child safe institution. Consultation participants noted that for any child safe policy to be effectively implemented, individual workers needed to be trained appropriately to feel capable of responding to complaints of abuse.

The education and training of institution staff and volunteers was identified as a key component in protecting children by many stakeholders in their submissions to our issues paper on child safe institutions.⁴⁰⁵ For example, The Salvation Army submitted that:

all staff, at all levels of the organisation, and volunteers should be trained in all aspects of child safe policy and procedures, and that this training is mandated as part of the orientation process for all new staff, with regular refresher training for all existing staff. Records of staff training should form part of the monitoring and evaluation of an organisation’s compliance with child safe practices.⁴⁰⁶

We heard that training needed to be reinforced continuously during the staff member’s or volunteer’s engagement with the institution. Opportunities for child protection education included:

- pre-service and higher education for those people working in fields involving children
- training for those who are mandatory reporters under state and territory laws
- induction training when joining the institution
- ongoing professional development within the institution
- training for company directors and members of boards of directors
- advanced training for certain individuals, for example, institutional leaders and child safety champions
- specific training for volunteers.

We also heard that it was vital to train and support supervisors to respond to safety concerns. Professor Kerryann Walsh, Faculty of Education, Early Childhood and Inclusive Education, Queensland University of Technology, told us:

When someone has a gut feeling about somebody, it might not necessarily reach the threshold for a report that needs to be made, but that there is someone skilled enough and has enough knowledge and is confident enough within an organisation to be able to talk with the person whose conduct is in question, and have that really legitimate, open, frank and authentic conversation with them about what it is about their practice that is bothering somebody.⁴⁰⁷

A child safe institution should also provide cultural competency training to ensure it is welcoming and celebrates the cultural identities of children and their families. The Australian Children's Commissioners and Guardians noted in their submission to our issues paper on child safe institutions that their Principles for Child Safety in Organisations make it clear that a child safe institution 'respect[s] diversity in cultures'.⁴⁰⁸ This means the institution:⁴⁰⁹

- thinks about safety and wellbeing concepts from a cultural perspective
- takes steps to develop cultural competence within the organisation so staff and volunteers can respond in a culturally appropriate manner.

The Victorian Aboriginal Child Care Agency also told us about the skills required by those who manage child safe institutions:

In a broad framework for safety, those on boards or in management positions should be required to demonstrate respect for Aboriginal culture and an understanding of how a strong cultural identity acts to safeguard Aboriginal children.⁴¹⁰

Standard 8: Physical and online environment

Physical and online environments minimise the opportunity for abuse to occur

Certain physical and online environments can pose a risk to children. Institutions seeking to be child safe can improve safety by analysing and addressing these risks, reducing opportunities for harm and increasing the likelihood that perpetrators will be caught.

A child safe institution designs and adapts its physical environment to minimise opportunities for abuse to occur.⁴¹¹ The institution finds a balance between visibility and children's privacy and their capacity to engage in creative play and other activities.⁴¹² It consults children about physical environments and what makes them feel safe.⁴¹³

Child safe institutions address the potential risks posed in an online environment, educating children and adults about how to avoid harm and how to detect signs of online grooming.⁴¹⁴ The institution articulates clear boundaries for online conduct, and monitors and responds to any breaches of these policies.

In this section, we look at our case studies, private sessions, commissioned research and consultations to highlight why the physical and online environment is an essential standard of a child safe institution. Chapter 5 provides greater detail on this topic.

What we found

A number of our case studies, commissioned research and private sessions highlighted the ways in which unsafe physical and online environments have facilitated the sexual abuse of children.

Our case studies

Our case studies have shown that the risk of child sexual abuse in institutional contexts can increase when an institution's physical environment allows perpetrators to isolate children or operate without scrutiny. Perpetrators can go to some lengths to create and or take advantage of such environments, for example, in boarding schools,⁴¹⁵ 'sick bays'⁴¹⁶ or while traveling by car, bus or on overnight trips.⁴¹⁷ Poor physical and online environments contributed to the occurrence of abuse in some of our published case study reports. This includes sexual abuse by both adult perpetrators and children with harmful sexual behaviours.

We heard of instances of abuse occurring in intimate situations, for example, perpetrators abusing children in the child's bed⁴¹⁸ or taking children into their own sleeping quarters at night.⁴¹⁹ A lack of privacy, particularly during personal care routines, created opportunities for sexual abuse during communal showering overseen by adult perpetrators.⁴²⁰ Isolated or unsupervised locations were frequently sites of child sexual abuse,⁴²¹ such as a deserted kitchen at an Anglican camp where a priest abused and raped a boy.⁴²²

We heard of instances where perpetrators met and groomed children through an institution and later abused them in a private location, such as the perpetrator's home.⁴²³ We also heard of incidents where poor security allowed perpetrators from outside the institution to enter and abuse children undetected, such as at the Bexley Boys' Home, where strangers would enter through a fire escape and sexually abuse boys at night.⁴²⁴

In the *St Ann's Special School* case study, we heard that sexual abuse of students occurred in the school woodwork shed and on the school bus, as well as in the offender's home.⁴²⁵ The school allowed a volunteer to be alone with children who had heightened vulnerability in locations where surveillance was difficult, providing opportunities for abuse to occur with a low risk of detection.⁴²⁶

In *Case Study 8: Mr John Ellis's experience of the Towards Healing process and civil litigation*, we heard that Mr Ellis was sexually assaulted by Father Aidan Duggan when he was an altar boy at a Catholic church at Bass Hill, Sydney. The sexual abuse happened regularly and frequently in Father Duggan's bedroom and sitting room at the presbytery of the Catholic church. The abuse later occurred outside the presbytery when Father Duggan was on vacation.⁴²⁷

In the *Marist Brothers* case study, one survivor told us that the abuse took place in the classroom and on the beach after school or at weekends.⁴²⁸ In that case study we also heard that the classroom of Brother Sutton at St Carthage's Primary School, Lismore, appeared closed in and dark, with the blinds often drawn shut.⁴²⁹ Brother Sutton was convicted of a number of offences against children at St Carthage's. This included the indecent assault of a child, which occurred in a classroom.⁴³⁰

In *Case Study 34: The response of Brisbane Grammar School and St Paul's School to allegations of child sexual abuse*, we heard evidence that the school counsellor frequently abused students in his office. The school counsellor set up a series of lights outside his office and controlled who could enter, by switching the lights to red, orange or green.⁴³¹

In the *Australian Defence Force* case study, we heard that Mr Glen Greaves was sexually abused in the toilet blocks and in the showers on three occasions during his first six months at HMAS *Leeuwin*, a Navy shore base in Fremantle, Western Australia. Mr Greaves said that, on the first occasion, he was dragged from his bed to the toilet block by four senior recruits, where he was anally penetrated with a broomstick and forced to lick the urinal. He said that, on two further occasions, he was sexually abused with a wooden broomstick in the showers by the same senior recruits.⁴³²

Online environments are also increasingly being used to facilitate child sexual abuse. The online environment is changing the way people work, live and communicate, and how they interact with institutions and those within them. However, institutions have often not identified the online environment as a potential risk factor for institutional child sexual abuse. This has made it easier for perpetrators to groom children and then go on to abuse them. We have heard of instances where social networking sites and mobile phones have been used by adult perpetrators to covertly contact and groom children. 'Sexting', the dissemination of intimate material and the threat thereof, by both adults and other children, is also an issue of concern.⁴³³

In the *Australian Defence Force* case study, we heard evidence of one perpetrator using text messaging to groom a young female cadet.⁴³⁴ In the *YMCA NSW* case study we concluded that Jonathan Lord used his mobile phone at work to groom children so he could offend against them. We found that:

YMCA NSW failed to ensure that all YMCA Caringbah staff understood the policy relating to photography, mobile phones and other electronic devices. This contributed to Jonathan Lord not being reported for conduct that was contrary to these policies.⁴³⁵

In the *Scouts and Hunter Aboriginal Children's Service* case study, we heard that a youth worker at a residential youth agency raised concerns about text messages between the perpetrator Steven Larkins and a young person for whom Larkins had parental responsibility, as part of the Hunter Aboriginal Children's Service (HACS). Because these text messages were not reported to the HACS management committee, an opportunity to scrutinise Larkins's behaviour was missed.⁴³⁶

In *Case Study 37: The response of the Australian Institute of Music and RG Dance to allegations of child sexual abuse*, the perpetrator, Grant Davies, used social media and electronic communication devices to groom children, parents and caregivers. These devices were used to:⁴³⁷

- engender a sense of intimacy and a special relationship by exchanging messages at a time when the young person is more likely to be alone
- normalise an intimate, sexual relationship by expressing interest in the non-sexual aspects of a student's life
- express affection
- send explicit sexual content to normalise a sexual relationship between an adult and a young person
- overcome potential victim inhibitions by gradually sending more explicit text messages over time.

Our commissioned research

Research we commissioned explained that, according to one theory, the ease with which a 'perpetrator can overcome external inhibitors to gain the opportunity to perpetrate abuse' was one aspect contributing to the risk of child sexual abuse.⁴³⁸ Opportunities to abuse were linked with the ability to be alone with a child and the ability to groom a child undetected.⁴³⁹ The research noted that both the nature of the activity and the circumstances, such as physical and online environments, contributed to this risk. Situational risks can be modified, and child safe institutions are those that minimise these risks as much as is reasonably practicable.⁴⁴⁰

Our literature review found that the institution's environment affected the risk of institutional child sexual abuse:

Offenders take advantage of environmental factors that permit access to potential victims and, in some cases, a setting in which to carry out. With this in mind, it has been suggested that opportunities to commit child sexual abuse can be significantly reduced by better regulating interactions between children and employees or volunteers, increasing onsite supervision, restricting or monitoring access to unsupervised areas, implementing a system for oversight and accountability, and enhancing the visibility of activities through environmental design.⁴⁴¹

The *Taking us seriously* study asked children and young people about the physical and online environments where they felt safe. Children and young people saw safe environments as ordered and predictable child-friendly spaces where trusted adults and other children were around.⁴⁴² Physical signs of safety such as fences, security cameras and locks (when they were perceived as useful for locking unsafe people out rather than monitoring or controlling children) were seen as valuable. Children reported that a key strategy they used to determine whether an environment was safe was to observe how other children behaved there.⁴⁴³

Children and young people thought adults overestimated the risks of online environments because they did not understand the internet and social media as well as children and young people did. Further, children and young people thought they had the skills to manage risks online.⁴⁴⁴ This highlighted the need for educating both adults and children about staying safe online.

A commissioned review of the literature discussing strategies to counter the access, distribution and production of child exploitation material revealed few strategies that were relevant to institutions and only limited information about their effectiveness.⁴⁴⁵ Strategies that could be employed by institutions fell into three general themes:⁴⁴⁶

- increasing effort, for example, through internet filtering and enforced protocols around the use of electronic devices
- increasing risk of detection, for example, by verifying the identity of users and monitoring their internet use on institution computers
- removing excuses, for example, by introducing workplace policies and codes that explain what child exploitation material is and why it is harmful.

In the research study we commissioned to test the Child Safe Standards, most expert panellists agreed that the physical and online environment standard was relevant in indicating an institution was child safe, most agreed it was a reliable indicator, and about two-thirds rated the standard as achievable.⁴⁴⁷

Our private sessions

In our private sessions we heard from survivors that certain environments facilitated abuse because they were dark, hidden, secluded or remote. We also occasionally heard about abuse that occurred in environments that should have been safe, for example, where other children or adults were present.

Survivor 'Duncan Craig' told us that he was abused by his classmate during high school. The abuse would happen in secluded, unsupervised areas of the school grounds, as well as on excursions and camps.⁴⁴⁸ We heard many similar stories from our private sessions.⁴⁴⁹ Within school grounds, many rooms were often left unattended and secluded. We heard this led to many incidents of abuse happening without any witnesses.⁴⁵⁰ These rooms could be locked from the inside and perpetrators often took advantage of this.⁴⁵¹ Female survivors told us that they were taken to secluded rooms to have internal medical examinations, which included digital penetration.⁴⁵²

A number of private session attendees spoke about the online environment being used for grooming. 'Horrie' told us about the experience of her daughter, 'Debbie'. She said that the coach of her local church-run sports club had been sending her daughter sexually suggestive Facebook messages since she was 16. She said that when she reported the matter to the police, 'the police said it was a classic case of grooming ... But he was grooming her and he was grooming us'.⁴⁵³ Another survivor told us that she was groomed by an older man associated with her sports club through Facebook and text messages.⁴⁵⁴

'Tanya', mother of 'Caleb', told us that a childcare centre worker, 'Rob', sent over 130 text messages to 'Tanya' about her son. The messages included photos of 'Caleb' as well as offers of money and gifts, and invitations for 'Tanya' and her partner to go out for dinner while 'Rob' babysat 'Caleb'. Further, the worker wrote that he loved 'Caleb', and made references to his 'bottom' and to changing his nappy. 'Tanya' said that in one message 'Rob' said that he had lain on the ground and let 'Caleb' 'ride him like a jockey'.⁴⁵⁵

'Lexie' told us that her 12-year-old daughter was groomed by her foster father. 'Lexie' saw texts from her daughter telling her foster father to leave her alone and other intimate messages between the two. When 'Lexie' confronted her daughter about the messages, her daughter revealed she had been sexually abused by him.⁴⁵⁶

Our consultations

Submissions to our issues paper on child safe institutions strongly suggested that a safe physical environment could be a key way of protecting children from harm.⁴⁵⁷ Bravehearts submitted that:

The physical layout for [an] organisation's activities or the organisation's setting can hide or expose child sexual assault, with the physical structure of an organisation playing an important role in creating 'safe environments' for children and young people.⁴⁵⁸

Submissions also identified the online environment as a new area of focus for preventing child sexual abuse in institutions.⁴⁵⁹ In its submission, the Australian Federal Police wrote:

An essential element in establishing a 'child safe organisation' is being aware of the potential risks posed to children in an online environment, and any potential causes for changes in a child's behaviour (as a result of possible online grooming).⁴⁶⁰

We heard that children and adults increasingly view the internet and social media as intrinsic aspects of their social lives and daily communication. However, the online environment presented additional challenges to those in institutions who are trying to recognise and respond to child sexual abuse: they needed training and support to be able to respond effectively.⁴⁶¹

We heard through consultations with children and young people that programs educating children in schools about cybersafety have been beneficial. Aspects of the programs have included:

- a website where children can watch videos and discuss safety issues online, such as how to identify different forms of bullying
- an open discussion on cybersafety led by the school principal to a year group once a week
- an annual presentation by police
- a school communication initiative on cybersafety to increase young people's awareness.⁴⁶²

Standard 9: Continuous improvement and review

Implementation of the Child Safe Standards is continuously reviewed and improved

Child safe institutions know it is a significant challenge to maintain a safe environment for children in a dynamic institution. Leadership maintains vigilance by putting in place systems to frequently monitor and improve performance against the Child Safe Standards. An open culture encourages people to discuss difficult decisions and identify and learn from mistakes. Complaints are an opportunity to identify the root cause of a problem and improve policies and practices to reduce the risk of harm to children. When appropriate, the institution seeks advice from independent specialist agencies to investigate failures and recommend improvements.

In this section, we look at our case studies, commissioned research, private sessions and consultations to highlight why continuous improvement and review is an essential standard of a child safe institution.

What we found

Our case studies, commissioned research and private sessions highlighted the failure of many institutions to continuously review and improve policies and practices. This affects an institution's ability to be child safe.

Ongoing self-review and critical analysis monitor how well a child safe institution is implementing the Child Safe Standards. Child safe institutions learn from complaints and failures, continuously improving the safety of children in the institution.

Our case studies

Through our case studies, we found evidence of institutions failing to review practices following incidents of child sexual abuse. We also found evidence of institutions that did review their practices, but had mixed results.

In the *YMCA NSW* case study, no attempt was made to determine the root cause of the abuse perpetrated by Jonathan Lord, including how he was recruited and supervised, and how he engaged in the offending behaviour while working for the YMCA for two years.⁴⁶³ Following our *YMCA NSW* case study, YMCA NSW told us it has made improvements to better protect children in its care.⁴⁶⁴

In the *Jehovah's Witnesses* case study, we found that the institution relied on outdated policies and practices to respond to allegations of child sexual abuse and that those policies and practices were not subject to continuous review.⁴⁶⁵ The institution retained and applied certain rules which showed a serious lack of understanding of the nature of child sexual abuse.⁴⁶⁶ In *Case Study 54: Institutional review of Church of the Jehovah's Witnesses and its corporation, the Watchtower Bible and Tract Society of Australia*, we heard from Mr Terrence O'Brien, Director of the Watchtower Bible and Tract Society of Australia that upon review of the findings made in our earlier *Jehovah's Witnesses* case study report, the organisation noted that its two-witness rule is required by the scriptures and cannot be changed or avoided.⁴⁶⁷

In *Case Study 48: Institutional review of Scouts and Hunter Aboriginal Children's Service*, the General Manager of Scouts Australia NSW, Mr Andrew Smith, gave evidence that since his appointment in May 2016 he has reviewed active case files concerning allegations of child sexual abuse. He also noted that the organisation was in the final stages of selecting an external provider to independently audit policies, procedures and practices for handling allegations of child sexual abuse.⁴⁶⁸ However, he gave evidence that there had not been a formal root-cause analysis done in relation to allegations of child sexual abuse in the organisation.⁴⁶⁹

In the *St Ann's Special School* case study, some families of survivors believed the initial inquiry into sexual abuse that occurred at the school was not sufficiently thorough or independent.⁴⁷⁰ The inquiry did not focus on children or families and did not include any recommendations. It took several further inquiries for substantial improvements to be made, including the establishment of a dedicated child protection unit and changes to the school's governance structure to give the Catholic Education Office clearer oversight.⁴⁷¹

In the *Toowoomba Catholic school and Catholic Education Office* case study, the bishop of the diocese responded appropriately after being advised of child sexual abuse at the school and the poor responses of the school and the Catholic Education Office. The bishop commissioned an independent investigation into the incidents that led to changes to staffing, policies and procedures, training and school infrastructure to better protect children in the school's care.⁴⁷²

In the *Perth independent school* case study, we heard evidence that the school had implemented significant improvements to its relevant child protection policies and procedures in response to the conviction of a teacher for child sexual abuse. The current headmaster of the school gave evidence that all staff were now required to participate in protective behaviours training. They were required to attend training in mandatory reporting, with a refresher course provided at the annual professional development day at the start of the year.⁴⁷³ At the time of the public hearing for the case study, the school was also developing a system for performance indicators which would allow a staff member to be tested on their understanding and application of policies and procedures. The system was scheduled to be implemented in 2015.⁴⁷⁴

However, we heard that the committee formed to review the school's child protection policies and procedures did not conduct a full analysis of the adequacy of these policies and practices in the context of the abuse that had occurred. When giving evidence in the *Perth independent school* case study, Professor Smallbone, a psychologist from the School of Criminology and Criminal Justice at Griffith University, commented that a frank review was necessary to properly understand what had occurred and to build the kind of knowledge needed to properly inform best practice. Professor Smallbone was also of the view that a person with expertise in child protection or child sexual abuse would have been a valuable member of the committee. While the school has made significant improvements to its child protection policies and procedures, we suggested the school make further improvements identified by Professor Smallbone.⁴⁷⁵

An institution can also review the number of complaints it receives to gain an indication of whether people feel it is safe to complain. This would also provide a measurement of the practicality of the policies and procedures in place and the continuous improvement of the environment in which children feel safe to report. This is particularly relevant, for instance, to institutions which claimed to have received few or no complaints of child sexual abuse.

In our *Yeshiva Bondi and Yeshivah Melbourne* case study, we heard evidence from Rabbi Joshua (Yehoshua) Smukler, principal of Yeshivah-Beth Rivkah Colleges, on the way the colleges' child safe policies and procedures were continuously reviewed and improved. We were told that during his tenure, Rabbi Smukler took an active role in updating and revising the colleges' child protection policy.⁴⁷⁶

In our *Institutional review of The Salvation Army* case study, Commissioner Tidd, National Commander of The Salvation Army, told us of an interaction with a survivor who asked him to ‘look me straight in the eyes and tell me that you will do everything in your power to ensure that what happened to me never happens to another little girl’.⁴⁷⁷ Commissioner Tidd explained that making this commitment to the survivor means that:

where we have breaches in implementation and necessity for higher accountability, to own that, to ensure that the work that’s invested in developing policy to create a safe place for everyone is realised.⁴⁷⁸

In *Case Study 51: Institutional review of Commonwealth, state and territory governments*, the Australian Defence Force told us about a pilot program aimed at making sure child safety stays a priority. Vice Admiral Raymond Griggs, Vice Chief of the Australian Defence Force, told us:

The Youth Safety Assurance piece is probably – in my mind, it is the central part of our work at the moment in terms of making sure that what we put in place endures ... We have developed a set of youth safety standards which are based on the [Royal Commission’s] Creating Child Safe Institutions work. Along with that we have a maturity model which has been developed so we can understand where a particular part of the organisation is in terms of youth safety maturity. We then have a cycle where we systematically go through the organisation to do checks and spot checks, and that’s built around the status assessment. The pilot status assessment uses the draft Safety Standards and the Maturity Model and we want to see how that pans out [and] see if it is workable.⁴⁷⁹

Our commissioned research

Review and continuous improvement was supported by all expert panellists in our commissioned research study as relevant to child safe institutions. Four-fifths of experts said the standard was a reliable indicator of a child safe institution and three-quarters reported the standard as achievable.⁴⁸⁰

Commissioned research into the failure of institutions to respond adequately to child sexual abuse sought a deeper understanding of why human error and institutional factors could undermine the policies and procedures in place. The research report, *Hear no evil, see no evil*, noted that safe institutions would foster an open culture where the institution learns from mistakes that may occur.⁴⁸¹

The research report we commissioned on children’s views on safety, *Taking us seriously*, found that participants thought safe institutions proactively protected children and young people by identifying issues early, informing them of potential threats and hazards, and being open to external monitoring.⁴⁸²

Our private sessions

We rarely heard specific comments in private sessions that related to continuous improvement and review. On occasion, attendees made references to how institutions could improve, for example, through better education and training of teachers or amended child protection policies and procedures.

‘Michael Peter’, who told us he was sexually abused by a state high school teacher, said he became closely involved with the Anglican Church as an adult and noted that two Anglican clergymen he had known had been convicted of child sexual abuse offences. ‘Michael Peter’ said he believed that every member of the Anglican Church, himself included, was ‘complicit’ in these offences, just as the principal and teachers at his old school were complicit in the behaviour of the teacher who abused him. He commented that they all had to work to improve child protection policies within these institutions.⁴⁸³

We also heard from another survivor of child sexual abuse who witnessed many changes in the way institutions responded to allegations of child sexual abuse, and who was impressed with the progress made by institutions: ‘We are definitely on the right path. So, if they just keep doing what they’re doing it’s a good thing’.⁴⁸⁴

Our consultations

A number of submissions to our issues paper on child safe institutions identified the need for review and continuous improvement as an important aspect of a child safe institution. For example, in its submission, ChildSafe stated that institutions must challenge their practices to mitigate risks and make improvements that deliver better outcomes for children who are being cared for.⁴⁸⁵ We heard through our community consultations that in some schools the safety of children and young people is reinforced by an external speaker coming in to talk to the children on issues such as cybersafety.⁴⁸⁶

Standard 10: Policies and procedures

Policies and procedures document how the institution is child safe

A child safe institution has localised policies and procedures that set out how it maintains a safe environment for children. Policies and procedures should address all aspects of the Child Safe Standards. The proper implementation of child safe policies and procedures is a crucial aspect of facilitating an institution's commitment to child safe practices.

In this section, we look at our case studies, commissioned research, private sessions and consultations to highlight why effective policies and procedures is an essential standard of a child safe institution.

What we found

Our case studies and private sessions highlighted that many institutions failed to protect children because their policies and procedures did not exist, were inadequate or were not implemented effectively.

Our case studies

Examples of inadequate and/or poor implementation of policies and procedures were evident in many of our case studies.

Some institutions did not recognise any need to have child protection guidelines or policies in place.⁴⁸⁷ Where policies were in place, they may have failed to recognise risks specific to that institution, or they may not have provided enough relevant information.⁴⁸⁸ Some institutions did not adopt or follow policies and procedures, which also put children at risk.⁴⁸⁹

For example, in the *Toowoomba Catholic school and Catholic Education Office* case study, we heard that the school possessed a student protection and risk management kit that set out policies and procedures for student protection, including disclosures of harm, sexual abuse and reporting to police.⁴⁹⁰ We found that the safety of the children at the school was nonetheless put at risk because the principal, Mr Terence Hayes, did not comply with the reporting procedures set out in the kit, did not report the allegations of child sexual abuse to the police and did not inform the Toowoomba Catholic Education Office of the most serious allegations in relation to the offender.⁴⁹¹

In the *Perth independent school* case study, we found that deficiencies in the policies of the school contributed to its failure to protect children.⁴⁹² Between 1999 and 2004, when concerns about an offending teacher were raised, the school did not have a dedicated child protection policy.⁴⁹³ From 2004 to 2009 the school did have child protection policies in force that complied with re-registration standards during the period; however, we found that these policies were deficient when measured against current standards of 'best practice'.⁴⁹⁴

We concluded that the policies did not provide enough information about how child sexual abuse occurred. Nor did the policies reference, define or provide instruction on grooming behaviours. We further concluded that there were no separate guidelines for handling complaints of suspected child abuse, grooming or inappropriate behaviour by staff that did not involve a specific allegation of child sexual abuse or, after 2009, fell below the threshold for mandatory reporting.⁴⁹⁵

We also heard in this case study how child safe policies and procedures that were implemented effectively could provide guidance and clarity to staff or others involved in an institution on raising and dealing with issues concerning child sexual abuse. Professor Smallbone gave evidence that:

Policies should clarify rules and expectations about staff behaviour with children, give examples of behaviours that ought to trigger concerns, provide rules or guidelines about how to report concerns and explain how a school will respond to these concerns. Without clarity, a person is more or less left to their own devices to make judgments about things that can be very complex.⁴⁹⁶

In the same case study we heard that teachers and parents were not aware of written policies or guidance on how to report child sexual abuse. We heard evidence that a student's mother was not aware of any school procedures or policies to assist her or any parent in making a complaint about a teacher, and did not know where to find such policies, despite being particularly active at the school. The mother did not recall seeing a document that the school produced called the Parents' Worries and Complaints policy.⁴⁹⁷

Similarly, each of the teachers and a victim's mother were unaware of any policies or procedures to help them decide whether to raise their concerns and to find the appropriate procedure for doing so.⁴⁹⁸ The teachers noted that it would have been easier to raise their concerns if they had access to the policies and procedures and that it would have helped them to feel more comfortable in taking action.

In the *YMCA NSW* case study, we found a serious breakdown in the application of child protection policies because they were too complex and staff were not sufficiently aware of them.⁴⁹⁹ Policies were regularly breached but this was rarely raised or disciplined. As a result, Jonathan Lord's inappropriate conduct and abuse of children went unreported for two years.⁵⁰⁰

For example, we found that between 2009 and 2011 not all YMCA Caringbah staff were aware of and understood the YMCA NSW policies about staff babysitting and being involved in activities outside the YMCA with children who attended YMCA NSW care.⁵⁰¹ Ms Sheree Ockwell, a Childcare Coordinator with YMCA NSW at the time, told us:

I knew there was a policy against babysitting kids from the centre, but everybody used to do it including Jacqui [the manager at the time], myself and other people I knew. There was no attempt to keep it a secret, people would talk about it openly. I think that Jacqui would have known that John [Lord] was babysitting, possibly for free, on the weekends, although I can't be sure.⁵⁰²

This example also draws out the interrelated nature of policy, compliance, culture and leadership. While policies may be in place, if there is a culture of non-compliance and leadership is seen to be in breach of policies, the policies may be rendered ineffective.

Similarly, in the *Toowoomba Catholic school and Catholic Education Office* case study, we heard that the principal of the primary school that was the subject of the case study did not report child sexual abuse allegations made against a teacher to the police. We concluded that, in failing to do so, he did not comply with the procedures provided in the school's student protection kit.⁵⁰³

During the public hearing for this case study, we heard that the student protection kit required a written report to be completed by a staff member if they became aware of or reasonably suspected there had been sexual abuse of a student by an employee. We concluded, after receiving a complaint and meeting with the child concerned and her father, that neither the school principal nor another teacher who was designated as a 'student protection contact' completed the written report as required. The teacher gave evidence that she did not believe it was her responsibility to do so. The principal gave evidence that, prior to the date in question, he had never sat down and read the student protection kit 'word for word'. He also gave evidence that he did not comply with the procedures set out in the kit because he had been advised by those responsible for child protection at the Toowoomba Catholic Education Office that in such a situation he should turn first to the Education Office.⁵⁰⁴

In our *Australian Defence Force* case study, we examined the policies and procedures of the Australian Air Force Cadets (AAFC). It was put to Mr Dennis Green, Air Commodore, Royal Australian Air Force, that there is a 'mountain of policy' in the AAFC 'which most people don't have the time or take the time to read'.⁵⁰⁵ Mr Green agreed, but he said that the *AAFC Manual of management* is designed to be 'user friendly' when used by someone who is an infrequent user.⁵⁰⁶ We concluded that it was apparent the policies and procedures in place within the AAFC were unnecessarily duplicative and, as a result, were not likely to be user friendly or effective in ensuring that AAFC staff are properly informed of the AAFC's expectations in relation to the protection of cadets. The Department of Defence accepted this criticism and told us that since the public hearing there has been policy reform to address these issues.⁵⁰⁷ This case study highlights the need for user-friendly policies and procedures.

In our *Institutional review of The Salvation Army* case study, in discussing historical child sexual abuse in Salvation Army children's homes, retired Salvation Army Officer Major Eldridge reflected that the early policies and procedures would stand up quite well today. These policies and procedures did not, however, reflect how many of these institutions were run. He commented that:

Whether or not The Salvation Army, through its directives, said a home was to be run a particular way, when you don't have supervision and you don't have adequate accountability, then it doesn't have to be run that way.⁵⁰⁸

In *Case Study 56: Institutional review of Uniting Church in Australia*, we heard that the Uniting Church has used the Royal Commission's Child Safe Standards to guide its revision of its National Child Safe Policy Framework. When asked whether this framework departed significantly from the Child Safe Standards, Ms Colleen Geyer, General Secretary of the National Assembly of the Uniting Church, told us:

There is no significant departures from [the Child Safe Standards] ... when we revised the framework, we used [the Child Safe Standards] as a guide for us to do that, and so if you map our 12 elements to the [Royal] Commission's 10 elements, then you will see overlaps in all of those elements from the Commission's report.⁵⁰⁹

Similarly, Mr Stuart McMillan, President of the National Assembly of the Uniting Church, illustrated how the Child Safe Standards influenced the design of the national policy framework:

Certainly initially, leadership and governance was a major factor that we concentrated on, but the other two significant areas that come to my mind are the areas of children and family and their involvement in processes and policies and practices of the Church, and the equity and diversity element that came out of the Commission's report is something that we picked up far more strongly in this framework.⁵¹⁰

Our commissioned research

The inclusion of this Standard 10 was supported by most expert panellists in the research we commissioned to test the Child Safe Standards, with all experts considering this standard relevant to indicating that an institution was child safe, three-quarters considering it a reliable indicator and two-thirds considering it achievable.⁵¹¹

The *Hear no evil, see no evil* study into understanding the failure to identify and report child sexual abuse in institutions found that the implementation of policies and procedures was crucial to protecting children. The research reported that policies and procedures ‘need to be seen as important in the organisational culture, with senior managers demonstrating this by monitoring whether people understand and use them’.⁵¹²

Commissioned research noted that: ‘An organisation may have child protection and complaints policies to satisfy regulators or insurers, but these are of little value unless they are accepted and implemented’.⁵¹³ Institutions should monitor and support staff to help them implement policies and procedures to protect children.⁵¹⁴

Academic research has found that clear child safe policies and procedures are key components of a child safe institutional culture. Policies and procedures should be ‘integrated into induction, training and supervision and set out a clear and consistent message about expected behaviour in the organisation’.⁵¹⁵

Our private sessions

Comments relevant to policies and procedures in our private sessions were very rare. However, we were told of the importance of their effective implementation.

We heard a story of a boy who overheard other boys talking about how a teacher ‘felt’ them.⁵¹⁶ He told his parents, who decided they should report this to the police. The school responded promptly and put in place the school’s child protection and traumatic events policies. The teacher was sacked immediately after he was charged by police and counselling was provided for students, teachers and parents. The mother of the boy who reported the abuse told us that it was clear the school had policies in place to proactively manage the situation since ‘It was seamless, there was no panic ...’.

The mother also told us that it was difficult to separate a system from an individual but the principal’s leadership drove the system response:

When that combines it’s a perfect situation. I just think the way he shapes his members under him, too, in terms of the opportunities he gives his staff for leadership reflects through to the boys as well ... His leadership flows through the school.⁵¹⁷

We also heard about a childcare centre putting in place practical and visible measures of child protection and safety policies.⁵¹⁸ For example, people picking up children had to be authorised and show identification, whereas previously anybody could wander in, say a child’s name, and take that boy or girl out with them.

Our consultations

Submissions to our issues paper on child safe institutions strongly supported the implementation of effective policies and procedures as a key way to protect children in institutions.⁵¹⁹ The Truth, Justice and Healing Council submitted that a child safe policy provided a clearly communicated statement to institutional stakeholders, including children, families, staff and volunteers, as to the institution's child protection position and how safety reforms would be implemented. The policy clarified the institution's practice standards and held it to account if it failed to meet them.⁵²⁰

Some submissions pointed to existing tools to help institutions to develop child safe policies and procedures.⁵²¹ In its submission, Child Wise stated that:

by having consistent, transparent, and accountable policies and procedures across an organisation, children will be better protected, representatives will be confident of their responsibilities and safeguards, and the organisation will be better placed to respond to people in need. Effectively, they provide a framework around which a child safe organisation can be built.⁵²²

3.5 Applying the Child Safe Standards

This chapter has outlined the rigorous process we undertook to identify the standards needed to make institutions safer for children. It also provided an explanation of each of the 10 Child Safe Standards that will assist institutions to improve their child safe approaches.

It is our view that any system aimed at improving the safety of children in institutions should be built on these 10 Child Safe Standards. Institutions have a responsibility to be child safe, regardless of any government-led or -imposed requirements.

Recommendation 6.4

All institutions should uphold the rights of the child. Consistent with Article 3 of the United Nations Convention on the Rights of the Child, all institutions should act with the best interests of the child as a primary consideration. In order to achieve this, institutions should implement the Child Safe Standards identified by the Royal Commission.

Recommendation 6.5

The Child Safe Standards are:

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 upheld and diverse needs are taken into account
5. People working with children are suitable and supported
6. Processes to respond to complaints of child sexual abuse are child focused
7. Staff are equipped with the knowledge, skills and awareness to keep children safe through continual education and training
8. Physical and online environments minimise the opportunity for abuse to occur
9. Implementation of the Child Safe Standards is continuously reviewed and improved
10. Policies and procedures document how the institution is child safe.

Recommendation 6.6

Institutions should be guided by the following core components when implementing the Child Safe Standards:

Standard 1: Child safety is embedded in institutional leadership, governance and culture

- a. The institution publicly commits to child safety and leaders champion a child safe culture.
- b. Child safety is a shared responsibility at all levels of the institution.
- c. Risk management strategies focus on preventing, identifying and mitigating risks to children.
- d. Staff and volunteers comply with a code of conduct that sets clear behavioural standards towards children.
- e. Staff and volunteers understand their obligations on information sharing and recordkeeping.

Standard 2: Children participate in decisions affecting them and are taken seriously

- a. Children are able to express their views and are provided opportunities to participate in decisions that affect their lives.
- b. The importance of friendships is recognised and support from peers is encouraged, helping children feel safe and be less isolated.
- c. Children can access sexual abuse prevention programs and information.
- d. Staff and volunteers are attuned to signs of harm and facilitate child-friendly ways for children to communicate and raise their concerns.

Standard 3: Families and communities are informed and involved

- a. Families have the primary responsibility for the upbringing and development of their child and participate in decisions affecting their child.
- b. The institution engages in open, two-way communication with families and communities about its child safety approach and relevant information is accessible.
- c. Families and communities have a say in the institution's policies and practices.
- d. Families and communities are informed about the institution's operations and governance.

Standard 4: Equity is upheld and diverse needs are taken into account

- a. The institution actively anticipates children's diverse circumstances and responds effectively to those with additional vulnerabilities.
- b. All children have access to information, support and complaints processes.
- c. The institution pays particular attention to the needs of Aboriginal and Torres Strait Islander children, children with disability, and children from culturally and linguistically diverse backgrounds.

Standard 5: People working with children are suitable and supported

- a. Recruitment, including advertising and screening, emphasises child safety.
- b. Relevant staff and volunteers have Working With Children Checks.
- c. All staff and volunteers receive an appropriate induction and are aware of their child safety responsibilities, including reporting obligations.
- d. Supervision and people management have a child safety focus.

Standard 6: Processes to respond to complaints of child sexual abuse are child focused

- a. The institution has a child-focused complaint-handling system that is understood by children, staff, volunteers and families.
- b. The institution has an effective complaint-handling policy and procedure which clearly outline roles and responsibilities, approaches to dealing with different types of complaints and obligations to act and report.
- c. Complaints are taken seriously, responded to promptly and thoroughly, and reporting, privacy and employment law obligations are met.

Standard 7: Staff are equipped with the knowledge, skills and awareness to keep children safe through continual education and training

- a. Relevant staff and volunteers receive training on the nature and indicators of child maltreatment, particularly institutional child sexual abuse.
- b. Staff and volunteers receive training on the institution's child safe practices and child protection.
- c. Relevant staff and volunteers are supported to develop practical skills in protecting children and responding to disclosures.

Standard 8: Physical and online environments minimise the opportunity for abuse to occur

- a. Risks in the online and physical environments are identified and mitigated without compromising a child's right to privacy and healthy development.
- b. The online environment is used in accordance with the institution's code of conduct and relevant policies.

Standard 9: Implementation of the Child Safe Standards is continuously reviewed and improved

- a. The institution regularly reviews and improves child safe practices.
- b. The institution analyses complaints to identify causes and systemic failures to inform continuous improvement.

Standard 10: Policies and procedures document how the institution is child safe

- a. Policies and procedures address all Child Safe Standards.
- b. Policies and procedures are accessible and easy to understand.
- c. Best practice models and stakeholder consultation inform the development of policies and procedures.
- d. Leaders champion and model compliance with policies and procedures.
- e. Staff understand and implement the policies and procedures.

Endnotes

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4 Improving child safe approaches

4.1 Overview

Protecting children and promoting their safety is everyone’s business. It is a national priority that requires a national solution. Everyone – the Australian Government and state and territory governments, sectors and institutions, communities, families and individuals – has a role to play to better protect children in institutions.

The Royal Commission has developed a national solution to better protect children in institutions. We have determined what makes institutions safer for children, and how institutions can be required and supported to be child safe. The approach is proportional to the risk of harm and the characteristics of different institutions. We considered options for driving cultural change and practice in valuing children, respecting their rights and promoting a child safe environment, and thus keeping children safe within institutions and the broader community.

This chapter outlines:

- current approaches to child safety in institutions across Australia
- the need for an improved national approach
- the need for mandatory national Child Safe Standards and their scope
- how to implement national Child Safe Standards through regulatory oversight and practice
- the role of capacity building and support in creating cultural change and how to build the capacity of institutions to be child safe
- ways to drive national consistency based on the best available evidence, evaluation and continuous improvement
- the need for a new National Framework for Child Safety and a National Office for Child Safety.

We believe that improving child safe approaches in institutions will ultimately reduce the risk of institutional child sexual abuse. Valuing children and their rights is the foundation of all child safe institutions. By promoting the best interests of children as a primary consideration, we believe institutions will better prevent, identify and respond to child sexual abuse and other forms of abuse, and create an environment where the community, parents and children can expect and demand institutions to be child safe.

Despite significant work to improve the safety of children in institutions across Australia, current approaches to child safety in institutions at the national, state and territory and sector levels vary in scope and content. The protection of children in institutions across Australia is thus inconsistent and inadequate. National consistency, based on the best available evidence, leadership and coordination, is needed to better protect children from harm in institutions.

The national Child Safe Standards, identified by extensive research and consultation, should be the foundation of a national approach to children's safety in institutions. The Child Safe Standards articulate a set of key elements of a child safe institution, and federal, state and territory governments should agree to them.

Their application should be principle based and outcomes focused, and incorporated into existing regulatory structures where possible. To account for the many different institution types, institutions should be allowed flexibility in the way that they implement the standards, based on their nature and characteristics.

All institutions should strive to be child safe and meet the standards. However, the Child Safe Standards should be mandatory for institutions that engage in child-related work as set out in Recommendation 6.8.

The standards should be embedded in state and territory legislation, and states and territories should have primary responsibility for their implementation. Government oversight should aim to achieve better safety for children while minimising costs for institutions.

An independent oversight body in each state and territory should be responsible for monitoring and enforcing the Child Safe Standards. Governments might enhance the role of existing children's commissioners or guardians for this purpose. The oversight body should be able to delegate functions to sector regulators, such as school registration authorities, to capitalise on existing regulatory regimes. The standards should be incorporated into existing regulatory or legislative frameworks where possible.

When enforcing the Child Safe Standards, regulators should take a responsive approach and focus on building the capacity of institutions that are either unwilling or unable to comply. Regulators should be empowered with mechanisms to fulfil their role, such as the ability to make requests for information on how an institution is implementing the Child Safe Standards. Enforcement tools such as financial penalties or orders to comply should be available to regulators where institutions are consistently and intentionally unwilling to comply.

The independent state and territory oversight body should work with local governments, sectors, non-government organisations and the community to build their ability to provide capacity building and support to institutions. This should focus on building the culture of an institution to be child safe, and on enhancing institutions' knowledge and understanding of the Child Safe Standards.

We recommend that a National Office for Child Safety be established and have a national leadership role to drive national consistency of child safe institutions, and provide centralised capacity building for child safe institutions by providing resources and facilitating opportunities for collaboration. This body should also evaluate and report publicly on implementation of the national Child Safe Standards in states and territories and their outcomes. As part of its role, the

National Office for Child Safety should consult with children on their safety concerns and the effectiveness of the Child Safe Standards.

We recommend that the Australian Government establish a National Office for Child Safety in the Department of the Prime Minister and Cabinet, to provide a response to the implementation of the Child Safe Standards nationally, and to develop and lead the proposed National Framework for Child Safety. The Australian Government should transition the National Office for Child Safety into an Australian Government statutory body within 18 months of this Royal Commission's Final Report being tabled in the Australian Parliament.

We also recommend a new National Framework for Child Safety to succeed the current National Framework for Protecting Australia's Children.

Figures 6.1 and 6.2 (see Section 4.7) outline the recommended government functions and regulatory approach for implementing the national Child Safe Standards.

4.2 Current child safe approaches

Child safe institutions consciously and systematically create cultures, adopt strategies and take action to prevent harm to children.

Since the concept of a child safe institution first emerged in Australia about a decade ago, a range of child safe institution frameworks have been developed. Some are nationally agreed, others are state or territory based, or apply only to specific sectors. Some approaches are mandatory and others voluntary. We describe these approaches in this section.

4.2.1 Existing national approaches

Specific national frameworks for child safety in organisations

Two national frameworks have child safe institutions as their main focus:

- National Framework for Creating Safe Environments for Children – Organisations, Employees and Volunteers (Creating Safe Environments framework)¹
- Australian Children's Commissioners and Guardians Principles for Child Safety in Organisations (ACCG child safety principles).²

The two frameworks roughly align. Their key elements are generally broad categories of institutional practices, rather than standards for measuring whether an institution meets specific child safe criteria. Neither framework gives fine-grained or practical guidance.

Appendix B compares the five elements of the Creating Safe Environments framework and the 11 ACCG child safety principles.

National Framework for Creating Safe Environments for Children

In 2004, the Community Services Ministers' Advisory Council established a working group to develop a voluntary national framework for people working or volunteering in child-related areas. The resulting Creating Safe Environments framework³ was endorsed by the inter-jurisdictional Community and Disability Services Ministers' Conference. It established a national approach and gave community service institutions strategic guidance on being child safe by:⁴

- building capacity for child safe institutions
- checking backgrounds of employees and volunteers
- sharing information between states and territories
- implementing and reviewing progress.

The framework identified the nationally agreed key elements of a child safe institution at the time, which was informed by the work of Child Wise's Choose with Care program. More recent child safe approaches have applied its principles to a broader range of sectors and institution types.

The framework is voluntary. It encourages a national approach without making regulatory or legislative recommendations on how governments could require and support institutions to meet the identified elements. It acknowledges jurisdictional variations and the diversity of services that work with children. States and territories are responsible for implementing the framework and are requested to 'adopt an approach to implementation which reflects their local circumstances',⁵ by tailoring approaches and building on existing initiatives and mechanisms.

The framework states, 'consistent with best practice in public policy, the framework will be reviewed to take account of changes and emerging needs'.⁶ However, its implementation has neither been independently monitored nor evaluated since its endorsement in 2005. We therefore do not know to what extent it has been adopted and implemented, or if any improvements to take into account changes and emerging needs have been made as originally envisaged. Accordingly, we cannot determine the effectiveness of the framework itself in improving child safety in the relevant institutions. It is time for a fresh approach.

Australian Children's Commissioners and Guardians Principles for Child Safety in Organisations

In 2013, in response to *Issues paper 3: Child safe institutions*, Australian Children's Commissioners and Guardians (ACCG) developed principles for child safety in institutions with explanatory notes as practice guidelines. They identified 11 principles, or characteristics, of a child safe institution.

The ACCG child safety principles were guided by the United Nations Convention on the Rights of the Child and drew on the collective knowledge and experience of the ACCG, principles and practice guidelines outlined in the publications of various children’s commissioners and guardians, and the Creating Safe Environments framework.⁷

The ACCG child safety principles were developed to contribute to good practice and promote community discussion of child safe and child-friendly institutions.⁸ Like the Creating Safe Environments framework, the document does not make recommendations on how government can require and support institutions to meet the identified elements. Similarly, there is no recommendation to monitor or evaluate its adoption and implementation.

National Framework for Protecting Australia’s Children

The National Framework for Protecting Australia’s Children 2009–2020 is a broader, long-term policy framework to ensure the safety and wellbeing of Australia’s children.⁹ It is not a specific child safe framework developed for institutions to implement. Rather, it aims to deliver substantial and sustained reduction in levels of child abuse and neglect over time.¹⁰ This national framework recognises that federal, state and territory governments, and non-government institutions, need to work together to protect Australia’s children.¹¹

Three action plans have been released under this national framework. The Third Action Plan, released in December 2015 to cover the period 2015–18, includes strategy three with a particular focus on child safe organisations. The strategy aims to improve how institutions respond to children and young people to keep them safe. It specifically recommends a revised national child safe institution framework that builds on the Creating Safe Environments framework as a key area for national reform.¹²

4.2.2 State and territory approaches

Australian states and territories have adopted mandatory and voluntary approaches to child safety in institutions, based on building the capacity of institutions to become child safe. Local circumstances and child protection inquiries have informed these approaches. Although state and territory implementation of the Creating Safe Environments framework is not well documented, it appears to have influenced jurisdictional approaches to children’s safety in institutions. None of the jurisdictional frameworks has inbuilt monitoring, evaluation or review mechanisms.

Many children’s commissioners and guardians have promoted child safe initiatives in states and territories, and developed resources to promote child safe policies and practices.

Mandatory approaches in three jurisdictions

Victoria, Queensland and South Australia have mandatory approaches. Detailed requirements for child safety in institutions generally focus on screening, risk management and codes of conduct.¹³ The mandatory approaches are supported by capacity building initiatives. These mandatory approach requirements are summarised in Table 6.1 and described in more detail in Appendix C.

Victoria

Victoria has legislated mandatory child safe standards. These standards came into effect for the first phase of institutions in 2016, with full implementation in 2017. This enactment was made in response to a recommendation from the Victorian Parliament's report, *Betrayal of trust: Inquiry into the handling of child abuse by religious and other non-government organisations*.¹⁴ The standards are prefaced by three principles that draw attention to the safety of Aboriginal children, children from culturally and linguistically diverse communities, and children with disability. The standards are mandatory for a broad range of institutions working with children, as listed in Appendix C. The Commission for Children and Young People, Victoria, helps institutions comply with the child safe standards.¹⁵ In some sectors, existing regulatory arrangements have been expanded to include monitoring of and compliance with these standards. In Victorian schools for example, the Victorian child safe standards have been incorporated into school registration requirements.¹⁶

The Victorian Parliament recently amended the *Child Wellbeing and Safety Act 2005 (Vic)* to allow for oversight and enforcement of the Victorian child safe standards as the responsibility of the Commission for Children and Young People.¹⁷

Education and guidance, and a collaborative approach to compliance, is to be the primary focus of the commission when enforcing the standards. The commission can take action to investigate whether an entity is complying with the standards – for example, by inspecting an institution or requesting information. The commission can then take the necessary steps to achieve compliance – for example, by issuing a notice to comply or by seeking court orders. Funding authorities as well as sector regulators have a role in oversight and compliance, and the commission will have functions to educate and advise other regulators and funders about the child safe standards. The commission's annual report should include information about compliance with the child safe standards. The amendments started to take effect on 1 January 2017.¹⁸

Table 6.1 – Mandatory approach requirements of Victoria, Queensland and South Australia

	Victoria	Queensland	South Australia
Legislation	<i>Child Wellbeing and Safety Act 2005</i> (Vic)	Working with Children (Risk Management and Screening) Regulation 2011 (Qld)	Children’s Protection Regulations 2010 (SA)
Mandatory approaches	<p>In complying with the child safe standards, an entity to which the standards apply must include as part of each standard, principles that:</p> <ul style="list-style-type: none"> • promote the cultural safety of Aboriginal children • promote the cultural safety of children from culturally and/or linguistically diverse backgrounds • promote the safety of children with a disability. <p>To create and maintain a child safe organisation, an entity to which the standards apply must have:</p> <ul style="list-style-type: none"> • strategies to embed an organisational culture of child safety, including effective leadership arrangements • a child safe policy or statement on child safety • a code of conduct that establishes clear expectations for appropriate behaviour with children • screening, supervision, training and other human resources practices that reduce the risk of child abuse by new and existing personnel • processes for responding to and reporting suspected child abuse • strategies to identify and reduce, or remove, risks of child abuse • strategies to promote the participation and empowerment of children. 	<p>Risk management strategies must include:</p> <ul style="list-style-type: none"> • a statement about commitment to child safety • a code of conduct • procedures for recruiting, selecting, training and managing persons as they relate to child safety • policies and procedures for handling disclosures or suspicions of harm, including reporting guidelines • a plan for managing breaches of the risk management strategy • policies and procedures for complying with the Act including implementing and reviewing the risk management strategy and keeping a written record of matters under the Act about each engaged person • risk management plans for high risk activities and special events • strategies for communication and support including written information for parents. 	<p>Organisations must establish codes of conduct and comply with the standards to:</p> <ul style="list-style-type: none"> • identify and analyse risk of harm • develop a clear and accessible child safe policy • develop codes of conduct for adults and children • support, train, supervise and enhance performance • empower and promote the participation of children in decision-making and service development • report and respond appropriately to suspected abuse and neglect.

Queensland

In 2005, Queensland became the first jurisdiction to include child safe institution requirements in legislation, under the *Working with Children (Risk Management and Screening) Act 2000* (Qld). Institutions covered by the state check scheme for working with children and young people – the blue card system – are required to have risk management strategies in place. The *Working with Children (Risk Management and Screening) Regulation 2011* (Qld) sets out eight matters that must be included (see Table 6.1), such as a commitment to child safety, a code of conduct and human resource management practices.¹⁹ Institutions are not required to prove compliance proactively but may be penalised if found to be non-compliant.²⁰ In 2014, following the Queensland Child Protection Commission of Inquiry,²¹ the Queensland Public Safety Business Agency was given the role of monitoring and auditing institutions' compliance with blue card system obligations. This role was transferred to the Department of Justice and Attorney-General on 1 October 2016.²² In September 2016, the Premier of Queensland, The Honourable Anastacia Palaszczuk, tasked the Queensland Family and Child Commission to review the blue card system, in response to its investigation into the death of Tiahleigh Palmer. The review is considering work from the Royal Commission, including recommendations about Working With Children Checks and the elements of a child safe institution.²³

South Australia

In 2006, South Australia legislated, under the *Children's Protection Act 1993* (SA), that institutions must establish codes of conduct and meet seven child safe principles.²⁴ As recommended by the 2008 Children in State Care Commission of Inquiry, from 2011 onwards, specified institutions that work with children have been obliged to lodge a child safe environment statement with the Department of Education and Child Development.²⁵ The statement must show how the institution complies with South Australia's child safe standards. Although penalties may apply if a statement is not lodged, it is difficult for the Department of Education and Child Development to monitor compliance with this requirement, other than relying on tip-offs from parents or other institutions.²⁶

Voluntary approaches in five jurisdictions

New South Wales, Western Australia, Tasmania, Australian Capital Territory and Northern Territory have voluntary child safe institution approaches, to varying extents. These jurisdictions focus on raising awareness, providing capacity building training and resources, and consulting with children.

New South Wales has a comprehensive child safe institutions capacity building program. Since 2006, the Office of the Children’s Guardian has focused on providing resources and training to help institutions become child safe. The resources include a suite of e-learning modules for child-related organisations that are freely available online. There are also specific materials for certain sectors, such as the sports and performing arts sectors.²⁷ The Children’s Guardian has empowered parents through its Parents check the Check website and campaign that aims to get parents to verify the Working With Children Check for private tutors.²⁸

Western Australia launched its child safe capacity building project incorporating nine child safe domains in 2016. This project was informed by the Creating Safe Environments framework, ACCG child safety principles and the work of the Royal Commission.²⁹ Support material for the domains includes seminars for institution leaders, guidelines and a self-assessment tool. In 2015, the Commissioner for Children and Young People, Western Australia, published a report on consultation with children and young people about creating child safe institutions.³⁰

The Commissioner for Children and Young People in Tasmania consulted with more than 400 children about being safe in institutions.³¹ Drawing on this consultation, the commissioner developed an information sheet to help parents identify child safe institutions and a video featuring the voices of children.³²

The ACT Children and Young People Commissioner has published some general child safe institution resources, including child safe institutions information sheets and how to talk with children about child safe institutions.³³ ACT Health is implementing a child safe, child-friendly and child-aware framework in government health services.³⁴

The Northern Territory Government does not have a specific child safe institutions capacity building program. The Department of Children and Families offers some resources for people working with children, including resources relating to the rights of children in out-of-home care and information sharing.³⁵

4.2.3 Sector-specific approaches

We identified current policy frameworks that relate to child safe institutions from sectors that work with children. These sectors include the arts, childcare, education, disability, health (including hospitals), juvenile justice, out-of-home care, faith-based institutions, sport and recreation, residential care and supported accommodation.

Three overarching nationally agreed frameworks are directly relevant to policy for child safe institutions:

- **National Standards for Out-of-Home Care** – aim to raise the quality of care for children and improve the outcomes and experiences for children and young people in out-of-home care.³⁶ The national standards cover health, education, care planning, connection to family, culture and community, transition from care, training and support for carers, belonging and identity, and safety, stability and security. They apply to all out-of-home care service providers. The standards were endorsed by the Council of Australian Governments (COAG) and implemented in 2011 as a priority project under the National Framework for Protecting Australia’s Children. They are prescriptive, detailed, and focus on the key factors known to influence better outcomes for children living in out-of-home care. The standards are a guide and are not binding. States and territories have their own standards based on and reflective of the national standards. There is currently no data on national compliance with the standards. These standards do not align directly with the Royal Commission’s recommended Child Safe Standards, but there are commonalities.
- **National Quality Framework for Children’s Education and Care Services** – aims to raise quality and drive continuous improvement and consistency in Australian education and care services.³⁷ Established in 2012, the framework applies to most long day care, family day care, preschool, kindergarten and out-of-school-hours care services. State and territory regulatory authorities rate services against a set of standards, and monitor and enforce compliance with the framework. The framework’s performance is assessed by the Australian Children’s Education and Care Quality Authority. These standards do not directly align with the key elements of child safe institutions, although one of the seven quality areas, Quality Area 2, focuses on supporting and promoting children’s health and safety while attending education and care services.
- **National Safe Schools Framework** – provides all Australian schools with a set of guiding principles that help school communities develop student safety and wellbeing policies and build a positive child safe culture.³⁸ The framework’s nine overarching principles assist schools to create safe, supportive and protective learning communities. The principles are voluntary. The framework was endorsed by the Ministerial Council for Education, Early Childhood Development and Youth Affairs in 2010. Although the nine elements of the National Safe Schools Framework do not directly align with the Child Safe Standards, there are significant overlaps.

These national sector frameworks aim to improve outcomes for children in specific institutions. They are much broader than child safe institution frameworks, as they are intended for broader purposes, and not specifically for preventing child abuse. They do not emphasise some important child safe elements, such as responding to complaints or disclosures, physical environments, or reporting obligations. Nor do they focus on children with increased vulnerability.

Appendix D lists the key elements of these three national sector frameworks.

There are no overarching national frameworks for health, juvenile justice, sport and recreation, and arts and culture. Many sectors have policy initiatives but none are as relevant, robust and comprehensive as, for example, the National Standards for Out-of-Home Care.

Some states and territories also take a mandatory approach to child safety for specific sectors. New South Wales, for example, has child safe standards for permanent care,³⁹ and the Australian Capital Territory has child safe requirements for community care and protection services.⁴⁰ These approaches are overseen by specific sector regulators, often using a licensing system. These standards are focused on creating child safe institutions, but also include other quality requirements.

4.3 Need for an improved national approach

Overwhelming support has been expressed for a national approach to child safe institutions by the majority of experts in our child safe institutions research study and submissions to our *Child safe institutions* issues paper. Our consultations with a diverse range of stakeholders including governments, highly regulated sectors (such as health and education), and less regulated sectors (such as sport, recreation, and arts and cultural groups), further echoed this support.

The benefits of a national approach are many and important, and the current lack of consistency in approaches creates unequal and inadequate protection of children in institutions, and results in inefficiencies, additional costs and burdens.

4.3.1 The national importance of child safety in institutions

Since the adoption of the Creating Safe Environments framework, federal, state and territory governments have developed child safe institution approaches to protect children from harm in institutions. These developments reflect the growing acceptance by government and the community that protection of children from harm is a broader public responsibility, and not just the responsibility of families and carers or individual institutions.⁴¹

The Creating Safe Environments framework and ACCG child safety principles also reflected a growing consensus that protecting children in institutions is an area for national action. In particular, the Creating Safe Environments framework was a significant milestone in taking a 'comprehensive national approach to creating child safe organisations'.⁴²

Similarly, the National Framework for Protecting Australia's Children 2009–2020 further recognises that protecting children is a national priority. It acknowledges that 'protecting Australia's children is everyone's responsibility'⁴³ and makes clear that federal, state and territory governments and non-government institutions need to work together to protect Australia's children.⁴⁴

During our consultations, a key stakeholder involved in the development and implementation of the national framework confirmed:

There was a very deliberate attempt, in developing the third action plan, to limit the number of strategies to some key areas where concerted national effort was required ... one of which is child safe organisations. So I think that gives an indication of the level of commitment across all stakeholders that this is a key area for national action.⁴⁵

The Third Action Plan under the national framework was released in December 2015 to cover the period from 2015 to 2018. Strategy 3 of the action plan aims to improve how institutions respond to children and young people to keep them safe. It specifically recommends a revised national child safe institution framework that builds on the Creating Safe Environments framework as a key area for national reform.⁴⁶

The national framework stated:

The significance of child safety in organisations has been highlighted through the Royal Commission into Institutional Responses to Child Sexual Abuse. This strategy will drive implementation of a child safe culture across all sectors ... This strategy will also consider the recommendations of the Royal Commission and actions to support these findings.⁴⁷

This national importance is further reflected by the Community Service and Disability Ministers agreeing in November 2016 to the development of the National Statement of Principles for Child Safe Organisations to be endorsed by COAG.⁴⁸ The Community Services' Ministers Meeting Communique notes this will drive the implementation of child safe cultures in institutions and sectors across Australia to facilitate the safety and wellbeing of children and young people. It also notes the national principles will be able to be used as a benchmark for 'cross-sectoral jurisdictional child safety policy making, funding and investment decisions, and legislation and compliance regimes'.⁴⁹

4.3.2 Inconsistent approaches compromise protection

In accordance with Articles 19 and 34 of the United Nations Convention on the Rights of the Child, all children in Australia have a right to protection from all forms of violence and harm, including sexual abuse in institutions.⁵⁰

There is currently no consistent, authoritative and evidence-based approach that identifies what makes an institution safer for children. Approaches to child safety in institutions adopted at the national, state and territory, and sector, levels vary widely in scope and content. For example, the elements of a child safe institution in the Creating Safe Environments framework, the ACCG child safety principles, state and territory frameworks and the other sector frameworks, while broadly similar, all differ. There are also inconsistencies in the types of institutions that fall under the range of frameworks.

Apart from the ACCG child safety principles and the Victorian child safe standards, Australian child safe approaches do not explicitly consider children's diverse experiences and needs. This means there is a risk that institutions do not address the safety needs of specific populations of children who may be in situations that make them more vulnerable to abuse, such as Aboriginal and Torres Strait Islander children, children with disability, and children from culturally and linguistically diverse backgrounds.⁵¹

Different child safe approaches in each jurisdiction and sector can mean that children receive different levels of protection depending on their location and the institution with which they engage. For example, Victoria has mandatory child safe standards for all institutions providing services to children, supported by capacity building; in the Northern Territory and Tasmania there are no child safe standards and limited child safety capacity building of institutions. Some children who are at an increased risk of sexual abuse are also likely to engage with institutions that do not have targeted protective strategies in place to prevent child sexual abuse.

The varied approaches also allow perpetrators of child sexual abuse to seek out jurisdictions and institutions with weaker child safe approaches. We know that some perpetrators deliberately seek out employment as a cover to target and sexually abuse children.⁵² They can work to circumvent or exploit weaknesses in an institution's protective practices or cultural and environmental characteristics to abuse children and avoid detection or disclosure.⁵³

Case Study 34: The response of Brisbane Grammar School and St Paul's School to allegations of child sexual abuse provides an example of how certain perpetrators move around if they can. In this case, the alleged perpetrator, Gregory Knight, was employed as a teacher in South Australia, Queensland and the Northern Territory between 1974 and 1991. Knight was alleged to have sexually abused students in his care at schools in each jurisdiction. He was charged and convicted of offences of child sexual abuse in Queensland and the Northern Territory.⁵⁴

In submissions to our child safe institutions issues paper, several stakeholders emphasised the importance of protecting children across all jurisdictions. Families Australia submitted:

We do not wish to see the perpetuation of systems that provide different, and sometimes widely diverging, responses for children and young persons and their carers depending on location.⁵⁵

This disparity in approaches across jurisdictions and sectors has unintentionally resulted in the unequal and inadequate protection of children from sexual abuse and other related forms of harm in institutions, and the continued abuse of children in institutions around Australia. An improved national and evidence-based approach to child safety in institutions across Australia is required.

4.3.3 Inconsistent approaches create inefficiencies

The inconsistency in approaches to child safety across Australia creates fragmentation, leading to inefficiencies, duplication, and additional costs and burdens, for institutions and government.

Institutions operating in more than one jurisdiction face challenges meeting different state and territory requirements. The confusion created can make it harder for these institutions to understand and comply with different jurisdictional approaches. Implementing separate processes and policies to comply with different regulatory requirements adds to the cost and administrative burden for national institutions. The Lutheran Church of Australia in response to our child safe institutions issues paper told us:

Implementing different strategies in different states is resource intensive. It is also highly confusing for organisations that have a national base – such as churches. When people move between states it can be confusing.⁵⁶

The Truth, Justice and Healing Council submitted that it found the current complex regulatory environment overlapping with service standards and child safe strategies gave an ambiguous picture of what institutions need to do to be child safe.⁵⁷

Most jurisdictions and some specific sectors or institutions have developed their own versions of capacity building materials. The various child safe approaches and support materials can confound what it means for an institution to be child safe. They make it difficult for jurisdictions and sectors to collaborate and share resources, and to support capacity building in institutions. Resources are not nationally coordinated for quality assurance to ensure efficient economies of scale or continuous improvement.

Commissioned research on regulation and oversight, which examined the regulatory frameworks for a number of non-government schools, early childhood education and care facilities, and the medical sector, noted:

because of the fragmentation made possible by the largely non-centralised regulatory environment, the frameworks are marked by diffusion in multiple significant areas of principle and practice, such as staff training about child sexual abuse. Some jurisdictions and sectors have far more developed and sophisticated approaches than others, for both their regulated organisations and individuals. Each of these fields is regulated by the national, and state or territory governments and/or other bodies, which appear to have the capacity to assist in coordinating, supporting and delivering high-quality, centralised initiatives.⁵⁸

The research suggested that a consistent and centralised approach to child safety in institutions is required.⁵⁹ It noted that a consistent approach can promote quality of design and best practice, avoid fragmentation, improve the efficient use of resources, and avoid duplication of effort.⁶⁰ This research has influenced the design of our approach to improving children's safety in institutions in Australia.

4.3.4 Benefits of an improved national approach

Fragmented and varied approaches to child safe institutions across jurisdictions without national leadership and coordination does not promote a consistent and best practice approach to child safety. It weakens the protection of children in institutions across Australia.

Consistent with the views expressed by a majority of stakeholders during our consultations, we believe a nationally consistent approach to child safe institutions is necessary to prevent, identify and improve responses to physical, sexual, emotional and/or psychological abuse and neglect of children.

The benefits of a nationally consistent approach include:

- providing equal protection for children across all institutions engaging with or providing services to children, regardless of their location
- reducing opportunities for potential perpetrators to seek out jurisdictions or institutions with less rigorous child safety requirements
- sending clear messages about what it means for an institution to be child safe
- facilitating national collaboration on capacity building and support, and continuous improvement
- helping institutions working across borders to comply with the Child Safe Standards
- promoting effective responses to the needs of all children regardless of their diverse experiences, circumstances and needs.

4.4 National Child Safe Standards

A core theme that emerged as part of our work is the need to facilitate a nationally consistent and quality assured approach to child safety in institutions, based on the best available evidence, to help facilitate equal protection of children in institutions across Australia.

The Royal Commission developed 10 national Child Safe Standards to provide a solid foundation for a consistent and best practice approach to children's safety in institutions. The Child Safe Standards are the foundation of our nationally consistent approach to better protect children in institutions.

We also examined the nature of the Child Safe Standards. Should they be mandatory or voluntary, principle based or prescriptive, and which institutions should be covered by them?

4.4.1 The standards

Our stakeholders strongly supported the development of a national framework that articulated a set of essential elements of a child safe institution. We believe this national framework should take the form of national child safe standards.

National child safe standards can guide institutions to be child safe by setting out nationally agreed good practice, based on the best available evidence. They set benchmarks against which institutions can assess their child safe capacity. They give a structured framework for institutions to assess, and minimise or mitigate, the range of risks that contribute to institutional child sexual abuse. The standards can also be principle-based to allow some flexibility for institutions and government; and incorporated into existing regulatory structures and practices to minimise regulatory burden.

The 10 Child Safe Standards developed by the Royal Commission are discussed in detail in Chapter 3:

- Standard 1: Child safety is embedded in institutional leadership, governance and culture
- Standard 2: Children participate in decisions affecting them and are taken seriously
- Standard 3: Families and communities are informed and involved
- Standard 4: Equity is upheld and diverse needs are taken into account
- Standard 5: People working with children are suitable and supported
- Standard 6: Processes to respond to complaints of child sexual abuse are child focused

- Standard 7: Staff are equipped with the knowledge, skills and awareness to keep children safe through continual education and training
- Standard 8: Physical and online environments minimise the opportunity for abuse to occur
- Standard 9: Implementation of the Child Safe Standards is continuously reviewed and improved
- Standard 10: Policies and procedures document how the institution is child safe.

Each standard is equally important and interrelated. They are an entity together, and are not meant to be read individually.

Building on existing frameworks

The Australian Government is best placed to lead work to facilitate national agreement on the Child Safe Standards. In particular, the Third Action Plan of the National Framework for Protecting Australia’s Children is an appropriate vehicle for achieving national agreement on the Child Safe Standards and taking an initial uniform approach to child safe institutions across Australia.

In Case Study 51: Institutional review of Commonwealth, state and territory governments (Institutional review of Commonwealth, state and territory governments), Ms Barbara Bennett, Deputy Secretary, Families and Communities, Australian Government Department of Social Services, noted:

one of the big changes across the jurisdictions is that the Third Action Plan for the National Framework For Protecting Australia’s Children actually has a dedicated strategy, the third of the three strategies, organisations responding better to children and young people to keep them safe.⁶¹

We heard in our consultations that any new national approach to child safety in institutions should build on existing frameworks.⁶² For example, the New South Wales Government told us:

Any such framework should build on the work that the Commonwealth Government, state and territory governments, and the non-government sector have been doing under the National Framework for Protecting Australia’s Children 2009–2020 to develop a nationally consistent approach to child safe organisations, based on the 2005 National Framework for Creating Safe Environments for Children – Organisations, Employees and Volunteers.⁶³

In November 2016, the Community Service and Disability Ministers agreed to the development of a National Statement of Principles for Child Safe Organisations (Section 4.3.1). The National Children’s Commissioner was engaged by the Australian Government to help develop the national principles.⁶⁴ They are expected to be endorsed by the Children and Family Secretaries Group, and relevant ministers in 2017,⁶⁵ and by COAG in mid-2018.⁶⁶

We welcome these developments and believe the national Child Safe Standards identified by the Royal Commission should be adopted as part of the national principles. We acknowledge that, at the time of writing, work is underway to achieve this.

We discuss additional roles of the Australian Government in Section 4.6.

4.4.2 Mandatory or voluntary standards

Current regulatory approaches to institutional child sexual abuse span the spectrum of regulatory intervention. Commissioned research on regulation and oversight summarised the range of voluntary and mandatory approaches as:⁶⁷

- direct government regulation – rules enacted through formal legislative schemes, such as Working With Children Check requirements
- co-regulation – sector is responsible for an activity, backed by soft legislative support, such as legislation requiring policies about reporting child sexual abuse, with the content of the policy created by the sector
- self-regulation – sector creates its own rules and is solely responsible for enforcing these rules, such as accreditation and training programs offered by non government organisations.

We have therefore considered whether the new nationally consistent Child Safe Standards should be voluntary or mandatory, with the knowledge that there is no evidence on the effectiveness of either approach. The Creating Safe Environments framework has not been reviewed, nor have mandatory child safe approaches in Victoria, Queensland and South Australia.

Voluntary standards

Voluntary child safe standards are a form of self-regulation. The term self-regulation refers to a sector that creates its own rules and is responsible for enforcing those rules. The Australian National Audit Office states that self-regulation is appropriate where ‘risks are low or there is a reasonable expectation that regulated entities will behave appropriately and be accountable’.⁶⁸

Voluntary standards would minimise the burden on institutions providing services to children. It would require minimal government investment, which would focus on communication and capacity building to encourage and enable institutions to implement voluntary standards.

Governments could promote the Child Safe Standards to children and carers as consumers of services, creating market demand for institutions to meet standards. Non-government providers of capacity building and accreditation frameworks for child safe institutions could help meet this market demand. However, these providers may have limited capacity and their services come at a cost to institutions.

An alternative is to entrust peak bodies with the oversight of the Child Safe Standards in institutions in their sector. However, peak bodies do not cover all sectors, cannot compel all institutions to join, and do not have expertise or capacity to monitor and enforce standards. We also have concerns about the difficulty of ensuring consistency of implementation across sectors, information sharing between peak bodies and governments, and potential conflicts of interest for peak bodies whose main purpose is protecting the reputation of the sector or major institutions within it.

Our case studies have inquired into a number of institutions that responded inappropriately to child sexual abuse.⁶⁹ In many of the institutions examined in case studies, the risk of sexual abuse was high and the consequences of the abuse were often severe and lifelong. Through our consultations and from observing the implementation of current voluntary child safe institution frameworks, both nationally and in states and territories,⁷⁰ we have heard that institutions might not implement all of the Child Safe Standards unless required to do so.⁷¹

Legislated requirements might help institutions to prioritise and dedicate resources to child safety.⁷² For example, a non-government stakeholder told us:

where standards are voluntary, high-quality best practice organisations migrate towards them, so they are more likely to adopt and they are often likely to be organisations that will be the practice leaders anyway and the people who don't move to adopt are those who either are poor practitioners or have low resources. I think voluntary standards actually split sectors in an unhelpful way. Having implemented voluntary standards in large high-quality organisations, I have seen vast amounts of resources poured there, and now working in a less highly resourced organisation I can see the temptation for a board to make a decision about where to put the money, where are we going to be held accountable.⁷³

Another stakeholder told us:

I think where you have a major public health issue with high risk and major diffusion in organisations that deal with children and over a broad geographical spread, you have a high risk that different organisations of different types basically won't do a great job themselves of creating their own elements of their child safe organisations.⁷⁴

Given the risk of child sexual abuse in a range of institutional settings and the severity and long-term nature of its impact, we believe governments need to hold institutions to account for child safety. We have concluded that voluntary child safe standards are not sufficient to effectively address the issue of institutional child sexual abuse for many institutions that provide or deliver services to children. We discuss the benefits of mandatory standards and the regulatory scope of those standards in further detail below.

Mandatory standards

Institutions are seeking strong leadership from governments on child safety, and there was wide support for a mandatory child safe approach from many institution representatives, particularly from less regulated services.⁷⁵ Through our consultations, we heard that institutions want government to set clear standards on institutions' responsibilities to protect children, and guidance on how they can meet their responsibilities.⁷⁶ Most experts in our commissioned research on the key elements of a child safe institution told us that strong regulation was required, and the majority of stakeholders we consulted agreed that child safe standards should be mandatory for institutions.⁷⁷ Only two of the 29 experts surveyed in our commissioned research supported a voluntary, aspirational approach.⁷⁸

Research commissioned by us on regulation and oversight reviewed regulatory theory, including the Australian Government's former Best Practice Regulation Handbook.⁷⁹ It found that direct government regulation was the most appropriate model for preventing institutional child sexual abuse because:⁸⁰

- the problem is high risk and a major public health issue
- multiple industries are involved, with sub-sectors within those industries, for example government, Catholic and independent sectors in schools
- the industries have a wide geographical spread
- the community requires the certainty of legal sanctions
- highly specialised subject matter knowledge and skills are needed, for example in professional educational efforts
- institutional interests and values may conflict with the ideal form and content of regulation
- some institutions do not have the capacity or commitment to reduce the risk of child sexual abuse without regulation
- the risk of non-compliance or active subversion is high
- change might be resisted because of economic pressures on the regulated industries.

We heard that some communities and institutions are reluctant to accept that institutional child sexual abuse may be a problem. Stakeholders said that making child safe approaches mandatory removed the need to decide whether child abuse was a problem in a particular institution – it became a matter of following the law. It might help to address some of the stigma around institutional child sexual abuse.⁸¹ Under mandatory standards, institutions will have to maintain a focus on child safety, even if leaders or champions leave the institution. In *Case Study 52: Institutional review of Anglican Church institutions*, Archbishop Aspinall told us that the requirement of a nationally consistent approach might assist the Anglican Church of Australia to adopt uniform measures across all Anglican dioceses – that such an ‘external push’ might be needed.⁸²

We also heard in our consultations that governments should balance administrative and regulatory burdens with child safety. Some stakeholders were concerned, particularly for less resourced institutions, that mandatory child safe standards could unreasonably raise the cost of providing services to children. Institutions could choose to no longer serve children or could divert resources away from providing services to children and young people.⁸³

In *Case Study 47: Institutional review of YMCA NSW (Institutional review of YMCA NSW)*, we heard that YMCA NSW found it challenging to compete on cost with other institutions that did not prioritise child safety.⁸⁴ YMCA Australia agreed that a mandatory child safe standards scheme, such as that in Victoria, created a fairer competitive environment. This is because all institutions must meet minimum child safe requirements.⁸⁵

We are very conscious of the potential negative impacts that mandatory child safe standards could have on institutions, and therefore acknowledge that a proportional response is required. To address this concern, commissioned research on regulation and oversight considered ways to minimise the burden on smaller and less centralised and resourced institutions, while robustly protecting children accessing these services. The research suggested that the current environment where institutions self-regulate child safety could be more demanding on these institutions than direct government regulation.⁸⁶ It also suggested that centralised regulation might better support and equip institutions to protect children by providing access to resources developed by those with specialised skills and knowledge in child safety.⁸⁷

Stakeholder consultation confirmed that by setting clear requirements, governments could reduce regulatory burden on institutions.⁸⁸ In its submission to our *Child safe institutions* issues paper, the Truth Justice and Healing Council remarked:

The Church's work in [child safe organisations] would be more effective if Commonwealth and state governments worked together to introduce a set of clear and consistent national child safe standards, supported by an accreditation scheme for child related organisations that included both self-assessment and external audit processes.⁸⁹

Some stakeholders told us that institutions have benefited from implementing child safe standards, beyond keeping children safe from abuse and other harms.⁹⁰ Valuing children and their rights helps improve the experiences of children in institutions. This means they are more engaged and draw more benefit from the services being delivered. For example, one stakeholder suggested that child safe standards would support child development and an institutional environment where children have fun and feel safe.⁹¹

The Child Safe Standards should be mandatory. Governments should set clear and consistent child safe requirements that institutions must meet to protect their children. We believe that mandatory standards will:

- facilitate the consistent implementation of the child safe standards across institutions
- create shared understanding and expectations of what it means to be a child safe institution
- increase the likelihood of compliance and ongoing commitment to the Child Safe Standards
- help foster long-term cultural change by sending a strong message that the protection of children in institutions is not optional.

We are also satisfied that a strong centralised form of direct regulation and program delivery is required to protect children from institutional sexual abuse, and that it allows a proportional response. This conclusion is supported by influential regulatory theory, and by the evidence collected through our case studies, private sessions and stakeholder consultation.

We believe the Child Safe Standards should be supported by legislation in each state and territory to establish a consistent regulatory response to child safety in institutions across Australia.

A mandatory approach to the Child Safe Standards can help reduce the burden on institutions by setting clear expectations of what is required of them, and providing them with resources and support to protect children. We discuss the importance of capacity building and support in Section 4.5.

Given the vast range of institutions that would fall within the scope of the mandatory standards, any regulation needs to be proportional to factors such as the type and nature of an institution, and the risk it poses to children. The standards should therefore allow flexibility for institutions to implement them to suit their nature and characteristics. We also believe that all institutions should strive, and be supported, to implement and comply with the standards, as discussed in Section 4.5.

4.4.3 General or targeted coverage

The scope of institutions within our Terms of Reference is broad. The Letters Patent define an institution as:

any public or private body, agency, association, club, institution, organisation or other entity or group of entities of any kind (whether incorporated or unincorporated) and however described, and includes, for example, an entity or group of entities (including an entity or group of entities that no longer exists) that provides, or has at any time provided, activities, facilities, programs or services of any kind that provide the means through which adults have contact with children, including through their families.

These institutions are diverse. Their nature varies in almost every characteristic, and in the degree of risk they pose to children. We have therefore considered whether the Child Safe Standards should apply to all institutions who come into contact with children, or whether they should be targeted to particular types of institutions that may have greater responsibility for, or pose a higher risk of harm to children, or whose core business relates to children who may face greater risks than others.

In creating child safe institutions, we do not want to place an undue burden on institutions that would prevent or impede their ability to operate and deliver services for children. We do not wish to see institutions cease to exist because of unnecessary regulatory requirements.

Diversity in institutions

The institutions that come within our Terms of Reference offer a broad range of services to children and are responsible for children to different extents.

These institutions vary in almost every characteristic – size, resources, workforce (such as staff and volunteer turnover), community context, regulatory context, social importance, location, governance, leadership, motives and beliefs. Their engagement with children ranges from their incidental participation in congregational audiences, to children’s presentation as patients at a general medical practice, to out-of-home care, childcare and schools, where children are the primary focus of the services delivered by the institution. Some institutions, such as schools, childcare services and out-of-home care, are highly regulated; others, such as community institutions, including faith-based institutions, sporting clubs and dance schools, are less regulated.

These differences create challenges for implementing child safe practices and for their ongoing regulation. For example, an institution’s limited resources or limited contact with children might make some strategies unfeasible or unrealistic.

The risk of child sexual abuse also varies among different types of institutions. Through our case studies, private sessions and research, we have heard that a range of institutional cultures, and operational and environmental risk factors, can enable the occurrence of institutional child sexual abuse, such as:

- failure of leaders to understand, or promote an awareness of, child sexual abuse⁹²
- prioritising the reputation of the institution over the needs of children⁹³
- failing to identify sexualised and grooming behaviours⁹⁴
- allowing perpetrators to hold, or influence people in positions of authority⁹⁵
- ineffective child protection policies and procedures⁹⁶
- access to children in isolated or unsupervised private locations.⁹⁷

We discuss these and other institutional risk factors in Volume 2, *Nature and cause*.

Research we commissioned attempted to conceptualise different levels of risk of child sexual abuse based on the characteristics and activities undertaken by institutions. It proposed a risk typology to help assess child sexual abuse in an institutional setting. It suggested that when considering institutional risk the following types of risk dimensions be considered:

- **Situational risk** – assessing the opportunities for abuse to occur in the institutional environment. There are typically two elements to situational risk. One is exploiting opportunities to be alone with a child to facilitate grooming and/or moving from innocent relational behaviour to an unlawful sexual act. The other is the opportunity to form a close relationship that could involve physical and/or emotional contact that precipitates crossing of code of conduct boundaries to abusive behaviours.⁹⁸

- **Vulnerability risk** – understanding the population characteristics of children and subsequent structural vulnerabilities within the institution that manages these children. For example, children in out-of-home-care environments are more at risk of child sexual abuse than children participating in weekly community sport in an outdoor group setting.
- **Propensity risk** – acknowledging that perpetrators of child sexual abuse could be within an institution, and focusing on its staffing profile to help mitigate risk.⁹⁹ That said, institutions should be mindful that, ‘There is no one psychological profile for a person who sexually abuses children’.¹⁰⁰
- **Other institutional risk** – including a range of factors that could mean abuse is more likely to occur. Examples are factors that impair prevention efforts, situations where the institutional ethos is such that child protection is not given a priority, and organisational cultures (for example, disengaged leadership) that facilitate misconduct.¹⁰¹

We acknowledge the difficulties and limitations in any attempt to develop a risk typology. They are discussed in detail in the research report.¹⁰²

Commissioned research on institutional cultures details the institutional norms that increase the risk of abuse occurring, and of inadequate reporting and responses to abuse. These norms include certain beliefs, power structures and taboos.¹⁰³ Although some institution types are more likely to develop such cultures, any institution is vulnerable. Further, the level of risk of child sexual abuse in an institution can change, for example, if the institution improves child safety by revising systems and practices, or if it makes cultural changes following an incident of child sexual abuse.¹⁰⁴

Diversity in population needs

The Australian Children’s Commissioners and Guardians promote the view that child safety requires a proactive approach.¹⁰⁵ This involves ‘taking account of the increased risks associated with ... the particular vulnerability of some children’,¹⁰⁶ and making accommodations to respond to children’s different backgrounds.¹⁰⁷

We acknowledge institutions have different levels of expertise and resources for responding to children’s individual circumstances. Nonetheless, all institutions can examine their strengths and weaknesses in relation to what is known about increased vulnerabilities, and seek to address gaps in their particular approach. Institutions should demonstrate a reasonable effort to inform themselves of the nature of heightened vulnerability and anticipate what they should do to prevent and respond to early signs of abuse.

Increased risk is related to the intersection of the institutional environment, the presence of a perpetrator and the child's personal circumstances, including societal attitudes.¹⁰⁸ Taking these factors into account, we heard that Aboriginal and Torres Strait Islander children, children with disability, and children from culturally and linguistically diverse backgrounds can more often face a range of vulnerabilities. All child safe institutions need to be especially alert to children's diverse circumstances and how they may be excluded from protections or face additional risks. We discuss these matters in greater detail in Chapter 3, under Standard 4.

An institution should inform itself about known issues, for example:

- **Aboriginal and Torres Strait Islander children** – understanding the historical context of colonisation, the impacts of collective trauma and contemporary effects; being aware of the strengths of Aboriginal and Torres Strait Islander family structures; being responsive to cultural needs; and promoting anti-racist attitudes
- **Children with disability** – making additional efforts to ensure inclusion and avoid segregation; challenging stereotypes and discrimination; and understanding the effect of a child's particular impairment
- **Children from culturally and linguistically diverse backgrounds** – ensuring language and cultural interpretation; considering potential trauma backgrounds related to migration experience; and taking different family structures and norms into account.

These issues are indicative only and each institution is responsible for considering and responding to the possibility of situational and vulnerability risks in their context.

All institutions should strive to be child safe

According to the Australian Bureau of Statistics, approximately 5,200,000 children resided in Australia in 2016.¹⁰⁹ Given the vast range of institutions that interact with children, we considered whether governments should apply different requirements to different institutions or apply one approach across the board.

Children are involved in and engage with many different institutions. We heard that children should expect safety and protection in all institutions they access.¹¹⁰ Consistent requirements across institution types make it easier for children, parents, staff and volunteers to transfer their knowledge and expectations of child safety across different settings. One stakeholder argued that, like workplace health and safety, child safety must apply to all institutions.¹¹¹ Experts in our child safe institutions research study told us: 'Although organisations where the potential risk is greater should be subject to more robust monitoring, all organisations must be ready, willing and able to ensure child safety'.¹¹²

The National Framework for Protecting Australia’s Children asserts that the responsibility for keeping children safe extends beyond statutory child protection systems and that ‘protecting children is everyone’s responsibility’.¹¹³ We agree that all institutions share this responsibility to uphold the safety of children in their care.

During the early development of its child safe standards, the Victorian Government stated:

the government expects that all organisations undertaking ‘child-related work’ (as defined by the Victorian *Working with Children Act 2005*) will endeavour to meet the standards. In addition, the government proposes that the standards should be compulsory for organisations with a high degree of responsibility for children.¹¹⁴

Institutions identified as having a high degree of responsibility for children were generally those that were already highly regulated such as schools, health services, youth services and out-of-home care. In consulting on the child safe standards, the Victorian Government found stakeholders were concerned about the proposed approach to make child safe standards mandatory only for institutions with a high degree of responsibility for children because:¹¹⁵

- it sends an undesirable message that child safety is ‘optional’
- perpetrators of abuse may target institutions subject to voluntary standards
- it creates an impression that institutions in the voluntary category are ‘second class’
- some institutions in the voluntary category are currently less regulated and might thus pose a higher risk to children than some institutions in the mandatory group.

Extensive consultation in Victoria found that stakeholders believed all institutions that provide services for children should be subject to mandatory child safe standards in Victoria.¹¹⁶

Consultations with stakeholders from Victoria, Queensland and South Australia revealed that mandatory child safe approaches in those jurisdictions had been well received. Most institutions and community stakeholders were supportive; they sought information on making institutions safer for children, rather than viewing the requirements as burdensome.¹¹⁷

We know some perpetrators purposely seek out employment as a cover to target and sexually abuse children.¹¹⁸ Perpetrators can also work to circumvent or exploit weaknesses in an institution’s protective practices or cultural and environmental characteristics to sexually abuse children and to avoid detection or disclosure.¹¹⁹ This suggests that improving preventative measures in a subset of institution types could increase risk in other institutions serving children – perpetrators could look to exploit institutions without a requirement to implement child safe standards or be child safe.

However, a proportional response is required and unnecessarily onerous regulation should be avoided. The cumulative impact of mandating child safe requirements on all institutions involved with children would be enormous. The number of institutions affects the cost and practicalities of overseeing implementation of the standards.

Institutions required to meet the child safe standards

We considered how to define the categories of services provided by institutions that should be subject to the Child Safe Standards.

Our *Working With Children Checks* report gives insights into how the boundaries to such a definition might be drawn. The report analysed the system for pre-screening staff and volunteers going into child-related work. It recommended all governments adopt a consistent definition of child-related work that clearly articulated the circumstances in which a check is required. As set out in the report, child-related work should be broadly defined. Child-related work extends to cover, for example, services provided by clubs and associations with a significant membership of, or involvement by, children; coaching or tuition services for children; commercial services for children, including entertainment or party services, gym or play facilities, photography services, and talent or beauty competitions; and transport services for children, including school crossing services.¹²⁰

Most experts participating in commissioned research on child safe elements¹²¹ and in our stakeholder consultations¹²² agreed that child safe standards should be mandatory for all institutions engaging with or providing services to children. In Victoria, Queensland and South Australia, child safe standards are required to be implemented by a broad scope of institutions performing child-related work, all within scope of their local Working With Children Check scheme.

It is our view that only those institutions where ‘child-related work’ is being performed should be required to implement and meet the child safe standards. Legislative requirements to comply with the Child Safe Standards should cover institutions that provide:

- a. accommodation and residential services for children, including overnight excursions or stays
- b. activities or services of any kind, under the auspices of a particular religious denomination or faith, through which adults have contact with children
- c. childcare or childminding services
- d. child protection services, including out-of-home care

- e. activities or services where clubs and associations have a significant membership of, or involvement by, children
- f. coaching or tuition services for children
- g. commercial services for children, including entertainment or party services, gym or play facilities, photography services, and talent or beauty competitions
- h. services for children with disability
- i. education services for children
- j. health services for children
- k. justice and detention services for children, including immigration detention facilities
- l. transport services for children, including school crossing services.

These categories of services are generally consistent with those currently required to meet child safe standards in Victoria, Queensland and South Australia (listed in Appendix B), which are giving effective coverage.

It is a broad scope of institutions; some do not pose the same level of risk to children as others, and engage with children in different ways and to varying extents. In light of this, we have built flexibility into the design of the national Child Safe Standards – they are principle-based and focus on outcomes instead of setting detailed rules or requirements. Institutions can be flexible in the way they implement the standards. Therefore, while institutions engaging in child-related work should all be required to meet the standards, the way they are required to meet them will vary depending on each institution’s nature and characteristics (see Section 4.4.6).

We recognise the large number of institutions across Australia engaging in child-related work and spanning the spectrum of service type, sector, size, location, workforce and community. We acknowledge the challenge for governments to apply consistent regulation to such a range of institutions, while also allowing a degree of flexibility in application.

We believe mandatory standards that apply to all institutions that engage in child-related work send a strong message that children’s safety in institutions is not optional. It also recognises that children engage with many institutions that cut across many sectors, and that this has flow-on responsibilities across areas such as health, justice, welfare, education and community services.

Some institutions that engage with or provide services to children may not fall under our definition of child-related work, for example:

- sports stadiums and theatres where children are audience members
- medical centres not providing children’s health services
- shopping centres
- public transportation
- restaurants.

These types of institutions generally interact with children to a lesser extent and have limited contact between children and workers. We consider that these institutions do not meet the threshold for child-related work because:

- children are not in the care of the institution as they typically attend with a parent, carer or, for older children, independently
- children do not spend significant amounts of time in the institution
- the institution has less authority over the behaviour of adults and children.

Our consultations, including with those in the sports and arts sectors, thought applying child safe standards to these institutions would be useful, but should be proportional.¹²³ We consider that applying the Child Safe Standards to all institutions would be beneficial in reducing the risk of harm to children. But there are circumstances where the nature and characteristics of institutions do not justify child safe standards being mandated.

Clearly though, all institutions, regardless of whether or not it is mandatory for them to meet the standards, should strive to be child safe.

4.4.4 Prescriptive or principle-based standards

Within institutions undertaking child-related work, risks are very diverse: the types of risks for vulnerable children in out-of-home care are different to those for children being trained by volunteer coaches in a team sport, or toddlers attending a local play group.¹²⁴ Differences in risks, nature and characteristics of institutions must be recognised to prevent unintended consequences, such as inhibiting activities that benefit children. Lack of flexibility in child safe standards could also undermine their credibility and support by requiring unnecessarily burdensome obligations, not preventing institutional child sexual abuse or diverting resources from institutions’ core business of delivery of services for children.

Having mandatory child safe standards for institutions that engage in child-related work does not mean inflexibility. The way the standards are specified in a regulatory regime can affect their flexibility in application. The standards could be prescriptive, setting detailed rules that prescribe specific practices designed to achieve child safety; or they could be principle-based, describing a general objective, standard or duty without mandating how to achieve the outcome. The standards could also enable a degree of flexibility in application.¹²⁵

Standards should allow some flexibility

The Australian Government Guide to Regulation recommends principle-based regulation as it gives maximum flexibility in how entities achieve compliance.¹²⁶ Conversely, prescriptive regulation provides more certainty for regulated entities and is generally more appropriate where there is a single agreed way to minimise risk. However, it can be inflexible and have higher compliance costs.¹²⁷

Consulted stakeholders had different views about whether the standards should be prescriptive or principle-based. Many stakeholders we consulted from less regulated sectors, such as faith-based, sport, recreation and the arts sectors, supported a more prescriptive approach to provide clarity and guidance on requirements.

In contrast, already highly regulated institutions preferred higher level principles to allow standards to be more easily integrated into existing regulatory structures, such as the new National Disability Insurance Scheme Quality and Safeguarding Framework. Institutions with greater responsibility for children are already regulated through more stringent licensing-style schemes, such as school registration, jurisdiction-based out-of-home-care accreditation, and the National Quality Framework for Early Childhood Education and Care. We heard many of these current standards were principle-based and that this approach had improved the quality of services for children. We also heard that principle-based standards could be flexibly applied to suit the range of service providers, from small services in rural locations to large, national providers.¹²⁸

A stakeholder from the healthcare sector told us that several frameworks and standards already apply in that sector, and suggested that child safe standards need to be detailed enough to address key risks but not so prescriptive that they cannot be implemented. The stakeholder added that in healthcare, standards 'have been a really good way to actually start to introduce ... an expectation that safety will be part of the core business for everyone'.¹²⁹

Similarly, the Victorian Government argued for a principle-based rather than a prescriptive approach.¹³⁰ The New South Wales Government told us there should be scope for a tailored and flexible approach to implementation based on different institutional contexts.¹³¹

Commissioned research also found that stakeholder views varied. Expert panellists on our child safe institution research study did not agree on whether the elements should be implemented consistently by all institutions or whether there should be some flexibility. The responses were fairly evenly split between the two options, with slightly more favouring the need for flexibility.¹³²

Participants in commissioned research indicated that institutions should have a degree of flexibility to tailor the elements. They ranked the characteristic 'degree of risk due to the amount or type of contact and/or activities with children' as the most important factor influencing whether an institution might tailor the elements. This was followed closely by the 'level of responsibility for children' that institutions have.¹³³

Many recognised that a national approach is needed, while also noting the disadvantages of being overly prescriptive at a national level. For example, the Association of Independent Schools of New South Wales argued that schools are already highly regulated entities, and that further legislative compliance does not necessarily improve a school's culture of safety. The association suggested that independent schools must have the flexibility to implement particular strategies.¹³⁴

The New South Wales Government echoed this view and submitted:

Many organisations are already required to maintain a child safe environment, either as a result of legislative obligations, regulatory or licensing schemes, policy or contractual funding requirements. It is not currently clear that there is a need for additional enforceable requirements.¹³⁵

The Victorian Government submitted that if a nationally consistent approach were considered, it should be built on the Creating Safe Environments framework, with states and territories having the flexibility to adopt and implement any national principles for local needs.¹³⁶

Given the diversity of institutions to which national Child Safe Standards will apply, and the different risks that different institution types pose to children, we believe institutions should be able to implement the standards in a way that suits their characteristics. The Child Safe Standards should be principle-based and focus on outcomes rather than setting detailed rules or requirements. Institutions can then tailor strategies to their context, size, and the level of contact with, and risk they pose to, children. For example, a local sporting club will not have to implement the standards in the same way as an out-of-home care provider or juvenile justice facility.

Our view is consistent with current child safe approaches in Victoria, Queensland and South Australia, and other national frameworks where standards are used, such as the National Standards for Out-of-Home Care and the National Quality Framework for Early Childhood Education and Care. When talking about the outcomes-based National Safety and Quality Health Service Standards, we were told:

There are many other frameworks and standards which will apply in this setting and it's getting a framework which is not so prescriptive that it's impossible, but it actually addresses the key risks to be managed. The standards that we have been working with, which are now being reviewed, have been a really good way to start to introduce an expectation that safety will be part of the core business for everyone. I think that could be applied in the same way to the thinking we have today.¹³⁷

Principle-based standards would be easier to integrate into existing regulatory structures. They could complement these existing schemes to maintain a system where institutions with more responsibility for children are more closely monitored. They would also reduce duplication with existing standards and approaches to institutional safety.

We acknowledge that stakeholders who preferred a more prescriptive approach, such as those from the sport and recreation sector, did so out of a desire for greater guidance on what they need to do to be child safe. However, prescriptive standards are not required to achieve this. The standards should be supported by clear and authoritative resources and support to ensure institutions understand and implement the standards, and it is open to oversight and peak bodies to expand the Child Safe Standards more prescriptively if they choose to do so. We discuss the role of capacity building and support in further detail in Sections 4.5 and 4.6.

Child safe standards should set out nationally agreed good practice principles that guide institutions, rather than mandating what they should do in every situation or prescribing procedures that must be followed. We have built this into the design of the national Child Safe Standards listed in Section 4.3.

Apart from flexibility, principle-based standards encourage institutions to engage with the standards and are likely to bring greater cultural change than prescriptive standards set by governments. We also expect the burden on institutions and the likelihood of unintended consequences to be less.

The national Child Safe Standards we have designed are broad enough to remain relevant to different institutions and be incorporated into existing regulatory structures, and well-defined enough for the requirements to be clear. They should be supported by guidance that outlines how they could be applied in particular situations. Such guidance is important for small or resource constrained institutions who told us they preferred more prescriptive standards. This guidance can also help reduce regulatory burden. The benefits of nationally consistent standards that are based on specialist knowledge and expertise would be eroded if each institution had to duplicate the work needed to interpret and implement those standards in their context.

4.4.5 Other national regulatory models considered

We believe mandatory national child safe standards targeted towards all institutions that engage in child-related work are the best way to facilitate a nationally consistent approach to child safe institutions, and to ensure the equal protection of children in all institutions. However, we considered some other options to make sure this was the best approach, as detailed below.

A single national child safe institution scheme

We considered whether the Australian Government should establish a single national scheme for the regulation of the Child Safe Standards.

A single national scheme would require the Australian Government to assume responsibility for administering, implementing and regulating the standards. It would need to enact a Commonwealth law on child safe institutions and establish necessary government machinery to operate, regulate and oversee child safety in organisations. This model could also require state and territory governments to refer power to the Commonwealth so that government could legislate in that area.

A single national scheme would achieve consistency for the equal protection of children across Australia. However, we believe such a scheme is not realistic, practicable or necessary. This position is consistent with the views of some stakeholders, including governments.¹³⁸ The Victorian Government told us a single national scheme through national regulation would be inefficient, ineffective and unwieldy, because:¹³⁹

- it could duplicate and potentially undermine existing state and territory regimes for protecting children from abuse in institutional contexts
- the cost of national regulation would likely exceed its benefits, and would divert resources from more effective strategies to promote child safe institutions.

National regulation is also not consistent with our view that states and territories are better suited and equipped in this context (see Section 4.5). In particular, having a national scheme on child safe organisations, when all other regulation for children is at the state and territory level, is not practicable.

Uniform national model legislation

We also looked into the Work Health and Safety (WHS) scheme and considered whether similar uniform national model legislation could be developed to support the national Child Safe Standards. This option was raised by some of our stakeholders – such as the Australian Childhood Foundation, Childwise and the Lutheran Church – who supported using a similar legislative model for national standards.

Australian WHS schemes are extensive frameworks for the regulation of workplace environments. Their primary aim is the promotion and protection of the health and safety of workers and other persons in workplaces. They are guided by national model WHS laws that aim to harmonise state and territory legislation, and can be adopted by states and territories.¹⁴⁰ The Australian Government and state and territory governments must separately implement the model WHS laws through their own legislation for them to be legally binding.¹⁴¹

An independent national agency, Safe Work Australia, is responsible for improving WHS across Australia. Its function is to ensure a consistent approach is taken by state and territory regulators nationwide.¹⁴² It is not a regulator and does not administer WHS laws for any Australian jurisdiction. Rather, state and territory regulators are set up to implement the WHS laws in their jurisdictions. They achieve this through monitoring and enforcing WHS laws, providing information and advice to institutions on WHS laws, and promoting education and training.

Commissioned research on regulation and oversight identified a number of strengths of the WHS scheme:¹⁴³

- **National approach** – regulatory principles embedded in a centralised national legislative framework demonstrate the potential for widespread agreement on a unified approach to promote the safety of workers and other persons in workplaces.
- **Monitoring and enforcement** – a broad range of powers provided for enforcement indicates the ability to develop a number of measures that are responsive to industry practices and problems, some of which may also possess a proactive element.
- **Accountability** – the imposition of due diligence duties on officers of institutions to make sure the institution complies with the core duty represents an approach that emphasises the need for leaders to champion a culture that supports workplace health and safety.
- **High risk environments** – licensing requirements for high risk work, and the use of registered training organisations that must be accredited, to deliver centralised and high quality training for high risk work for licensing purposes, indicates the importance of quality assurance.
- **Capacity building and support** – centralised approaches to training, guidance, support and monitoring, which can be delivered in innovative and flexible ways, such as virtual seminars, YouTube channels and codes of conduct, and innovative and flexible options for implementation and support, build organisational capacity to be safe for workers. For example, institutions under the WHS scheme must provide information, training and instruction to workers about the nature of their work, its risks, and control measures.

We have been guided by the WHS scheme, and many of its strengths have influenced our thinking on how we can create a national solution to child safe institutions. In particular, the WHS scheme is an excellent example of national, state and territory cooperation on an issue of national importance. It also promotes a proactive preventative approach to workplace safety rather than a retrospective approach after an accident. We have largely modelled our approach on the role played by the Australian Government and state and territory governments in the WHS approach – that is, the Australian Government having a high-level strategic policy role, and state and territory governments managing practical implementation of the Child Safe Standards (see Sections 4.5 and 4.6).

However, we do not consider that uniform national model legislation, as in the WHS context, is needed to support implementation of national standards. We believe that the national Child Safe Standards should be supported by the Australian Government and agreed nationally to promote best practice for children’s safety in institutions, and implemented by states and territories, with support from a range of other actors.

4.5 Improving regulatory oversight and practice

Well-designed child safe standards will only be effective if they are implemented and regulated in a way that considers the diversity of institutions implementing them. Governments must strike the right balance between ensuring that standards are implemented effectively and that institutions are not overly burdened by the weight of compliance.

Current regulatory and oversight approaches in place in states and territories for the protection of children in institutions vary in scope and context. Section 4.2 shows approaches that are neither consistent nor coordinated in how they deal with institutional child sexual abuse. An important part of creating our national solution to improve child safe approaches is to outline a consistent way that state and territory governments can improve the regulation and oversight of the standards through monitoring and enforcement, and capacity building and support. Sector partnerships are also important for building the capacity of institutions to be child safe.

Through our consultations, research and case studies, we have examined how:

- to regulate compliance, monitoring and enforcement of the standards, without overburdening institutions
- to allocate responsibility for implementing the child safe standards without duplicating existing regulatory roles
- government and other actors can help support institutions to be child safe
- other external levers can promote child safety.

We believe government and institutional investment to prevent institutional child sexual abuse is justified. Institutional child sexual abuse often has lifelong repercussions and can have significant social and economic consequences on victims and survivors, their family and friends, and the community. Significant social and economic costs of institutional child sexual abuse include costs related to healthcare, lost earnings and tax revenue; increased need for welfare and child protection; an added burden on the criminal justice system; and higher rates of crime. For more detail, see Volume 3, *Impacts*.

4.5.1 Minimising the burden on institutions

Independent monitoring and oversight of institutions is required for the Child Safe Standards to be effective. Regulatory burdens on child-related institutions can be reduced through good design of the standards, and with responsive administration and enforcement including implementation guidance, and coordination with other regulatory systems.

Regulation and oversight should recognise the diversity of institutions that will be required to implement the standards. Consistent with best practice regulation, oversight bodies should take a risk-based approach to compliance. Enforcement efforts by government should focus on higher risk institutions, and regulators should respond to non-compliance with proportional interventions for those institutions unwilling and/or unable to comply.¹⁴⁴

Responsive regulation

We were told that a responsive approach to regulation would minimise the regulatory burden on institutions while improving safety for children.¹⁴⁵ Accordingly, this regulatory theory has significantly influenced our approach to improving regulatory oversight and practice. It has influenced the regulation of a variety of fields including WHS law, taxation, environmental law, and the regulation of food and alcohol.¹⁴⁶

Responsive regulation is a dynamic model of enforcement based on an ongoing relationship between the regulator and regulated entity. It encourages voluntary compliance through self-regulation and persuasive, informal enforcement measures.¹⁴⁷ Enforcement methods can range from encouragement, such as education and training, to sanctions, such as penalties and the revocation of a licence. Under this model, coercive measures are used only when less interventionist measures have failed to achieve compliance.¹⁴⁸

When the regulator becomes aware that an institution is not child safe, they can work collaboratively with the institution to achieve compliance. Compliance efforts become more burdensome if institutions show a consistent unwillingness to comply. Regulators can have a suite of enforcement tools, such as powers to request information, orders to comply or penalties. All can deter non-compliance, or can achieve compliance for institutions unwilling to be child safe.

Proportional response to compliance is a core principle of responsive regulation. It assumes that those being regulated will comply because of reputational, ethical or other normative motivations, but has sanctions for those who are either unwilling or unable to comply.¹⁴⁹ Commissioned research on regulation and oversight noted:

Self-regulation in the context of responsive regulation ultimately relies upon the regulated actors' desire for social legitimacy and reputational esteem, with optimal examples leading to the internalisation of regulatory norms and the development of trust between regulators and regulatees.¹⁵⁰

Commissioned research also confirmed that substantial cooperation between regulators and institutions increased the likelihood of compliance and led to longer term cultural change and the achievement of regulatory outcomes.¹⁵¹ Oversight bodies can minimise burden on institutions by auditing at greater or lesser levels of frequency, and at differing levels of focus, depending on the type of institution and its level of risk.¹⁵²

Stakeholders during our consultations agreed that monitoring and enforcement should be a partnership between the institution and the regulator, taking a capacity building and responsive approach to build a shared understanding of what it means to be child safe.¹⁵³ These views were echoed by children and young people in our commissioned research, who told us external monitoring of institutions should focus on reviewing safety approaches and suggesting improvements.¹⁵⁴

This approach would minimise the burden on institutions and prioritise cultural change in them. Focusing regulatory efforts on improving safety for children, rather than reinforcing prescriptive requirements, will allow institutions to tailor child safe practices to their operational context, such as community, size, resources and risk to children.

Minimising compliance costs

Government oversight of the Child Safe Standards should minimise the regulatory burden on institutions without undermining the effectiveness of the standards. It will ensure successful implementation and maintain benefits for children from engaging with institutions.

In Case Study 17: The response of the Australian Indigenous Ministries, the Australian and Northern Territory governments and the Northern Territory police force and prosecuting authorities to allegations of child sexual abuse which occurred at the Retta Dixon Home, we considered that the response to allegations of child sexual abuse needs to have the safety of the child as its focus. However, the response also needs to emphasise prevention by providing a system that is not made ineffectual by too much bureaucracy. Professor Muriel Bamblett, Chief Executive Officer, Victorian Aboriginal Child Care Agency said:

A balance is required in relation to the extent of monitoring, reporting, regulation and oversight of out-of-home care providers. Creating oversight mechanisms that are overly administratively burdensome and where the child focus is lost do not in fact ensure children are safer. On the other hand a system is needed that ensures there are checks and balances in conjunction with openness and transparency to develop child safe organisations throughout the service sector.¹⁵⁵

Some stakeholders responding to our issues paper on child safe institutions were concerned that mandatory standards could overburden institutions, particularly those with fewer resources or where services to children are auxiliary to the institution's main purpose.¹⁵⁶ More than two-thirds of respondents in our child safe institution research study thought it was possible that the burden of compliance could affect the viability of some services.¹⁵⁷ When asked about the severity of this potential unintended consequence, more than half the participants thought it was moderate.¹⁵⁸

Expert participants in the research suggested some ways that these unintended consequences could be mitigated, including:¹⁵⁹

- taking a staged approach to implementation to reduce any sense of being overwhelmed
- encouraging institutions to develop compliance committees, where they are able
- providing ongoing access to tools and training
- building capacity in individual staff members and across institutional systems and processes
- offering institutions services to help them develop child protection policies.

Commissioned research on past inquiries identified that a 'resource drain' on the regulated sector from implementing reforms could act as a potential barrier to implementing recommendations.¹⁶⁰ Stakeholders suggested barriers could be overcome with:¹⁶¹

- staged and timely allocation of resources needed for implementing reforms
- scrutiny of likely cost of proposed data collection
- shared budget across departments
- partnerships to enable sharing of resources and expertise in implementation.

Oversight that recognises the diversity of institutions

The diversity in characteristics of institutions that engage in child-related work has been an important consideration in developing our recommended approach to the monitoring and enforcement of the Child Safe Standards. The oversight scheme must take this diversity into account in the scope of the standards and the different risks of those institutions.

Stakeholders cautioned us about the difficulty of improving safety for children across such a large range and number of institutions. In its submission to our issues paper on child safe institutions, the Truth Justice and Healing Council raised concerns about how difficult it would be for one authority to understand how child safe standards could apply to such a diverse group of institutions. It also noted that these institutions operate in complex regulatory and governance contexts that may complicate the implementation of standards.¹⁶² In their response to the issues paper, the National Association for the Prevention of Child Abuse and Neglect raised challenges for institutions in rural and remote settings that often have limited resources and workforces.¹⁶³

Australian WHS schemes are an example of a regulatory framework that applies to a large number of institutions across many different sectors. Commissioned research found that WHS regulators have overcome this challenge by establishing multiple layers of requirements.¹⁶⁴ Requirements that apply to all persons conducting a business or undertaking are set out as core principles and reinforced through specific duties to manage risks to health and safety. This gives the flexibility for institutions to tailor safety strategies to the specific context of that business or undertaking. For particularly high-risk work, additional requirements are more prescriptive and dictate how workers must be protected, for example prescribing a limit on workers' exposure to noise.¹⁶⁵ Commissioned research suggested that a similar approach could be taken to child safe standards by subjecting higher risk institutions to more stringent regulation and oversight.¹⁶⁶

4.5.2 State and territory monitoring and enforcement

In our consultations, we heard that government oversight was needed to motivate institutions to implement the Child Safe Standards and hold them to account if they failed to protect children. We looked at who is best placed to monitor and enforce the standards, and how the oversight body should minimise regulatory duplication and maximise existing regulatory relationships.

Effective compliance and enforcement is needed

Child Safe Standards should be mandatory and institutions' compliance needs to be monitored and enforced. In our consultations, research, case studies, and analysis of existing child safe institution approaches, we heard a strong message that institutions should be held accountable for child safety, including through external oversight.

In research we commissioned on child safe elements, experts overwhelmingly reported that monitoring of child safe standards should be conducted by external, independent agencies as opposed to self-monitoring and review.¹⁶⁷ Children and young people agreed in the research study for the report, *Taking us seriously: Children and young people talk about safety and institutional responses to their safety concerns (Taking us seriously)*. The report found:

people external to the organisation should come in and 'check to see if they've got it right', 'to see if what they're doing is ... up with the latest research', and to 'hear from kids about whether they think things are going OK'.¹⁶⁸

Participants in the research study for the *Taking us seriously* report felt that external monitoring would promote children's safety and encourage vigilance.¹⁶⁹ Most stakeholder consultations – including most submissions in response to the *Child safe institutions* issues paper – broadly supported an accountability, monitoring and oversight body for child safe institutions.¹⁷⁰ The Australian Children's Commissioners and Guardians suggested:

a centralised monitoring and compliance regime, and strong communication with peak bodies, may be an efficient and effective means of promoting the development of child safe organisations across Australia.¹⁷¹

Similarly, CREATE Foundation submitted that the monitoring and oversight of institutions is an important component of assessing the effectiveness of child safe strategies. While individual institutional responsibility is crucial, independent oversight and reporting mechanisms should be in place.¹⁷² Commissioned research on regulation and oversight told us that a robust enforcement regime is needed to facilitate genuine and sustained compliance with government regulation.¹⁷³ The research also suggested combining a monitoring and enforcement regime with capacity building and support measures. Developing a model with a central regulator that is focused on building genuine organisational commitment to policy measures will increase the likelihood of improving culture and facilitating desirable behaviour and attitudes towards children in institutions.¹⁷⁴

Government oversight must be effective

Many case studies revealed failures in regulatory oversight, as regulators missed opportunities to prevent child sexual abuse. In *Case Study 5: Response of The Salvation Army to child sexual abuse at its boys' homes in New South Wales and Queensland*, we found several failures by government oversight bodies to monitor and enforce the legislative requirements at that time. Efforts to monitor the New South Wales institutions were cursory and did not focus on the quality of children's care.¹⁷⁵ Despite serious concerns about the standard of care at Queensland institutions run by The Salvation Army, the responsible department was slow to respond and the homes continued to operate for several years.¹⁷⁶ This example highlights how ineffective external monitoring and enforcement exposed children to a high risk of sexual abuse.

In *Case Study 26: The response of the Sisters of Mercy, the Catholic Diocese of Rockhampton and the Queensland Government to allegations of child sexual abuse at St Joseph's Orphanage, Neerkol* we heard the responsible department was required by legislation to visit every child in the care of the state at least once every three months and to ensure their treatment was satisfactory. The department was also required to visit each institution at least once a month. One purpose of the inspections was to ensure that the children were being cared for and not mistreated.

Despite these legislated responsibilities, we heard evidence from former residents at the orphanage that they rarely saw state department inspectors and, when they did, were not allowed or encouraged to speak with them. We also heard of instances where children did complain to inspectors about abuse and were not believed, or were punished by the inspector or other adults at the orphanage.¹⁷⁷ There was also evidence demonstrating a lack of independence between the department inspector and the sisters and clergy.¹⁷⁸

This perceived lack of impartiality on the part of government staff meant that some children felt they had no one to whom they could report their allegations of sexual abuse. We were satisfied that the departmental officers did not provide a system of supervision for the delivery of care to children in the orphanage that would properly guard against the children being mistreated and harmed.¹⁷⁹

In *Case Study 49: Institutional review of The Salvation Army, Australia Eastern Territory and Australia Southern Territory*, Major David Eldridge told us that according to the Inspector of Children's Homes in Victoria from 1969 to 1972, children's homes were poorly monitored by State authorities. Visits were annual or occasional and usually announced to the institution before inspectors arrived.¹⁸⁰ This meant that 'the blankets were better than if you visited unannounced ... things were lifted for that week but not necessarily maintained throughout the year'.¹⁸¹

Enhancing state and territory oversight

Views differed on the role of government in implementing a national child safe approach. Governments strongly advocated for state and territory implementation of any child safe institution approach with a minimal role for the Australian Government. However, representatives from sport, recreation, religious and health sectors thought the Australian Government should play an important role.¹⁸² We considered the roles of the Australian Government, and state and territory governments, in child-related areas to determine who should be primarily responsible for regulating the Child Safe Standards.

State and territory governments are primarily responsible for the administration and operation of systems, and have in place the following legislative frameworks for the protection of children in institutions:

- **Children’s commissions and guardians** normally oversee child protection systems and the children in them. These oversight bodies also implement child safe approaches.
- **Working With Children Check schemes** prevent people from working or volunteering with children if their records indicate that they may pose an unacceptable risk to children.
- **Reportable conduct statutory schemes** provide for independent oversight of how certain government and non-government institutions handle employee-related child protection concerns. New South Wales is the only jurisdiction that has a reportable conduct scheme. The Australian Capital Territory and Victorian governments are currently developing schemes.
- **Information sharing arrangements, and recordkeeping and privacy obligations** those that are applicable to the institutions in our Terms of Reference have been established by states and territories, as well as Commonwealth legislation, policies and administrative arrangements.

States and territories also administer and operate the child protection system and deliver essential services for children in sectors such as education and health. The National Framework for Protecting Australia’s Children 2009–2020 notes:

State and territory governments deliver a range of universal services and early intervention initiatives to prevent child abuse and neglect, and fund and coordinate many services by the non-government sector. They are responsible for the statutory child protection systems, including the support provided to children and young people in out-of-home care.¹⁸³

Other responsibilities include delivering universal services such as health and education, which play a critical role in determining long-term outcomes for children, and administering police and justice systems, including juvenile justice.¹⁸⁴

We consider that states and territories should have primary responsibility for regulating child safety in institutions within their jurisdiction. They are better equipped to deliver systems and services aimed at protecting children from harm, and thus can:

- implement the Child Safe Standards in a way that capitalises on, and is cognisant of, local circumstances and needs
- integrate child safe approaches with other existing frameworks that work to protect children, such as reportable conduct and Working With Children Checks schemes
- integrate and reform their systems and services in response to changing circumstances.

A new or existing state or territory body could be appointed as a central regulator of the child safe approach. This responsibility could fall to children’s commissioners and guardians, who are currently playing a key role in state and territory child safe approaches. The state or territory oversight body could fill the gap for unregulated sectors and also take a jurisdiction-wide leadership and capacity building role. They could perform the following functions:

- oversee and monitor the implementation of the Child Safe Standards in unregulated institutions
- monitor and enforce compliance with the Child Safe Standards
- provide guidance on the Child Safe Standards to institutions and the community. For smaller clubs and local business, such as sport and recreation institutions, this could be through a voluntary email subscription process (see Volume 14, *Sport, recreation, arts, culture, community and hobby groups*)
- collect, analyse and publish data on the child safe approach in that jurisdiction, and report these to the proposed National Office for Child Safety (see Section 4.6)
- access relevant information about the child safety of individual institutions to help monitor and enforce the Child Safe Standards
- foster cooperative and consultative relationships with institutions and peak bodies
- provide, promote or support education and training on the Child Safe Standards to build the capacity of institutions to be child safe
- coordinate ongoing information exchange between oversight bodies on institutions’ compliance
- handle or oversee complaints and investigations of allegations of institutional child sexual abuse (see Volume 7, *Improving institutional responding and reporting*).

4.5.3 Commonwealth-run services

The Australian Government is also responsible for delivering services for children. The National Children's Commissioner told us:

The Commonwealth also runs services that have kids in them, or kids around them. So you can join the Australian Defence Force, there is the Army Reserve, Centrelink, kids and families are there all the time, Veterans' Affairs, kids and families are there all the time, even the Australian Federal Police are dealing with paedophile rings with kids as victims. There are lots of services in health, indigenous affairs, and family support that the Commonwealth directly runs or funds. They are pretty much silent in terms of their responsibility. I think it's really important to make sure that we are looking at their governance as well and that they have an accountability in all of this, and the leadership base.¹⁸⁵

We consider the Australian Government should ensure any service it funds or delivers complies with the national Child Safe Standards. We believe it is preferable that state and territory oversight bodies are able to facilitate compliance with the standards of Commonwealth-run institutions in their jurisdictions to achieve this. States and territories have the expertise and are better equipped to regulate the safety of children in institutions.

We acknowledge that constitutional issues can arise in the application of state and territory law to Commonwealth-run institutions. If this happens, the Australian Government should work with states and territories to ensure that its institutions fall under state and territory child safe standards. This could be achieved by, for example:

- enacting Commonwealth law that requires Commonwealth-run institutions to meet national Child Safe Standards, while leaving the regulation of the standards at the state and territory level
- entering a memorandum of understanding between the Australian Government, and state and territory governments.

If Commonwealth-run institutions are not able to fall under state and territory child safe standards, the Australian Government should look at other ways to ensure the institutions it runs are child safe and address the standards, for example, through the development of its own oversight functions.

4.5.4 Using existing sector regulation

Concerns were raised in our consultations that creating new regulatory arrangements to oversee institutions' compliance with the Child Safe Standards might be cumbersome, duplicative, inefficient, and costly for governments and regulated institutions. We acknowledge the benefits of using existing approaches wherever possible to monitor compliance with the standards.

The standards could be integrated into existing national and/or state and territory quality sector frameworks and regulatory regimes for institutions currently subject to government regulation. Sector frameworks could include:

- state and territory schools registration
- state and territory out-of-home care licensing
- state and territory disability service standards
- National Quality Framework for Children's Education and Care Services
- National Disability Insurance Scheme Quality and Safeguarding Framework
- National Safety and Quality Health Service Standards
- Australian charities and not-for-profit registration.

We note that 'basic religious charities' are entitled to certain exemptions to their ongoing obligations with the Australian Charities and Not-for-profits Commission, particularly relating to financial reporting requirements and external governance standards.¹⁸⁶ The Australian Charities and Not-for profits Commission may wish to consider whether these exemptions should still apply to basic religious charities that engage with children, where such charities may also be subject to our Child Safe Standards, and provide advice to government.

The National Disability Insurance Scheme (NDIS) aims to support people with permanent and significant disability to 'build skills and capability to participate in the community and employment'.¹⁸⁷ In February 2017, the Minister for Social Services, the Hon Christian Porter, announced the release of the NDIS Quality and Safeguarding Framework.¹⁸⁸ The Australian Government has committed \$209 million to establish a NDIS Quality and Safeguards Commission to implement the framework.¹⁸⁹

The NDIS framework includes a range of regulatory measures including an NDIS complaints commissioner, NDIS register of providers, a senior practitioner and risk-based worker screening.¹⁹⁰ Providers will be required to comply with NDIS safeguards including a code of conduct, service standards, regulations and quality assurance systems. They must report serious incidents such as child sexual abuse allegations and demonstrate corrective action to prevent recurrence. State and territory safeguards such as the screening of potential workers will also apply.¹⁹¹ The NDIS is an important reform that affects some children with disability, but many more are not eligible for the scheme.

We are of the view that the proposed NDIS Quality and Safeguards Commission will need to consider the appropriate means to incorporate the Child Safe Standards into the NDIS Quality and Safeguarding Framework and include education about the standards as part of their capacity-building role for NDIS providers. The NDIS Quality and Safeguards Commission could work collaboratively with state and territory oversight bodies responsible for monitoring and enforcing the Child Safe Standards to appropriately facilitate compliance with the framework and the standards, within NDIS-funded services and supports.

Commissioned research on regulation and oversight examined the regulatory frameworks for non-government schools, children's education and care services, and health.¹⁹² The research looked at the measures in these frameworks that were aimed at preventing child sexual abuse in institutions. The study found that between positive elements of the frameworks there are significant gaps.¹⁹³ The frameworks vary across industries and jurisdictions, resulting in patchy protection for children. The research suggested that government and regulatory bodies in these industries are well placed to 'assist in coordination, support and delivery of high quality, centralised initiatives'.¹⁹⁴

Through our consultations we heard that for highly regulated sectors, integrating child safe standards into existing regulatory frameworks, with responsibility for enforcement falling to existing regulators, would reduce duplication and regulatory burden. Such an approach would capitalise on existing relationships between sectors and regulators, including information about risk that regulators are already collecting. The Victorian child safe standards are overseen in partnership with existing regulators: for example, the Department of Education and Training is overseeing the child safe standards in children's education and care services.¹⁹⁵ Regulated sectors in Victoria have responded well to this arrangement.¹⁹⁶

We consider this would be the most efficient and effective way of overseeing the Child Safe Standards in sectors where an appropriate regulator already exists. However, devolving responsibility to several agencies could present challenges in coordinating and overseeing the child safe approach. Care would also need to be taken in the case of children with disability to ensure regulatory frameworks take into account the safety of the many children with disability who will not be participants in the NDIS and not covered by the NDIS Quality and Safeguarding Framework.

4.5.5 Capacity building and support

Genuine cultural change is needed for institutions to become child safe, but creating change in institutions and communities is complex and challenging.

Facilitating cultural change through capacity building

Stakeholders in our consultations and commissioned research on child safe elements told us that mandatory standards alone are not the answer.¹⁹⁷ Capacity building and support should be the foundation of any approach to creating child safe institutions.¹⁹⁸ In many of our case studies, it was found that institutions failed to protect children and respond appropriately to complaints, despite having the required policies and procedures in place.¹⁹⁹ Genuine cultural change, rather than mere compliance, is needed to make institutions child safe.

Commissioned research and stakeholder consultations conveyed concern about the risk of 'tick box' compliance. As part of our child safe institutions research, the expert panel was asked about potential unintended consequences of implementing the child safe elements. The risk that 'compliance could become a procedural "tick-box" process rather than creating genuine change' was rated as the most serious concern.²⁰⁰ Participants thought:

poor implementation of the elements could be counterproductive and leave organisations less safe for children, because the implementation could create complacency or false assurances that the organisation is safe.²⁰¹

Experts in child protection and public policy reform who participated in commissioned research on the implementation of recommendations from relevant inquiries 'warned against an over-reliance on legislative measures or regulation to effect change'.²⁰² Researchers found that genuine change in institutions required changing the attitudes and behaviours of the individuals in the institution:

Several respondents expressed concern that where there is no understanding of what the regulation is trying to achieve, agencies and front-line workers can tend to 'fall back on that minimum standard' that has been set rather than aspiring to operate at a higher level.²⁰³

Similarly, commissioned research revealed implementation best practice factors:²⁰⁴

- Good implementation requires attention to the competencies and skills of the individuals and the institutions involved. Both individual and institutional capacity must be built for implementation.
- Individual behavioural change is an important driver of effective implementation.
- Implementation takes place in stages. The effective implementation of practices, programs and policies takes time.
- Implementation quality can be improved by assessing the needs and readiness of organisations implementing change, training and continuously supporting relevant staff members, continuous quality improvement processes, and an early focus on sustainability.

Cultural change in institutions is also needed to improve how children are valued and how their rights are respected. One young person who participated in consultation emphasised that ‘part of the cultural change is valuing the opinions and views and the experiences of young people in ensuring that we drive that kind of change’.²⁰⁵

We understand that genuine cultural change needs to occur for institutions to become child safe. Effective implementation would change people’s attitudes and behaviours, rather than focusing only on achieving compliance with mandatory standards.

Current capacity building

In our view, creating genuine change in institutions requires government investment to support and build the capacity of institutions to be child safe. Creating child safe institutions requires the involvement of many stakeholders including institutional leaders, staff, volunteers, children and their families, and the wider community.

Capacity building strategies such as training, supervision, coaching, and consultation are known to improve the success of implementation and the achievement of desired outcomes.²⁰⁶

Comments in our commissioned research on the elements of a child safe institution reiterated the need for adequately resourcing organisations so they can implement the Child Safe Standards.²⁰⁷

Governments, often in partnership with other institutions, are already involved in these types of activities. The approach of any new child safe institutions should build on the resources and capacity building activities already underway.

Government approaches

Jurisdictions with both mandatory and voluntary child safe approaches are focusing resources on capacity building and support for institutions:

- Victoria is educating institutions on its new mandatory child safe standards in information sessions. It has also developed resources, including policies and templates, to help institutions deploy their child safe responsibilities.
- Queensland is undertaking considerable capacity building to drive cultural change and ensure that institutions consider past, present and future risks to children in risk management plans. In the *Institutional review of Commonwealth, state and territory governments* case study, we heard that the Blue Card Services unit has developed a series of guides, videos, tools and checklists to help organisations develop their risk management strategies around the child safe standards.²⁰⁸
- South Australia has found that an email and telephone helpline is useful in supporting institutions to meet their legislative requirements.
- ACT Health is developing the ‘Towards Child Safe, Child Friendly, Child Aware Health Services Coordinating Framework’ to ensure that specific consideration is given to children and young people.

Children’s commissioners and guardians promote child safe initiatives by producing guidelines, training packages, model policies and other resources to help institutions become child safe:

- The New South Wales Children’s Guardian delivers face-to-face training to support institutions to become child safe and has sample policies available online.²⁰⁹
- The Commissioner for Children and Young People in Western Australia published new child safe organisation guidelines and a self-assessment and review tool in May 2016.²¹⁰
- The Tasmanian Commissioner for Children and Young People reported on consultation with children about child safe institutions.²¹¹

Some training targets institutional leaders. For example, the New South Wales Children’s Guardian and Western Australian Children’s Commissioner target capacity building training sessions to institutional leaders as part of its voluntary child safe approach.

More recent capacity building initiatives are targeting parents, carers and communities with education and awareness of child safe strategies. These initiatives aim to empower parents and carers to recognise a child safe institution and create change to improve the safety of institutions their children attend. The Tasmanian Commissioner for Children and Young People’s *Information for parents: What to look for when choosing a child safe organisation* is an example of a resource to engage parents and carers.²¹²

Sector partnerships

Organisations have partnered to deliver capacity building for institutions. The Australian Sports Commission and Play by the Rules, for instance, provide education and resources on child protection for sporting clubs.

In *Case Study 39: The response of certain football (soccer), cricket and tennis organisations to allegations of child sexual abuse (Sporting clubs and institutions)*, we considered that Play by the Rules is a valuable and effective resource in promoting child protection in sport.²¹³ It is an example of centralised capacity building and support for sporting organisations. Its practical resources and training are tailored and easy to understand for those working or participating in the sports sector. Play by the Rules provides information, resources, tools and free online training to assist administrators, coaches, officials, players and spectators to manage child safety issues in sport.²¹⁴

However, in the *Sporting clubs and institutions* case study Mr James Holding, Chairman of Queensland Cricket, acknowledged that there is an ‘information gap’ at the cricket club level about the resources that are available on the Play By the Rules website and that it could do more to promote these resources.²¹⁵ It is therefore critical that such initiatives take the time to raise awareness and encourage people to use these resources.

Play by the Rules support for sporting organisations

Play by the Rules is a collaboration of the Australian Sports Commission, Australian Human Rights Commission, all state and territory departments of sport and recreation, all state and territory anti-discrimination and human rights agencies, NSW Office of the Children’s Guardian, and Australian and New Zealand Sports Law Association.²¹⁶

It promotes and reinforces messages of safety, fairness and inclusion. It provides information, resources, tools and free online training to help administrators, coaches, officials, players and spectators to, among other things, manage child safety issues in sport.²¹⁷ For example, the website has working with children guidelines, and templates for a code of behaviour, picking up and dropping off children, and a chaperone policy. The website also includes free online training courses on child protection, harassment and discrimination, and complaint handling.²¹⁸

In our *Sporting clubs and institutions* case study, we heard that Play by the Rules was of invaluable assistance to sporting clubs.²¹⁹ Many parties in the case study gave evidence that Play by the Rules’ resources could be adopted or easily adapted by sporting clubs. The policies also offer a uniform approach to child safety.²²⁰

Some non-government organisations, such as the Australian Childhood Foundation, Bravehearts, and Child Wise, have developed child safe institution training packages. Peak and sector bodies partner with these organisations to deliver child safe frameworks, build capacity and access supporting resources to help them adopt child safe practices:

- Surf Life Saving Australia recently underwent an institution-wide child safe practices audit facilitated by the Australian Childhood Foundation.
- Little Athletics partnered with Bravehearts and EY to develop specific resources about child sexual abuse and an educational program focusing on adults' responsibility to protect children.
- The Australian Sports Commission also partnered with the Australian Childhood Foundation to develop a child safe strategy for sport peak bodies.

These programs help build capacity in some institutions, but non-government providers of the programs have limited capacity to meet the growing demand of institutions. Program delivery is generally user-pays, and may be too costly for smaller-community based institutions. Institutions staffed by volunteers or in remote areas may also find it difficult to access this support.

State and territory role in capacity building and support

Governments can play an important role in facilitating cultural change in institutions but must work with institutions, peak bodies, non-government institutions, families and communities to change cultural norms and build capacity. Commissioned research on regulation and oversight elaborated on how governments could influence cultural change in institutions. It told us that genuine sustained compliance could improve institutional cultures, behaviour and attitudes.²²¹ This is contingent on:²²²

- cooperative and coordinated support by major government and non-government actors for major regulatory initiatives
- realisation of genuine institutional and individual commitment to the policy measures and practices by developing attitudinal factors that underpin an internalised normative duty
- a small number of actors in an organised and homogenous environment
- simple, streamlined procedural structures.

Changing institutional norms should be a key focus of implementation. Norms have a significant impact on individuals' behaviour in institutions. Commissioned research looked into why YMCA Caringbah staff did not follow policies and procedures, as detailed in *Case Study 2: YMCA NSW's response to the conduct of Jonathan Lord*. Researchers observed that:

People respond both to the overt organisational messages in formal statements on policies and priorities, and to the covert messages often conveyed through actions rather than words.²²³

The report also advises that safe institutions encourage an open culture where people can discuss difficult judgments and report mistakes so that the institution can learn.²²⁴

Capacity building can improve culture. Stakeholders in our consultations and commissioned research on the elements of a child safe institution told us governments should focus on building institutions' capacity, changing their culture and clarifying what child safe standards mean in practice.²²⁵ Commissioned research agreed, finding that government oversight should prioritise supporting institutions to continuously improve in measuring outcomes and identifying poor performance. Participants in commissioned research also advised that building the capacity of the systems, processes and individuals in an institution, supported by tools and training, would help avoid unintended consequences of a child safe institution scheme.²²⁶ One participant referred to experience in the health sector:

Developing capacity, especially utilising internal 'empowered champions' is more likely to succeed than an external 'burdensome/punitive system'. Cultural change will be the most effective and efficient driver for safety in the longer term.²²⁷

Commissioned research on implementation best practice suggests governments should consider the readiness and needs of institutions to implement changes. The literature shows that for successful and sustained change, institutions need to understand how the change meets an identified problem and need to be supported to build their capacity to implement reform.²²⁸

Government cannot build capacity and achieve cultural change on its own. Sectors and communities should work with governments to help institutions become child safe. Diverse stakeholders from government, and highly regulated and less regulated sectors, unanimously agreed that regulators, peak bodies, and non-government institutions should work with communities and specific sectors to develop targeted capacity building and support tools.

Governments, and sector and community groups, should continue to work together to embed child safe knowledge, attitudes, and practices into the supports and resources used by institutions. These partnerships should be expanded as widely as possible, so child safety is considered throughout an institution's operations.

There is a gap in quality training for staff about protecting children from institutional child sexual abuse. Governments should work with higher education providers to ensure available training meets demand from institutions working with children. The need for a centralised approach to capacity building is discussed in Section 4.6. See also our discussion on education and training in Chapter 3.

Recommendation 6.7

The national Child Safe Standards developed by the Royal Commission and listed at Recommendation 6.5 should be adopted as part of the new National Statement of Principles for Child Safe Organisations described by the Community Services Ministers' Meeting in November 2016. The National Statement of Principles for Child Safe Organisations should be endorsed by the Council of Australian Governments.

Recommendation 6.8

State and territory governments should require all institutions in their jurisdictions that engage in child-related work to meet the Child Safe Standards identified by the Royal Commission at Recommendation 6.5.

Recommendation 6.9

Legislative requirements to comply with the Child Safe Standards should cover institutions that provide:

- a. accommodation and residential services for children, including overnight excursions or stays
- b. activities or services of any kind, under the auspices of a particular religious denomination or faith, through which adults have contact with children
- c. childcare or childminding services
- d. child protection services, including out-of-home care
- e. activities or services where clubs and associations have a significant membership of, or involvement by, children
- f. coaching or tuition services for children
- g. commercial services for children, including entertainment or party services, gym or play facilities, photography services, and talent or beauty competitions
- h. services for children with disability
- i. education services for children
- j. health services for children
- k. justice and detention services for children, including immigration detention facilities
- l. transport services for children, including school crossing services.

Recommendation 6.10

State and territory governments should ensure that

- a. an independent oversight body in each state and territory is responsible for monitoring and enforcing the Child Safe Standards. Where appropriate, this should be an existing body.
- b. the independent oversight body is able to delegate responsibility for monitoring and enforcing the Child Safe Standards to another state or territory government body, such as a sector regulator.
- c. regulators take a responsive and risk-based approach when monitoring compliance with the Child Safe Standards and, where possible, utilise existing regulatory frameworks to monitor and enforce the Child Safe Standards.

Recommendation 6.11

Each independent state and territory oversight body should have the following additional functions:

- a. provide advice and information on the Child Safe Standards to institutions and the community
- b. collect, analyse and publish data on the child safe approach in that jurisdiction and provide that data to the proposed National Office for Child Safety
- c. partner with peak bodies, professional standards bodies and/or sector leaders to work with institutions to enhance the safety of children
- d. provide, promote or support education and training on the Child Safe Standards to build the capacity of institutions to be child safe
- e. coordinate ongoing information exchange between oversight bodies relating to institutions' compliance with the Child Safe Standards.

4.5.6 Other ways to improve practice

The safety of children in institutions is everyone's responsibility. Promoting the value of children and empowering families to understand child safety can influence institutions in the community. Institutions that do not directly engage with children – such as WHS regulators, government and non-government procurement practices, local governments and insurance companies – also have a role in creating safety for children. Our recommendations about the civil and criminal liability of institutions will also influence the behaviour of institutions.

Community drivers for cultural change

The Royal Commission heard in our consultations that child safe institutions existed in child safe communities. This means that institutions are more likely to foster a child safe culture if the broader community values children, respects their rights and understands that child safety is everyone's responsibility. Parents and the community can support and promote change in institutions. There was wide stakeholder support for a national public information strategy to raise community and family awareness of children's rights, particularly their right to be heard and to be safe. The strategy could be led by the Australian Government and build on existing prevention campaigns, such as family violence, bullying and gender equality. For a more detailed analysis of building child safe communities, see Chapter 2.

We heard in our consultations that although some approaches to capacity building were working well, there were gaps and opportunities to expand how education and support on child safety was delivered. Stakeholders supported integrating the Child Safe Standards into existing institutional supports and training to reinforce the message that child safety was everyone's responsibility. For example, we heard that WHS regulators and Safe Work Australia could promote child safety and compliance with the standards as another aspect of creating a safe workplace.²²⁹ Professional associations, such as the Australian Institute of Company Directors, could promote child safety through director's duties and good governance guidance for institutional leaders. Child safe training could also be incorporated into professional development schemes or training for board members.

Our consultations and case studies have also shown that training is needed on the barriers to identifying and reporting abuse. Understanding the indicators of child sexual abuse, and characteristics of perpetrators, and combatting stereotypes of victims and perpetrators is also essential (see Chapter 3, Standard 7).²³⁰ Incorporating content on preventing child sexual abuse in pre-service training could shape the attitudes and practices of professionals who go on to work with children.²³¹

Work health and safety

Work health and safety issues have a national focus and priority status in institutions. Given this, we heard some support from stakeholders, particularly from the less-regulated sectors, for the Child Safe Standards to be incorporated into the existing WHS regulatory framework. For example, a stakeholder during our consultations told us:

we think there's a lot of value in leveraging off an existing structure, and certainly work health and safety, and the level of involvement that we have at both board and even local level now would suggest to me that it would be a really good platform to work with ... though, we wouldn't want it to lose the value of what we are doing in child safety amongst a whole pile of other things, but I think if managed properly it seems to me to be a great platform to work with.²³²

Integration with the WHS scheme could have the benefits of:

- similar focus on risk management to promote the health and safety of workers and other people, including children, in workplaces
- national consistency by using a national model of regulatory principles administered by the states and territories
- building on implementation and compliance mechanisms within institutions
- well understood compliance and enforcement mechanisms and requirements
- national policy coordination and quality assurance of education and training methodologies and resources.

Work health safety and child safety have many parallels, both having broad aims and reach across a large number of institutions from different sectors and risk profiles. Our work has been informed by the evolution of WHS in Australia, but the Child Safe Standards should not be directly regulated under WHS.

The practical difficulties with using the WHS scheme to regulate the standards include:

- WHS not extending to all institutions that work with children, notably volunteer institutions
- potential challenges in sharing compliance information between other child safety regulators, such as Working With Children Check and mandatory reporting, and WHS regulators
- missed opportunities to build on existing regulatory relationships, particularly in sectors that are already highly regulated such as out-of-home care and the early childhood and care sector.

However, we acknowledge that there are benefits in leveraging the synergies between child safety and WHS schemes in other ways, and capitalise on the broad reach of the WHS scheme. For example, WHS regulators could promote awareness of the Child Safe Standards and child safety to institutions or could refer institutions to capacity building resources and support.

We heard in our consultations that some institutions currently embed child safety into their existing WHS governance structures. These institutions take a risk management approach to child safety that, like WHS, promotes child safety as an important part of an institution's culture. We have also heard that some institutions include child safety as a consideration by their boards of directors. Such boards, in particular, play a pivotal role in influencing governance frameworks and setting an institution's culture by determining and maintaining its vision, purpose and values.²³³

This has helped cement child safety as an issue of importance in institutions, and create a positive culture that promotes children's best interests and their protection from harm. Many institutions may benefit from aligning WHS and child safety requirements. Institutions should apply the governance model best suited to their structure and context to promote compliance with the Child Safe Standards.²³⁴

Funding mechanisms

Many institutions engaging in child-related work receive government funding. Funding agreements between governments and institutions commonly include conditions for the institution.²³⁵ Several stakeholders suggested including child safe standards as a condition of funding between governments and institutions that engage in child-related work.²³⁶ Other financial levers, such as attaching conditions to the tax exempt status of charities and not-for profits that engage in child-related work, could also be considered. This approach might be suitable for institutions that are not otherwise regulated.

Regulating through funding arrangements may be more flexible and efficient than legislation as it can be adapted to the circumstances of each institution, sector and funding program, and can be updated with each new funding agreement. Stakeholder opinion was mixed on whether funding agreements were the most effective way to regulate certain institutions. We are not recommending regulation solely through funding agreements for several reasons:

- Some institutions proposed to be required to implement the Child Safe Standards may not have a funding relationship with government, such as some commercial services for children and coaching or tuition services.
- Funding arrangements can hide the true level of burden on institutions as requirements may not be subject to the scrutiny of stakeholders, parliaments and administrative review.²³⁷

- Institutions often receive funding from several sources and levels of governments which could add multiple and potentially contradictory requirements.²³⁸
- Imposing child safe standards through funding conditions may disproportionately affect community institutions as government tends to be a significant source of funding for these institutions.²³⁹

We do not recommend using funding agreements as the only mechanism to implement and enforce the Child Safe Standards. However, imposing requirements through funding agreements and procurement processes can be a powerful motivator to change institutional practice.

Funding conditions also aim to assure the quality and safety of the goods and services procured by governments and other funders. Governments spend a significant amount procuring goods and services. In the 2014–15 financial year, the Australian Government alone procured more than \$59 billion of goods and services.²⁴⁰ Government policy often includes evaluating tenders on criteria including value for money, WHS, environmental management, and community relations practices and performance.²⁴¹ Building child safe requirements into relevant procurement processes could have a significant effect on the practices of a large number of institutions that engage in child-related work. It would also make it clear that government regards child safety as an important consideration for tenders to be successful. Other institutions can support compliance with the standards by including requirements in their procurement and contract arrangements.

Some non-government organisations have told us there are differences between child safety requirements for funding processes, and those enforced by the sector regulator. While the intended outcomes are similar, meeting two sets of requirements places unnecessary administrative cost on the institution. Agreed national Child Safe Standards might help to reduce the duplication of requirements on institutions because contracts and procurement processes might include compliance with the standards as a condition of funding, rather than establishing separate child safety requirements. This would convey the importance of child safety without imposing extra burden on institutions.

Legal accountability of institutions and their leaders

The potential for institutions as legal entities, and individuals within them, to be held legally accountable for damage occasioned by child sexual abuse has great potential to drive cultural change and motivate institutions to take child safety more seriously.

Civil liability

In our *Redress and civil litigation* report we discuss how the civil litigation systems and redress processes have not provided justice for many survivors. We recognise that it cannot now be made feasible for many of those who have experienced institutional child sexual abuse in the past to seek common law damages. We make detailed recommendations for the establishment of a national redress scheme to provide redress for past institutional child sexual abuse.

We also make a number of recommendations to reform aspects of civil litigation. These reforms are intended to make civil litigation a far more effective means of providing justice for survivors, particularly for those who are victims of institutional child sexual abuse in the future.

Most states and territories have already implemented the recommended reforms to remove limitation periods for personal injury claims resulting from institutional child sexual abuse (see Volume 18, *Beyond the Royal Commission* for more information).

This will facilitate damages claims by victims of institutional child sexual abuse, even if it takes years for them to be able to disclose the abuse and seek compensation.

In relation to the liability of institutions for institutional child sexual abuse, we recommend reforms in two areas. The difficulty in imposing liability on institutions has arisen because, while institutions are liable for the negligence of their members or employees, Australian courts have struggled to accept that they should be liable for deliberate criminal acts – such as sexual abuse – committed by their members or employees.

First, we recommend that states and territories introduce legislation to impose a non-delegable duty on some types of institutions for child sexual abuse committed by members or employees of the institution, broadly defined. A non-delegable duty would impose liability on the institution without requiring proof that it was negligent. Thus these types of institutions would be liable for damage occasioned by child sexual abuse committed by their members or employees against children who are in the care, supervision or control of the institution, without requiring proof that the institution failed to exercise reasonable care.

We recommend that this non-delegable duty be placed only on certain types of institutions, including residential facilities for children, day and boarding schools, and disability and health services. We do not believe that this non-delegable duty should extend to not-for-profit or volunteer institutions or to foster care and kinship care services.

Second, we recommend that the onus of proof be reversed for claims in negligence against any institution relating to child sexual abuse committed by the institution's members or employees so that the institution bears the onus to prove that it exercised reasonable care to prevent abuse. This means that if a survivor could prove that they were abused in an institution, it would be for the institution to prove that it took reasonable steps to prevent the abuse. We recommend that the reverse onus of proof apply to all institutions, including those that we recommend be excluded from the non-delegable duty.

We recommend that these changes to the duty of institutions apply only prospectively. That is, they should apply only to damages claims in relation to institutional child sexual abuse committed after the reforms are made.

These recommendations are intended to provide those who suffer child sexual abuse in an institutional context in the future with a more effective avenue to obtain compensation for the abuse through civil litigation.

However, the recommendations are also intended to prevent child sexual abuse in an institutional context by encouraging leaders of institutions to facilitate a child safe environment, at risk of the institution being liable for the abuse if they do not. An aspect of facilitating a child safe environment would be through implementation of the national Child Safe Standards in institutions. Institutions that take steps to prevent abuse will reduce their potential liability. The more effective those steps are at preventing abuse, the more the institution's potential liability will be reduced.

Some states have taken steps to implement or further develop these recommended reforms (see Volume 17, *Beyond the Royal Commission* for more information).

We also make recommendations designed to assist survivors and their legal advisers to identify the proper institutional defendant to sue; and we make recommendations for government and non-government institutions to adopt guidelines for responding to claims for compensation concerning allegations of child sexual abuse.

The reforms already made in response to our recommendations in relation to civil litigation, and any further reforms to implement our recommendations, are likely to make civil litigation a far more effective means of providing justice for survivors, particularly for those who are victims of institutional child sexual abuse in the future. This means that civil liability is likely to become a more important means of holding institutions to account for institutional child sexual abuse than it has been in the past, unless institutions take all reasonable steps to prevent abuse.

See our *Redress and civil liability* report for more information.

Criminal liability

In our *Criminal justice* report we recommend two new criminal offences that are targeted at the reporting and prevention of institutional child sexual abuse. The offences are 'third-party' offences, in that they apply to persons other than the perpetrator of the abuse. In each case, the offence can be committed by an adult within the institution, rather than the institution itself.

The failure to report offence would require adults within the institution to report to police in circumstances where they know, suspect, or should have suspected, that another adult associated with the institution was sexually abusing or had sexually abused a child. We discuss this offence in detail in Chapter 16 of the *Criminal justice* report.

The failure to protect offence would require an adult within the institution who knows there is a substantial risk that another adult associated with the institution will commit a child sexual offence, and who has the power or responsibility to reduce or remove the risk, to reduce or remove the risk. If they negligently fail to do so, they would commit the offence. The failure to protect offence that we recommend is based on an offence introduced in Victoria in 2015. We discuss this offence in detail in Chapter 17 of the *Criminal justice* report.

For each offence, we recommend that relevant institutions be defined to include institutions that operate facilities or provide services to children in circumstances where the children are in the care, supervision or control of the institution. Foster and kinship care services should be included, as should facilities and services provided by religious organisations. However, individual foster carers or kinship carers should not be able to commit the offences.

We believe that these offences will reinforce rather than compete with regulatory and other measures designed to require institutions to be safe for children. They are designed to require adults within institutions to take responsibility for reporting and preventing child sexual abuse in institutional contexts.

See our *Criminal justice* report for more information.

Local government

Local governments play several important roles in communities that impact on the safety of children, such as:

- providing services to children, for example libraries, swimming pools and childcare
- providing spaces for community activities, for example halls, theatres and sports grounds
- funding or contracting services
- facilitating community education or outreach programs
- regulating planning and development approvals, infrastructure and property services, and water and food inspection.²⁴²

In rural and remote areas, the role of local government can be even greater as it may be the main provider of services and the primary information point for residents and institutions. Often the Australian Government and state and territory governments will use local government to deliver services. Our consultation found that local governments in Victoria are taking action to implement that state's mandatory child safe standards. These local governments see the child safe standards as relevant across all functions, not only in family and community services, and are training staff in child safety.

Local governments have an important role in supporting the implementation of national Child Safe Standards. Local governments themselves, and the services they provide to children, fall within the proposed scope of the standards. Beyond these direct responsibilities, local governments could explore how their procurement practices can motivate other institutions to become child safe (see Funding mechanisms above in Section 4.5.6). In the *Institutional review of YMCA NSW* case study, we heard that YMCA NSW became less cost competitive in the local government tendering process due to their higher costs imposed in improving child safety across their organisation. Other organisations providing similar services as YMCA NSW became more attractive in the competitive market due to their ability to provide a lower price for similar service delivery for a less stringent implementation of child safety measures.²⁴³ The Chief Risk Officer of YMCA NSW explained:

I think one of the challenges around this issue ... is the way the local government tendering process works in NSW ... if we go in and tender, no matter how much else we can offer in terms of guaranteeing the safety of children or guaranteeing the safety of patrons overall, if you are talking about lifeguards in an aquatic centre, because of the way the tender process works, if we're not competitive on price, often that puts you straight out of the running.²⁴⁴

Local governments could also analyse their regulatory roles to ensure these functions support child safety both in the community and in institutions. As local governments interact with the vast majority of, if not all, institutions, we see this as a great opportunity to raise awareness of the national Child Safe Standards and direct institutions to information and support.

Child safety officers

Many smaller institutions told us they would need support to understand why and how they can comply with mandatory child safe standards and create a child safe environment.

Local governments resource and support communities across Australia – especially in rural and remote areas. In many places, they are the central hub for the community. Many local governments have taken a proactive role in community safety. For example, South Australia has child safety officers who provide advice and awareness training to sport and recreation institutions. They are the first point of contact for people involved in sport and recreation institutions who have concerns about a participating child or young person.²⁴⁵ A rural city council in Victoria has appointed two child safety officers to help prevent and respond to concerns of abuse.²⁴⁶

Local government, in collaboration with the independent state and territory oversight body, could be well placed to build on this role by playing a capacity building and support function to help institutions understand how they can be child safe. We believe this could be by creating child safety officers through new recruitment or employing existing community officers to foster stronger community understanding.

The role of a child safety officer would be to support and provide guidance to smaller, community based institutions such as sport and recreation clubs and businesses, and to other local businesses providing services to children in each local government area. It would be an information source, a conduit of information to paid and volunteer workers, and an outreach service for the under-resourced.

The functions of a child safety officer would be to:

- develop child safe messages in local government venues, grounds and facilities
- assist local institutions to access online child safe resources
- provide information and support to local institutions on a needs basis
- support local institutions to work collaboratively with key services to ensure child safe approaches are culturally safe, disability aware and appropriate for children from diverse backgrounds.

We believe child safety officers would be especially important in regional and remote Australia. Those living in rural and remote areas might not have the same access to child safe resources as their urban counterparts. Some personnel in clubs or businesses in regional and remote areas may not be best placed to conduct child safety sessions with parents and children. For example, in sport and recreation, there may be cultural, family relationship or other reasons that preclude the coach or other volunteers from talking about child safety and child abuse. A child safety officer could work as an independent child safe representative with knowledge, information and assistance to staff and volunteers.

If a local government decides to establish a child safety officer, that officer should work closely with the independent state and territory oversight body responsible for monitoring and enforcing the Child Safe Standards and other child safe initiatives. The child safety officer should also work closely with the National Office for Child Safety (see Section 4.5) and have access to nationally developed capacity building and support material. Strong relationships and collaboration between the child safety officer and both Commonwealth and state and territory levels of government would promote the efficient use of resources and guard against duplication and fragmentation.

We discuss the role of child safety officers in the sport and recreation context in more detail in Volume 14, *Sport, recreation, arts, culture, community and hobby groups*.

Insurance

We heard that some insurers required clients who provided services to children to meet certain child safe criteria and implement risk management policies and protocols to prevent child sexual abuse.²⁴⁷ Institutions could be required to certify that they have policies in place, recommending risk management practices and advising on legal obligations.

The Victorian *Betrayal of trust* report²⁴⁸ outlined the role of insurance providers in placing child safe requirements on institutions, and noted that:

organisations that implement risk management processes only with the motivation of reducing their insurance premiums can ultimately prioritise their financial and legal concerns over their moral responsibility to protect children from criminal child abuse.²⁴⁹

We do not believe it is the role of insurers to monitor and enforce child safe standards. This is consistent with what we have heard about their role in this context. We were told that while insurers were seeking to support institutions to reduce the risk of child sexual abuse, these bodies generally did not see it as their role or area of expertise to monitor or enforce child safe standards.²⁵⁰ However, insurance agencies can play an important role in requiring the institutions they insure to take all reasonable steps to prevent abuse. This may include encouraging institutions to meet national Child Safe Standards, drawing on their expertise in risk management. Where insurance agencies wish to impose particular child safe obligations on institutions, they should align with the Child Safe Standards.

Recommendation 6.12

With support from governments at the national, state and territory levels, local governments should designate child safety officer positions from existing staff profiles to carry out the following functions:

- a. developing child safe messages in local government venues, grounds and facilities
- b. assisting local institutions to access online child safe resources
- c. providing child safety information and support to local institutions on a needs basis
- d. supporting local institutions to work collaboratively with key services to ensure child safe approaches are culturally safe, disability aware and appropriate for children from diverse backgrounds.

4.6 National leadership, coordination and continuous improvement

We have spoken throughout this chapter of the genuine need for a nationally consistent approach to children's safety in institutions across Australia. Only national leadership, coordination and continuous improvement can drive the effective implementation of interventions to better protect children, maximise collaboration and use resources efficiently across jurisdictions (see Section 4.3).

We have explained why national Child Safe Standards, supported by an enhanced approach to regulatory oversight and practice, will facilitate improvements. We have outlined roles for state and territory governments, and other actors, in improving child safe approaches.

We believe the Australian Government is best placed to drive national consistency, collaboration and continuous improvement. These functions should be performed by a National Office for Child Safety.

4.6.1 Centralised capacity building and collaboration

Section 4.5 notes the substantial efforts by governments, non-government organisations, peak bodies and sectors to build child safe capacity in institutions. However, more needs to be done for a consistent approach to quality assured and evidence based capacity building and support, using existing resources as much as possible.

Limited consistency and collaboration

Currently, there is no authoritative, central source of child safe capacity-building support resources that is quality assured and evidence based. Jurisdictions and sectors develop their own child safe materials, resources and initiatives. All interpret what it means to be child safe slightly differently, partly due to a limited evidence base, and all have different advice on what institutions should do to be child safe.

The inconsistent understanding of what institutions should do to be child safe is exacerbated by access to capacity-building resources that depends on the jurisdiction or institution type. The National Children's Commissioner told us during our consultations:

Most children's commissioners and guardians do have similar material ... We may be all reinventing the wheel. The problem is it's not coordinated in one place, we are looking at different ways to access material, and that's what you are trying to address, how do we get a source of truth in all of this?²⁵¹

These duplicated and fragmented resources create unnecessary financial and administrative burden for institutions, peak bodies and government. They must search for material from several sources and make judgments on which are most reliable. Institutions, sectors and jurisdictions have fewer opportunities to collaborate, share resources and clearly communicate across jurisdictional or sector boundaries about what constitutes a child safe institution.

A stakeholder shared their frustrations with a lack of centralised and evidence-based child safe institution resources:

I do think there can be some value in sharing resources, ideas and experiences. I recently assisted a large school in our community in developing policies on a whole range of areas, including bullying and this area, and it seemed to me that plain English policy writing is a great skill. It occurred to me that, why was I inventing the wheel? This must have been done time and time again. It seems to me that we need to have a suite of plain English policies, codes, protocols, templates, practices, whatever, which might be available centrally to assist people to at least start the process of understanding some of the issues and implementing them and trying to get things child safe.²⁵²

The need for a centralised approach

Commissioned research tells us that a centralised approach to capacity building and support can minimise the administrative and resource burden on institutions as well as duplication and fragmentation by:²⁵³

- removing the burden from institutions and peak bodies to design and deliver capacity building and support measures themselves
- transferring the responsibility to design and deliver materials to a centralised body that has the relevant experience, expertise and skill
- delivering the capacity building, support resources and guidance that institutions need and seek.

We continually heard, in our case studies, research, private sessions and consultations, that institutions – particularly smaller or less regulated institutions such as faith-based institutions, sporting clubs and dance studios – need detailed guidance on how to become child safe. In our consultations, many institutions said they wanted a more prescriptive approach to the Child Safe Standards, to provide clarity and specific guidance on requirements. Smaller or less regulated institutions generally said they value online training and templates that draw on expert advice and collective experience as a starting point for these types of institutions to become child safe.²⁵⁴

In the *Sporting clubs and institutions* case study, we heard evidence from Mr James Holding, Chairman of Queensland Cricket, who agreed that by working together, sports and volunteer organisations could contribute to educating the community about child protection generally. Mr Holding said that most towns have a number of sporting clubs and it would be beneficial to have one member protection policy across all the different sports. He agreed that the Play by the Rules website offered a template for a uniform policy across all clubs.²⁵⁵

Commissioned research suggests that capacity building and support resources should be simple, streamlined and readily accessible, for example available on central websites.²⁵⁶ Play by the Rules (see Section 4.5) and certain functions of Safe Work Australia are examples of centralised capacity building and support approaches. Safe Work Australia, the national policy coordination body for WHS, builds capacity and gives support to promote compliance with WHS requirements.

Safe Work Australia's support on WHS and workers compensation arrangements

Safe Work Australia leads the development of national policy to improve work health and safety and workers compensation arrangements across Australia. In 2014–15, Safe Work Australia:

- published 59 new and revised model codes of practice and guidance materials
- delivered training and convened meetings and committees
- hosted a free online event over Safety Month, in October 2014, that used web content, streaming to mobile and desktop devices, and a dedicated YouTube channel, to disseminate 39 live panel discussions, videos, reports and infographics.²⁵⁷

Commissioned research also suggests a need for 'communities of practice' focused on the safety needs of children with disability in Australian institutions. Communities of practice are 'groups of people who come together, face to face or virtually, to share knowledge and experience to forge better practice in their respective fields of endeavour'.²⁵⁸

Many and varied sectors that include institutions engaged in child related work would be required to implement the Child Safe Standards. The sectors include child protection, health, justice, education, childcare, disability and community services, sports and recreation, out-of-home care and faith-based. Communities of practice could be fostered across and within sectors, through a centralised approach to capacity building and support that encourages and facilitates collaboration between experts and practitioners.

Institutions need quality guidance, resources and training that can be applied or adapted to different institutional contexts. Authoritative, evidence-based resources would improve the quality and consistency of the child safety initiatives to better protect children and reduce the burden on institutions complying with the Child Safe Standards.

A centralised approach to capacity building resources would be a more cost effective way for governments to develop, deliver and maintain quality assured capacity building and support resources for institutions to improve the safety of children in institutions across Australia. Resources and initiatives for collaboration could be located on and facilitated through a central online website. A consistent approach to capacity building and support would also promote opportunities for collaboration across jurisdictions, sectors and institutions.

4.6.2 Evaluation and continuous improvement

Evaluation facilitates effective systems for protecting children and the continuous improvement of these systems. An environment of evaluation and greater transparency and public reporting is likely to influence performance and behaviours on the ground.²⁵⁹

To date, policy evaluation has been scant on whether child safe approaches at the national, state and territory level are working or have made a difference in protecting children from harm.

Lack of evaluation and data

At the time of writing, there were no evaluations or reviews of child safe approaches in Australia. No evaluation studies have been published on the effectiveness of child safe institution frameworks or on institutions' uptake and use of the Creating Safe Environments framework or the ACCG child safety principles. The extent of their implementation is unknown. State and territory approaches also lack public reporting and evaluation mechanisms. Some, but not all, state and territory child safe institution schemes require the relevant department to report to ministers on progress.

The New South Wales Government told us, in a submission to the Royal Commission, that 'the evidence base for the range of strategies associated with making an organisation child safe does not appear to be as strong as it is for other aspects of child protection'.²⁶⁰ We are aware of only limited data collection initiatives in the child safe institution context, including the following:²⁶¹

- The Australian Institute of Health and Welfare is collecting data on the proportion of children aged 0–17 years who were the subject of child protection substantiation for sexual abuse as part of its National Child Protection Data Collection project. This initiative has been advanced as part of work under the National Framework for Protecting Australia's Children 2009–2020. However, we are advised that demographic data is not gathered consistently across jurisdictions. This means it is currently not possible to report nationally on substantiations for children with disability, which is 'a major weakness that undermines Australia's ability to monitor the effectiveness of safeguarding measures'.²⁶²

- The Productivity Commission's *Report on Government Services* reports on the rate of substantiated abuse in care across jurisdictions where data is available. The report uses information collected by the Australian Institute of Health and Welfare. The Productivity Commission noted the lack of comparability of this data across jurisdictions. The report demonstrated a lack of progress in improving safety for children since 2009–10.²⁶³
- The Australian Bureau of Statistics *Recorded Crime – Victims* annual release collection reports on the rate of children aged 0–14 years who have been victims of sexual assault.²⁶⁴

Several submissions to our child safe institutions issues paper told us that testing the effectiveness and impact of child safe strategies was extremely challenging due to the absence of methodically rigorous, nation-wide studies into the prevalence or incidence of child abuse or neglect.²⁶⁵ Without reliable prevalence studies, Australia has no starting point for measuring the effectiveness of child safe strategies.²⁶⁶ Australian Children's Commissioners and Guardians told us:

It is difficult to comprehensively test and measure the effectiveness of 'child safe organisation' strategies. The intended outcome is the prevention of harm to children and young people, and as harm is underreported, we have insufficient baseline data, and cannot ensure that future reported rates of harm in organisational contexts are an accurate reflection of outcomes.²⁶⁷

Similarly, the Truth Justice and Healing Council told us:

Given that no authority is aware of the frequency of sexual abuse in Australian organisations, it currently cannot be proven or disproven that the introduction of child safe strategies will be effective in reducing sexual abuse.²⁶⁸

We acknowledge the challenge of evaluating the outcomes of the child safe strategies given the lack of data – particularly data on the prevalence of child sexual abuse in institutions – against which to measure progress towards child safety in institutions. The prevalence of institutional child sexual abuse, and disaggregated data of children who have experienced sexual abuse – including their background, disability, the types of institutions and circumstances in which they are abused – should be an essential baseline for evaluating child safe approaches and strategies aimed at protecting children. Commissioned research has recommended a possible approach to a prevalence study (see Volume 2, *Nature and cause*).

Importance of evaluation, public reporting and continuous improvement

Stakeholders in our consultations overwhelmingly considered that evaluating the effectiveness of any new approach to child safety in institutions is vital to help governments know whether child safe strategies protect children from harm and guide improvements to these strategies.²⁶⁹ Evaluation promotes continuous improvement. Monitoring and assessing implementation and effectiveness can inform further improvements to policy.²⁷⁰

Commissioned research noted that ‘large scale reforms required an overarching body with the task of monitoring implementation of reform, and these bodies need to be adequately resourced’.²⁷¹ Statutory oversight bodies such as ombudsmen or children’s commissioners can play an important role in monitoring reforms.²⁷² The research further found that it is essential to ‘extend the knowledge base about what particular approaches work, and why other approaches don’t, providing an opportunity to modify the strategies’.²⁷³

Similarly, commissioned research supported the need for evaluation and review. It suggested that the elements of child safe institutions should be tested, ‘by evaluating the processes, costs, and outcomes of implementing the elements in a range of organisations of different types and sizes’.²⁷⁴

Public reporting on the performance and impact of activities is critical to transparent and accountable government.²⁷⁵ The Queensland Government told us ‘Public confidence in the system would be improved if greater attention was invested in measuring results for children’.²⁷⁶ The New South Wales Government also noted that:

NSW would support the establishment of an evaluation or research program to measure the effectiveness of child safe strategies. Not only would this fill a gap in the understanding of the extent to which these prevent harm, it would also provide a strong evidence base to inform future developments in child safe practice.²⁷⁷

The Productivity Commission has recognised the need to improve the evidence base on government interventions. It has proposed expanding its role from reporting on the performance of jurisdictions in delivering outputs and outcomes through the *Report on Government Services*.²⁷⁸ The Productivity Commission has also suggested it could examine the link between the intervention and the change (or lack of change) in outcomes. This:

more rigorous and nuanced evidence base would enable governments to draw on those policies/programs/interventions that work, and learn from those that have not worked, and so deliver services more efficiently and effectively.²⁷⁹

Involving children and young people

We have been told children should be engaged in the continuous improvement of the Child Safe Standards. The Australian Human Rights Commission said:

Capturing the views of children and young people about environments which make them feel safe, and those which do not, is a critical and ongoing challenge at the national level.²⁸⁰

In our consultations with children and young people, we heard from one young person that incorporating and recognising the views of young children should be a priority:

... speaking from experience, at our school we've had a couple of things that the student body have requested, we have been requesting it for a couple of years, and it's been taken into consideration and it's been pending, but there's other stuff that has taken priority. And like, you know, kind of bogged down, looked over. So if I was in charge I would definitely, like, you know, put what the students' views are as the first priority obviously, because they're the ones who are being educated and it should be up to, like, top standards.²⁸¹

Another young person told us:

We do have quite a bit of freedom to, like, affect attendance like this and do things outside of school, it is negotiable with the school. But the way the actual school runs and the rules and regulations that the school puts in place are – we don't get any say in how those are put in and even though we have to obey them, we don't get to tell the school, 'Oh, we'd like to do it this way', or 'Can we discuss it with you?'²⁸²

Incorporating children's views into the continuous improvement process will lead to better outcomes and engage children in advocating for child safety within their communities and institutions. A young person commented that having a chance to give their own views about issues relating to the operation of the school 'makes me feel that my say is important and it does have an impact in some way'.²⁸³

In its research into young people, engagement and public policy, the Young and Well Cooperative Research Centre found that:

Young and adult participants recognised meaningful engagement as essential to give voice to the marginalised and disenfranchised, as well as a mechanism through which to improve policy decisions that lead to better outcomes – not only for young people, but for Australian society in general.²⁸⁴

We are aware that supporting the participation of all children in such processes requires close attention to their diverse needs. Research we commissioned into child sexual abuse and disability highlighted that ‘despite heightened risk’ children with disability are absent in any substantive way from frameworks and plans. A focused effort is needed to include the most vulnerable children in these frameworks and plans, including children with disability:

The principle of ensuring the voices of children are present in matters affecting their lives is now well accepted. This principle needs to be extended to children with disability, and particularly as active participants in developing protective behaviours ²⁸⁵

The evaluation and public reporting of the implementation and outcomes of child safe approaches is crucial to improving and reforming the protection of children from institutional sexual abuse and other forms of abuse.

We believe that there should be a national role to evaluate and publicly report on the implementation and outcomes of the national Child Safe Standards, and other child safe approaches. The same entity that undertakes the national capacity building and support role would be well placed to do this evaluation. Evaluation should ideally be independent to allow frank analysis of regulatory approaches and recommendations for improvement, and could include process, outcome and economic evaluation.

Public reporting on implementation of child safe approaches is important for transparency and accountability, as it allows public scrutiny of its progress and performance.

Governments should be held to account for their implementation through comparative evaluation and benchmarking. Public reporting would put pressure on jurisdictions to undertake this work. State and territory oversight bodies should work collaboratively with the national body on implementing the standards in their jurisdictions.

Evaluating the national Child Safe Standards and their implementation and outcomes will also foster continuous improvement. The national standards are intended to be dynamic and responsive, and should be updated to take into account new information on how children can be kept safe in institutions. Recommendations for change should be made based on evidence, including evaluations. The establishment of a research program would better support continuous improvement.

We acknowledge the concerns raised by our stakeholders about the lack of data on the prevalence of institutional child sexual abuse. In Volume 2, *Nature and cause* we recommend that the Australian Government conduct and publish a nationally representative prevalence study, consistent with the findings from the Royal Commission’s prevalence scoping study, to establish the extent of child maltreatment in Australia. We also recommend that the Australian Government replicate and publish the prevalence study with 18–25 year olds every five years to monitor changes in the extent of child maltreatment over time.

Recommendation 6.13

The Australian Government should require all institutions that engage in child-related work for the Australian Government, including Commonwealth agencies, to meet the Child Safe Standards identified by the Royal Commission at Recommendation 6.5.

Recommendation 6.14

The Australian Government should be responsible for the following functions:

- a. evaluate, publicly report on, and drive the continuous improvement of the implementation of the Child Safe Standards and their outcomes
- b. coordinate the direct input of children and young people into the evaluation and continuous improvement of the Child Safe Standards
- c. coordinate national capacity building and support initiatives and opportunities for collaboration between jurisdictions and institutions
- d. develop and promote national strategies to raise awareness and drive cultural change in institutions and the community to support child safety.

4.6.3 National Framework for Child Safety

In examining the current approaches governments are taking to prevent, better identify and improve responses to institutional child sexual abuse, we have identified significant variation between jurisdictions. Some jurisdictions are taking some action towards making institutions safer for children, but children in some jurisdictions or in some institutional settings are not as well protected. There are gaps, inefficiencies and injustices. Child safety requires national leadership and a coordinated intergovernmental, interdisciplinary response from a multitude of sectors, such as justice, child protection, health, education and community services. All three tiers of government (federal, state and territory, and local) must work together with these sectors.

Currently, the Australian Government oversees the National Framework for Protecting Australia's Children 2009–2020. We heard that greater national leadership is needed. For example, in our consultations, a non-government representative told us:

I think there has to be a role for the Commonwealth. I think apart from that being important to drive national standards and national focus, there's probably a degree of expectation now this commission having come from a federal government reference, and a degree of momentum around this issue, there will be a level of expectation in the community that the Commonwealth will play a role.²⁸⁶

The Australian Government must lead, support and coordinate a nationally consistent approach to improving child safety and assist other governments and institutions as they strive to be child safe. In its progress report on 25 years of the United Nations Convention on the Rights of the Child (UNCRC) in Australia, the Australian Child Rights Taskforce recommended that an Australian Government minister be assigned ‘lead responsibility for policy regarding children and young people’.²⁸⁷

International human rights experts have recommended that countries have a national plan for the strategic coordination of initiatives to prevent all forms of violence against children, in accordance with Article 19 of the UNCRC. These experts include the UN Committee on the Rights of the Child,²⁸⁸ UN Special Representative of the Secretary-General on Violence Against Children,²⁸⁹ independent expert for the UN Study on Violence Against Children, and the Global Partnership to End Violence Against Children.²⁹⁰ In Australia, the Australian Child Rights Taskforce (Australia’s peak child rights network) recommended the development of a national plan for children.²⁹¹

In 2011, in its general comment No. 13 on the right of the child to freedom from all forms of violence in accordance with Article 19 of the UNCRC, the UN Committee on the Rights of the Child recommended a coordinating framework for protecting children from all forms of violence. The recommendation noted that this coordinating framework should include a resource allocation, coordination mechanisms and accountability.²⁹²

An improved national and evidence-based approach to child safety in institutions across Australia, with national leadership, strategic coordination and support, is required.

Current National Framework for Protecting Australia’s Children

The National Framework for Protecting Australia’s Children 2009–2020 is a national coordinating policy document that aims to ensure ‘Australia’s children and young people are safe and well’ as well as to achieve ‘a substantial and sustained reduction in child abuse and neglect’.²⁹³ The national framework acknowledges that ‘protecting Australia’s children is everyone’s responsibility’.²⁹⁴ It makes clear that federal, state and territory governments, and non-government institutions, need to work together to protect Australia’s children.²⁹⁵ It is a 12-year strategic framework for reform with rolling three-year action plans.²⁹⁶ The national framework is currently implementing its Third Action Plan 2015–2018.

The national framework has significantly raised the profile of child protection on the national agenda and made some progress in coordinating a national approach to protecting children. However, limitations in the design and implementation of the national framework have hindered progress, including:

- governance
- funding
- child protection focus
- research agenda
- transparency and accountability.

Governance

The national framework was endorsed by COAG in April 2009. It aims to align existing initiatives and state and territory government reforms to deliver a 'more integrated response but does not change the responsibilities of governments'.²⁹⁷ Non-government representatives were included in its advisory committee and working groups.²⁹⁸

An independent evaluation of the national framework in 2015 found this cooperation with the non-government sector to be a strength, giving stakeholders a forum for meaningful collaboration and embedding integration between government and non-government sectors.²⁹⁹ The evaluation noted that the non-government representatives have remained stable, while structural and personnel changes across governments have delayed progress. Changes in the political environment have also created challenges for implementing the national framework.³⁰⁰ A notable concern was that the streamlining of COAG reforms was said to have 'removed any clear line of sight between COAG and the National Framework'.³⁰¹

Despite the changing context, the evaluation found the national framework had been a significant step in coordinating child wellbeing and child protection stakeholders in Australia and an important advocacy tool.³⁰² It had been successful in raising the profile of child protection by establishing national commitment that improved national consistency and collaboration.³⁰³ Many submissions to the *Child safe institutions* issues paper supported building a nationally consistent approach to child safe institutions on the work of the national framework.³⁰⁴

Funding

The national framework has baseline funding of \$2.6 million per year. In addition, successive Australian Governments have invested additional funding to implement initiatives of national significance under its three action plans. The First Action Plan was allocated \$63 million over the first four years, and the Second Action Plan approximately \$15 million. As at May 2016, approximately \$14.35 million had been allocated for the Third Action Plan and related activities.³⁰⁵

In contrast, approximately \$300 million has been invested for specific initiatives under the three action plans of the National Plan to Reduce Violence against Women and their Children 2010–2022. This funding is in addition to the approximate \$25 million each year of ongoing funding that underpins the national plan.³⁰⁶

The funding the Australian Government allocated to the First Action Plan of the national framework, and their leadership role, contributed to high expectations in early stages about what could be achieved.³⁰⁷ This funding and leadership, combined with clarity of purpose and strong governance arrangements, saw significant activity and achievement of signature outcomes under the First Action Plan, such as the development of the National Standards for Out-of-home Care.³⁰⁸ In comparison, implementation of the Second Action Plan was considered poor. Reasons cited in the evaluation included too many poorly targeted initiatives that were not properly supported or resourced: ‘There was no real funding attached to it’.³⁰⁹

Funding of initiatives under the national framework was also time-limited. The evaluation indicated this was a source of frustration for stakeholders who considered it limited the effectiveness of initiatives and the national framework more broadly.³¹⁰ This was particularly the case for initiatives that had shown considerable promise following evaluation.³¹¹

Adequate and sustained funding plays a critical role in the success and effectiveness of national initiatives and their implementation.

Child protection focus

The national framework has focused on improving and enhancing Australian child protection systems, mainly with traditional child protection stakeholders. It has not had enough focus on preventative approaches, nor adequately linked up with the broad range of sectors providing services for children such as education, justice and health.

The national framework intends to ‘move from seeing “protecting children” merely as a response to abuse and neglect to one of promoting the safety and wellbeing of children’.³¹² It sets out a primary health approach where ‘priority is placed on having universal supports available for all families (for example, health and education)’.³¹³ Despite these aims, the independent evaluation of the national framework referred to earlier found many stakeholders believed it had too much focus on state and territory statutory child protection systems. The Australian Government and state and territory governments should implement necessary reforms throughout the child protection system, but investment and action is needed to prevent child abuse and neglect. The evaluation looked at changes in jurisdictional expenditure per child in child protection and family support activities between 2007–08 and 2013–14. It found that the only real change was an increase in expenditure in tertiary activities such as out-of-home care and child protection.³¹⁴ This does not indicate the desired shift from responding to abuse and neglect to promoting the safety and wellbeing of children.

The first two action plans implemented by the national framework did not include any actions to make institutions child safe, other than national standards for out-of-home care. The Third Action Plan 2015–2018 has a greater focus on prevention, including a strategy to improve child safety in organisations.³¹⁵ This strategy includes the review and implementation of the 2005 Creating Safe Environments framework, which is limited to community services organisations.³¹⁶ Community Service and Disability Ministers have since agreed to the development of a National Statement of Principles for Child Safe Organisations for all sectors (see Section 4.4).³¹⁷

The other actions under the Third Action Plan aim to improve statutory child protection systems. For example, strategies 1 and 2 focus on families and children at risk or currently involved in the child protection system.³¹⁸ National action on children’s safety must be coordinated around a primary health approach and focus on preventing all forms of violence against children, including through community prevention strategies, child safe institution standards and regulatory prevention mechanisms such as improved oversight of institutional complaint handling, as we are recommending.

Child protection departments and child protection service providers dominate the stakeholders and governance groups of the national framework.³¹⁹ However, child safety is not an issue only for state and territory child protection departments. It requires national leadership and a coordinated interdisciplinary response across multiple sectors and all jurisdictions. We have recommended that institutions that engage in child-related work be required to implement the Child Safe Standards.

Governance of the national framework or any future framework should include relevant cross-sectoral stakeholders, consistent with the national framework tagline ‘protecting children is everyone’s business’. This includes stakeholders from sectors in scope of the standards such as child protection, health, justice, education, childcare, disability and community services, sports and recreation, out-of-home care and faith-based sectors. Representation from government and across relevant industry bodies in a national framework will help to engage these sectors in taking responsibility for child safety.

Research agenda

The national framework has recognised the need for more evidence-based research to support initiatives to improve child safety, but more work is needed.³²⁰

The National Research Agenda for Protecting Children (2011–2014) is a key action of the national framework, focused on building the evidence base on preventing all forms of violence against children.³²¹ The national framework included \$650,000 for a number of research projects under this research agenda.³²² The independent evaluation of the national framework found that stakeholders considered this funding to be insufficient.³²³ The Third Action Plan includes the development of a new research agenda, but it is unclear what funding had been allocated.³²⁴ No actions have been included to establish a measure of the prevalence of child sexual abuse. The evaluation found the absence of a measure of child sexual abuse and neglect

more generally ‘was a particularly pressing concern for stakeholders with research perspectives. This absence was considered very limiting for embedding a public health model’.³²⁵ Data on the prevalence of institutional child sexual abuse would provide an invaluable baseline to inform evaluation of child safe approaches and strategies aimed at protecting children.

We have also recommended a possible approach to a prevalence study (see Volume 2, *Nature and cause*) and have written in detail about the need for more research to inform community prevention strategies (see Chapter 2).

Transparency and accountability

The lack of transparency of the national framework encompasses critical aspects such as progress of implementation and its effectiveness.

The national framework sets out that the now defunct Community and Disability Services Ministers’ Conference would report annually to COAG on progress in implementing the actions under the national framework.³²⁶ The Third Action Plan specifies that implementation will continue to be monitored through annual reports, but does not specify the bodies responsible for, or receiving, this reporting, nor whether these reports are published.³²⁷ At the time of writing, annual reports up to 2013–14 were available on the Department of Social Services website and recent data on the 27 indicators is also available online.³²⁸ These indicators provide information on long-term outcomes of the national framework such as the rate of child protection substantiations. Scant information is available on the effectiveness of actions under the national framework.

The national framework’s effectiveness must be evaluated to inform the continuous improvement of national policy to protect children, and must be published to keep governments accountable and to share knowledge about the effectiveness of approaches.

Proposed National Framework for Child Safety

We believe a new National Framework for Child Safety is the best mechanism to coordinate child safety initiatives across sectors, and to shift the culture in institutions and broader communities across Australia to value children and respect their rights. A national framework will commit governments to a long-term vision to improve child safety, and establish a basis for collaboration within and across governments and sectors.

Elevating the importance of child safety in governments, institutions and the community will contribute to cultural change for the benefit of children. National commitment will establish child safety as a priority for governments and the community, and improve the protection of children in all states and territories. Child safety is not only an issue for state and territory child protection departments. It requires national leadership and a coordinated interdisciplinary response across many sectors, such as justice, child protection, health, education and community services.

Focus of the proposed framework

The Royal Commission is focused on sexual abuse of children in institutions. However, most child safety initiatives have broader application. They aim to help institutions prevent and identify all forms of violence against children, and improve responses to them. We have been told by many survivors of child sexual abuse in institutions that they also experienced physical abuse, psychological maltreatment and neglect as children. Of all survivors we heard about in private sessions, 57.3 per cent told Commissioners they had experienced other forms of abuse, in addition to institutional child sexual abuse. Governments should therefore coordinate action across related child safety policy areas, recognising that different forms of abuse occur both separately and together.

The National Framework for Child Safety should broadly aim to reduce the risk and appropriately respond to all forms of violence against children in Australia. It should commit governments to improving the safety of all children by implementing long-term child safety initiatives, with appropriate resources, and hold them to account. The new framework should include national measures that address all forms of violence against children in all contexts, such as preventing child sexual abuse in institutions. By clearly committing governments to improving child safety, the new framework will enable the community, parents and children to expect and demand institutions be child safe and hold institutions to account for the safety of children in their care.

It should also include initiatives specific to preventing and responding to child sexual abuse in institutions. This would include outcomes related to relevant Royal Commission recommendations, such as:

- implementation of the national Child Safe Standards, including monitoring, enforcing and capacity building, the Royal Commission's work on improved oversight of institutional complaint handling, advocacy, support and therapeutic interventions for children with harmful sexual behaviours
- a national strategic approach to community prevention of child sexual abuse
- national consistency for Working With Children Checks, reportable conduct, information sharing and recordkeeping.

These initiatives, and any other initiatives under the National Framework for Child Safety, should be provided with adequate funding to enable their successful implementation and a nationally consistent approach to children's safety.

Governance and implementation

The Australian Government plays an important role in supporting families and children by providing universal services and preventative initiatives, and delivering targeted services for vulnerable families and children. The Australian Government also has broader international legal obligations to advance the rights of children as a signatory of the UN Convention on the Rights of the Child and other relevant international human rights instruments. Strong Australian Government leadership on the National Framework for Child Safety would be consistent with these commitments.

The Australian Government should lead and coordinate the National Framework for Child Safety, for national consistency and to promote improved outcomes for the safety of all children. This builds on the role that it already plays in the National Framework for Protecting Australia's Children. States and territories should have primary responsibility for implementing most child safe initiatives.

We recommend that all governments commit to a new National Framework for Child Safety spanning at least a 10-year timeframe. The National Framework for Protecting Australia's Children expires in 2020. Thus the Australian Government should begin planning and developing the new framework immediately, in collaboration with state and territory governments, local governments, child-related sectors and communities, including children and young people.

COAG and a joint ministerial body should be responsible for the National Framework for Child Safety. COAG should delegate the joint ministerial council the responsibility for its implementation, with the council reporting frequently to COAG. This mechanism will hold all levels of government accountable for responding to the rights of children.

One of the strengths of the current national framework is the inclusion of non-government organisations in its governance. A multi-sectoral advisory body should be established to guide the National Framework for Child Safety in promoting the active participation of stakeholders across relevant populations and sectors implementing the Child Safe Standards. The advisory body could comprise representatives from child-related institutions, peak bodies, all levels of government, non-government organisations, community groups, as well as children and young people. Critical stakeholders from other existing policy frameworks and initiatives relevant to child safety, and other national strategies for children, could also participate in the advisory body to maximise synergies, interdisciplinary expertise and resources to address all forms of violence against children.

Governments should commit sustained and adequate funding to initiatives under the National Framework for Child Safety.³²⁹ Neither the current national framework, nor its Third Action Plan, mention funding arrangements. Evaluation of the current national framework found that the lack of funding for the Second Action Plan was one of the reasons it was poorly implemented.³³⁰ Significant and sustained funding would demonstrate that the Australian Government considers child safety to be a national priority, worthy of investment.

Leveraging other relevant national initiatives

Several other national policy initiatives relate to child safety. Specifically embedding the prevention of all forms of violence against children into these frameworks is an important aspect of ensuring that child safety is everyone's responsibility.

We believe strong links should be made between relevant frameworks, including the National Plan to Reduce Violence against Women and their Children 2010–22³³¹ and the National Disability Strategy 2010–2020,³³² as well as other national strategies for children (listed below). The links could be through representation on the advisory body and through the functions of the National Office for Child Safety (see Section 4.6.4).

The current national framework does not adequately engage stakeholders outside of the child protection sector. It could link up with sector-specific quality improvement initiatives in these sectors to ensure that child safety is seen as a priority. Similarly, sector specific frameworks should acknowledge links with national initiatives to make institutions safer for children.

Commissioned research found that children looked to institutions' responses to bullying to predict how the institution might respond to children's other safety concerns.³³³ Action on bullying is coordinated nationally as part of the National Safe Schools Framework. Given the relationship between bullying and broader safety issues, the National Safe Schools Framework should be closely connected to other child safety initiatives.³³⁴ Volume 13, *Schools* has more information about the National Safe Schools Framework. We also heard in our consultations of the need for a national public information strategy to raise community and family awareness of children's rights that builds on existing prevention campaigns, such as family violence, bullying and gender equality.

We consider a number of related frameworks could benefit from strong links with the National Framework for Protecting Australia's Children, to provide a more holistic approach to child safety, for example:

- National Plan to Reduce Violence against Women and their Children³³⁵
- National Disability Strategy³³⁶
- National Safe Schools Framework³³⁷
- National Quality Framework for Children's Education and Care Services³³⁸
- Australian Safety and Quality Framework for Health Care³³⁹
- National Standards for Out-of-Home Care³⁴⁰
- National Mental Health Strategy.³⁴¹

Recommendation 6.15

The Australian Government should develop a new National Framework for Child Safety in collaboration with state and territory governments. The Framework should:

- a. commit governments to improving the safety of all children by implementing long-term child safety initiatives, with appropriate resources, and holding them to account
- b. be endorsed by the Council of Australian Governments and overseen by a joint ministerial body
- c. commence after the expiration of the current National Framework for Protecting Australia’s Children, no later than 2020
- d. cover broader child safety issues, as well as specific initiatives to better prevent and respond to institutional child sexual abuse including initiatives recommended by the Royal Commission
- e. include links to other related policy frameworks.

4.6.4 National Office for Child Safety

From the evidence before us, we are of the view that the Australian Government should lead and coordinate the implementation of child safety initiatives. This builds on the role that the Australian Government already plays in the National Framework for Protecting Australia’s Children 2009–2020.

The Australian Government should establish a National Office for Child Safety to drive strategic coordination for improving children’s safety. This office should provide national leadership for all national initiatives related to child safety in all contexts. Its role should be broader than institutional child sexual abuse.

The main functions of the National Office for Child Safety would be to:

- develop and lead the coordination of the National Framework for Child Safety, which will succeed the existing National Framework for Protecting Australia’s Children. This would include the national coordination of the Child Safe Standards; other Royal Commission recommendations on creating child safe institutions, and national prevention and response strategies for improving child safety more broadly, across governments, sectors and communities
- coordinate and enhance the synergies between existing policy frameworks and initiatives relevant to child safety, to improve collaboration, efficiencies and sharing of resources between and across all child-related sectors and services

- coordinate national capacity building and support initiatives, and lead collaboration between jurisdictions, sectors and institutions, which should include national capacity building and support initiatives relating to the national Child Safe Standards
- lead the evaluation and continuous improvement of the implementation and effectiveness of national child safety initiatives, in collaboration with state and territory governments, and publicly report to the Australian Parliament
- promote respect for children, their participation and empowerment, and include their views in policy and public debate, for example by coordinating the direct input of children and young people into the evaluation and continuous improvement of the national Child Safe Standards
- advise national research bodies on child safety research priorities, including the proposed national centre dedicated to stigma reduction and practice reform (see Volume 9, *Advocacy, support and therapeutic treatment services* for further details).

In Chapter 2 we argue that the National Office for Child Safety should lead the strategic coordination of a national community prevention strategy through partnerships with state, territory and local governments, the non-government sector and communities. State and territory governments would be required to work with the Australian Government to implement initiatives and provide joint investment. Community prevention campaigns require a ‘whole-of-nation’ response, not just a ‘whole-of-government’ response. This also requires community partnerships and community participation at the centre of program design and implementation.

We believe national consistency and improvements to the capacity of institutions to be child safe are best delivered by the National Office for Child Safety. The National Office for Child Safety is best placed to facilitate opportunities for collaborating, sharing best practice and evidenced-based resources, and establishing communities of practice.

Research and evaluation of initiatives to prevent institutional child sexual abuse requires a national approach.³⁴² We believe that the National Office for Child Safety should evaluate and publicly report on the implementation and outcomes of child safety initiatives. A nationally coordinated research program could be established by the National Office for Child Safety to gather new evidence about child safety, to support continuous improvement.

There should be an Australian Government Minister with portfolio responsibility for children’s policy issues, including the National Framework for Child Safety, and clear responsibility and accountability for national leadership of child safety. Creation of such a portfolio would cement child safety as a national priority. The portfolio should include responsibility for the implementation and effectiveness of the National Framework for Child Safety and its associated initiatives. Clear ministerial accountability may help to avoid the failings in governance and transparency that have contributed to a lack of progress under the current national framework.

The Australian Government should move expeditiously to establish the National Office for Child Safety in the Department of the Prime Minister and Cabinet. Situating the office within a central agency will emphasise the national importance of child safety, accommodate the need to take a whole-of-government approach, and enable high level engagement with state and territory governments.

Within 18 months, the Australian Government should transition the National Office for Child Safety into an Australian Government statutory body, given the national significance and importance of the issue of child safety. Establishment by legislation would help ensure that the National Office has longevity, sufficient powers, appropriate governance and accountability arrangements, and the resources to perform its functions. It should report annually to Parliament and be subject to standard legislative review processes.

The National Office for Child Safety may work with other relevant bodies to perform some of its functions, where they have particular expertise. For example, the Australian Government Department of Social Services could play a role in coordinating social services institutions, building on its current role in the current national framework. The National Children's Commissioner is well placed to promote respect for children's rights, participation and empowerment, and include their views in policy and public debate, given its current responsibilities on the UN Convention on the Rights of the Child. The Office of the Commonwealth Ombudsman could also play an important role, particularly given its expected national coordinating role of the network of Australian inspectorates to monitor all places of detention, following the expected ratification of the UN Optional Protocol to the Convention against Torture by December 2017.³⁴³

Adequate funding from the Australian Government will be required to establish and resource the National Office for Child Safety.

Recommendation 6.16

The Australian Government should establish a National Office for Child Safety in the Department of the Prime Minister and Cabinet, to provide a response to the implementation of the Child Safe Standards nationally, and to develop and lead the proposed National Framework for Child Safety. The Australian Government should transition the National Office for Child Safety into an Australian Government statutory body within 18 months of this Royal Commission's Final Report being tabled in the Australian Parliament.

Recommendation 6.17

The National Office for Child Safety should report to Parliament and have the following functions:

- a. develop and lead the coordination of the proposed National Framework for Child Safety, including national coordination of the Child Safe Standards
- b. collaborate with state and territory governments to lead capacity building and continuous improvement of child safe initiatives through resource development, best practice material and evaluation
- c. promote the participation and empowerment of children and young people in the national framework and child safe initiatives
- d. perform the Australian Government's Child Safe Standards functions set out at Recommendation 6.14
- e. lead the community prevention initiatives as set out in Recommendation 6.2.

Recommendation 6.18

The Australian Government should create a ministerial portfolio with responsibility for children's policy issues, including the National Framework for Child Safety.

4.7 A phased approach forward

Protecting children and promoting their safety is everyone's business. It is a national priority that requires a national solution. Everyone – the Australian Government and state and territory governments, sectors and institutions, and communities, families and individuals – has a role to play to better protect children in institutions.

Figure 6.2 outlines the recommended government functions in implementing national Child Safe Standards.

State and territory governments play a critical role in holding institutions to account for child safety by monitoring and enforcing mandatory child safe standards. We believe a state and territory based monitoring and compliance regime should ensure that all child-related institutions implement child safe practices and see child safety as a priority, using existing regulatory mechanisms where available. We believe this will contribute to genuine cultural change in institutions.

Consistent with best practice regulation, oversight bodies should take a responsive approach to compliance. This means enforcement efforts should focus on higher risk institutions, and regulators should respond to non-compliance with proportional interventions for those institutions unwilling and or unable to comply. We believe this approach recognises the diverse range of institutions and, importantly, prevents placing too high a cost and administrative burden on government to regulate the Child Safe Standards.

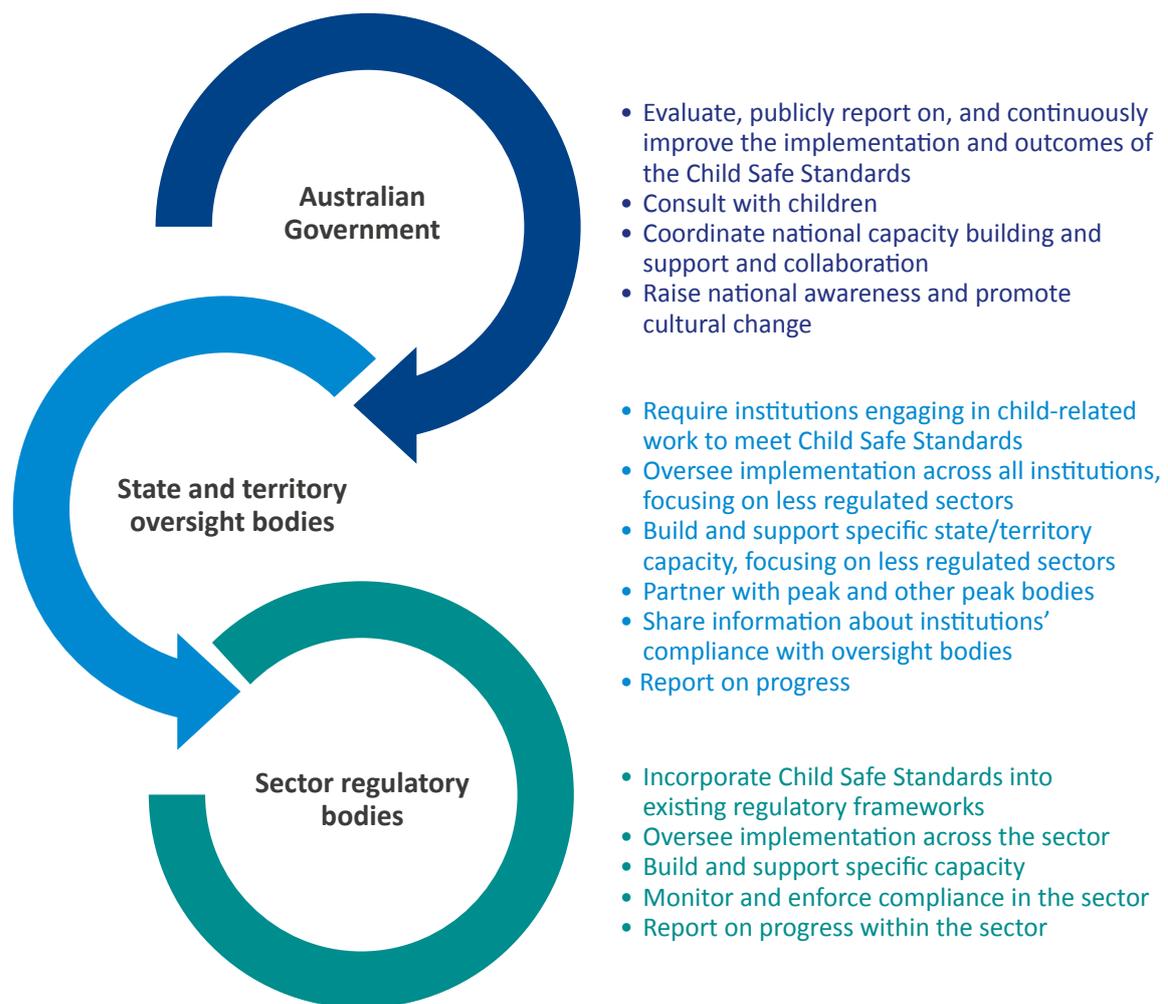


Figure 6.2 – Recommended government functions in implementing the Child Safe Standards

Regulators of a child safe approach should proactively work with institutions to ensure they are willing and able to comply with requirements. This means supporting and building the capacity of institutions to understand how and why they should comply with the child safe approach and what a child safe environment looks like. The level of support required by institutions to implement child safe practices will vary depending on the size and capacity of the institution, including their current engagement in child safe practices and their willingness to comply.

For institutions that represent a lower risk to children, government involvement in facilitating compliance with the Child Safe Standards would be relatively low, with compliance measures mainly focused on, for example, general education and capacity building and support. This means the burden of compliance for these types of institutions will be minimal and they will be able to implement the standards in a way that is proportional to their nature and characteristics. In contrast, for those institutions that represent a higher risk to children, such as youth detention facilities, compliance efforts by government would be more intense, with measures including frequent monitoring and auditing.

Regulators should also take a responsive approach to non-compliance. In other words, if the regulator becomes aware that an institution is not child safe, they should work collaboratively with the institution to achieve compliance. Compliance efforts would become more burdensome if institutions show a consistent unwillingness to comply. We believe regulators should have a suite of enforcement tools, such as powers to request information, orders to comply or penalties. They can deter non-compliance, or achieve compliance for institutions unwilling to be child safe. However, coercive measures should be used only when less interventionist measures have failed.

We consider this approach would minimise the burden on institutions and prioritise cultural change in institutions. Focusing regulatory efforts on improving safety for children, rather than reinforcing prescriptive requirements, will allow institutions to tailor child safe practices to their operational context, such as community, size, resources and risk to children.

We believe that in each state and territory an independent oversight body should be responsible for monitoring and enforcing the Child Safe Standards in institutions. This oversight body might be a jurisdictional children's commissioner or guardian. The oversight body should have access to all relevant information about the child safety of individual institutions, such as information about working with children checks, mandatory reports and reportable conduct. This information will help the oversight body monitor and enforce the standards. For example, if there are a number of allegations of reportable conduct at one institution, it may indicate that this institution needs assistance to be child safe.

In some jurisdictions it may be logical for oversight of the standards to be situated in the same body that administers other regulatory systems that aim to protect children in institutions, such as reportable conduct and Working With Children Check schemes. This oversight body would focus on institutions in those sectors that are less closely regulated by government and also provide a jurisdiction-wide leadership and capacity building role.

Where possible, each state or territory oversight body should delegate its regulatory functions to existing sector regulators. As in the Victorian child safe approach, the Child Safe Standards should be integrated into existing quality frameworks and regulatory regimes for institutions currently subject to government regulation. This would minimise duplication of regulatory efforts and reduce the burden on institutions. It would also leverage existing regulatory relationships and sector knowledge.

Figure 6.3 outlines the regulatory approach we propose for implementation of the national Child Safe Standards, and the role of the Australian Government, state and territory governments, and other actors.

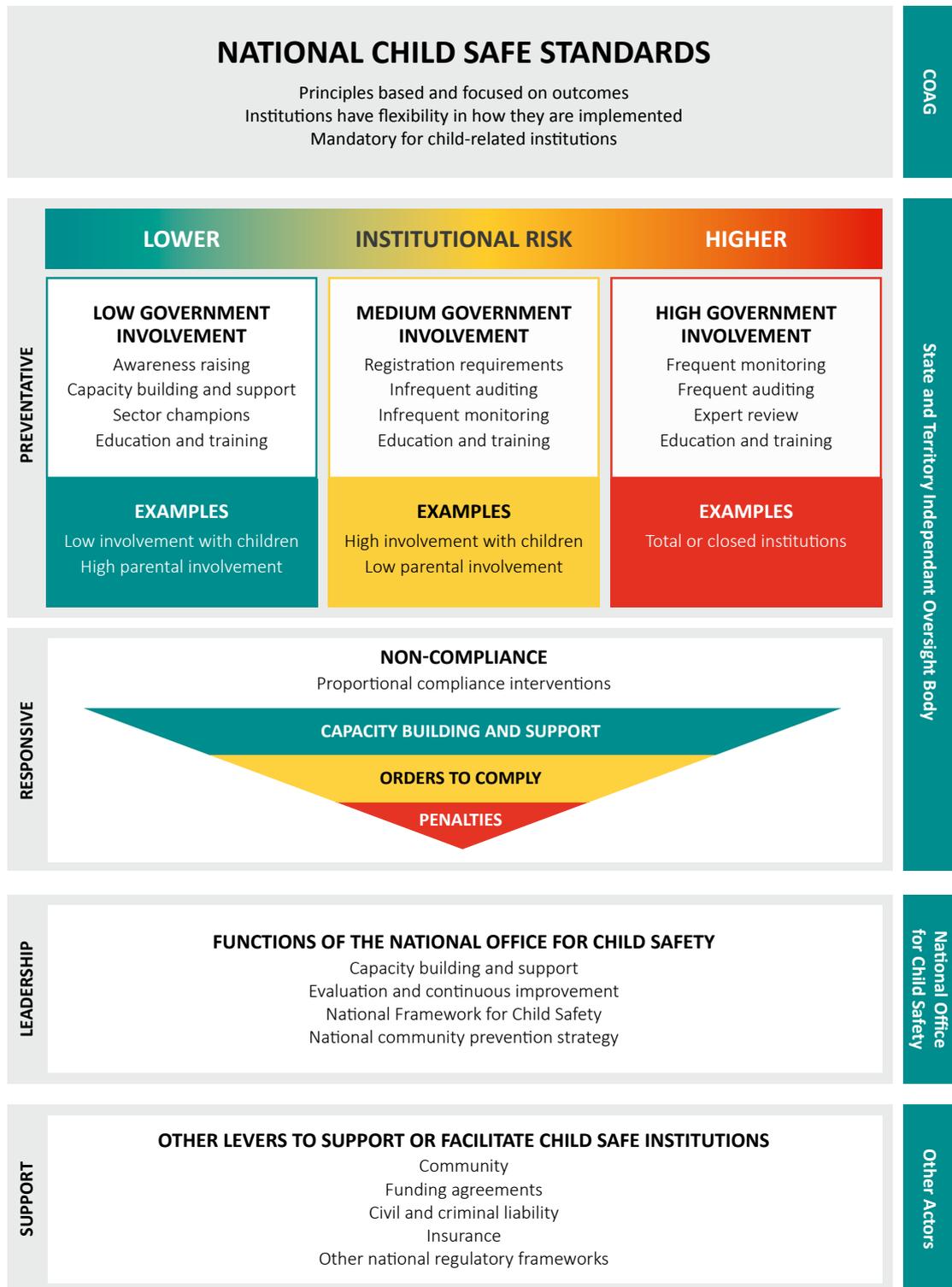


Figure 6.3 – Outline of the regulatory approach for the Child Safe Standards

Given the large number and varied institution types in the remit of the independent oversight body, the body should work closely with sector peak bodies, other government departments, sector champions and leaders, and educational institutions. These partnerships should promote the Child Safe Standards and build the capacity of institutions and individuals to comply.

The independent oversight body should perform the following functions:

- oversee and monitor the implementation of the standards
- monitor and enforce compliance with the standards
- advise and inform institutions and the community about the standards
- collect, analyse and publish data on the child safe approach in that jurisdiction, and report it to a national coordination body
- foster cooperative and consultative relationships with institutions and peak bodies
- provide, promote or support education and training on the standards to build the capacity of institutions to be child safe
- coordinate ongoing information exchange between oversight bodies relating to institutions' compliance (for more information, see Volume 8, *Recordkeeping and information sharing*).

For federally run services, we consider the Australian Government should ensure that any service it funds or delivers complies with the Child Safe Standards. We believe it is preferable that state and territory oversight bodies have the ability to facilitate compliance with the Child Safe Standards of federally-run institutions in their jurisdictions.

We recommend that a National Office for Child Safety be established and have a national leadership role to drive national consistency of child safe institutions, provide centralised capacity building for child safe institution resources and collaborate with all relevant bodies. It should also evaluate and report publicly on implementation of the national Child Safe Standards in states and territories, and its outcomes. As part of its role, the National Office for Child Safety should consult with children on their safety concerns and the effectiveness of the Child Safe Standards.

The Australian Government should establish a National Office for Child Safety in the Department of the Prime Minister and Cabinet, to provide a response to the implementation of the Child Safe Standards nationally, and to develop and lead the proposed National Framework for Child Safety. The Australian Government should transition the National Office for Child Safety into an Australian Government statutory body within 18 months of this Royal Commission's Final Report being tabled in the Australian Parliament. Establishment by legislation would help ensure that the National Office has longevity, sufficient powers, appropriate governance and accountability arrangements, and the resources to perform its functions.

We also recommend a new National Framework for Child Safety to succeed the current National Framework for Protecting Australia's Children 2009-2020.

The implementation of our recommendations for improving child safe approaches should be a priority for governments. Our recommended changes are significant and will affect a large number of institutions. Implementation should begin immediately, with a phased approach.

A phased approach to implementation is favoured to:

- emphasise the long-term cultural change needed
- allow time for institutions to build their capacity to comply with the Child Safe Standards, recognising that sectors vary in readiness to comply
- allow time for regulatory bodies and governments to build their own capacity to implement the changes and carry out new functions, as jurisdictions vary in their readiness to implement.

Table 6.2 illustrates an approximate timeline for implementing the Royal Commission's recommendations on implementing the standards.

Table 6.2 – Timeline for implementing the Child Safe Standards

Activity (Relevant recommendation)	Short-term (0–12 Months)	Medium-term 1–3 years	Long-term 3+ years	Lead body	Other involved bodies
COAG endorses national Child Safe Standards in the National Statement of Principles for Child Safe Organisations (Rec. 6.7)				Australian Government	COAG
Develop new National Framework for Child Safety (Rec. 6.15)				Australian Government	States and territories
Establish National Office for Child Safety in Department of the Prime Minister and Cabinet (Recs 6.16 and 6.17)				Australian Government	States and territories
National Office for Child Safety transitioned into a an Australian Government statutory body (Recs 6.16 and 6.17)				Australian Government	States and territories
Create ministerial portfolio with responsibility for child safety (Rec. 6.18)				Australian Government	
Independent oversight body designated in states and territories (Recs 6.10 to 6.11)				States and territories	National Office for Child Safety
Require institutions that engage in child-related work to meet the standards (Rec. 6.8, 6.9 and 6.13)	Institutions that are already regulated and or funded		All institutions	States and territories; Australian Government	National Office for Child Safety

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5 Preventing and responding to online child sexual abuse in institutions

5.1 Overview

Ensuring children are safe online is a growing area of concern in institutions and communities. Institutions must now respond to the emerging areas of risk of grooming, child sexual abuse and harmful sexual behaviours that are facilitated through digital technologies and online platforms. These risks arise beyond institutions' physical environment and immediate oversight.¹ Addressing these risks is a critical aspect of creating child safe environments for contemporary institutions.

5.1.1 Benefits of the online environment for children

The boundaries between online and offline interactions are becoming increasingly arbitrary and invisible for children. Whereas parents tend to distinguish between the offline and online worlds, for young people technology is simply another part of their everyday lives.

Nearly all children aged 8–17 years in Australia access the internet.² The importance they place on it significantly increases with age.³ The majority of 8–17 year olds use social networking services.⁴ Recent research indicates that almost 80 per cent of 8–9 year olds had used social media services at some stage, and that figure increases to 99 per cent by the age of 16–17 years.⁵ Whereas 8–11 year olds mainly used these platforms to play games, 12–17 year olds were more likely to use them to communicate with peers and others.⁶

In our consultations, the majority of young people told us that digital technology is not the 'problem' and it is a reality of modern life.⁷ Access to digital media is increasingly recognised as a critical component of children's rights.⁸ We often hear about the negatives associated with children and young people being online. However, access to the internet, including social media platforms and mobile devices, serves as a positive and beneficial aspect in children's lives in many ways. They build and maintain social relationships and networks; and have access to self-directed learning, information and professional advice and support, recreational spaces, and initiatives that promote health and wellbeing, financial literacy and empowerment.⁹

Access to online platforms can also have some benefits in relation to child sexual abuse. It can help young people to find information and advice on this issue, and provide channels for disclosure of child sexual abuse.¹⁰

Most young people told us they felt safe online and used a range of methods to improve their online safety. These methods included using privacy settings on social media accounts, making sure their public profile was appropriate, not accepting random contacts on online accounts, and blocking people who bullied them. However, not all young people felt safe. In our consultations, young people told us they had experienced, witnessed or knew those involved in some form of online sexual abuse.¹¹

Children's rights require a balance to be struck between empowering children to access the opportunities and advantages offered by access to digital media, and supporting them to avoid the associated risks.¹² These opportunities and risks often go hand in hand.¹³

Social media services

Drawing on the definition in the *Enhancing Online Safety Act 2015* (Cth),¹⁴ a social media service is an electronic service that satisfies the following conditions:

1. The sole or primary purpose of the service is to enable online social interaction between two or more end-users.
2. The service allows end-users to link to, or interact with, some or all of the other end-users.
3. The service allows end-users to post material on the service.

5.1.2 Emerging risks to children online

The nature of the online environment and the evolving ways it is used create a number of specific risks that need to be considered and minimised to better protect children from harm. In addressing online child sexual abuse or harmful sexual behaviours by children, we considered:¹⁵

- the use of online communications for grooming purposes by adult perpetrators
- the use of digital technologies and platforms to produce, distribute, broadcast and traffic child sexual exploitation material (child pornography), including images, video and live-streaming of sexual abuse of children
- image-based abuse, which involves non-consensual sharing or publishing of sexual or intimate images for the purposes of humiliation, blackmail, payback or trafficking, and includes 'sextortion', where threats are made to expose a sexual image
- children engaging in online practices such as 'sexting' that may expose themselves or their peers to harm or potentially illegal activity
- children's unrestricted exposure to online pornography that may prove harmful to themselves or others.

5.1.3 Online child sexual abuse as an emerging issue for institutions

The majority of accounts of child sexual abuse to the Royal Commission relate to experiences that occurred before access to the internet and mobile devices was available. However, their use is now an emerging theme in more contemporary examples of child sexual abuse in institutions.

Some submissions to *Issues paper 3: Child safe institutions* identified the online environment as a new and critical area of focus for preventing and responding to child sexual abuse in institutions.¹⁶ The Australian Federal Police stated:

An essential element in establishing a ‘child safe organisation’ is being aware of the potential risks posed to children in an online environment, and any potential causes for changes in a child’s behaviour (as a result of possible online grooming).¹⁷

Online safety issues are relevant to all institutions, given the blurring of boundaries between the online and offline environments, and institutional and non-institutional contexts. Effective institutional approaches to prevention and response need to straddle these boundaries.

They also need to provide a balanced, informed response to online safety that resonates with children and young people, and acknowledges their advanced digital literacy and fluency online. This balanced approach should acknowledge both the positive role played by online technologies in young people’s lives and the potential risks.

We have also concluded that only a highly coordinated and collaborative approach that involves a number of overlapping components can bring effective responses. A useful way to think about these key elements is the ‘four Es’:

- **education** – increasing awareness, knowledge and skills in communities, institutions and agencies
- **engineering** – effective technological solutions that build in protections
- **enforcement** – legislation, institutional codes of conduct, and policy and procedural documents
- **engagement** – collaborative and informed solutions that actively involve children; coordinated responses to incidents for an effective use of resources; and sharing of knowledge and best practice approaches, tools and models.

These related aspects are considered throughout this chapter.

5.1.4 Supporting institutions to create child safe online environments

Our 10 Child Safe Standards articulate the key components or elements of a child safe organisation, and are intended to guide institutions in what they need to do to be child safe (Chapter 3). Child Safe Standard 8: ‘Physical and online environments minimise the opportunity for abuse to occur’ states:

- risks in the online environment are identified and mitigated without compromising a child’s right to privacy and healthy child development
- the online environment is used in accordance with the institution’s code of conduct and relevant policies.

The Royal Commission recognises that in order to address emerging and rapidly evolving issues for children’s online safety, institutions require more support to help meet Child Safe Standard 8.

The independent statutory Office of the eSafety Commissioner is best placed to lead the work of supporting institutions to help prevent online child sexual abuse and respond effectively to incidents that occur.¹⁸

To consider these matters, this chapter sets out:

- the risks of child sexual abuse in an online environment
- existing Australian initiatives, mechanisms and legislation for online safety
- challenges and opportunities for strengthening prevention and response to online child sexual abuse, and the Royal Commission’s recommendations.

5.1.5 How this work has been informed

The importance of digital technology in facilitating child sexual abuse was highlighted to the Royal Commission in some more contemporary case studies, and by Australian and international experts in our policy-focused hearing on *Case Study 57: Nature, cause and impact of child sexual abuse in institutional contexts (Nature, cause and impact of child sexual abuse)*.¹⁹

A small number of private sessions also included accounts of online abuse. These provided insights into how the use of digital technologies contributed to or facilitated abuse in several institutional settings, including sports and recreational organisations, childcare and out-of-home care.

Acknowledging the importance of this work, we consulted with two critical groups to advise us on the emerging areas of risk, challenges and opportunities in this field.

The first group was children and young people. In 2017 we conducted a series of consultations with young people aged 14 to 18 years in Sydney, Hobart and Darwin.²⁰ We asked them to tell us about the factors and circumstances that helped them to feel safe in online environments. We also asked them to explain the circumstances in which they felt unsafe online and to suggest solutions to improve the situation. In all locations, children and young people told us that they valued being given an opportunity to comment and have their voices heard.²¹ Their insights have been of considerable value in understanding some of these contemporary issues.

The second group comprised representatives with expertise in online safety from law enforcement, the technology industry, academia, and government agencies with national responsibilities for e-safety and children's rights. This group was brought together to advise the Royal Commission at an e-safety expert panel meeting in 2017.²²

We also drew on research exploring issues in these emerging areas of inquiry.

5.2 Risks of child sexual abuse in an online environment

As technologies rapidly evolve, so do the ways in which people interact and access content online, both publicly and privately. The challenges this creates for educators, policy makers, service providers and law enforcement are complex and shifting as they try to prevent and respond to online child sexual abuse.

To better understand some of these emerging risks in the online environment, this section sets out what we have been told about child sexual abuse using digital technologies. This includes:

- online grooming
- the production or distribution of online child sexual exploitation material
- online image-based abuse.

As an area for future consideration, the impacts associated with children's increasing exposure to online pornography are discussed. This is relevant to the Commission's work in Volume 10, *Children with harmful sexual behaviours*.

The Royal Commission has been made aware that certain children are particularly vulnerable to child sexual abuse, and that certain factors can increase the risk of harm in offline settings (see Volume 2, *Nature and cause*). At the end of this section, we note some of the factors that may increase children's vulnerabilities to sexual abuse that is perpetrated online, drawing on current understandings from this new area of work.

5.2.1 Online grooming

Digital technology has opened up new and evolving avenues for communication for potential abusers as a tool for grooming children and related adults. In our consultations, we heard that a significant proportion of online grooming is perpetrated by someone already known to the child.²³ This is an area of growing relevance for institutions, as communications between staff, volunteers and children are increasingly facilitated through mobile devices and digital platforms, and as the use of technologies evolves.

Expert panel members noted the following institutional situations that could increase risks for online grooming perpetrated by staff or volunteers interacting online with children:²⁴

- online interactions, such as educational games in the classroom, taken beyond the school setting by a staff member with a child
- a lack of separation between staff or volunteers' personal online accounts and those of the school or sports club, such as social media groups, including the use of personal rather than institutional emails by staff for contact with children
- children being 'consumers' of online goods and services provided by businesses and organisations, such as online tutoring or counselling, that have sustained and potentially unmonitored close online interactions with adults.

Panel members also highlighted areas of risk relating to children's interaction with specific technologies or in evolving online spaces:²⁵

- The blurring of online networks for socialising and for dating has made it harder for children to navigate risks and understand the difference in behaviours and consequences in these online spaces.
- Children's use of the private messaging functions of everyday social networking platforms and online gaming platforms. The concealed nature of these platforms provides the opportunity for private interactions between a child and a perpetrator. These platforms also tend to use encryption processes that are designed to protect the communications, creating challenges for investigations by law enforcement.
- Children's use of live-streaming applications, whereby children can video themselves for face-to-face interaction in real time with individuals, groups or the wider online world. If strict privacy settings are not used, perpetrators can make contact with children online in real time, anonymously and remotely from any location through these platforms. Incidents of abuse have come to light where children were instructed by 'viewers' to enact scenarios that were streamed in real time.

Online grooming in institutional settings

We have heard extensive accounts of the role that grooming played in the sexual abuse of children in all institutional settings (see Volume 2, *Nature and cause*). As the vast majority of these events pre-date the use of the internet and mobile devices, the process of grooming largely involved face-to-face interactions.

However, through our more contemporary case studies and private sessions we heard a number of accounts of situations where children and/or their parents were groomed online by staff members or volunteers. In most of these situations, technology appears to have been used as a tool to facilitate or to maintain sexualised contact with a known child. Several of these cases illustrate how digital material can be used beneficially to identify potential offenders, and if preserved, can provide forensic evidence to assist prosecutions. Some cases also illustrate that opportunities were lost to capture digital evidence which might have supported earlier interventions by law enforcement.

In Case Study 37: The response of the Australian Institute of Music and RG Dance to allegations of child sexual abuse (Centres for performing arts), Grant Davies, a director and dance teacher at the Sydney-based dance school made extensive use of online tools and platforms to groom both dance students and their parents.²⁶ He communicated via text messages, instant chat through MSN Messenger and Facebook, and used these tools to exchange explicit photos and videos with students.²⁷ Through these devices, he remained in frequent contact with several dance students, exchanging messages at times when the students were more likely to be alone.²⁸

When investigating Davies's sexual abuse of two sisters at the dance school, the police found thousands of digital messages, images and videos sent between him and the girls and their mother, many of which were sexually explicit in nature.²⁹ The case study showed how Davies used these personal online communications to engender a sense of intimacy and a special relationship with the girls and their mother, to overcome potential victim inhibitions. The girls' mother, who was complicit in these communications, sent increasingly explicit photos and videos of her daughters to Davies at his request. He had threatened to destroy her and her daughters if she did not respond and give him what he wanted.³⁰ The mother told the Royal Commission that Davies had promised to turn her daughters into dance 'stars'.³¹ She was later convicted of producing, possessing and disseminating child abuse material.

In Case Study 2: YMCA NSW's response to the conduct of Jonathon Lord we concluded that Jonathon Lord, a childcare worker, had used his mobile phone at work to groom children so he could offend against them.³² We found that YMCA NSW had failed to ensure that all YMCA Caringbah staff understood the policy relating to photography, mobile phones and other electronic devices. This contributed to Jonathan Lord not being reported for conduct that was contrary to these policies.³³

In *Case Study 1: The response of institutions to the conduct of Steven Larkins (Scouts and Hunter Aboriginal Children's Service)*, we were told that Steven Larkins, a manager at Hunter Aboriginal Children's Service, sent text messages to one of his victims under the pseudonym 'Josh'.³⁴ A staff member found text messages on the child's mobile phone from 'Josh', raised concerns with her manager, and asked whether she should report the matter.³⁵ Her manager rang the number from which the text messages were sent and recognised Larkins's voice when he answered. From this and later comments by Larkins, the manager concluded that 'Josh' was Larkins. However, following discussions by the manager with his superiors, he was advised against reporting the matter due to lack of evidence.³⁶ Because the content of these text messages was not reported to the organisation's management committee, an opportunity to scrutinise Larkins's behaviour was missed.³⁷

A criminal investigation was finally started against Larkins when another Hunter Aboriginal Children's Service manager discovered a USB drive in a car that Larkins had been driving.³⁸ The drive contained many pornographic images of children, and it was handed to police. Larkins was arrested that day, charged with possessing child pornography, and suspended from his position. This was followed by charges of aggravated indecent assault.³⁹ These criminal charges were laid months after no action had been taken on Larkins's text messages.⁴⁰

In *Case Study 40: The response of the Australian Defence Force to allegations of child sexual abuse (Australian Defence Force)*, we heard about an adult instructor, Christopher Adams, sending sexually explicit text messages to a young female cadet during a training course.⁴¹ An adult instructor gave evidence that she observed Adams sending sexual text messages to the cadet.⁴² We are satisfied that the Australian Air Force Cadets was aware of these concerns regarding Adams's behaviour and this was sufficient to raise a reasonable suspicion that he was engaging in inappropriate behaviour of a sexual nature with cadets. The Australian Air Force Cadets did not respond to those concerns, and this allowed Adams to continue to engage in inappropriate behaviour and eventually commit sexual offences against two cadets.⁴³

Through our private sessions, we were told of several situations where online communications had been used for grooming purposes. A man who attended the Royal Commission on behalf of his daughter told us that the coach of her local church-run sports club had sent his daughter sexually suggestive messages via a social media application since she was 16.⁴⁴ He said that when she reported the matter to the police, they said it was a classic case of grooming, where the coach was grooming both the child and the parent.

We were told of how a man volunteering at sports events had used private text messages and social media to communicate with a young girl. This included the man confiding intimate details of his personal life to the young girl, such as marital problems. The man had come into contact with the young girl at an event his own child had attended. It was alleged that he then went on to sexually abuse the girl through physical contact.⁴⁵

Another survivor told us that when she was 12 she met an older man online. Their online chat progressed to meeting offline. The man sexually, physically and emotionally abused her for two years before she ended all contact. To deal with the emotional impact of the abuse, she sought help from a male teacher at her school and confided in him about the abuse. The teacher then began to groom her. This included sending her many text messages with sexual content.⁴⁶

Another female survivor told us of her experiences as a cadet in her early teens, which involved spending several weeks throughout the year being taught by military staff at a defence base.⁴⁷ She found that while 'fraternisation' between staff and cadets was frowned upon, 'there were opportunities for this to occur'. At one point she asked for assistance from a military staff member in his 20s or early 30s, a man she didn't know but who she told us she respected because of his rank. We heard that the staff member 'was very comforting' and gave the cadet his mobile phone number, telling her that if she ever needed help, she could call or text him. The survivor told us: 'At the time, I thought it was a bit weird because there was a clear distinction between staff and cadets, and we were also not meant to have or use mobile phones during the course'.

Following ongoing communications via text messages, we heard that the staff member took the cadet back to her room and began touching her inappropriately and tried to take her shirt off. Finally, after she kept resisting his advances, he left. We heard that the cadet didn't see him again, but he continued to text her on a weekly basis. She told us that on several occasions, he sent the cadet photos of his penis, asking her to send photos in return and to have sex with him.⁴⁸

A mother of a young child told the Royal Commission that a worker at a childcare centre had sent over 130 text messages to her about her young son.⁴⁹ The messages included photos of the child, as well as offers of money and gifts, and invitations for the mother and her partner to go out for dinner while he looked after the child. Further, the worker wrote that he loved her son, and made references to letting the child 'ride him like a jockey' and references to the infant's 'bottom' and nappy.

One mother who attended a private session told us that her 12-year-old daughter had been groomed online by her foster father.⁵⁰ She became aware of text messages that her daughter had sent to her foster father telling him to leave her alone, and other intimate messages between the two. When she confronted her daughter about the messages, her daughter revealed she had been sexually abused by him.⁵¹

5.2.2 Online child sexual exploitation

We heard from the expert panel of the rapidly increasing quantity of child sexual exploitation material being accessed online.⁵² Each occasion of viewing or sharing such material constitutes a new violation of the rights of the children depicted in the images.⁵³

This growing area of concern includes an increase in live-streaming of sexual abuse of children, as well as the online hosting and sharing of videos and images of child sexual abuse, and online trafficking of children for sexual exploitation. Panel members also noted their concerns that self-produced sexually explicit and non-sexually explicit images of children are also now appearing in these online collections, alongside sexual content produced by offenders.⁵⁴ This issue is discussed further in Section 5.2.3.

Recent research by Anti-Slavery Australia suggests ‘pandemic’ levels of online child sexual exploitation.⁵⁵ Its data shows the global proliferation of online child sexual exploitation material, including offences by Australian perpetrators and online exploitation of Australian children:⁵⁶

- 11,000 online child exploitation reports made to the Australian Federal Police in 2015
- 194 Australian-based child victims and 102 Australian perpetrators of online child sexual exploitation identified since 2009, as at 1 June 2016
- 150 million online images and videos depicting child exploitation processed by the United States National Centre for Missing and Exploited Children, as at 1 January 2017
- a more than 400 per cent increase in international reports of child sexual abuse imagery recorded by the Internet Watch Foundation between 2013 and 2015.

The Anti-Slavery Australia report cautions that these statistics may represent only a small portion of the criminal activity. Offenders have technological sophistication, and encrypted technologies and use of the ‘dark web’ (or ‘darknet’) affords relative protection and anonymity. The dark web includes hidden websites that can be accessed only through specific software, configurations and authorisation.⁵⁷

There is also evidence that Australian offenders are acting as procurers, groomers and administrators for extensive international online abuse networks for distributing child sexual exploitation material.⁵⁸

These issues need further consideration with respect to child safety in institutions. A review we commissioned in 2014 found limited research on child sexual exploitation material in relation to institutional child sexual abuse.⁵⁹ The risks are indicated in media reports of a 2015 United Kingdom (UK) National Crime Agency operation finding that almost one in five of the 264 people charged with accessing child sexual exploitation material were working in positions of trust or in voluntary roles with access to children.⁶⁰

5.2.3 Image-based abuse

Image-based abuse and sextortion

‘Image-based abuse’ refers to when ‘intimate or sexual photos or videos are shared online without consent, either to humiliate or shame someone, or for the “entertainment” of others’.⁶¹

This form of online abuse can also involve sextortion, where threats are made to expose a sexual image.⁶² It can be carried out by people either known to the victim (friends, family members, intimate partners, ex-partners, acquaintances), or by strangers, for a wide variety of reasons, including control, intimidation, sexual gratification and monetary gain.⁶³

Photos and videos may be self-produced by young people and shared consensually through sexting between peers, then re-shared without consent.⁶⁴ Images may also be created by perpetrators non-consensually, by covertly ‘up-skirting’ or ‘down-blousing’ in public spaces, or by making hidden recordings of the victim engaged in a sexual act or undressing, for example.⁶⁵ Personal devices or cloud storage platforms can be hacked to obtain personal images of the victim.⁶⁶ Public platforms for re-posting images without consent may include social media sites or specific websites, sometimes outside of Australian jurisdiction.

The emerging risks of image-based abuse and sextortion for children were highlighted by expert witnesses in the *Nature, cause and impact of child sexual abuse* case study, and in our consultations with young people and the expert panel.⁶⁷

A recent case was cited of an alleged Australian male perpetrator who engaged with numerous children online by using fake celebrity social media accounts, including impersonating Justin Bieber.⁶⁸ He directed victims to perform sexual acts, and post sexually explicit images of themselves online.⁶⁹ It was alleged that the platforms used included Facebook and Skype.⁷⁰ The offender was charged with a total of 931 offences in early 2017, some related to making and transmitting child pornography and contact sexual assault offences.⁷¹ The offences had been allegedly committed over the previous decade.⁷² To date, 157 children worldwide, six of whom are living in Australia, have been identified as victims of the alleged abuse.⁷³

A law enforcement officer involved in the case stated in a media release that:

This investigation demonstrates both the vulnerability of children that are utilising social media and communication applications and the global reach and skill that child sex offenders have to groom and seduce victims ... The fact that so many children could believe that they were communicating with this particular celebrity highlights the need for a serious rethink about the way that we as a society educate our children about online safety.⁷⁴

Self-produced content of young children in child sexual exploitation material

The expert panel highlighted a further risk relating to children sharing explicit images – the growing trend of content that is self-produced by children appearing in online collections of child sexual exploitation material.⁷⁵

A 2015 study by the Internet Watch Foundation found almost 4000 self-generated images and videos on third party websites.⁷⁶ Almost one-fifth of the self-generated content depicted children believed to be under 16 years of age.⁷⁷ The content of younger children appeared to have been ‘harvested’ from original uploads to social networking sites, chat sites and mobile apps. It was then placed on third party child sexual exploitation material websites, where control over the removal or future re-distribution of these images had been lost.⁷⁸ Most of this content appeared to have been created by children using a webcam on a home computer in bedrooms or bathrooms, rather than via a mobile device.⁷⁹

The Internet Watch Foundation’s 2015 study provided evidence of a concerning trend of increasingly younger children depicted in this self-generated content. Of the content appearing to depict children under 16 years, 86 per cent appeared to be of children 13 years and younger, and 43 per cent appeared to depict children under 11 years old.⁸⁰ In contrast, in the Internet Watch Foundation’s 2012 study, no self-produced content assessed appeared to depict children under 14 years old.⁸¹

The authors of the study noted the need for further research to understand the drivers for children this young to create and distribute sexually explicit content. Awareness-raising campaigns aimed at younger children and their parents were needed to highlight these online risks.⁸²

Image-based abuse in institutions

We were told of several cases in institutions where digital images were used to blackmail a child or a parent to facilitate further sexual abuse or to prevent disclosure.

In our *Centres for performing arts* case study, the perpetrator Grant Davies made threats to the mother of two dance students that he would destroy her and her daughters if she did not respond to his requests to send more explicit pictures and videos of her daughters.⁸³

In a private session, a junior sportswoman told us she had experienced image-based abuse by an adult perpetrator in her mid-teens. She started to receive large numbers of text messages from boys she did not know in her sports social circle. It later emerged that someone had been impersonating her and sending faceless naked images of other young women to a large number of boys via text and email, requesting explicit images from them in return.⁸⁴

Many peers in her sports network believed she was responsible. She received abusive phone calls, which included physical threats and ‘the worst possible name-calling’, and abusive graffiti about her appeared on toilet walls. She withdrew from her sport. She told us that two years later, after an investigation by the Australian Federal Police, a sports coach was identified as responsible. The girl had met the coach only once, several years before. She believed that he had targeted her to use as ‘bait’ to facilitate his access to boys.⁸⁵

Young people and image-sharing

In our consultations with young people, the topic of image-sharing was discussed at length. The everyday normality of sharing self-produced intimate or sexual images and videos was emphasised. Young people explained how this was seen as a normal part of relationships for them – one that they felt rarely had negative consequences. We heard from young people that both girls and boys shared images.⁸⁶

In one group, both the young women and young men were of the view that image-sharing starts around age 12. Other groups told us that boys start sharing around age 14, and girls often share images earlier than this. Images tended to be shared on instant image-sharing apps.⁸⁷

For the most part, we were told that the sharing of self-produced intimate images between peers was consensual and often self-initiated. Some groups suggested that peer pressure played a role in young people complying with requests. In certain instances, providing an image was seen as a prerequisite for dating to proceed.⁸⁸

Young people said that they were aware of peers who saved images that others had shared online by taking screenshots.⁸⁹ Such images may have been originally shared only as a temporary image that dissolved from view. One young person expressed some concern with this practice:

A lot of people I know ... collect [these images] ... It’s like ‘Oh yeah, I’ve got this secret album’.⁹⁰

Across our consultations young people were aware of situations where peers had experienced online abuse. Situations included intimate or sexual images being re-shared without consent, young people receiving unwanted, explicit photos on phone applications, and images being used to embarrass, humiliate or blackmail others. We were told of several situations that had escalated, including:⁹¹

- an incident where several young men had digitally altered students’ photographs to create sexually explicit images, then sent them around the different school year groups until the school and authorities intervened
- an incident where a video of two young people engaging in sexual activity was distributed via email to numerous people, including several teachers who had allegedly not reported the incident to the school or to police, and forwarding the video to others to view

- several incidents where a child had used compromising images of a peer to exert control, such as to force the peer to cover for them with teachers or parents.

Young people also told us of the difficulties of living in a small community where everyone in that community could have viewed a re-shared image within hours of its distribution.⁹²

The issues young people chose to discuss largely related to online interactions between peers or their extended networks. However, one young woman described how the anonymity of social media allowed a person to share things about themselves more freely. This came at the price of future peace of mind and the risk of repercussions if you were to be exposed.

I think it's more like the satisfaction of being able to express yourself ... because you have this unknown identity, but once someone finds out your identity, that's when you start to have this kind of distress – your heart stops beating. That's when it becomes reality for you.⁹³

Emerging trends of image-based abuse

A new body of research has been undertaken both in Australia and overseas to better understand the nature, extent and impacts of image-based abuse and sextortion, and the particular vulnerabilities for children.

A recent Australian online survey of 4,274 people aged 16 to 49 years aimed to understand experiences of image-based abuse. The findings suggest elevated risks of experiencing image-based abuse for younger people.⁹⁴ One in three survey respondents aged 16 to 19 years stated they had experienced at least one form of image-based abuse, in contrast to one in five respondents in the overall sample.⁹⁵ Victims of image-based abuse were almost twice as likely as non-victims to report experiencing high levels of psychological distress, consistent with a diagnosis of moderate to severe depression and/or anxiety disorder.⁹⁶

A large United States (US) survey in 2016 collected data on young adults who had been targets of sextortion. Findings indicated that almost half of the respondents (46 per cent) were aged 17 or younger at the time of the online abuse.⁹⁷ In around 30 per cent of cases, respondents stated that threats to disseminate sexual images had actually been carried out, with many experiencing additional forms of harm. The more serious incidents involved stalking, physical or sexual assault in addition to sextortion, and threats that lasted for six months or more.⁹⁸ Most of the sextortion cases recorded in the survey involved women or adolescent girls targeted by men or adolescent boys.⁹⁹

In almost 60 per cent of cases, the perpetrator was already known to the victim, typically following a face-to-face relationship when sexual images were shared. In the remaining cases, the young person met the perpetrator online.¹⁰⁰ A sexual image obtained from the victim or captured from another source was used to demand more images, or sexual activity online

or offline. Over half of these young people believed they had been initially deceived on first contact with the perpetrator about the perpetrator's true identity or romantic intentions.¹⁰¹

The study also reported the personal and psychological toll of the image-based abuse on young people, with 24 per cent seeing a medical or mental health practitioner. Other impacts included 10 per cent of victims leaving or changing schools or experiencing other school-related problems, such as victim-blaming, shaming and bullying by peers.¹⁰²

5.2.4 Impacts of online pornography on children

We are aware of a growing body of literature and commentary on the negative impact pornography can have on some young people's attitudes to sex, sexuality and relationships, and other behaviours.¹⁰³ The evidence is not conclusive, but some recent research suggests an association between viewing violent, sexually explicit pornography and higher levels of delinquent, aggressive and sexually coercive behaviour among young people.¹⁰⁴

A significant proportion of children and young people are exposed to, or access, pornography, predominantly through the internet.¹⁰⁵ A UK-wide study in 2016 by the National Society for the Prevention of Cruelty to Children and the Children's Commissioner for England found that by the age of 11, 28 per cent of the children surveyed had viewed pornography online, rising to 65 per cent by the age of 15.¹⁰⁶

The Australian Government has noted the need for further research into the exposure of children and young people to online pornography and other pornographic material.¹⁰⁷ This followed the findings of an Australian Senate inquiry in 2016, which examined the potential harms to children and young people arising from exposure to online pornography.¹⁰⁸

5.2.5 Young people's vulnerabilities to online sexual abuse

Some vulnerabilities for children to online sexual abuse or harmful sexual behaviours were raised by members of the expert panel.¹⁰⁹

For all children, cognitive and emotional development is still underway. This can limit some young people's understanding of the consequences of their online actions and can encourage instant reward-seeking opportunities, both negative and positive. Peer pressure and bullying can be intensified and accelerated in an online environment, making it harder for some children to control their impulses and reactions.¹¹⁰ A 2013 review of research on children's online vulnerabilities concluded that adolescents tend to be most vulnerable to online grooming, with higher risks for females.¹¹¹

Vulnerability offline can amplify vulnerability online

In our consultations we heard that there is some indication children who are at risk of online abuse are often already at risk offline.¹¹² The nature of the online environment may increase their vulnerability and exposure to harm from perpetrators. In such instances, digital media tends to serve as a tool to facilitate or aggravate an existing problem rather than being itself a problem.¹¹³

We were told that abuse experienced offline tends to cascade or accumulate in the lives of some children. The same dynamic can exist in online environments. We heard of cases where perpetrators used websites offering online support to target children seeking help with issues such as eating disorders or self-harming, or where perpetrators used dating apps to target same-sex attracted boys. Children's fears of disclosing personal issues or behaviour can create barriers to disclosing the online abuse they encounter.¹¹⁴

These views are generally supported by the 2013 review of children's vulnerabilities to online grooming, which found that issues for children offline, such as problems within the family, social isolation and previous victimisation, can often extend to being the victim of online child sexual abuse.¹¹⁵

Some research also suggests that higher risk behaviours online can be associated with being victimised online. These include: talking and sharing personal information online with strangers; meeting unknown contacts offline; sexualised behaviour online; accessing pornography; and high levels of internet access.¹¹⁶ A lack of parental involvement in a child's online activity may also be associated with increase risks of online grooming.¹¹⁷

The combination of such vulnerabilities and higher risk online behaviours can lower children's resilience to online harm.

Vulnerabilities of children in out-of-home care to online child sexual abuse

The issue of online grooming is a particular area of concern. All children are vulnerable to this type of abuse but children placed in out-of-home care are particularly vulnerable due to their trauma background and a strong desire to connect with others during puberty and adolescence. The increased placement changes that children in out-of-home care experience leave them without long term relationships with trusted adults and peers which then leaves them vulnerable.¹¹⁸

In Case Study 24: Preventing and responding to allegations of child sexual abuse occurring in out-of-home care and further consultations, we heard how these issues can play out for children in out-of-home care.¹¹⁹

Practitioners told us that children in out-of-home care are increasingly targeted and groomed through online communications.¹²⁰ We have been made aware of adults external to placements actively targeting and sexually exploiting these children.¹²¹

We understand that the range of such predatory behaviours can include initial engagement through online contact with a child in out-of-home care, particularly through social media. The perpetrator then moves quickly to arranging a meeting with the child, often presenting as a 'boyfriend' to them. They may provide the child with a mobile phone, or a second phone so that the child is contactable without the carer's knowledge. The perpetrator can use pornography to normalise the abuse. They can also produce images of the child to force their silence, or to commercially exploit them.¹²²

The Australian Government noted in its submission that children in out-of-home care are particularly vulnerable to becoming the subject of online child sexual exploitation materials.¹²³

We heard from members of the expert panel that children on the edge of the child protection system can be particularly vulnerable online.¹²⁴ While children sleeping rough or couch surfing might be streetwise, they may take risks online using mobile phones to seek shelter or money.

Vulnerable groups experiencing image-based abuse

New findings are emerging on particular vulnerabilities for experiencing image-based abuse. The 2016 Australian survey of 4,274 people aged 16 to 49 years old suggested higher risks of experiencing some form of image-based abuse for individuals living with disability or identifying as Aboriginal or Torres Strait Islander. Half the survey respondents in each of these groups stated they were a victim of image-based abuse.¹²⁵ One in three people who identified as lesbian, gay or bisexual had experienced image-based abuse.¹²⁶

5.3 Current Australian initiatives, mechanisms and legislation for online safety

The current national landscape for online safety in place in Australia has a number of initiatives, mechanisms and legislation in place, such as:

- Commonwealth responsibilities for internet regulation and the statutory powers and functions of the Office of the eSafety Commissioner
- existing online safety education for children, parents and the community
- national and state-level online safety policies for schools
- online safety frameworks adopted by some schools
- technological protections and community standards for online activity
- mechanisms for responding to online abuse and removing offensive content online
- Commonwealth, state and territory legislation to address online child sexual abuse and related offences.

5.3.1 Commonwealth responsibilities for internet regulation

It is generally accepted that the Australian Government has the power to make laws regulating the internet under Schedules 5 and 7 of the *Broadcasting Services Act 1992* (Cth). Regulation was previously administered by the Australian Communications and Media Authority. In July 2015, the Australian Government passed the *Enhancing Online Safety for Children Act 2015* (Cth). This Act established the independent statutory Office of the Children's eSafety Commissioner, to take a national leadership role in the online safety of Australian children. National responsibility for the online content regulation scheme passed to the Children's eSafety Commissioner.

In June 2017, amendments were made to the *Enhancing Online Safety for Children Act*,¹²⁷ which was renamed the *Enhancing Online Safety Act 2015* (Cth). The Children's eSafety Commissioner was given expanded responsibilities in relation to the online safety of all Australians,¹²⁸ and became the eSafety Commissioner and head of the Office of the eSafety Commissioner.¹²⁹

The eSafety Commissioner's responsibilities now include initiatives to address the issue of non-consensual image-sharing both for children and adults.

5.3.2 Responsibilities of the Office of the eSafety Commissioner

The main functions of the eSafety Commissioner are:¹³⁰

- administering a complaint-handling system to rapidly remove cyberbullying material from social media sites that is targeted at, and harmful to, an Australian child
- administering the Online Content Scheme, as set out in the Broadcasting Services Act, which regulates online content hosted in Australia that is prohibited or potentially prohibited, based on the National Classification Scheme
- developing educational resources to support parents and educators for children's online safety, including the iParent portal, where parents can learn about online risks and helping children manage situations that arise online, and 'virtual classrooms' for interactive learning
- running a voluntary certification scheme and training third party providers to deliver online safety programs to students or teachers in schools. Providers can apply to become a certified provider if they demonstrate they have appropriate program content and presenters, and the capacity to deliver and regularly evaluate their programs. If certified, providers are required to sign a licensing agreement and report annually to the Office of the eSafety Commissioner on their activities and compliance with their agreement. This certification scheme can help schools select an appropriate provider to deliver online safety education
- coordinating and promoting activities of Australian Government departments, authorities and agencies relating to online safety for children
- conducting research and disseminating findings
- chairing the Australian Government's Online Safety Consultative Working Group, which advises the government on improving the safety of Australian children online through engagement across sectors.

5.3.3 Online safety education

The Australian Curriculum and online safety education

The Australian Government's *Enhance Online Safety for Children* program is currently providing \$7.5 million over four years from 2014–15 to help schools access certified online safety programs.¹³¹ These programs are generally provided through third party services.

However, online safety education is not currently embedded in the Australian Curriculum or consistently offered in all schools. Further, the prevention of child sexual abuse and harmful sexual behaviours in children is not explicitly covered in the Australian Curriculum (see Chapter 2).

The Australian Curriculum (F-10) does include a learning area on ‘Digital Technologies’ of relevance to general online competence. The main objective of this program is to help children acquire advanced technical knowledge and skills.¹³²

Several other areas of the school curriculum and emerging programs of relevance could help children develop behavioural skills that support safe and positive online interactions. These are discussed in Section 5.4 as content areas that could be built on and linked to a new national curriculum for online safety.

Online safety programs and resources for children

In addition to current online safety programs offered in some schools, there are a number of existing online safety resources for children and young people:

- **The Office of the eSafety Commissioner’s resources** are for primary and secondary schools and include fact sheets, teacher resources aligned to the Australian Curriculum, video resources and online student games. Some materials specifically relate to sexting, online reputation management and dealing with unwanted online communication, and are updated to reflect emerging issues and the expanded role of the office.¹³³ A series of award-winning videos, ‘Rewrite Your Story’, provide real accounts of how young people dealt with being targeted online, as part of the ‘Young and eSafe’ initiative.¹³⁴
- **ThinkUKnow** offers online resources and face-to-face sessions on online safety for Years 3–12 students, which are tailored to topical issues that each age group might face, such as online grooming, sexual abuse and exposure to pornography. ThinkUKnow is a partnership between Australian Federal Police, Microsoft Australia, Datacom and the Commonwealth Bank of Australia, delivered in collaboration with New South Wales Police, Victoria Police, Queensland Police Service, Western Australia Police, South Australia Police, Tasmania Police, Northern Territory Police, and Neighbourhood Watch Australasia.¹³⁵
- **The Student Wellbeing Hub** is a website developed by Education Services Australia and funded by the Australian Government Department of Education and Training. It includes information and resources on online safety for primary and secondary students. The information and resources are tailored by age.¹³⁶
- **CyberEcho** is an online safety educational resource for upper primary school students, which was developed by Bravehearts in partnership with Google. It aims to teach children strategies to stay safe online.¹³⁷
- **PROJECT ROCKIT** runs interactive, strengths-based face-to-face and online workshops on cyberbullying and online safety, which are designed by young people for young people.¹³⁸

- **Alannah and Madeline Foundation’s eSmart Schools** is a behaviour-change initiative that aims to help improve children’s online safety and reduce cyberbullying and bullying.¹³⁹
- **Reality & risk: Pornography, young people and sexuality** addresses the impacts of children’s exposure to online pornography. This community project includes resources for secondary school students, teachers and school leaders. The resources contain comprehensive school materials and two DVDs for use with young people.¹⁴⁰

Programs and resources for parents

A number of existing Australian online safety education programs and resources are aimed at parents and guardians:

- **iParent** is a web-based resource of the Office of the eSafety Commissioner. It covers topics such as online pornography, cyberbullying and unwanted contact. The resources on online grooming include an animation and video that advises how parents can protect children.¹⁴¹
- **ThinkUKnow** offers presentations for parents in schools and community groups, parent resources including a cybersafety guide that covers cyberbullying and online grooming, and a Family Online Safety Contract for parents and children to sign as an agreement in their household.¹⁴²
- **The Student Wellbeing Hub** is a website that includes information and resources on online safety for parents of primary and secondary students. It links to an American resource on recognising online grooming.¹⁴³
- **The Daniel Morcombe Foundation** has a cybersafety video about online safety for parents, which covers issues such as grooming, pornography, sexting and parental controls.¹⁴⁴
- **Taskforce Argos, Queensland Police resources for parents** include ‘Who’s chatting to your kids?’, a Family Internet Safety Agreement and tips to help children stay safe when using social media and awareness of grooming.¹⁴⁵
- **Alannah and Madeline Foundation’s eSmart Schools framework** aims to help schools improve online safety and reduce cyberbullying and bullying, and involves building partnerships with parents to ensure consistency in children’s online safety and wellbeing in both the home and school environments.¹⁴⁶
- **Reality & risk: Pornography, young people and sexuality** is a resource that includes fact sheets for parents on the impacts of children’s exposure to online pornography.¹⁴⁷

5.3.4 Education department policies

Current policies of relevance to general online safety provided by Australian education departments aim to provide information and direction for students, teachers, parents and the broader community to help raise awareness and counter the inappropriate use of technology.¹⁴⁸

National Safe Schools Framework

The National Safe Schools Framework provides guidance on existing good practice, the use of digital technology in schools, and an agreed national approach to addressing bullying, harassment, violence and child maltreatment.¹⁴⁹ It includes a set of guiding principles and related key elements or approaches that schools can implement to effectively provide a safe and supportive learning environment.¹⁵⁰

State and territory policies

All state and territory government education departments have some policies relating to online safety.¹⁵¹ Catholic and Independent school bodies in some jurisdictions provide overarching policies or guidance on these issues.¹⁵² In certain jurisdictions, individual schools must determine their own local policies.¹⁵³

Policies across all school systems most commonly address bullying and safe and appropriate use of digital technologies in general terms.¹⁵⁴

Guidelines on school policy from the eSafety Office

The Office of the eSafety Commissioner currently provides general guidance for organisations to consider when developing and implementing an online safety policy.¹⁵⁵ Its e-safety policy checklist for schools covers issues such as:

- outlining acceptable and unacceptable online behaviours
- ensuring students know how to recognise and report any concerns
- the school's approach to sharing of photos and videos of students
- improving reporting and communications on online safety, including frequent training for staff on identifying and managing online safety issues
- linking to external support agencies such as the Office of the eSafety Commissioner and Kids Helpline.¹⁵⁶

The office also provides a guide for schools on implementing an eSafety Parent Communication and Engagement Strategy, to support policy.¹⁵⁷

5.3.5 eSafety frameworks in schools

We are aware that the majority of Australian schools do not currently have a comprehensive online safety framework in place in their organisation to help them ensure a child safe online environment.

A number of schools have taken up the option of registering for the Alannah and Madeline Foundation's 'eSmart Schools' program. By January 2014 the program had been rolled out to more than 2,200 schools, including government, Catholic and Independent schools, and primary, secondary and combined schools.¹⁵⁸

The program provides a framework to guide schools on how to implement policies, practices and processes to create a positive and safe online culture.¹⁵⁹ It aims to help schools take advantage of the benefits of technology while reducing their exposure to online risks such as predatory child sexual abuse, cyberbullying and image-based abuse resulting from sexting, and cybercrimes such as fraud and identity theft.¹⁶⁰ The framework also encourages schools to partner with parents and local communities to create child safe online environments within and beyond the institution.¹⁶¹

The eSmart schools program was developed by the Royal Melbourne Institute of Technology's School of Education in consultation with experts in education, academia and industry across Australia.¹⁶² It was piloted in 159 schools across Australia in 2009–10, through Australian Government funding.¹⁶³

Other resources include a dedicated website with resources, tools, best practice information and case studies; a tool for tracking progress; face-to-face and online training; one-on-one support from the eSmart schools team; and regular newsletters.¹⁶⁴

After registering for the program, schools conduct an audit of their current practices to identify areas they are already addressing and gaps. Schools are given guidance as they work through planning and implementation activities. After schools have completed the activities and provided evidence, they are awarded eSmart status.¹⁶⁵ Most schools take an average of 18 months to achieve this status.¹⁶⁶

An independent national evaluation of eSmart Schools over 2013–14 concluded that the main advantage of the framework was to help schools to systematically review their needs and prioritise actions building on their identified strengths.¹⁶⁷ As they progressed through the framework, more schools positively reported being cyber-safe and having respectful online cultures.¹⁶⁸ Teachers reported increased confidence in their ability to advise students and incorporate smart, safe and responsible practices into their classroom teaching, including around bystander behaviour.¹⁶⁹ Students in eSmart schools reported high levels of safe online behaviours.¹⁷⁰

The main area identified for improving the eSmart Schools program was including more activities developed and led by students.¹⁷¹ The evaluation also concluded that the program was implemented more effectively at schools that:

- involved the whole school community and had strong values for wellbeing and respect, and a positive culture concerning the use of technology
- had staff who encouraged and modelled positive use of technology and had up-to-date digital skills
- made good use of the range of eSmart Schools resources
- extended strategies for smart, safe and responsible use of technology beyond the school into students' homes.¹⁷²

5.3.6 Technological protections and service provider policies

The eSafety Commissioner has observed that 'security by design' and 'privacy by design' principles have become core to development processes in the technology industry. However 'safety by design' principles are yet to be sufficiently embraced when online companies and app developers consider the potential misuse of their platforms *before* they go to market.¹⁷³ We heard in consultations of a particular concern about smaller companies developing new platforms and apps without building in safety mechanisms from the start.¹⁷⁴

In general, social media services require users to be over the age of 13, in order to comply with US legislation which prohibits the collection of personal information from a child under that age.¹⁷⁵ Child-specific settings appear to be uncommon; however, common general privacy settings are relevant to the protection of children online. They include settings that can limit who can contact the user, view content posted by the user, or access the user's personal information and geographic location.

Social media services also generally have standards and policies in place that attempt to protect users from bullying, harassment, image-based abuse and similar conduct. For example, Facebook's Community Standards state that while users may speak freely on matters and people of public interest, content which appears to target private individuals with the intention of degrading or shaming them will be removed. The standards also state that content which threatens or promotes sexual violence or exploitation will be removed and referred to law enforcement where appropriate. This includes content depicting sexual violence, intimate images shared without consent or threats to share such images, and any sexual content involving minors.¹⁷⁶

Given the extent, variety and evolution of online platforms and applications, we note that there are considerable challenges for jurisdictional authorities and industry providers for policing, oversight, audit, compliance and enforcement of such technological protections and service provider policies.

In order to respond to online abuse involving images of children, photo-matching software, PhotoDNA, was developed by Microsoft from 2009 in partnership with Dartmouth College in the US to support the National Center of Missing and Exploited Children. This technology can automatically detect known child sexual abuse images. Initially the technology was under licence, but it has since been made available for free to qualified organisations. High profile users of PhotoDNA now include Facebook and Twitter.¹⁷⁷ Facebook has also announced new measures to prevent the further spread of intimate images that have been shared without consent. Once an image posted to Facebook has been flagged as an intimate image, photo-matching technologies are used to prevent further attempts to share the image on Facebook as well as Messenger and Instagram.¹⁷⁸

5.3.7 Mechanisms for reporting and responding to online abuse

Bullying and harassing material which does not comply with a social media service's policies can be reported directly to the service and removed. All major social media and tech companies (Facebook, Instagram, Twitter, Reddit, Tumblr, Yahoo, Google, Microsoft) have reporting mechanisms in place for removing intimate images that have been shared without consent. The grounds may be that they contain inappropriate material, or that they specifically contain intimate images that have been shared without consent.¹⁷⁹

If a report to a social media service provider has not resulted in abusive content directed at a child being removed, a complaint can be made to the Office of the eSafety Commissioner. The office has responsibility for administering a complaint-handling system under the *Enhancing Online Safety Act 2015* (Cth) ('Enhancing Online Safety Act'), and for administering the Online Content Scheme under the *Broadcasting Services Act 1992* (Cth) ('Broadcasting Services Act'). Under these Acts, the eSafety Commissioner has broad powers to have material removed from the internet provided that it falls into one of two categories:

- The material is posted on a social media service and meets the definition of cyberbullying material under the Enhancing Online Safety Act.
- The material is hosted in Australia and is 'potentially prohibited' content under the Broadcasting Services Act.

Under the Enhancing Online Safety Act, cyberbullying material is defined as material available on a social media service, which an ordinary reasonable person would conclude was likely to have been intended to have an effect on an Australian child, and which would be likely to have the effect of seriously threatening, intimidating, harassing or humiliating the Australian child.¹⁸⁰

The Enhancing Online Safety Act contains a system under which complaints may be made about cyberbullying material on social media services.¹⁸¹ Under this system, an Australian child, or the parent or guardian of an Australian child, may make a complaint about cyberbullying material to the eSafety Commissioner.¹⁸² The eSafety Commissioner may then investigate the complaint.¹⁸³ If the eSafety Commissioner is satisfied that the material is cyberbullying material, the social media service can be issued with either a request to remove the material or a notice instructing them to remove the material within 48 hours.¹⁸⁴

The legislation provides for the declaration of social media services as Tier 1 or Tier 2 services. Tier 1 services are those which have voluntarily applied to be declared as such, and which satisfy basic online safety requirements.¹⁸⁵ Tier 1 services comply with removal requests on a voluntary and cooperative basis.¹⁸⁶

Tier 2 services are large social media services which have been declared as such by the Minister of Communications on the recommendation of the eSafety Commissioner.¹⁸⁷ Removal notices against Tier 2 services are legally enforceable and may result in enforceable undertakings, injunctions and civil penalties.¹⁸⁸ Before the eSafety Commissioner can make a recommendation for a Tier 2 declaration in respect of a social media service, it must first be invited to apply for a Tier 1 declaration.¹⁸⁹

In addition to removal requests to social media services, the eSafety Commissioner may issue the person who posted the cyberbullying material with an end-user notice to do any or all of the following:

- remove the material within a specified time frame
- refrain from posting further cyberbullying material in respect of the same child
- apologise to the child in the manner specified.

Under the Broadcasting Services Act, the Office of the eSafety Commissioner is also responsible for investigating online content which is 'potentially prohibited'. This includes material which depicts a person who is, or appears to be, under the age of 18, in a way that is likely to cause offence to a reasonable adult, whether or not the person depicted is engaged in sexual activity.¹⁹⁰

Where the illegal content in question is hosted in Australia, the Office notifies the relevant police force and directs the hosting provider to remove the content. For material hosted overseas, the office refers the matter to the Australian Federal Police for further action through Interpol.¹⁹¹ The office is also a member of the International Association of Internet Hotlines, a global network of organisations that deal with illegal content online, with a focus on child sexual exploitation material.¹⁹²

5.3.8 Enforcement and current legislation

In addition to service provider policies and regulatory complaint mechanisms, a range of criminal offences in Australian jurisdictions apply to conduct such as online grooming, sexting and image-based abuse. Some of these offences specifically target such conduct; others are offences of a more general application which may nevertheless capture such behaviour.

A child being under a certain age is a core element of sex offences which specifically target conduct involving children. Eighteen is the age of majority in Australia, and this is consistent with the definition of a child under the United Nations Convention on the Rights of the Child. However, depending on the jurisdiction, 16 or 17 is the age at which the law determines a person has the capacity to consent to sexual interactions.¹⁹³ In the context of online grooming and child sexual exploitation material offences, which we discuss below, one of these three ages (16, 17 or 18 years of age) can act as the threshold which determines whether an offence may have been committed.

As offences that target people who seek to facilitate sexual contact with children who are too young to consent to such interactions, grooming offences are tied to the age of consent in the relevant jurisdiction. In the context of child sexual exploitation material, which may not always depict sexual activity, the age of consent can be a less relevant consideration than community standards of decency. Consequently, in many Australian jurisdictions, material which depicts children who are over the age of consent (ie 16 or 17 years of age) but under the age of majority (ie under 18) may still meet the definition of child sexual exploitation material.¹⁹⁴

Online and electronic grooming offences

The Commonwealth, Queensland, Western Australia and the Australian Capital Territory have offences in place which target online grooming.

The *Criminal Code Act 1995* (Cth) ('Criminal Code') includes a number of offences relating to the use of a carriage service, such as telephone and internet services, for sexual activity with a person under the age of 16. These offences carry maximum penalties ranging from seven to 25 years imprisonment, and cover conduct such as engaging in sexual activity with a child using a carriage service, using a carriage service to procure or groom a child, or using a carriage service to send an indecent communication to a child.¹⁹⁵

In June 2017, the Criminal Code was amended to include an additional offence of using a carriage service to prepare or plan to cause harm to, engage in sexual activity with, or procure for sexual activity, persons under the age of 16. The offence carries a penalty of 10 years imprisonment. An example of an offence within this provision includes a person misrepresenting their age online as part of a plan to cause harm to another person under the age of 16.¹⁹⁶

State and territory legislation also includes the following online grooming offences:

- **Queensland** – using an electronic communication with the intent of procuring a child under the age of 16 to engage in a sexual act (maximum penalty: 10 years imprisonment, or 14 years where the child is under the age of 12 or where the offender intentionally meets the child or goes to a place with the intention of meeting the child)¹⁹⁷
- **Western Australia** – using an electronic communication with the intent of procuring a child under the age of 16 (or a person the offender believes to be under the age of 16) to engage in sexual activity, or to expose them to indecent matter (maximum penalty: five years imprisonment, or 10 years where the child is, or is believed by the offender to be, under the age of 13)¹⁹⁸
- **Australian Capital Territory** – using electronic means to suggest to a child under the age of 16 that they take part in, or watch someone else taking part in, a sexual act. Under the same provision it is also an offence to use electronic means to send or make available pornographic material to a child (maximum penalty: seven years imprisonment for a first offence).¹⁹⁹

In addition to these offences which specifically target online grooming, New South Wales, Victoria, Queensland, South Australia and Tasmania have the following grooming offences in place:

- **New South Wales** – engaging in conduct that exposes a child under the age of 16 to indecent material or provides a child with an intoxicating substance, with the intention of procuring the child for unlawful sexual activity (maximum penalty: 12 years imprisonment, or 15 years where the child is under the age of 14)²⁰⁰
- **Victoria** – encouraging a child under the age of 16 to engage or be involved in sexual activity, or to groom a child for sexual conduct (maximum penalty: 10 years imprisonment)²⁰¹
- **Queensland** – engaging in any conduct towards a person under (or believed to be under) the age of 16 years which is intended to facilitate the procurement of the child to engage in a sexual act or to expose the child to indecent material (maximum penalty: five years imprisonment, or 10 years where the child is, or believed by the offender to be, under the age of 12)²⁰²
- **South Australia** – making a communication for a ‘prurient purpose and with the intention of making a child under the prescribed age [17 years] in relation to that person amenable to a sexual activity’ (maximum penalty: 10 years imprisonment, or 12 years where the child is under the age of 14)²⁰³
- **Tasmania** – making a communication with the intent to procure a young person under the age of 17 years (or a person the accused believes is under 17 years) to engage in an unlawful sexual act, or with the intent to expose that person to indecent material.²⁰⁴

These offences arguably apply to offending conduct which occurs online; the New South Wales and Victorian provisions specify that offending conduct includes online communications,²⁰⁵ and the second reading speeches for both the South Australian and Tasmanian offences also make it clear that ‘communication’ is intended to include online communications.²⁰⁶ Grooming offences are discussed in greater detail in our *Criminal justice* report.²⁰⁷

Legislation relevant to sexting and image-based abuse

Young people engaging in the consensual sharing of self-produced photos and videos, or sexting, may meet the criteria required to establish an offence relating to the production or dissemination of child sexual exploitation materials. The legislation surrounding these offences may not be widely understood in the community, including by young people themselves.²⁰⁸

The definition of what constitutes child sexual exploitation material varies between jurisdictions. In some jurisdictions the material must be such that a reasonable person would find it offensive,²⁰⁹ or the material may need to be intended to excite sexual interest.²¹⁰ As noted above, in many jurisdictions the age of the child depicted in an image can be over the age of consent (ie over 16 or 17 years of age, depending on the jurisdiction) but still constitute child sexual exploitation material.

In New South Wales and Queensland, one of the criteria that must be satisfied for material to meet the definition of child sexual exploitation material is that it depicts someone who is, or appears to be, under the age of 16.²¹¹ In South Australia, the threshold age for the person depicted is 17,²¹² and in all other jurisdictions, the age is 18.²¹³ This includes the Commonwealth offence, which relates to the use of a carriage service for child pornography material and applies Australia-wide.²¹⁴

Despite these variations, broadly speaking, any material which depicts a child in a sexual context has the potential to meet the definition of child sexual exploitation material in all states and territories.²¹⁵

In Victoria, certain defences to child sexual exploitation material offences are available to young people, including where the image depicts themselves alone, or where a child who would otherwise be guilty of such an offence is not more than two years older than the child in the image, and the image in question does not depict a criminal act.²¹⁶ Under Commonwealth legislation, the consent of the Attorney-General is required before a person under the age of 18 can be prosecuted for a child sexual exploitation material offence.²¹⁷

In all other jurisdictions, unjust outcomes in cases involving the consensual exchange of sexual images between young people are currently avoided through the exercise of police or prosecutorial discretion not to proceed with criminal charges. Internal protocol documents may provide guidance in this area. For example, the Operating Procedures Manual of the

Queensland Police Service states that where sexting between young people gives rise to the risk of a child sexual exploitation material offence having been committed, an investigation should be conducted to determine what action is required. This should take into account factors such as whether the activity was consensual and the context of the sharing of images.²¹⁸

In recent years some Australian jurisdictions have also introduced new offences dealing with the non-consensual re-sharing of intimate images, whether they depict children or adults. In South Australia it is an offence to distribute an 'invasive image' of a person without their consent, or to threaten to do so.²¹⁹ A similar offence has been created in New South Wales and a bill has been introduced in the Australian Capital Territory.²²⁰ Both the New South Wales Act and the Australian Capital Territory bill refer to the offences of distributing an 'intimate image' without consent, or threatening to do so.²²¹

In Victoria it is an offence to distribute, or threaten to distribute, an 'intimate image' of a person where such distribution would be contrary to community standards of acceptable conduct.²²²

Other jurisdictions may introduce similar legislation in the future, with the Northern Territory Law Reform Committee having recommended in November 2016 that Parliament enact appropriate legislation to protect persons from the non-consensual sharing of intimate images.²²³

Further, at the May 2017 meeting of the Law, Crime and Community Safety Council, attorneys-general and ministers with responsibility for justice and police portfolios agreed to a National Statement of Principles relating to the criminalisation of the non-consensual sharing of intimate images.²²⁴

The principles were developed by a cross-jurisdictional National Cybercrime Working Group, and provide guidance to jurisdictions as they review the law in this area.²²⁵ The principles include a general principle that the distribution of intimate images without consent, or threats to do so, are unacceptable and breach community standards of behaviour. They also emphasise, among other things:

- the importance of respecting, protecting and minimising harm to victims
- the need to recognise the broad range of circumstances that may be involved, including motivations, relationships and means of distribution
- the need to take into account factors such as the consensual sharing of images between adults or sharing by minors
- how issues of consent should be addressed.²²⁶

While the principles are not binding on jurisdictions and do not include a recommendation that all jurisdictions adopt new offences to address the non-consensual sharing of intimate images, the language of the new offence in New South Wales and the proposed offence in the Australian

Capital Territory suggest they were at least in part developed in response to the principles, and it appears likely that jurisdictions which do not yet have relevant offences in place will follow suit in the near future.

Legislation relevant to cyberbullying

Abusive conduct with a sexual element which occurs online but does not involve grooming or the sending of intimate images may in some cases constitute offences under legislation which deals with behaviour such as harassment or stalking.

Under the Criminal Code it is an offence punishable by a maximum of three years imprisonment to use a carriage service to menace, harass or cause offence.²²⁷ Conduct that has been prosecuted under this offence includes posting offensive pictures and comments on Facebook tribute pages and posting menacing messages on Facebook.²²⁸

State and territory stalking offences may also apply. However, these generally capture threatening conduct which causes the victim to apprehend actual violence or fear harm (whether physical or mental),²²⁹ and thus would apply only to more serious cases of cyberbullying.

Preservation of digital evidence

One of the challenges facing law enforcement and prosecution agencies in the prosecution of child sexual abuse offences is that in most cases there is a paucity of evidence other than the oral evidence of the victim. In the context of grooming offences, as noted in our *Criminal justice* report,²³⁰ the difference between innocent behaviour and grooming behaviour is the intention of the person engaging in the behaviour. It can be difficult to distinguish between innocent and unlawful behaviour where the behaviour itself is not sexualised. Consequently, instances of grooming where there have been online communications with sexualised content can be easier to charge and prosecute than other cases of grooming.

Two of our case studies illustrate how the availability of digital evidence can help support a prosecution. In the *Scouts and Hunter Aboriginal Children's Service* case study, the discovery of a USB drive with pornographic images in a work car that Steven Larkins had been driving led to Larkins being arrested and charged with child pornography offences, and later with aggravated indecent assault.²³¹

In the *Centres for performing arts* case study, the discovery of sexually explicit messages and images on the computer of dance school director and teacher, Grant Davies, by his ex-wife ultimately led to his arrest. Davies was charged with a number of child sexual abuse offences.²³²

Preserving evidence of concerning online behaviour towards children, whether it involves grooming, image-based abuse or other conduct, is important. Institutions that become aware of online abuse could take screenshots of online abuse as a precautionary measure in the event that the content is deleted by the original poster, or removed by the service provider at the request of persons targeted by the abuse. Digital evidence that contains intimate or sexually explicit images of children needs to be sensitively and securely handled by institutions and agencies at every stage in the chain of custody. This process needs to take account of victims' potential concerns about the ongoing retention of any personal images, and processes for destruction or return of evidentiary material when proceedings are concluded.

The need for guidance for institutions in the best practice preservation and handling of digital evidence is noted in Section 5.4.2.

5.4 Creating child safe online environments

In this section we identify challenges and opportunities for strengthening online safety initiatives nationally to both prevent and respond to online child sexual abuse. This includes supporting all institutions to implement effective online safety policies and responses. We outline:

- the challenges we heard about for effective prevention and response
- the opportunities identified and promising models in Australia and the UK
- our proposed recommendations.

5.4.1 Challenges for effective prevention and response to online child sexual abuse

In our consultations, young people and expert panel members told us of a number of challenges for effective online safety education aimed at children and parents.²³³ We also heard about some of the issues faced by institutions in creating safe online environments and responding effectively to incidents of online sexual abuse of children.

Need for comprehensive online safety education for children, parents and communities

While there has been a considerable amount of work undertaken on online safety education in Australia, expert panel members reported that it has tended to be fragmented rather than comprehensive, and focused on one or a small number of online safety issues, such as privacy, cyberbullying or online etiquette.²³⁴ There could also be some duplication of efforts across different agencies and organisations, and somewhat limited program evaluation.

Challenges for effective online safety education for children

Expert panel members highlighted the lack of a consistent and comprehensive program of online safety education for children. Current programs are not integrated into the Australian Curriculum nor appropriately staged for children from a young age upwards.²³⁵

Stakeholders noted that aspects of online safety education could be usefully integrated with existing school curriculum content on respectful relationships and cyberbullying. To help children manage their online interactions more safely, programs should focus on developing broader 'life skills', such as refusal strategies and decision-making. We heard that children should be helped to understand issues of privacy and consent in the online environment, and current legislation and ethics relating to online activities. They should also be made aware of the range of safety settings and tools available to protect online interactions.²³⁶

We also heard that educational content and messages need to resonate more strongly with children and young people at each developmental stage. This includes taking a balanced and positive approach that acknowledges the realities of children's evolving behaviour online, and the use of certified providers.²³⁷

International experts note that young people are asking for interventions from an early age that cover topics such as self-generated content, online abuse and the influence of online pornography, which are generally absent from school programs.²³⁸ These calls have been reportedly echoed in recent international forums such as the International Workgroup for Best Practice in the Management of Online Sex Offending, which has identified a role for preventative education from childhood onwards on the nature and implications of online child sexual exploitation materials.²³⁹

What young people told us about online safety education

Because we just dismiss this whole idea of our safety, it's just social media, it won't happen to me, it happened to them because they were stupid, but not to me because I'm smart. That's not the case – it happens to *everyone*, and because of that, you have to portray that in any way possible ...²⁴⁰

My principal gets the whole year group together once a week and is talking about the world and cybersafety and different things like that, and it's been really effective so far. We haven't had any kinds of issues. It's been really, really beneficial.²⁴¹

The majority of young people told us they wanted more education and training on online safety, with a focus on preventing online abuse.²⁴² A survivor who attended a private session who told us she was sexually abused by a man she met online similarly observed:

I was 12 when I realised what the internet was – 'Wow! What is this? Oh my gosh!' But, of course, I had no idea about how to be safe online: I didn't know what the signs were.²⁴³

Young people's desire for further education about online safety is also confirmed by a recent national study on secondary students' views on school-based sexuality education. Based on the responses of 2,325 participants, 'staying safe online' was one of the most common topics young people said they would like further information on. This subject was identified by 44.1 per cent of female students and 40.5 per cent of male students.²⁴⁴

Young people we consulted had a strong view that online safety education and training should start from a younger age, such as from 10 years, be tailored to particular age groups, and be delivered by young people in an engaging and meaningful way.²⁴⁵

Views were mixed on how educational programs should be executed. Some felt that information they were given should be harsher, tougher, more realistic and use real life situations rather than fictional ones. Others felt that content needed to be more creative, have emotional impact and not only be delivered on screen. It was suggested that *showing how* things are wrong was more effective than just *saying* they were wrong.²⁴⁶

Some young people felt the most effective way to talk about the issues was to use a problem-solving approach where students were encouraged to think it through for themselves and question what they are doing. They believed this would help change behaviour. An example was given of a short filmmaking program involving self-reflection:

In school I was part of this initiative through all ... schools in our area to create a film on cybersafety. So basically everyone involved created a film in regards to social media, how we portrayed it, the effects of it, and how we can stop it from [harming us] and everything like that. So because of that, I was able to put it into my own perspective. It kind of guided me into hearing this idea of cybersafety as not only something that *may* happen, but its relevance to us all.²⁴⁷

There were also mixed views and experiences of young people on how law enforcement officers delivered online safety messages in schools. In one jurisdiction, police presentations apparently focused on illegal behaviour and the consequences of being put on a sex offender registry. In other locations, presentations took a preventative approach and focused on the impacts on victims.²⁴⁸

We were also told that some schools were reactive rather than proactive when it came to online safety issues. One young person told us that a police officer had spoken to young people after an incident occurred about the potential seriousness of online abuse and consequences. Other groups told us that the police were seen to engage more regularly with young people within schools as a preventative strategy and this had worked to some degree.

If I don't know the person, I don't accept their [social media] friend request. So it's a lot to do with me controlling who I let see what I post and that sort of stuff. I learnt a lot of that because we had a policeman come in [twice] and talk to our whole year, so we learnt a lot about that sort of stuff.²⁴⁹

The consultations with young people highlighted that a key point to cover in online safety education was maintaining appropriate online boundaries between teachers and students, such as not having contact on social media sites.²⁵⁰

Young people also discussed the need for education that helped children consider the consequences of their actions and the potential impacts it had on others. Some felt that making the online environment safer and positive required long-term social change to community attitudes and behaviour.²⁵¹ We heard that parents could play a role in guiding their children to interact respectfully with others online:

I think a lot of parents think that they need to educate their kids how to be safe from others, but they never tell them to act well towards other people. That's like, difficult. You can't tell a parent: "Your kid is going to do something bad". For parents, an equal [focus is needed] on protecting yourself but also how you act with other people.²⁵²

Challenges for educating parents and carers about online safety

Expert panel members emphasised the importance of broader online safety education for parents and other community members so they are better able to actively support children's safety and wellbeing online, and respond when things go wrong.²⁵³

We were told that a key challenge for parents is to keep up with the rate of technological change and to understand what tools children are using, how they are socialising online and how they can use the technological protections available. This view was supported by young people, who believe it is important for adults in institutions and for parents to be educated about the way young people use social media and are informed in a more balanced way about online risks.²⁵⁴

I reckon, the main issue [parents] are having now is they are scared for their children, like, in cybersafety. I feel like there needs to be more programs for parents to go out and learn about different ways they can protect their children. I'm sure there probably already are, but through schools. Put it in a newsletter ... Like, it's not sent out to parents. I feel that would be really good for the parents to understand that, too, because then they could, like, check up on their child, and just know all the good things.²⁵⁵

I think educating parents would be good because then they're aware of what's going on and I think a lot of parents are oblivious to [that].²⁵⁶

In addition to the technological challenges for some parents, research suggests that parents often do not have the broader knowledge and resources to educate their children effectively about sexual abuse and harmful sexual behaviours by other children and young people, wherever it occurs.²⁵⁷ Commissioned research found that parents in two focus groups had not engaged in any education about how to prevent child sexual abuse.²⁵⁸ These parents reported feeling ambivalent about whether they could or would have conversations with children about this issue or teach them self-protective skills. Many were concerned about the developmental appropriateness of these conversations, and were unsure about how to resolve this. Most also felt they had no real understanding about age-appropriate sexual development.²⁵⁹

Panel members also noted the lack of proactive intervention by community members when they became aware of online issues for children. Most interventions and responses are predicated on a victim making a complaint or a perpetrator being identified. We were told that very few complaints are made by bystanders or third parties observing behaviour and reporting it as suspicious.²⁶⁰

Need for effective policies and practices for online safety in all institutions

Some submissions to *Issues paper 3: Child safe institutions* clearly identified the online environment as an emerging area of focus for institutions to prevent child sexual abuse.²⁶¹ The Royal Commission's work on the Child Safe Standards (Chapter 3) identified the need for a standard that directly addresses how institutions can minimise the opportunity for abuse to occur when children are online, and developed Child Safe Standard 8: Physical and online environments minimise the opportunity for abuse to occur.

We heard from expert panel members about the need for clear and comprehensive policies in institutions to create safer online environments for children.²⁶² They reported that this should include protocols for online communications between staff or volunteers and children, such as social media, private messaging, emailing and online gaming. This includes sport and recreational institutions, where much communication between staff, volunteers, parents and children takes place online.

Most young people we spoke with generally were not well aware of comprehensive and current online safety policies that were actively implemented in their schools.

Well, we're meant to have rules like don't take photos of people without asking, and stuff ... But they don't enforce it at our school at all, and with the whole, 'no phones out', or anything, that is not a rule at all.²⁶³

It's very blurred when it comes to social media and stuff. The amount of people that know about [the school's social media policy] is none. There is, like, guidelines, but it's very out of date. I think it's from 2008.²⁶⁴

Challenges in out-of-home care settings

We were told that maintaining online environments that are safe for children and young people remains a particular challenge for out-of-home care providers – one that will continue as technology evolves. In response to our *Institutional responses to child sexual abuse in out-of-home care* consultation paper the following challenges were highlighted:

we note the challenges associated with the internet, including social media, in creating and sustaining a child safe environment. The consultation paper correctly outlines how the use of social media to support child exploitation and enable access to pornographic material on the internet, puts children in out-of-home care at risk. The maintenance of safe online environments for children and young people will remain a challenge for providers of out-of-home care. This will continue as technology evolves.

Our experience suggests that strategies to manage this risk are not well developed at this time. An effective response requires an organisation to possess the resources to protect children when they are engaging online, supported by a workforce with the knowledge and skills to moderate the risks presented by the internet, while not limiting access to the benefits.²⁶⁵

The Australian Government noted in their submission that front line service providers in out-of-home care could benefit from targeted education and a greater awareness of preventative measures such as enforcement of social media policies and identification of early warning signs of online sexual exploitation.²⁶⁶

The need for a balanced approach is critical. We know that the internet can be a means of social connection, support, information and therapeutic intervention.²⁶⁷ Strategies to manage the risks inherent in online environments need to be cautiously applied and not so risk averse that they deny children in out-of-home care the ordinary developmental experiences and potential protective factors that they can gain from online activity.

Challenges in immigration detention settings

We learned about immigration detention primarily through evidence given during our public hearing in *Case Study 51: Institutional review of Commonwealth, state and territory governments*,²⁶⁸ which inquired into the Australian Government Department of Immigration and Border Protection's (formerly Department of Immigration) Child Safeguarding Framework and the response of the Australian Government to the Child Protection Panel report and recommendations published in December 2016.

The Child Protection Panel was appointed in 2015 by the Department of Immigration to independently review incidents of abuse, neglect and exploitation of children in immigration detention in Australia and at the Nauru Processing Centre, and to make recommendations to improve the department's related policies and procedures.²⁶⁹

With respect to creating child safe online environments, the panel's report identified that there may be specific issues relating to children's safety in some 'held detention' environments.²⁷⁰ The panel specifically noted a lack of supervision and monitoring, and absence of a robust security protocol for internet use in held detention. A number of incidents of alleged child abuse were reviewed that occurred in or near internet access areas.²⁷¹ Of particular concern were cases of alleged sexual abuse that involved pornographic material stored on USBs being used during the grooming or abuse of children.²⁷²

The Child Protection Panel recommended that the department implement internet safeguards including:

- restricting data-transfer capability
- identifying users of departmental computers in immigration detention
- regularly reviewing data access records to identify unlawful and inappropriate usage
- limiting access to online and other digital media to age-appropriate content.²⁷³

The department's response is discussed in Volume 15, *Contemporary detention environments*.

Challenges for coordinated responses to online incidents in institutions

Image-based abuse has emerged so rapidly that it is inevitable that law and policy are playing catch-up. Yet in the absence of adequate legal and support responses specifically addressing these wrongs, victims have had limited access to justice.²⁷⁴

I think schools and organisations like that need to be empowered more to be able to know how to go about [getting content removed by a social media provider]. I feel they are not very well empowered at the moment to help make those decisions. So if that photo is posted, for example, and it's not right, how do we as an organisation go to [name of social media provider] to say: 'You need to take that photo down?' It's not very clear.²⁷⁵

We heard from expert panel members that one of the main challenges for schools and other institutions is knowing how to respond effectively to concerns relating to online abuse, in a way that is measured and proportional to the situation, and that minimises further harm to potential victims.²⁷⁶ Organisational capacity needs to be built to deal more effectively with emerging online risks, such as image-based abuse or concerns a child is being groomed online.

The following issues were highlighted:²⁷⁷

- Institutions lack understanding of the appropriate pathway to take in response to online incidents. On occasion, issues are unnecessarily escalated to major cybercrime units. Such matters could be dealt with by individuals, institutions, educational cybersafety units, social media providers and/or the Office of the eSafety Commissioner. This would allow a more efficient use of specialised law enforcement resources.
- There are gaps in resources and systems to respond appropriately to incidents that fall between more minor and major incidents, and support and expertise is needed at the intermediary level between individual institutions and law enforcement.

There are challenges in dealing with the complex legalities of children sharing self-generated sexual images consensually (sexting) *versus* non-consensual re-sharing of images of children. This is compounded by current disparities in legislation across jurisdictions.

- Efforts are duplicated in developing effective responses to incidents and resources through a lack of coordination and proactive sharing of approaches, materials and information across agencies.
- Multi-sector forums and joint unit meetings for sharing information, approaches and resources are sporadic or have been discontinued.

Barriers for children reporting peer-to-peer image-based abuse

I think so, yeah. I think a lot of people would much rather be able to talk to someone that they can relate to. So, I wouldn't really go and talk to – like, most of my teachers are quite old, so I wouldn't talk to them, but I might go and talk to one of the Year 12 boys, sort of thing.²⁷⁸

Many young people in our consultations spoke about the barriers to reporting incidents where personal images had been shared non-consensually.²⁷⁹

Fears of negative or criminal consequences from reporting incidents

There was a perception among some young people that the young people who had initially produced the images, those who had shared them or those who had received them could 'get into trouble'. Some felt that this was especially the case if they told a teacher.

I think kids would feel like if they told someone, they'd just be like going in to get in trouble instead of going in to ask for help.²⁸⁰

We had this same conversation at [name of youth meeting] and it sort of came up that our youth members don't actually feel safe to report these things because they feel it's going to come back to bite them in some way.²⁸¹

One young woman believed young people generally knew that sharing nudes of individuals under 18 years was a crime. They had been warned of the consequences of being on the child sex offender register on their future travel, employment and long-term prospects. This information appeared to have come from police presentations at school.

Yes, we had the police come to our school and it was after we had this whole nude thing, [the images] were going around our school, it was really awful. And the police came and told us that if you even send the nude you could get put on the child sex offender list, because you're the one taking the photos and you're sending them on. And so after the police said that, so many kids were like: 'okay, now we need to stop'. They can get in so much trouble just by doing that.²⁸²

A reluctance to implicate peers and code of silence

Some young people noted their unwillingness to be seen to be 'ratting out' a friend or other students, and the social consequences if discovered. Several young people suggested that schools had encouraged students to deal with problems themselves and not to tell on other children.²⁸³

A lack of knowledge, skills or influence to respond effectively

Some young people expressed concerns that they would not know what to do to stop images being shared and situations escalating.

if just one person who had seen the photo had said something to either a teacher or one of the principals, it wouldn't have gone so far. So I feel like you have to tell someone. You have to tell an adult who is able to handle it, because us, as teenagers, aren't able to handle something like that, especially because it spreads so fast because of social media.²⁸⁴

I wouldn't know what to do if somebody sent me photos. I feel like just saying 'you shouldn't share those photos' wouldn't do anything about it. I wouldn't know how to stop it, I guess ... because we get told 'don't keep them' but rather than just removing yourself from it, how do you get rid of it completely? If you don't want to make a big thing about it, who do you tell?²⁸⁵

Shame and victim blaming

More than two-thirds of survivors (66.8 per cent) who attended a private session provided information about their barriers to disclosure. Many of them said that shame or embarrassment was a barrier to disclosing at an earlier point in their lives (46.0 per cent who had disclosed as an adult and 27.8 per cent who had disclosed as children). Barriers to disclosure are discussed in Volume 4, *Identifying and disclosing child sexual abuse*.

Emerging research findings suggest that concerns of survivors about disclosing offline abuse can be similar to the concerns of those experiencing image-based abuse. A large US survey of young people who had been victims of sextortion found that shame, embarrassment and self-blame were commonly seen as barriers to seeking help from friends and family or from reporting issues to technology companies. Around half of respondents had not disclosed to family or friends about the situation.²⁸⁶ Only 21 per cent of respondents had reported their situation to a website or social media provider.²⁸⁷ Only 16 per cent had reported incidents to the police.²⁸⁸

5.4.2 Opportunities for effective prevention and response to online child sexual abuse

We have concluded there are a number of opportunities for strengthening prevention and response to online child sexual abuse nationally. Several related areas build on the considerable work currently underway in Australia, and on existing mechanisms, programs, resources and frameworks.

Online safety is a rapidly evolving and dynamic area of activity. Our recommendations reflect this and the need for a combination of flexible approaches based on ongoing, nationally coordinated prevention of and responses to online harm.

We are of the view that this work needs to be led by and build on the existing work of the Office of the eSafety Commissioner, acknowledging the Australian Government's overarching responsibilities under the Enhancing Online Safety Act (see Section 5.3.2). We recognise that there will be cost implications for these new or expanded initiatives, and the Office of the eSafety Commissioner and relevant agencies should be adequately resourced to undertake this work.

The key opportunities to strengthen online safety approaches include:

- national online safety education for all children
- advice and education for parents to support their children's online safety
- mechanisms and resources to support schools and other institutions to create child safe online environments
- coordinated responses by relevant agencies such as law enforcement and industry providers to address online child sexual abuse
- building national capacity and collaboration to deal with the complexities of the evolving online environment.

National online safety education for all children

Education of children about online safety plays a critical role in helping to safeguard children from online sexual abuse. It can be used to:

- raise awareness of emerging risks online
- promote online behaviours that promote safety and wellbeing for children and their peers
- help build digital competence as technologies evolve including use of data privacy and protection settings
- encourage children to proactively seek help when concerned that they or their peers are at risk of harm
- address some of the barriers for children to disclose online abuse, such as victim blaming and shaming.

The important role of schools in delivering online safety education

Schools play a crucial role in the lives of almost all children. Many schools are central to their communities and are a place where families, staff and other services are connected. They are an essential setting for delivering child sexual abuse prevention programs to children and young people, including education to support their safety and wellbeing when online.

School delivery would be relatively economical – their primary function is to educate, and prevention programs generally align with the school health curricula.²⁸⁹ School-aged young people are at a critical age for forming their attitudes and knowledge.²⁹⁰ For reasons such as these, school-based education programs have been the most widely used strategy for the prevention of child sexual abuse.²⁹¹ Central delivery of online safety education at school would help ensure that large numbers of children receive universal messages without stigmatising those at particular risk.²⁹²

Other institutions could provide complementary or alternative avenues for delivering online safety education to children. They could help reinforce online safety messages or reach children who might not be accessing the formal education system. Other settings, such as sport and recreation, are discussed further below.

The need for a national approach to online safety education delivered through schools

A nationally consistent approach should be developed for school-based online safety education for children and young people, and introduced across all jurisdictions. A national approach to online safety will help facilitate best practice education and ensure the effective use of resources by eliminating duplication of effort.

There is already some momentum towards nationally consistent approaches. The Australian Government has recognised the importance of a national approach to online safety by establishing the Office of the eSafety Commissioner and funding the Enhance Online Safety for Children program to help some schools access certified online safety programs.²⁹³ The National Safe Schools Framework also has guiding principles for all schools to use in achieving safe, supportive and respectful school communities.

A national approach to online safety education should be embedded in school curricula and linked to relevant areas of content and skill development. It also needs to be made accessible to all children, including those with diverse backgrounds and needs.

We were told that this education needs to start from an early age and be staged appropriately from Foundation year to Year 12. The program should be updated annually to reflect evolving technologies, changing online behaviours and evidence of international best practice approaches.

Integration of online safety education into the Australian Curriculum

Various areas of the existing Australian Curriculum (F-10) can be considered for the integration of more comprehensive coverage of aspects of online safety education.

The curriculum includes a learning area of 'Technologies' which includes 'Digital Technologies'. The main objective of this curriculum is to help children acquire advanced technical knowledge and skills, rather than on developing communication and behavioural skills.²⁹⁴

Child sexual abuse prevention must be inferred or interpreted within the scope of the Australian Curriculum.²⁹⁵ The learning area in the curriculum where child sexual abuse prevention content is typically located is 'Health and physical education (F-10)', although it is not explicitly stated there.²⁹⁶ Schools may choose to cover this in Strand 1 ('Personal, social and community health') within this learning area.²⁹⁷ Two Strand 1 focus areas are potentially relevant: 'Safety' and 'Relationships and sexuality'.²⁹⁸

Another part of the curriculum is 'General capabilities', which covers broader knowledge, skills, behaviour and dispositions, which could be relevant to child sexual abuse prevention.²⁹⁹ Aspects of child sexual abuse prevention are implicit in various statements elsewhere in the curriculum.³⁰⁰

Another emerging set of programs of relevance to preventing harmful sexual behaviours in children is 'respectful relationships' education (see Chapter 2). These programs target older children and young people, generally from Years 5 to 12. Currently, their main aim is to prevent domestic and family violence, and other gender-based violence.³⁰¹ The content area is of potential relevance for discussing with children the issues of non-consensual sharing of images, sextortion and the impacts of exposure to online pornography.

Content and approaches to curriculum design

Our work has highlighted several areas and issues for consideration in the design of an online safety curriculum. These include:

- integrating with related areas of learning in the school curriculum, such as respectful relationships and addressing bullying, which relate to peer-to-peer online behaviours such as image-sharing without consent
- developing general life skills to help children safely navigate and manage their online communications
- providing content that builds children’s understanding of privacy and consent in the online environment, the legalities and ethics of online activities, and evolving safety tools and settings to better protect online interactions
- addressing some of the barriers to disclosing online abuse, such as victim blaming and shaming.

Approaches in the delivery of online safety education could include:

- using certified providers that are evaluated and screened for quality control to deliver education programs
- expanding the use of the Office of the eSafety Commissioner’s ‘virtual classrooms’ to provide interactive education for children and training for staff
- ensuring that children of all ages and abilities are involved in the design, testing and evaluation of online safety educational programs and resources – the realities of children’s experiences and their perceptions are critical to designing messages, protections and responses
- tailoring and targeting materials to reach and resonate with children of all ages, abilities, and cultural and linguistic backgrounds. Young people’s different perspectives on effective educational approaches (discussed above) indicate the need for varied curricula, a range of approaches to delivery, and targeted messages that are designed to resonate with different audiences and different ages.

The Office of the eSafety Commissioner can continue to play an important role in ensuring that online safety education is integrated into schools to prevent child sexual abuse and harmful sexual behaviours. The office provides online safety education for young people and parents, and runs a voluntary certification scheme for online safety programs delivered to schools.³⁰²

Further work is required to evaluate the outcomes of existing online safety programs, and to test and pilot new programs. Such knowledge would build understanding of the kinds of programs that are more effective in changing online behaviours and the most effective delivery methods.³⁰³

Delivering online safety education through other institutions

As proposed in the *Nature, cause and impact of child sexual abuse* case study, sport and recreation organisations can also play an important role in the prevention of child sexual abuse.³⁰⁴ These institutions have a prominent and positive position in society and can be used as gateways to raise awareness about child safety, across all communities.³⁰⁵ They can deliver messages and resources about staying safe online to children and young people.

A recent Australian survey indicated that approximately 3.2 million children aged 0–14 participated in some form of organised sport or physical activity outside school hours from October 2015 to September 2016.³⁰⁶ This represents a participation rate of 69 per cent of the total number of children aged 0–14 in Australia at that time.³⁰⁷ For young people aged 15–17, an even higher participation rate of 93 per cent was found, with almost 750,000 young people in this age range taking part.³⁰⁸

Data on children’s participation in cultural and creative activities outside of schools similarly indicates high levels of involvement. In the 12 months to April 2012, almost one million Australian children aged 5–14 years participated in at least one organised cultural activity outside school hours, such as playing a musical instrument, singing, dancing, drama, or art and craft.³⁰⁹

Child sexual abuse prevention approaches delivered in sport and recreation settings are discussed further in Chapters 2 and 4, and in Volume 14, *Sport, recreation, arts, culture, community and hobby groups*. The discussions include:

- designating Child Safety Officer positions in local councils across Australia from existing staff profiles to work with sport and recreation clubs and other local businesses that provide services to children to help deliver child safety messages and access resources (see Recommendation 6.12)
- expanding the role of the non-government organisation ‘Play by the Rules’, to provide child safety resources to the broader sport and recreation sector through its website, in partnership with the National Office for Child Safety (see Recommendation 14.2).

Reaching vulnerable children to support their safety and wellbeing online

Consideration should be given to how all children and young people can be reached, actively engaged and supported to stay safe online. Vulnerable groups of children who might not access formal school education programs should be engaged through targeted responses delivered in out-of-home care settings (see Volume 12, *Contemporary out-of-home care*) and through outreach to young people experiencing homelessness, for example.

Other settings where online safety education may need to be tailored for children at risk are youth detention and immigration detention (see Volume 15, *Contemporary detention environments*).

Recommendation 6.19

Ministers for education, through the Council of Australian Governments, should establish a nationally consistent curriculum for online safety education in schools. The Office of the eSafety Commissioner should be consulted on the design of the curriculum and contribute to the development of course content and approaches to delivery. The curriculum should:

- a. be appropriately staged from Foundation year to Year 12 and be linked with related content areas to build behavioural skills as well as technical knowledge to support a positive and safe online culture
- b. involve children and young people in the design, delivery and piloting of new online safety education, and update content annually to reflect evolving technologies, online behaviours and evidence of international best practice approaches
- c. be tailored and delivered in ways that allow all Australian children and young people to reach, access and engage with online safety education, including vulnerable groups that may not access or engage with the school system.

Helping parents support their children's online safety

As discussed in Chapter 2, education of parents is a critical strategy to help prevent child sexual abuse in physical or online environments. Parents are often the most readily available source of information for their children about child sexual abuse prevention and parental support is seen as critical for the success of school-based prevention programs.³¹⁰

Research suggests parents should talk early and often to their children about these issues.³¹¹ Parents can reinforce safety messages children are given in school and other settings by clarifying concepts and helping their children to apply what they have learnt in their daily lives.³¹²

We have concluded that online safety education for parents could cover the same broad types of issues as those for children and young people, but from the perspective of how to support and protect them as technologies evolve. The education should be delivered both online and face to face.³¹³ The fact that young people often have higher levels of digital literacy than their parents is an important consideration in developing online safety education for parents.³¹⁴

Practical online strategies that parents could adopt include installing filtering software, checking security settings on devices, setting children's online profiles to private, and developing household safety guidelines.³¹⁵ Offline strategies include frequently discussing online safety issues with children, maintaining open communication with children, and using other trusted people such as older siblings to monitor children's online activity.³¹⁶

We heard in our consultations of a need for more proactive responses by community members as ‘bystanders’ when they become aware of online issues for children.³¹⁷ Media campaigns and education can encourage people to support children or report issues.

Recommendation 6.20

Building on its current work, the Office of the eSafety Commissioner should oversee the delivery of national online safety education aimed at parents and other community members to better support children’s safety online. These communications should aim to:

- a. keep the community up to date on emerging risks and opportunities for safeguarding children online
- b. build community understanding of responsibilities, legalities and the ethics of children’s interactions online
- c. encourage proactive responses from the community to make it ‘everybody’s business’ to intervene early, provide support or report issues when concerns for children’s safety online are raised.
- d. increase public awareness of how to access advice and support when online incidents occur.

Supporting institutions to create child safe online environments

We have concluded that all institutions need to increase their capacity to better support children’s safety online and to respond effectively to concerning issues or incidents of child sexual abuse online.

More robust mechanisms need to be implemented in institutions to help create child safe online environments – mechanisms that are responsive to evolving technologies and changing online behaviours. Staff and volunteers require education and training to help implement online safety policies and procedures, and to encourage an online culture within their institution that promotes children’s safety and wellbeing.

Consideration also needs to be given as to how child safe online environments are encouraged in out-of-home care, where children could be at higher risk.

Child Safe Standard for online environments

We have concluded that child safe institutions create cultures, adopt strategies and take action to prevent harm to children, including child sexual abuse. This carries over into creating child safe online environments and online cultures.

Our 10 Child Safe Standards articulate the key components or elements of a child safe organisation (Chapter 3). These standards are intended to guide institutions in what they need to do to be child safe by setting best practice to drive and guide performance. We recommend that all institutions implement these standards, and they should be mandatory for child-related institutions. Independent state and territory oversight bodies should support institutions in implementing the standards.

In developing these standards we took into account the importance of creating child-safe environments for children. This is reflected in Child Safe Standard 8: ‘Physical and online environments minimise the opportunity for abuse to occur’. The standard relates to how institutions can help minimise the opportunity for abuse to occur when children are online or offline, acknowledging that the boundaries between these spaces are fluid.

Under Child Safe Standard 8, we have determined the kinds of things that institutions need to do to create child safe online environments. The list below is not exhaustive. Given the rapidly evolving nature of technologies, online behaviours and related legislation, institutions need to proactively keep up to date and review their policies and practices.

Child Safe Standard 8: Physical and online environments minimise the opportunity for abuse to occur

Features of minimising risks in the online environment

- Risks in the online environment are identified and mitigated without compromising a child’s right to privacy and healthy child development:
 - consultation with children about online environments and what makes them feel safe
 - open discussions of children’s online safety and the nature of organisational activities
 - a strong prevention and awareness focus, by educating children, parents, staff, volunteers and the institution’s stakeholder community about online safety and security.
- The online environment is used in accordance with the institution’s code of conduct and relevant policies. The institution:
 - routinely monitors the online environment, reporting breaches of its code of conduct or child safe policies in accordance with the institution’s complaint-handling processes
 - reports serious online offences to police in accordance with mandatory reporting obligations
 - provides education and training about the online environment that is consistent with its code of conduct and child protection and other relevant policies, and addresses the use of mobile phones and social media.

Pre-service education for tertiary students and in-service training for staff in child-related institutions

As discussed in Chapter 2, we recommend that child sexual abuse prevention education should be included in all tertiary courses associated with child-related occupations (see Recommendation 6.2). Students in these courses represent an important cohort that can help prevent child sexual abuse in their own communities, and in current and future institutional settings. This education can be seen as part of a career-long continuum of building capacity in staff to help prevent child sexual abuse and harmful sexual behaviours by children.³¹⁸

Courses of relevance could include allied health, childcare, disability, early childhood, education, health, law, medicine, midwifery, psychology, psychiatry and social work delivered through universities, technical and further education colleges, and vocational education and training institutions.

The curriculum should include content that explicitly covers online child sexual abuse and harmful sexual behaviours by children – prevention, identification and response.

We also propose that in-service training for staff and volunteers is provided in child-related institutional settings (see Chapters 3 and 4), and covers an understanding of:

- how risks can be minimised to create an online culture that is safe for children
- the institution's online code of conduct and other relevant policies and procedures
- guidance in how to respond to specific online incidents.

Pre-service training for tertiary students and in-service training for staff and volunteers should be regularly updated to reflect rapidly evolving technologies, online behaviours and associated risks to children.

Recommendation 6.21

Pre-service education and in-service staff training should be provided to support child-related institutions in creating safe online environments. The Office of the eSafety Commissioner should advise on and contribute to program design and content.

These programs should be aimed at:

- a. tertiary students studying university, technical and further education, and vocational education and training courses, before entering child-related occupations; and could be provided as a component of a broader program of child sexual abuse prevention education (see Recommendation 6.2)
- b. staff and volunteers in schools and other child-related organisations, and could build on the existing web-based learning programs of the Office of the eSafety Commissioner.

Embedding an online safety framework in all schools to help meet Child Safe Standard 8

In order to meet Child Safe Standard 8 for online environments and improve responses to online safety concerns, all schools, and potentially other institutions, should adopt an online safety framework. This should encourage a consistent national approach to responding to online safety concerns, while acknowledging the need for some tailoring to take account of variations in criminal law between jurisdictions.

An online safety framework would give institutions a systematic approach to embedding cybersafety into the organisation's culture and strengthening institutional policies and procedures, codes of conduct and workforce training. The framework would also allow organisations to self-review their performance and outcomes.

In addition to addressing broader cybersafety issues, the framework should incorporate clear guidelines and support tools that specifically deal with preventing and responding to online-facilitated child sexual abuse, for example:

- protocols for online communications (such as social media, private messaging, emailing and online gaming) between staff or volunteers and children including descriptions of inappropriate types of online behaviours outside of school hours and off premises³¹⁹
- appropriate production and use of digital images depicting children, including issues of consent
- internal and external reporting of online-facilitated sexual abuse, which should help institutions understand and follow appropriate levels of escalation for managing responses to incidents, using the appropriate pathway through internal resolution, or through a cybersafety unit, the Office of the eSafety Commissioner, an online service provider and/or law enforcement agencies
- best practice preservation and handling of digital evidence to support criminal justice processes
- supporting victims of online abuse to minimise further harm.

The development of a framework for schools and other organisations could build on and/or be informed by existing models in Australia and overseas.

The eSmart schools program in Australia (see Section 5.3.5) aims to provide a framework to guide schools on how to implement policies, practices and processes to create a positive and safe online culture. By 2014, it had been rolled out to 2,200 schools nationally.³²⁰

Another useful comparative model is an integrated suite of online safety resources for schools in the UK, developed by the South West Grid for Learning, a charitable educational trust.³²¹ The grid is a partner in the UK Safer Internet Centre as part of the European Commission's Safer Internet Programme.³²²

Of particular relevance is '360 Degree Safe', an online self-review tool central to the model, which is designed to help schools review their online safety policy and practice.³²³ It has been rapidly adopted by more than 10,000 schools in the UK,³²⁴ and has won a number of national awards. The tool is flexibly designed to be used in any type or size of school, and can be phased in gradually as capacity builds.³²⁵

The tool defines 28 aspects of online safety, from policy issues through to staff training and technical measures. It is designed to integrate online safety into broader school policy and the curriculum.³²⁶

A prioritised action plan helps schools identify what they need to do to improve and in what order. A rating system allows schools to assess how well they perform on each aspect and to generate progress reports.³²⁷ A school can apply for formal accreditation when it meets benchmark levels.³²⁸

Centralised data collection, evaluation and external accreditation are key components of the tool.³²⁹ Drawing on this data, the 2016 evaluation report highlighted some key areas of strengths and limitations in schools' use of the tool. Eighty-five per cent of schools had effective online safety policies in place, with the majority having effective connectivity and filtering, and acceptable usage agreements.³³⁰ Areas identified for improvement included the need to:

- conduct training on online safety for school governors and staff
- effectively engage with the wider school community
- introduce evaluation mechanisms at a school level to measure the impact of their online safety policies and practices.³³¹

South West Learning Grid also provides other supporting resources. These include:

- **On-site online safety training for school staff**, which can be tailored to local needs³³²
- **School Online Safety Policy templates**, which can be accessed via the 360 Degree Safe tool. They include an overall Online Safety Policy and more detailed template policies including a flowchart for how to respond to incidents of misuse, and a 'Social Media Policy'.³³³ These templates have been adopted by local authorities, schools and universities across the UK³³⁴
- **ICAlert**, which is a device for schools to monitor their internet access. It activates an alert when attempts are made to access illegal content, such as child sexual exploitation material.³³⁵ It provides useful data to enable schools to act promptly to protect children if required³³⁶

- **Professionals Online Safety Helpline**, which supports professionals in relation to issues concerning young people and online safety. It also advises on specific digital issues such as child protection online, cyberbullying, social networking sites and sexting³³⁷
- **The Revenge Porn Helpline**, which provides confidential advice and support, and partners with internet service providers to try to minimise the reach and harm caused by image-based abuse.³³⁸

We propose that an online safety framework is rolled out to all schools, to support them in meeting Child Safe Standard 8. The design of the framework needs to be flexible to allow schools to adapt components for their individual context, to address the considerable variation across individual schools and across jurisdictions. The work of the eSmart schools program in Australia and the UK South West Grid for Learning’s school e-safety model can inform the approach taken in Australia.

Consideration should be given to how such frameworks and resources can be adapted and made available for use in other institutional settings.

Recommendation 6.22

In partnership with the proposed National Office of Child Safety (see Recommendation 6.16 and 6.17), the Office of the eSafety Commissioner should oversee the development of an online safety framework and resources to support all schools in creating child safe online environments. This work should build on existing school-based e-safety frameworks and guidelines, drawing on Australian and international models.

The school-based online safety framework and resources should be designed to:

- a. support schools in developing, implementing and reviewing their online codes of conduct, policies and procedures to help create an online culture that is safe for children
- b. guide schools in their response to specific online incidents, in coordination with other agencies. This should include guidance in complaint handling, understanding reporting requirements, supporting victims to minimise further harm, and preserving digital evidence to support criminal justice processes.

Coordinated responses to online child sexual abuse incidents across agencies

Implementing an online safety framework nationally in all schools requires overarching mechanisms and policies to be in place to ensure a coordinated, seamless response across relevant agencies when online incidents occur. It needs collaboration between agencies such as individual institutions, state and territory education departments, law enforcement agencies, social media and internet service providers, and the Office of the eSafety Commissioner.

At a state or territory level, education departments should consider developing centralised mechanisms and processes to help individual schools manage responses effectively and ensure the appropriate level of escalation of an issue to a relevant agency or agencies.

As a promising model for consideration in other jurisdictions and institutional contexts, the Cyber Safety and Reputation Management Unit in the Queensland Department of Education and Training has centralised expertise and a coordination function to support all schools in the Queensland state system when incidents occur.

We have heard from expert panel members of the effectiveness of the unit's work in helping schools respond to online incidents that occur in schools.³³⁹ They take measures to ensure effective triaging of responses to online issues, working closely with technology service providers and law enforcement, if required.³⁴⁰

We also heard that consideration could be given to testing the use of an indicator-based referral system to identify early interventions for online child sexual abuse.³⁴¹ It could draw on an approach that has apparently been effective for human trafficking investigations. The use of indicators can give a more holistic picture of the nature of the problem. Departments look for the types of indicators that point to more serious circumstances and then refer those circumstances to the police unit. For example, this might result in an intervention by a non-government organisation or a social services department, rather than a police response or a formal investigation.³⁴²

How external agencies can provide effective coordinated responses for incidents that occur in institutions other than schools, such as sport and recreational settings, and out-of-home care, is a matter for consideration.

Recommendation 6.23

State and territory education departments should consider introducing centralised mechanisms to support government and non-government schools when online incidents occur. This should result in appropriate levels of escalation and effective engagement with all relevant entities, such as the Office of the eSafety Commissioner, technical service providers and law enforcement.

Consideration should be given to:

- a. adopting the promising model of the Queensland Department of Education and Training's Cyber Safety and Reputation Management Unit, which provides advice and a centralised coordination function for schools, working in partnership with relevant entities to remove offensive online content and address other issues
- b. strengthening or re-establishing multi-stakeholder forums and case-management for effective joint responses involving all relevant agencies, such as police, education, health and child protection.

Building national capability and coordination

The Royal Commission has heard of the need to strengthen the national response to child sexual abuse. This national response needs agencies to build and maintain their technical capability as technologies evolve and new online risks emerge, and to share best practice responses and resources to address complex problems in this rapidly changing environment.

Along with the eSafety Commissioner, all relevant agencies from government, non-government, law enforcement units and industry should be involved, with ongoing partnerships with global alliances and international agencies addressing online child sexual abuse and exploitation.

As part of this process, police commissioners from states and territories and the Australian Federal Police should continue to explore mechanisms to ensure national capability for coordinated, best practice responses by law enforcement agencies to online incidents. Considerable expertise exists in Australia's specialised cybercrime units that can be transferred across police departments.³⁴³

We also heard from expert panel members of the value of training frontline police officers on issues relating to online child sexual abuse and harmful sexual behaviours. This could support frontline officers in dealing with public complaints on emerging issues such as image-based abuse and sextortion, and in delivering effective online safety education messages to children and young people in schools and other community settings.

Recommendation 6.24

In consultation with the eSafety Commissioner, police commissioners from states and territories and the Australian Federal Police should continue to ensure national capability for coordinated, best practice responses by law enforcement agencies to online child sexual abuse. This could include through:

- a. establishing regular meetings of the heads of cybersafety units in all Australian police departments to ensure a consistent capacity to respond to emerging incidents and share best practice approaches, tools and resources
- b. convening regular forums and conferences to bring together law enforcement, government, the technology industry, the community sector and other relevant stakeholders to discuss emerging issues, set agendas and identify solutions to online child sexual abuse and exploitation
- c. building capability across police departments, through in-service training for:
 - i. frontline police officers to respond to public complaints relating to issues of online child sexual abuse or harmful sexual behaviours
 - ii. police officers who liaise with young people in school and community settings.

Considerations for all online safety initiatives

In addition to our specific recommendations, we have concluded that there are a number of important considerations for strengthening prevention and response to online facilitated child sexual abuse and ensuring that all Australian children and those responsible for their care are reached.

Involving children and young people as digital experts

Our work has highlighted the critical importance of involving children and young people throughout the process. We have heard from young participants in our research and consultations that children and young people need to be centrally engaged in designing and implementing solutions.³⁴⁴ They can contribute to understanding what can help make them feel safer and stay safer online. They are best placed to inform the ways in which information and education are delivered, and the areas of knowledge and skill development most needed, as the online environment evolves and levels of digital literacy in the community increase.

Reaching all children and communities

Responses should be tailored and targeted to reach and engage all children and adults from all communities and in all institutional settings. They should be delivered in accessible ways for different cultural contexts, languages and religious settings. They must also take account of barriers to participation such as individual impairments and community attitudes towards disability, culture or ethnicity.

Building understanding of what works

Online-facilitated child sexual abuse is still an area of emerging risk. The evidence base is limited for understanding the most effective approaches to prevention and response. There should be value in undertaking further research and evaluation, including:

- formative research, testing and piloting of new programs and initiatives before taking projects to scale
- monitoring and evaluation of existing programs and new initiatives
- sharing findings of what appears to be working to contribute to the international evidence base.

A balanced, coordinated and evolving approach to the complexities of online safety

The online safety of children is an increasingly important issue for institutions, governments and all communities. As we have emphasised, it is a dynamic and rapidly evolving area of risk and policy response, due to emerging and complex technologies and changing behaviours online. The boundaries between online and offline experiences are increasingly arbitrary. The seamless nature of the online world also means that children's activities online blur the boundaries between what takes place within institutions and outside of them. This creates very specific challenges for institutions going forward.

Our recommendations reflect this and acknowledge the need for flexible approaches that are nationally coordinated. We have concluded that effective responses involve a number of overlapping components – education, engineering, enforcement and engagement, with collaboration between respective agencies.

Importantly, a balanced, informed response to online safety needs to resonate with children and young people, drawing on their experiences and expertise, and acknowledging their rights to access all the benefits of the online world.

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APPENDICES

Appendix A Practical guidance for implementing the Child Safe Standards

This appendix describes initiatives, actions and practices to implement the Child Safe Standards. While it is a general guide for institutions, the information is not exhaustive and institutions should make their own decisions about implementing the standards. We acknowledge some actions listed below may not be practicable or necessary for some institutions.

Standard 1: Child safety is embedded in institutional leadership, governance and culture

A child safe institution is committed to child safety. This commitment should be supported at all levels of the institution and be embedded in an institution's leadership, governance and culture, and all aspects of the institution's business and practice.

Institutional culture consists of the collective values and practices that guide the attitudes and behaviour of staff and volunteers. It guides the way things are done and the way issues are managed, dealt with and responded to. A positive, child-focused culture could help to protect children from sexual abuse and facilitate the identification of and proper response to child sexual abuse.

The standard's core components

We consider the core components of leadership, governance and culture in a child safe institution to be the following:

- a. The institution publicly commits to child safety and leaders champion a child safe culture.
- b. Child safety is a shared responsibility at all levels of the institution.
- c. Risk management strategies focus on preventing, identifying and mitigating risks to children.
- d. Staff and volunteers comply with a code of conduct that sets clear behavioural standards towards children.
- e. Staff and volunteers understand their obligations on information sharing and recordkeeping.

Implementing the core components

The institution publicly commits to child safety and leaders champion a child safe culture

The institution:

- explains in publicly available information how the institution is meeting its commitment to child safety and welcomes feedback
- addresses child safety in duty statements and performance agreements for all staff, including senior leaders and board members
- raises staff awareness about obligations to protect the safety and wellbeing of children within a broader context of supporting children's rights
- establishes and maintains a workplace culture of respect for children, regardless of their individual characteristics, cultural backgrounds and abilities
- lists child safety as a standing meeting agenda item.

Child safety is a shared responsibility at all levels of the institution

To embed this responsibility in the institution's culture:

- children's cultural safety is addressed in the institution's policies and procedures
- information about child safety is accessible, regularly promoted, and staff, volunteers, children and families are encouraged to raise safety issues without fear of retribution
- staff, volunteers, children and families report that they know that child safety is everyone's responsibility and they feel empowered to have a say in and influence decisions about child safety.

Leaders of the institution:

- inform themselves about all aspects of child safety
- model and foster a commitment to child safe practices
- set accountabilities for child safe principles at all levels of the institution's governance structure
- understand the problem of child sexual abuse
- foster a culture that supports anyone to disclose safely their concerns about harm to children
- appoint to the institution's board a Child Safe Trustee or Children's Champion who is willing and able to advocate on behalf of children, and a Child Protection Coordinator who reports to the executive about the institution's child safe performance.

Staff are made aware of their responsibilities through:

- duty statements that identify roles and responsibilities (including child safety) for all positions
- an organisational chart that shows lines of authority, reporting and accountability for each position.

Risk management strategies focus on preventing, identifying and mitigating risks to children

Risk management strategies support a structured approach to identifying and assessing the characteristics of an institution that may heighten the risk of child sexual abuse. They are an important tool to help keep children safe.

The institution's risk management strategy:

- is developed from a clear, evidence-informed concept of potential intentional and unintentional risks to children in an institution's specific setting. For sexual abuse, it requires knowing the characteristics of abusers and victims, and how, when and where abuse tends to occur
- has a prevention focus that addresses child safety
- has appropriate controls to identify, assess and address risks
- considers increased risk with specific roles and activities, and children with heightened vulnerability, but does not discourage positive relationships between adults and children, and healthy child development
- attends more closely to risk in situations where staff have roles that involve working alone with children or without supervision; in private settings; in intimate care routines or situations with children (for example, bathing, dressing, or counselling and guidance); and in leading or supervising others in child safety roles.

For more information, see Standard 6 below, and Volume 7, *Improving institutional responding and reporting*.

Staff and volunteers comply with a code of conduct that sets clear behavioural standards towards children

A code of conduct sets out clear behavioural standards, practices or rules that are expected of individuals in an institution. This includes standards of behaviour that are expected between adults and children.

The institution's code of conduct:

- applies to all staff and volunteers, including senior leaders and board members
- clearly describes acceptable and unacceptable behaviour of employees and volunteers towards children (for example, by illustrating behaviours with relevant examples)
- is communicated effectively to all staff
- requires signed acknowledgement by all staff and volunteers
- is published, accessible to everyone within the institution (including children and families) and communicated throughout the institution using a range of modes and mechanisms
- if breached, requires a prompt response and includes clearly documented response mechanisms, on a continuum from remedial education and counselling through to suspension, termination and official reports.

For more information, see Standard 6 below, and Volume 7, *Improving institutional responding and reporting*.

Staff and volunteers understand their obligations on information sharing and recordkeeping

Within the institution:

- staff and volunteers are aware of and understand their obligations in relation to data collection, information sharing and recordkeeping
- records are stored in accordance with best practice principles for access and use.

Standard 2: Children participate in decisions affecting them and are taken seriously

Children are safer when institutions acknowledge and teach them about their rights to be heard, listened to and taken seriously. Article 12 of the United Nations Convention on the Rights of the Child (UNCRC) details the rights of a child to express their views and participate in decisions that affect their lives. Enabling children and young people to understand, identify and raise their safety concerns with a trusted adult and to feel safe within the institution is important.

A child safe institution is one that seeks the views of children and considers their age, development, maturity, understanding, abilities and the different formats and means of communication they may use. It provides children with formal and informal opportunities to share their views on institutional issues. Children can access sexual abuse prevention programs and information, and feel confident to complain, for example, by using helplines. Staff are aware of signs of harm, including unexplained changes in behaviour, and routinely check children's wellbeing.

The standard's core components

We consider the core components of children's participation and empowerment within an institution to be the following:

- a. Children are able to express their views and are provided opportunities to participate in decisions that affect their lives.
- b. The importance of friendships is recognised and support from peers is encouraged, helping children feel safe and be less isolated.
- c. Children can access sexual abuse prevention programs and information.
- d. Staff and volunteers are attuned to signs of harm and facilitate child-friendly ways for children to communicate and raise their concerns.

Implementing the core components

Children are able to express their views and are provided opportunities to participate in decisions that affect their lives

The institution:

- asks children to participate and talk about the things that affect their lives, including their safety
- embeds children's participation into institutional practices, for example, by providing opportunities for children to participate in decisions that affect their lives
- matches participation methods to the age, capabilities and cultural background of the children, and the type of institution
- creates opportunities for children to be involved in institutional governance, while also being honest with children about the extent of their involvement and giving children feedback on how their views have been actioned by the institution
- plans formal and informal times and activities for information sharing and discussion with children about broad institutional issues and/or decisions
- provides opportunities for children to give feedback to the institution, including anonymous surveys and/or suggestion boxes.

The importance of friendships is recognised and support from peers is encouraged, helping children feel safe and be less isolated

The institution:

- recognises the importance of children's friendships and peer support in helping children feel safe and be less isolated
- actively supports children to develop and sustain friendships (for example, a 'buddy system')
- provides children with education about safe and respectful peer relationships, including through social media.

Children can access sexual abuse prevention programs and information

The institution:

- provides children with access and referral to educational programs on child protection appropriate to their age, ability and level of understanding
- openly displays contact details for independent child advocacy services and child helpline telephone numbers, and explains their use to children
- arranges appropriate referrals or support for children.

Staff and volunteers are attuned to signs of harm and facilitate child-friendly ways for children to communicate and raise their concerns

The institution:

- establishes mechanisms that enable children to raise any complaints safely
- provides staff with resources and/or training opportunities to support children's participation
- requires staff to be vigilant to signs of harm and routinely check to see if children are okay
- provides child-focused and inclusive complaint-handling processes
- allows sufficient time, opportunity and appropriate support for children with disability to raise concerns
- draws on a culturally diverse workforce to nurture and support children's diverse needs and cultural safety
- ensures sufficient time to build healthy relationships between staff, volunteers and children.

Standard 3: Families and communities are informed and involved

A child safe institution observes Article 18 of the UNCRC, which states that parents, carers or significant others with caring responsibilities have the primary responsibility for the upbringing and development of their child. Families and caregivers are engaged with the child safe institution's practices and are involved in decisions affecting their children. Families and caregivers are recognised as playing an important role in monitoring children's wellbeing and helping children to disclose any complaints.

A child safe institution engages with the broader community to better protect the children in its care. Institutions are more likely to foster a child safe culture if the surrounding community values children, respects their rights, and ensures that their rights are fulfilled.

The standard's core components

We consider the core components of family and community involvement in a child safe institution to be the following:

- a. Families have the primary responsibility for the upbringing and development of their child and participate in decisions affecting their child.
- b. The institution engages in open, two-way communication with families and communities about its child safety approach and relevant information is accessible.
- c. Families and communities have a say in the institution's policies and practices.
- d. Families and communities are informed about the institution's operations and governance.

Implementing the core components

Families have the primary responsibility for the upbringing and development of their child and participate in decisions affecting their child

The institution:

- supports families to take an active role in monitoring children's safety across institutions
- clearly describes the roles and responsibilities of parents and carers to ensure the safe participation of children
- keeps families informed of progress and actions relating to any complaint, and discusses matters with families and carers in accordance with the law
- if it has specific expertise, may take a leadership role in raising community awareness of child sexual abuse in institutional contexts.

The institution engages in open, two-way communication with families and communities about its child safety approach and relevant information is accessible

The institution:

- ensures families have seen/read information stating the institution's commitment to child safety and detailing actions it will take to meet this commitment
- ensures families know where to find the institution's code of conduct and child safe policies and procedures (these may be transmitted in fact sheets, information sessions or apps)
- ensures families know how, when and to whom complaints should be made
- uses multiple strategies and modes for communicating institutional policies and activities with families
- ensures institutional communications are publicly available, current, clear, timely, and delivered in multiple modes and formats as appropriate to a diverse stakeholder audience, taking into account cultural relevance and different levels of English language skills
- allows sufficient time to establish a rapport with families and communities, particularly for children with heightened vulnerability
- identifies barriers to communication and enacts specific strategies to overcome them.

Families and communities have a say in the institution's policies and practices

The institution:

- consults families and communities on the development of institutional policies and practices
- consults families and communities on institutional decisions, where feasible and appropriate.

Families and communities are informed about the institution's operations and governance

The institution:

- ensures families are aware of the institution's leadership team and their roles
- ensures families are aware of the roles and responsibilities of the staff delivering services directly to their children.

Standard 4: Equity is upheld and diverse needs are taken into account

Equity and non-discrimination are central tenets of the UNCRC. Article 2 emphasises non-discrimination and a commitment to fulfil children's rights 'irrespective of ... [their] race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status'. Just as the safety of children should not depend on where they live, their right to safety should not depend on their social or economic position, their cultural context or their abilities and impairments.

A child safe institution pays attention to equity by taking into account children's diverse circumstances. It recognises that some children are more vulnerable to sexual abuse than others, or find it harder to speak up and be heard, and makes the necessary adjustments to equally protect all children. A child safe institution would tailor standard procedures to ensure these children have fair access to the relationships, skills, knowledge and resources they need to be safe, in equal measure with their peers.

The standard's core components

We consider the core components of upholding equity and meeting diverse needs of children in an institution to be the following:

- a. The institution actively anticipates children's diverse circumstances and backgrounds and responds effectively to those with additional vulnerabilities.
- b. All children have access to information, support and complaints processes.
- c. The institution pays particular attention to the needs of Aboriginal and Torres Strait Islander children, children with disability, and children from culturally and linguistically diverse backgrounds.

Implementing the core components

The institution actively anticipates children's diverse circumstances and backgrounds and responds effectively to those with additional vulnerabilities

The institution:

- learns about circumstances and experiences that increase a child's vulnerability to harm or abuse in institutional contexts
- understands barriers that prevent children from disclosing abuse or adults from recognising children's disclosures, with particular attention to children's cultural contexts, languages, cognitive capabilities and communication needs
- takes action to minimise barriers to disclosure
- focuses particular attention on safety in closed or segregated environments, such as out-of-home care, boarding schools, youth detention, some religious institutions, specialist education facilities and disability support settings
- consults with a range of stakeholders from diverse backgrounds and with the necessary expertise (including children, families and communities) in developing institutional strategies for addressing all of the Child Safe Standards.

All children have access to information, support and complaints processes

The institution:

- recognises and respects diverse backgrounds, identities, needs and preferences
- provides culturally safe and culturally responsive child-friendly services
- uses translation services and bicultural workers with knowledge of child abuse issues, particularly to facilitate disclosure, reporting and complaint handling
- provides accessible information in multiple formats for individuals with different levels of English literacy and proficiency, modes of communication, languages and cognitive abilities
- accesses external expert advice when required, such as cultural advice or disability support.

The institution pays particular attention to the needs of Aboriginal and Torres Strait Islander children, children with disability, and children from culturally and linguistically diverse backgrounds

The institution:

- strives for a workforce that reflects diversity of cultures, abilities and identities
- implements awareness training as part of induction and ongoing staff education, with specific content related to Aboriginal and Torres Strait Islander children, children with disability, children from culturally and linguistically diverse backgrounds, and others with particular experiences and needs

- makes clear reference in its policies and procedures to additional considerations related to Aboriginal and Torres Strait Islander cultures, disability, culturally and linguistically diverse backgrounds, and other experiences and needs
- implements and monitors the outcomes of specific strategies tailored to the needs of Aboriginal and Torres Strait Islander children, children with disability, and children from culturally and linguistically diverse backgrounds, to ensure their safety and participation in the organisation.

Standard 5: People working with children are suitable and supported

Human resource management, through screening, recruitment and ongoing performance review, can play an important role in protecting children from harm.

Child-focused human resource practices help screen out people unsuitable for working with children or discourage their application. Such practices make sure child safety is prioritised in advertising, recruiting, employment screening, and selecting and managing staff and volunteers. During induction processes, all staff and volunteers should be given clear conduct and behavioural guidelines, such as a code of conduct. Child safe institutions recognise that Working With Children Checks can detect only a subset of people who are unsuitable to work with children, and that these checks should be part of a suite of screening practices.

The standard's core components

We consider the core components of human resource management in a child safe institution to be the following:

- a. Recruitment, including advertising and screening, emphasises child safety.
- b. Relevant staff and volunteers have Working With Children Checks.
- c. All staff and volunteers receive an appropriate induction and are aware of their child safety responsibilities, including reporting obligations.
- d. Supervision and people management have a child safety focus.

Implementing the core components

Recruitment, including advertising and screening, emphasises child safety

Employment advertising packages include:

- the organisation's statement of commitment to being a child safe institution
- the institution's code of conduct, and child safe policy and procedures
- specific selection criteria concerning attitudes to and application of child safety measures to which applicants must respond
- job descriptions and duty statements that set clear expectations about child safety, including induction and training.

Recruitment, selection and screening procedures:

- show clearly documented recruitment procedures and processes
- verify applicants' identity, qualifications and professional registration
- involve children and/or families where feasible and appropriate
- include thorough, structured interviews
 - providing clear information to applicants about the institutional commitment to child safety
 - assessing the values, motives and attitudes of job applicants who will work directly with children
 - establishing why the applicant is leaving their current job
 - thoroughly assessing the applicant's professional experience, qualifications and competence to work with children
- include stringent and careful reference checks
 - involving direct conversations with at least two professional referees
 - including the applicant's current or most recent employer
 - ascertaining, where possible, the applicant's attitudes and behaviours in previous child-related roles
 - ascertaining whether the applicant has ever been involved in any complaint processes
- check that staff have formal qualifications commensurate with their role and responsibilities, or are informed they will be expected to engage with and qualify in relevant study

- encourage a culturally diverse workforce to nurture and support children’s cultural safety
- ensure human resources staff and interview panels have the appropriate education and training to dispense their obligations appropriately and effectively
- are followed by recruitment agencies, labour suppliers, contractors and volunteers.

Relevant staff and volunteers have Working With Children Checks

The institution:

- requires staff and volunteers to undertake screening procedures including criminal history checks to assess a person’s fitness to work with children as specified in law (for example, Working With Children Checks)
- builds in allowance for revalidation.

All staff and volunteers receive an appropriate induction and are aware of their child safety responsibilities, including reporting obligations

The institution’s induction for new staff and volunteers:

- is a documented process and tracked through a register for new staff and volunteers
- occurs immediately after appointment and, ideally, before work with children begins
- provides instruction on
 - children’s rights
 - respect for children, regardless of their individual characteristics, cultural backgrounds, and abilities
 - the code of conduct and child safe policies and procedures
 - strategies that identify, assess and minimise risk to children
 - how to respond to a disclosure from a child
 - complaints processes, including how to respond to a complaint about behaviour towards children
 - reporting obligations (including mandatory reporting) and procedures including format, content and destinations for reports
 - protections for whistleblowers
- is more detailed for staff working in roles and situations with higher risk, for example, with children who may be more vulnerable to maltreatment
- is reviewed regularly.

Supervision and people management have a child safety focus

The institution's people management includes:

- a probationary employment period for new staff and volunteers, to allow time to assess suitability to the position
- regular reviews of staff and volunteer performance, including adherence to the code of conduct and child safe policies and procedures
- opportunities to formally or informally raise concerns about harm or risk of harm to children
- appropriate responses to concerns about performance in the institution's code of conduct
- feedback on staff performance from children and/or families, where feasible and appropriate
- a structure and process for professional supervision and support.

Standard 6: Processes to respond to complaints of child sexual abuse are child focused

A child-focused complaints process is an important strategy for helping children and others in institutions to make complaints. Child safe institutions respond to complaints by immediately protecting children at risk and addressing complaints promptly, thoroughly and fairly.

A child safe institution has clear and detailed policies and procedures about how to respond to complaints. Staff and volunteers understand their responsibility for making a complaint promptly if they become aware of concerning behaviours, as well as their reporting obligations to external authorities. Complaint processes specify steps that need to be taken to comply with requirements of procedural fairness for affected parties, have review mechanisms, and ensure any disciplinary action that is taken withstands external scrutiny in accordance with relevant employment law and other employer responsibilities.

The standard's core components

We consider the core components of complaint handling in a child safe institution to be the following:

- a. The institution has a child-focused complaint-handling system that is understood by children, staff, volunteers and families.
- b. The institution has an effective complaint-handling policy and procedure which clearly outline roles and responsibilities, approaches to dealing with different types of complaints and obligations to act and report.
- c. Complaints are taken seriously, responded to promptly and thoroughly, and reporting, privacy and employment law obligations are met.

Implementing the core components

The institution has a child-focused complaint-handling system that is understood by children, staff, volunteers and families

The institution:

- ensures children, staff, volunteers and families know who to talk to if they are worried or are feeling unsafe
- takes all complaints seriously and responds promptly and appropriately, as detailed in clear procedures
- has an open culture that supports safe disclosure of risks of harm to children
- provides information in accessible, age-appropriate and meaningful formats to children and families who use the service, mindful of their diverse characteristics, cultural backgrounds and abilities
- offers a variety of avenues for children to make complaints
- provides information about its complaint-handling process, including how to make a complaint and what to expect.

The institution has an effective complaint-handling policy and procedure which clearly outline roles and responsibilities, approaches to dealing with different types of complaints and obligations to act and report

The institution's complaint-handling policy includes:

- approaches to dealing with different types of complaints, including concerns, suspicions, disclosures, allegations and breaches
- links to the code of conduct and definitions of various forms of abuse, including sexual abuse and sexual misconduct
- actions to be taken where the subject of a complaint is a staff member, volunteer, parent, another child or person otherwise associated with the institution. In the case of a staff member, for example, this may include supervision, removal of contact with children or being stood down
- detailed guidance on how institutional members (including senior management, supervisors, staff and volunteers) should respond to allegations, including steps for reporting externally as required by law and/or the complaint-handling policy
- communication, referral and support mechanisms for staff, volunteers, children and their families

- approaches to dealing with situations in which a child may cause abuse-related harm to another child
- a clear commitment that no one will be penalised or suffer adverse consequences for making a complaint.

Complaints are taken seriously, responded to promptly and thoroughly, and reporting, privacy and employment law obligations are met

When a complaint is made, the institution can show that:

- children are consulted and have input into the design of a complaint process and access to a support person at all times
- responses are quick and thorough and relevant people are kept informed of the progress, outcomes and resolution of the complaint
- cooperation occurs with investigating authorities, including police
- personal information arising from complaints is treated in accordance with the law
- effective recordkeeping practices are used in accordance with the law
- all complaints are documented regardless of whether the complaint meets statutory reporting thresholds.

Given the significant issues that we have heard regarding complaint handling, further guidance is available in Chapter 3 of Volume 7, *Improving institutional responding and reporting*.

Standard 7: Staff are equipped with the knowledge, skills and awareness to keep children safe through continual education and training

A child safe institution promotes and provides regular ongoing development opportunities for its staff and volunteers through education and training, beginning with induction. Child safe institutions are ‘learning institutions’, where staff and volunteers at all levels are continually building their ability and capacity to protect children from harm.

This standard is premised on all staff and volunteers receiving comprehensive and regular training, including induction on the institution’s child safe strategies and practices, as well as broader training on child protection.

The standard's core components

We consider the core components of staff education and training in a child safe institution to be the following:

- a. Relevant staff and volunteers receive training on the nature and indicators of child maltreatment, particularly institutional child sexual abuse.
- b. Staff and volunteers receive training on the institution's child safe practices and child protection.
- c. Relevant staff and volunteers are supported to develop practical skills in protecting children and responding to disclosures.

Implementing the core components

Relevant staff and volunteers receive training on the nature and indicators of child maltreatment, particularly institutional child sexual abuse

Training has the following features:

- Training is culturally responsive to the needs of Aboriginal and Torres Strait Islander, migrant, refugee and multi-faith communities and to the needs of people with disability; for example, by being delivered jointly by bilingual and/or bicultural workers and interpreters.
- Training is evidence based and provided by expert trainers relevant to the institutional context.
- Training resources and tools are consistent, simple, accessible and easy to use. Materials are tailored to meet the needs of the particular institution with respect to individual characteristics, cultural backgrounds and abilities, and the roles of workers and volunteers.
- Training covers specific topics including
 - children's rights and children's perceptions of what makes an institution safe
 - respect for children, regardless of their individual characteristics, cultural backgrounds and abilities
 - the indicators of child sexual abuse
 - how to respond to indicators and disclosures of child sexual abuse
 - definitions and examples of child sexual abuse and grooming/manipulation
 - the characteristics of victims, offenders, and risky environments and situations
 - combating stereotypes of both victims and offenders
 - understanding and responding to harmful behaviours by a child towards another child.

- Methods used in training include presentation of information, interactive discussion, values clarification, worked examples, role play and feedback.
- Training programs are regularly and externally reviewed including in response to the emerging evidence base.

Staff and volunteers receive training on the institution's child safe practices and child protection

Training on the institution's policies and practices:

- is provided to all staff on induction and through frequent refresher training (for example, annually)
- includes records of participation to ensure all personnel attend training sessions
- covers institutional risk management, code of conduct, child safe policies and procedures, including specific information on reporting obligations, complaints mechanisms and protections
- includes examples of where, when, how, to whom and by whom child sexual abuse can occur in institutional settings.

Relevant staff and volunteers are supported to develop practical skills in protecting children and responding to disclosures

The institution:

- provides more detailed training for staff working in roles and situations with higher risk, such as closed or segregated settings or with children who may be more vulnerable to maltreatment
- provides training that empowers staff with the knowledge and competencies to identify risks, prevent sexual abuse, report complaints and respond appropriately
- trains senior leaders, supervisors and staff engaged in recruitment processes to be alert to signs of unusual attitudes towards children (for example, if applicants profess to have 'special relationships' with children, disagree with the need for rules about child protection, or have a desire to work with children that seems focused on meeting their own psychological or emotional needs)
- provides advanced training for senior leaders and supervisors and children's champions
- briefs all staff and volunteers on how to respond to children who disclose through a variety of mechanisms
- provides training that prepares staff to respond to critical incidents, such as complaints of child sexual abuse.

Standard 8: Physical and online environments minimise the opportunity for abuse to occur

Certain physical and online environments can pose a risk to children. Institutions seeking to be child safe could improve safety by analysing and addressing these risks, reducing opportunities for harm and increasing the likelihood that perpetrators would be caught.

A child safe institution designs and adapts its physical environment to minimise opportunities for abuse to occur. The institution finds a balance between visibility and children's privacy and their capacity to engage in creative play and other activities. It consults children about physical environments and what makes them feel safe.

Child safe institutions address the potential risks posed in an online environment, educating children and adults about how to avoid harm and how to detect signs of online grooming. The institution articulates clear boundaries for online conduct, and monitors and responds to any breaches of these policies.

The standard's core components

We consider the core components of a child safe physical and online environment to be the following:

- a. Risks in the online and physical environment are identified and mitigated without compromising a child's right to privacy and healthy development.
- b. The online environment is used in accordance with the institution's code of conduct and relevant policies.

Implementing the core components

Risks in the online and physical environment are identified and mitigated without compromising a child's right to privacy and healthy development

To minimise risks, the institution would have the following features:

- effective natural surveillance with few out-of-the-way places, taking into account children's right to privacy
- routine movements of responsible adults to provide formal and informal line-of-sight supervision

- rooms with large, unobstructed windows or observation panels (including for sensitive places such as principals', chaplains' or counsellors' rooms).
- surveillance equipment (for example, CCTV) installed in high-risk environments where natural surveillance is not feasible, taking into account children's right to privacy and complying with sector standards
- consultation with children about physical and online environments and what makes them feel safe
- consideration of the age, gender mix and vulnerabilities of children in the setting
- random checks of obstructed and out-of-the-way locations (for example, dressing rooms, first-aid rooms or sporting grounds away from main buildings)
- open discussions of children's safety, the nature of organisational activities, the quality of equipment and the physical environment
- a strong prevention and awareness focus, by educating children, parents, staff, volunteers and the institution's stakeholder community about online safety and security.

The online environment is used in accordance with the institution's code of conduct and relevant policies

The institution:

- routinely monitors the online environment, reporting breaches of its code of conduct or child safe policies in accordance with the institution's complaint-handling processes
- reports serious online offences to police in accordance with mandatory reporting obligations
- provides education and training about the online environment that is consistent with its code of conduct and child protection and other relevant policies, and addresses the use of mobile phones and social media.

Standard 9: Implementation of the Child Safe Standards is continuously reviewed and improved

Child safe institutions know it is a significant challenge to maintain a safe environment for children in a dynamic organisation. The institution's leadership maintains vigilance by putting in place systems to frequently monitor and improve performance against the Child Safe Standards. An open culture encourages people to discuss difficult issues and identify and learn from mistakes. Complaints are an opportunity to identify the root cause of a problem and improve policies and practices to reduce the risk of harm to children. Where appropriate, the institution seeks advice from independent specialist agencies to investigate failures and recommend improvements.

The standard's core components

We consider the core components of continuous review and improvement of child safe practices to be the following:

- a. The institution regularly reviews and improves child safe practices.
- b. The institution analyses complaints to identify causes and systemic failures to inform continuous improvement.

Implementing the core components

The institution regularly reviews and improves child safe practices

The institution:

- regularly reviews and records its implementation of the Child Safe Standards, including improvement mechanisms
- is regularly audited for all of the Child Safe Standards, either internally or externally by an independent, specialist agency
- maintains a culture of awareness to ensure that policies and practices are implemented and routinely reviewed, even though staffing may change.

The institution analyses complaints to identify causes and systemic failures to inform continuous improvement

The institution:

- undertakes a careful and thorough review to identify the root cause of the problem, any systemic issues (including failures), remaining institutional risks and improvements to institutional policies and practices. This is undertaken as soon as a complaint is made, and again when it is finalised
- may consider employing an external expert or agency to offer an independent case review, which should be underpinned by the following key features
 - a preventive, proactive and participatory approach to ensure everyone understands, and has confidence in, the institution's child safety approach
 - accountability for maintaining child safe policies and practices that are communicated, understood and accepted at all levels of the institution
- can show the ways in which policies and practices have changed, when the need for improvement is identified

- if serving children who are at risk, more vulnerable or hard to reach, gives attention to the evolving evidence base in relation to the safety of all children, being mindful of their individual characteristics, cultural backgrounds and abilities
- if employing staff in roles that involve working either alone or without supervision with children, or in intimate care situations with them, gives attention in the institution's review and continuous improvement process to the evolving evidence base in relation to effective risk management in these contexts.

Standard 10: Policies and procedures document how the institution is child safe

A child safe institution has localised policies and procedures that set out how it maintains a safe environment for children. Policies and procedures should address all aspects of the Child Safe Standards. The implementation of child safe policies and procedures is a crucial aspect of facilitating an institution's commitment to them.

The standard's core components

We consider the core components of policies and procedures in a child safe institution to be the following:

- a. Policies and procedures address all Child Safe Standards.
- b. Policies and procedures are accessible and easy to understand.
- c. Best practice models and stakeholder consultation inform the development of policies and procedures.
- d. Leaders champion and model compliance with policies and procedures.
- e. Staff understand and implement the policies and procedures.

Implementing the core components

Policies and procedures address all Child Safe Standards

The institution's policies and procedures incorporate the intent of all Child Safe Standards to ensure the best interests of children are placed at the heart of their operation and central to their purpose.

Policies and procedures are accessible and easy to understand

The institution's child safe policies and procedures are:

- readily and publicly accessible (for example, there is a link to them from the institution's website home page that is no more than three clicks from the home page, or available on public noticeboards)
- downloadable or available as a single Word or PDF document
- provided to staff and volunteers at induction, and communicated further via education and training
- ideally available in multiple modes for individuals with different levels of English literacy and proficiency, modes of communication and access to digital technologies (for example, multiple languages/dialects, visual aids/posters, audio and audio visual resources)
- ideally available in child-friendly and developmentally appropriate formats that pay attention to children's diverse characteristics, cultural backgrounds and abilities
- provided to staff and volunteers at induction, and communicated further via education and training.

Best practice models and stakeholder consultation inform the development of policies and procedures

In institutions working primarily or exclusively with children, policies and procedures are subject to regular external review.

Specific administrative details appear on the policies and procedures document, including:

- the effective date, review date, author(s), and executive approval details
- a list of related documents or policies that must be read in conjunction with the child safe policies and procedures (including relevant legislation, regulations).

The policies and procedures document:

- states the underlying institutional child safety values or principles
- defines terms used in the policy
- specifies to whom the policy applies and the responsibilities of staff and volunteers
- defines the different types of child maltreatment covered by the policy
- lists indicators of possible abuse and how to respond
- specifies legal reporting obligations for staff and volunteers
- includes a diagram that shows reporting chains (for example, a decision tree)
- describes what actions to take if a child is at imminent risk of harm
- clearly identifies when reports are to be made and the relevant authority to whom they should be directed (including reporting child sexual abuse to the police)
- sets out child safe education and training requirements (including frequency) for staff and volunteers.

Leaders champion and model compliance with policies and procedures

Leaders in the institution:

- can access appropriate experts/mentors when dealing with complaints
- develop collaborative relationships with other relevant organisations and stakeholders to share knowledge about implementing practical child safety measures.

Staff understand and implement the policies and procedures

Staff and volunteers in the institution:

- are aware of, have read, understand and intend to follow the child safe/child protection policies and procedures and can provide examples in which they have done this
- receive adequate training and education regarding the policies and procedures and how to implement them
- know that they are required to comply with reporting obligations concerning suspected or known child sexual abuse
- know who to approach with concerns or questions.

Appendix B Existing national child safe organisations frameworks and principles' elements

National Framework for Creating Safe Environments for Children	Australian Children's Commissioners and Guardians Principles for Child Safety in Organisations
1. Systems to ensure adaptation, innovation and continuous improvement	Organisations will: 1. take a preventative, proactive and participatory approach to child safety
2. Governance and culture 2.1 A child safe policy 2.2 Risk management 2.3 A code of conduct 2.4 Privacy and data collection	2. implement child safety policies and procedures which support ongoing assessment and amelioration of risk
3. Participation and empowerment of children 3.1 Enabling and promoting the participation of children 3.2 Inclusive and empowering language 3.3 Strategies to reduce the potential for undiscovered or ongoing harm	3. value and empower children to participate in decisions which affect their lives
4. Human resource management 4.1 Recruitment and selection practices acknowledge the importance of child safety 4.2 Job descriptions/duty statements 4.3 Staff support, supervision and performance management 4.4 Complaints management and disciplinary proceedings	4. foster a culture of openness that supports all persons to safely disclose risks of harm to children

National Framework for Creating Safe Environments for Children

Australian Children’s Commissioners and Guardians Principles for Child Safety in Organisations

<p>5. Education and training</p> <p>5.1 Awareness and understanding of child abuse and organisational responsibilities</p> <p>5.2 Support for organisations in building, maintaining and strengthening child safe capacity.</p>	<p>Organisations will:</p> <p>5. respect diversity in cultures and child rearing practices while keeping child safety paramount</p> <hr/> <p>6. provide written guidance on appropriate conduct and behaviour towards children</p> <hr/> <p>7. engage only the most suitable people to work with children and have high quality staff and volunteer supervision and professional development</p> <hr/> <p>8. ensure children know who to talk with if they are worried or are feeling unsafe, and that they are comfortable to do so</p> <hr/> <p>9. report suspected abuse, neglect or mistreatment promptly to the appropriate authorities</p> <hr/> <p>10. share information appropriately and lawfully with other organisations where the safety and wellbeing of children is at risk</p> <hr/> <p>11. value and communicate with families and carers.</p>
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Appendix C Mandatory child safe approaches in Victoria, Queensland and South Australia

	Victoria	Queensland	South Australia
Legislative obligation	<i>Child Wellbeing and Safety Act 2005</i> requires specified organisations to comply with child safe standards to ensure they are operated in a way that promotes child safety and prevents and properly responds to child abuse.	Working with Children (Risk Management and Screening) Regulations 2011, clauses 3 (1) (a)–(h) and 3 (2) specify matters to be included in risk management strategies. Eight key elements are detailed.	Children's Protection Regulations 2010, clause 15 requires organisations to establish codes of conduct and comply with seven principles based on the National Framework for Creating Safe Environments for Children. ¹
Year commenced	2016 (full implementation from 2017). ²	Oversight from 2014, matters in regulation introduced in 2005.	Compliance from 2011, principles introduced in 2006.
Scope of application	<p>Category 1 organisations:³</p> <ul style="list-style-type: none"> an organisation that provides early childhood intervention services approved education and care services (e.g. kindergartens, out-of-school-hours care) approved education and training organisations providing courses to students from overseas child protection services children's services (e.g. occasional care providers) designated mental health services and publicly funded mental health community support services disability service providers drug or alcohol treatment services support services for parents and families government departments and agencies providing services for children (including youth justice) housing services and homeless services maternal and child health centres local councils organisations registered or accredited to provide senior secondary education and training out-of-home care services 	<p>Organisations:</p> <ul style="list-style-type: none"> certain residential facilities health, counselling and support services private teaching, coaching and tutoring education programs conducted outside of schools child accommodation services including home stays religious representatives sport and active recreation emergency services cadet programs school crossing supervisors carers of children under the <i>Child Protection Act 1999</i>. 	<p>Organisations:</p> <ul style="list-style-type: none"> government organisations non-government organisations that provide health, welfare, education, sporting or recreational, religious or spiritual, childcare, cultural, entertainment or party or residential services wholly or partly for children non-government organisations of a class prescribed by regulation.

Victoria	Queensland	South Australia
<p>Scope of application</p> <p>Category 1 organisations:⁴</p> <ul style="list-style-type: none"> public and denominational hospitals, public health services, private hospitals, multipurpose services, day procedure centres and registered community health services registered overseas secondary school exchange organisations registered schools (government and non-government) family violence or sexual assault services youth services. 		
<p>Scope of application</p> <p>Category 2 organisations:</p> <ul style="list-style-type: none"> charities and not-for-profit organisations coaching or tuition services for children commercial or publicly funded transport services for children counselling or other support services for children cultural, sport or recreation, groups, clubs or associations providing services for children disability service providers other than those registered under the <i>Disability Act 2006</i> (such as Transport Accident Commission [TAC] funded providers) entertainment or party services for children gym or play services for children organisations which employ a child for whom a permit is required under the <i>Child Employment Act 2003</i> overnight camps for children photography services for children 		

Victoria		Queensland	South Australia
Scope of application	<p>Category 2 organisations:</p> <ul style="list-style-type: none"> • post-school education and training providers, including TAFE institutes and universities • professional babysitting services • religious organisations, including churches • residential facilities of boarding schools and student hostels • schools other than a registered school (such as swimming schools, dance schools) • talent or beauty competitions in which children participate • youth organisations (such as Scouts or Girl Guides). 		
Framework/standards	<p>In complying with the child safe standards, an entity to which the standards apply must include the following principles as part of each standard:</p> <ul style="list-style-type: none"> • promoting the cultural safety of Aboriginal children • promoting the cultural safety of children from culturally and/or linguistically diverse backgrounds • promoting the safety of children with a disability. 	<p>Risk management strategies must include the following matters:</p> <ol style="list-style-type: none"> 1. statement about commitment to child safety 2. code of conduct 3. procedures for recruiting, selecting, training and managing persons as they relate to child safety 4. policies and procedures for handling disclosures or suspicions of harm, including reporting guidelines 5. plan for managing breaches of the risk management strategy 	<p>Organisations must establish codes of conduct and comply with the following standards:</p> <ol style="list-style-type: none"> 1. identify and analyse risk of harm 2. develop a clear and accessible child safe policy 3. develop codes of conduct for adults and children 4. choose suitable employees and volunteers 5. support, train, supervise and enhance performance 6. empower and promote the participation of children in decision making and service development 7. report and respond appropriately to suspected abuse and neglect.

	Victoria	Queensland	South Australia
Framework/standards	<p>To create and maintain a child safe organisation, an entity to which the standards apply must have:</p> <ol style="list-style-type: none"> 1. strategies to embed an organisational culture of child safety, including through effective leadership arrangements 2. a child safe policy or statement of commitment to child safety 3. a code of conduct that establishes clear expectations for appropriate behaviour with children 4. screening, supervision, training and other human resources practices that reduce the risk of child abuse by new and existing personnel 5. processes for responding to and reporting suspected child abuse 6. strategies to identify and reduce or remove risks of child abuse 7. strategies to promote the participation and empowerment of children. 	<ol style="list-style-type: none"> 1. policies and procedures for complying with the Working with Children (Risk Management and Screening) Act, including implementing and reviewing the risk management strategy and keeping a written record of matters under the Act about each engaged person 2. risk management plans for high risk activities and special events 3. strategies for communication and support including written information for parents. 	
Monitoring and compliance	<p>The focus is on driving cultural change. Additional monitoring and compliance functions are being considered and will use existing mechanisms as much as possible.</p>	<p>Organisations are not required to submit policies or otherwise prove compliance. They are required to review risk management strategies annually.</p>	<p>Organisations are required to lodge a statement setting out their policies/procedures with the head of the oversight department.</p>

	Victoria	Queensland	South Australia
<p>Monitoring and compliance</p>	<p>In the first phase, monitoring and oversight of compliance with the standards will be through existing regulatory, funding and contractual arrangements. For example, the Victorian Registration and Qualifications Authority amended its legislation to make compliance with child safe standards a condition of school registration.⁵</p> <p>The <i>Child Wellbeing and Safety Act 2005</i> was amended in October 2016 to allow for the enforcement of the child safe standards.⁶ It provides the following:</p> <ul style="list-style-type: none"> • The Commission for Children and Young People (the commission) will be responsible for monitoring and enforcing the standards. • Funding authorities as well as sector regulators have an important role in oversight and promoting compliance of the child safe standards, in collaboration with the commission. • The commission’s primary focus for enforcing the standards is through education and guidance, and a collaborative approach to compliance. The commission will have functions to educate and advise other regulators and funders (relevant authorities) about the child safe standards. 	<p>The Public Safety Business Agency monitors and audits service providers’ compliance with blue card system obligations including risk management strategies.</p> <p>A penalty applies to risk management strategy requirements.⁷</p>	<p>Penalties apply to the requirement to have policies and procedures in place, lodging a statement with the department head, and responding to any requests for information about compliance.⁸</p>

	Victoria	Queensland	South Australia
Monitoring and compliance	<ul style="list-style-type: none"> The commission will have powers to take action to investigate whether an entity is complying with the standards (e.g. request for information; inspection powers), and to take the necessary steps to achieve compliance. Compliance is intended to be achieved through a collaborative approach between the commission and non-compliant institutions. If that approach does not work, the commission can seek orders from the Magistrates Court to seek a notice to comply, a notice to produce, or a pecuniary penalty. <p>The <i>Child Wellbeing and Safety Amendment (Oversight and Enforcement of Child Safe Standards) Act 2016</i> came into force on 1 January 2017.</p>		
Oversight body	Victorian Commission for Children and Young People: oversight through existing regulatory or funding arrangements, where applicable.	Department of Justice and Attorney-General.	Department for Education and Child Development.
Support material	Hosted by the Victorian Commission for Children and Young People and existing regulators.	The Department of Justice and Attorney-General provides videos, a toolkit and guides to developing policies and procedures.	The Principles of Good Practice on the Department for Education and Child Development website along with resources and policy templates. Information is also available for parents.
Review of jurisdiction approach	Annual review by the Children's Services Coordination Board to ministers. No public reporting required. Note: the 2017 amendments to the <i>Child Wellbeing and Safety Act 2005</i> provide that information about compliance with the child safe standards has to be included in the commission's annual report.	Unclear whether there are formal review mechanisms in place.	The Department for Education and Child Development monitors progress towards child safe environments in the government and non-government sectors and reports regularly to the Minister. ⁹

Appendix D Sector frameworks elements

National Standards for Out-of-Home Care ¹⁰	National Quality Standards for Children’s Education and Care Services ¹¹	National Safe Schools Framework ¹²
<ul style="list-style-type: none"> • Stability and security • Participate in decisions • Aboriginal and Torres Strait Islander communities • Individualised plans • Health needs • Education and early childhood • Education, training and/or employment • Social and/or recreational • Connection with family • Identity and development • Significant others • Carers • Transition from care planning 	<ul style="list-style-type: none"> • Education programs and practice • Children’s health and safety • Physical environment • Staffing arrangements • Relationships with children • Collaborative partnerships with families and communities • Leadership and service management 	<ul style="list-style-type: none"> • Leadership commitment to a safe school • A supportive and connected school structure • Policies and procedures • Professional learning • Positive behaviour management • Engagement, skill development and safe skill curriculum • A focus on wellbeing and student ownership • Early intervention and targeted support • Partnerships with families and community

Endnotes

- 1 Child Safe Environments: Principles of Good Practice, South Australian Department for Education and Child Development, South Australia, 2016.
- 2 Category 1 entities have been required to comply with the Child Safety Standards published under s 17 of the Child Wellbeing and Safety Act 2005 (Vic) since 1 January 2016.
- 3 Child Wellbeing and Safety Act 2005 which contains Schedules 1 and 2 setting out these categories.
- 4 Child Wellbeing and Safety Act 2005 which contains Schedules 1 and 2 setting out these categories.
- 5 Education and Training Reform Act 2006 (Vic), section 4.3.1.
- 6 See *Child Wellbeing and Safety Amendment (Oversight and Enforcement of Child Safe Standards) Act 2016 (Vic)*.
- 7 *Working with Children (Risk Management and Screening) Act 2000 (Qld)*, section 171.
- 8 *Children's Protection Act 1993 (SA)*, section 8C.
- 9 *Children's Protection Act 1993 (SA)*, section 8A(i).
- 10 Department of Families, Community Services and Indigenous Affairs, An outline of national standards for out-of-home care: A priority project *under the national framework for protecting Australia's children 2009–2020*, Attorney-General's Department, Commonwealth of Australia, Canberra, 2011.
- 11 Australian Children's Education & Care Quality Authority, National quality standard, www.acecqa.gov.au/national-quality-framework/the-national-quality-standard (viewed 28 November 2016).
- 12 Education Services Australia, National safe school framework, Education Services Australia, Victoria, 2013.



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