



## **CARE LEAVERS AUSTRALASIA NETWORK**

**CLAN is a National, Independent, Peak Membership Body which supports, represents and advocates for people who were raised in Australian Orphanages, Children's Homes, Foster Care & Other Institutions.**

January 2018

Submission to the Australian Capital Territory Government in response to the external consultation paper:

'Reportable Conduct Scheme'

The Australian Capital Territory and Australia as a whole, must prioritise Children's needs and safety for ALL organisations working with children.

CLAN - Care Leavers Australasia Network is a national, independent, peak membership body which represents and advocates for those who were raised in Australia's and New Zealand's Orphanages, Children's Homes, other Institutions and Foster Care. There were more than 500 000 children in Australia who grew up in 900 plus institutions. CLAN's main objective is to assist and support Care Leavers and their families through the wide variety of work we do including, but not limited to, advocacy for a National Redress Scheme, counselling, casework, records searching and publishing Care Leaver's stories.

CLAN would like to thank the Australian Capital Territory for giving us the opportunity to provide our input on your current discussion paper. We applaud the ACT Government for the consideration of an extension of its Reportable Conduct Scheme, to assist more organisations in becoming more child safe and child friendly.

CLAN feels however, that whilst this is a great step in the right direction, there should be some further considerations in the implementation of this scheme before being finalised.

## Reportable Conduct Scheme

Since the beginning of CLAN, we have advocated strongly for strengthened laws in dealing with child abuse, to ensure that no child is ever in the position that Care Leavers once were. It is such a vital importance that there are extensive punishments and barriers for child sex offenders, to guarantee that children remain safe.

Generally, CLAN endorses the notion that religious organisations are included in the compulsory Reportable Conduct Scheme. However, whilst CLAN can see that the ACT plans to incorporate other organisations into the scheme, we want to see this happen sooner rather than later. ALL organisations that work with children or have access to children MUST be included in the Reportable Conduct Scheme. There can be no exceptions, since the safety of all children is paramount.

Since the beginning and finalisation of the Royal Commission, it has become evident the large numbers of children that have been abused in institutionalised settings and organisations. The continual delay in finalising these schemes and projected plans to keep children safe, leaves more children at risk. CLAN is adamant that all organisations working with children need to be included in the Reportable Conduct

Scheme. This is inclusive of any entity that works with children, no matter the size of the organisation or whether the interaction with children is minimal or large.

CLAN is certain that adopting the proposed scheme across all organisations will reduce the likelihood that children will be at risk. It is evident that some smaller and volunteer organisations currently slip through the cracks because it is not obligatory for them to comply with child safe functions and measures. For these smaller organisations and religious bodies, abuse will not be facilitated or go unnoticed, if the proper checks are considered compulsory and not voluntary. The Reportable Conduct Scheme would be well accompanied by compulsory checks to ensure abuse does not occur. If these current voluntary checks, such as the Working with Vulnerable People were made compulsory, it would ensure higher screening and safety of the children involved with the service. The Scheme would be very useful, however CLAN feels that if other compulsory checks are also conducted alongside it, it would increase its efficacy. These include Mandatory Reporting and Working with Children and Working with Vulnerable People checks.

CLAN also strongly supports the position of creating a legislation that prevents convicted paedophiles from changing their names as a means of avoiding scrutiny when they attempt to work with children. Many can change their names by default, and avoid detection in the future in different locations to enable them to work with children.

This discussion paper visits the notion that organisations who are not linked or funded with government, may slip through the cracks of adequate children checks due to not being required to implement these practices. CLAN feels strongly about Mandatory Reporting being another obligatory aspect of working with children. Any organisation or entity that works with children, should require the workers to be mandatory reporters.

For many Care Leavers, if these strategies had been implemented in their childhoods, many would have been safe from child abusers. To require workers within an organisation to be legally responsible rather than morally, it may close the gap. CLAN is in agreeance that the Working with Vulnerable People check is more of a preventative measure against abuse rather than an investigative one. It is only useful if the individual has previously been convicted of abuse against a child.

## Usefulness of the Reportable Conduct Scheme

If the Scheme is implemented by all organisations and entities working with or around children, it may deter child sex offenders due to the increased risk. Furthermore, by requiring misconduct to be reportable to the Ombudsman, it is more likely to identify reoccurring patterns and occurrences within organisations. CLAN is an advocate for having external eyes oversee the progress of an investigation, to ensure the allegation is dealt with appropriately. We are highly supportive of the idea, as we believe that if Care Leavers had the external support whilst in the Care system, the reported abuse may not have been overlooked or ignored. In addition to this, we are adamant that children have access to external support services to assist them in dealing with the issues that arise for them in the Care System.

It is important that the child's best interests are always the priority, and need to be held to the utmost standard. It is imperative that ALL organisations who support and provide services to children uphold their duty of care towards the child, by ensuring responses to abuse allegations are conducted fairly and appropriately.

Furthermore, CLAN is highly supportive of the idea that all allegations and convictions that arise both inside and outside of the employee's workplace are reportable.

## CLAN's policy and protocols

Whilst CLAN is working with adult survivors of child abuse and not children, CLAN still requires the appropriate checks to be conducted for employees. However, we again point out the efficacy of some checks, such as the Working with Vulnerable People and Working with Children Checks. These will be useful in the case of somebody having prior convictions or allegations only, and will go unrecognised if the abuser has had a name change. In addition to this, CLAN is highly supportive of the idea of having a national register for Working with Children and Working with Vulnerable People. For this reason, we feel it should be a compulsory requirement for ALL organisations to have multiple forms of monitoring and thus promoting child safe environments.

CLAN feels that the implementation of a Reportable Conduct Scheme across ALL organisations and entities working with children will strengthen the barriers between child abusers and children. To allow another form of oversight on an issue, it will

potentially deter abusers. If another body oversees the investigation of an allegation, it ensures a clear and transparent view.

## Conclusion and recommendations

Overall CLAN is satisfied to see that the Australian Capital Territory is considering the implementation of an extended Reportable Conduct Scheme. We feel this is a very positive advancement for those who have been abused, and for all children who are at risk within an organisation or entity. CLAN is impressed with the proposed direction of this scheme, however we would like to see some important changes made to the general monitoring functions to promote child safety. The usefulness of these checks are only helpful if they are used efficiently, and most importantly, are compulsory. CLAN is of the stance that child abusers may be deterred, or at best unable to access children, if there are more effective and powerful measures put in place. The use of an external body such as the Ombudsman through the Reportable Conduct Scheme for ALL organisations working with children; it will work towards defeating child abuse in ACT and the entire country. In addition to this, by considering all employees who work with children to be Mandatory Reporters, it may reduce the numbers of unreported abuse.

In conclusion, CLAN is pleased to see that the Governments are working towards strengthening laws dealing with child abuse, however, ALL organisations need to be included, not just those that are religious based.

CLAN would again like to thank the Australian Capital Territory for inviting us to provide our insight on this important issue. By strengthening laws dealing with child abuse, CLAN hopes to see no current or future children in 'Care' suffer the same abuse and neglect as Care Leavers once did.