Anglican Church of Australia

Royal Commission Working Group

CHILD SAFE INSTITUTIONS

SUBMISSION

This paper is submitted by the Royal Commission Working Group appointed by the Standing Committee of the General Synod of the Anglican Church of Australia to coordinate the Church's response to the Royal Commission. The submission responds to questions in Issues Paper 3 entitled Child Safe Institutions issued by the Royal Commission into Institutional Responses to Child Sexual Abuse on 8 August 2013.

SUBMISSIONS

1. **The essential elements of establishing a "child safe organisation" that protects children from sexual abuse in an institutional context. Are there core strategies that should be present and others that are less critical?**

    Introductory Comment

    A fundamental requisite for a "child safe" organisation is that its culture promotes the safety of children.

    In June 2004, when embarking on a major initiative for the protection of children, the General Synod adopted a *Safe Ministry Policy Statement*, the first sentence of which reads:

    > *The Anglican Church of Australia is committed to the physical, emotional and spiritual welfare and safety of all people, especially the vulnerable.*

    The Church acknowledges that children are particularly vulnerable.

    Submission

    The following are essential elements of establishing a "child safe" organisation that protects children from sexual abuse in an institutional context. They are not listed in priority as they are all core strategies that should be present in an organisation with a child safe culture.

- An organisation as a whole must be aware of the need to protect children and be committed to and have a shared responsibility for keeping children safe.
- Leadership commitment and support to establish and maintain a "child safe" culture.
- Clear statements of policies and procedures for the safety of children and who has responsibility for implementing them.
- A comprehensive code of conduct.
- Appropriate selection and screening processes for anyone working with children.
- Initial and continuous education, training and supervision for all staff and volunteers working with children.
- A system of accountability and enforcement at all levels, including through disciplinary processes.
- Management of identified persons who pose an unacceptable risk to children participating in the organisation's activities.
- Effective implementation of policies and procedures.
- Accessible complaint handling system.
- Regular audit of "child safe" strategies.

2. The evidence base for the range of strategies associated with making an organisation "child safe". Does this evidence base extend to the physical environment?

In the main, the Anglican Church of Australia has not collected its own evidence for the range of "child safe" strategies it has adopted but has relied on best practice models from other sources. However, the *Study of Reported Child Sexual Abuse in the Anglican Church of Australia* (Parkinson & Oates, 2009) led to changes to the Church's education and training for staff and volunteers working with children. For example, the Report's findings of the vulnerability of adolescent boys and the lapse of time between incidents of abuse and their disclosure is highlighted in this education and training.

3. How should the effectiveness of "child safe" strategies be tested?

When testing the effectiveness of "child safe" strategies, it is sometimes difficult to assess if there has been an increase or decrease in actual abuse or just the reporting of abuse. However, with that caveat in mind, sound testing of effectiveness would be done at four levels:

1. Compliance – Organisations conducting regular certified self-audits to ensure they have implemented and are complying with core child safe strategies. Regular external professional audit is likely to be prohibitively expensive for most, if not all, volunteer-based organisations working with children.

2. Recording of incidents of abuse – Organisations should have a system in place to record and track the number of reports of abuse. This will help the organisation test the effectiveness of its "child safe" strategies.

3. Audit - An appropriate authority should approve the proposed self-audit process and receive the certified results. The authority should have power to audit the self-audit process.

4. Research - Research should be conducted to determine whether the mandated policies and procedures have led to a decrease in child abuse.

Effectiveness can also be demonstrated by the "ease" with which children can express concerns about their own or others safety or can disclose that harm has occurred. However, this measure of effectiveness is difficult to assess.

4. **How "child safe" policies and procedures work in practice.**

Since 2004, there has been a concerted effort throughout the Anglican Church of Australia to adopt and implement "child safe" policies. This has led to a change in culture and is an ongoing process.

The implementation of "child safe" policies and procedures has required action at the national, regional and local levels:

1. National level: the General Synod and General Synod Standing Committee has adopted or recommended national policies and procedures.
2. Regional level: Diocesan Synods and Diocesan Councils have adopted policies and procedures for organisations in their diocese (which in many cases give effect to national recommendations with or without some variations).
3. Local level: Parishes or church organisations implement national and diocesan policies and procedures, and in some case adopt local policies and procedures.

5. **Should there be a universal framework for a "child safe organisation" or should strategies be specifically tailored to particular types of institutional settings?**

The core "child safe" strategies identified in Submission 1 above should apply to all organisations but some strategies need to be specifically tailored to particular types of institutions.

For example, a "child safe" strategy for a school may not be applicable to a parish church. Even within a single category of institution, it may be necessary to adopt different strategies. For example, schools may have different strategies depending on whether or not they offer residential facilities or whether or not they cater for special needs children.

Whatever the type of institution, the strategies must include the core strategies and be tailored to achieve the safety of children.

For example, a primary function of the Anglican Church of Australia is to provide spiritual training and nurture for children. Strategies need to be tailored to facilitate this function but at the same time ensuring the safety of the children who receive this spiritual training and nurture.

6. **The role of staff performance management systems and disciplinary processes in a "child safe organisation".**

Knowledge of "child safe" policies and procedures and responsibility for, or participation in, their implementation should form part of the performance management system for all staff and volunteers.

Performance management should include checks that appropriate training has been undertaken at appropriate intervals.

There is no uniform model of staff performance management in the Anglican Church of Australia, particularly at parish level where much of the work with children is done on a voluntary basis.

Anglican schools and social services agencies have developed their own staff performance management systems.

Disciplinary processes should be initiated where there are complaints about breaches of "child safe" policies and procedures. Effective disciplinary processes should provide in appropriate cases for suspending alleged offenders from duties pending finalisation of the process and for removing offenders from office and preventing them from taking up a position elsewhere.

There needs to be a facility for organisations to share information about offenders as an aid to managing risk. The Anglican Church of Australia has developed a National Professional Standards Register (known as the "National Register") as an aid in the management of risk at the time of appointing a persons to various kinds of roles.

7. **The role and characteristics of governance and management leadership in creating and maintaining a "child safe" organisational culture.**

The role of leadership is critical in implementing and maintaining a "child safe" organisational culture. When the leadership is committed to such a culture it is more likely that sufficient resources (financial and human) will be allocated and managed to enable the organisation to be as "child safe" as it can be.

Leadership alone is insufficient. Commitment to a "child safe" culture must extend throughout an organisation. The leaders need to devise and implement mechanisms to achieve organisation-wide commitment. Such mechanisms will vary according to the type and size of organisation.

In the context of the Anglican Church of Australia, this is being done at the national, regional and local levels.

8. **Should there be any additional enforceable requirements for institutions or particular institutions to maintain a "child safe" environment?**

The Anglican Church of Australia supports a national Working With Children Check. See our submission on Issues Paper 1.

Mandatory reporting of known or suspected child abuse to child protection authorities should be universal for people working with children.

There should be uniform laws:

(a) obliging all persons who work with children to report known or suspected child abuse to child protection authorities;

(b) protecting other persons who, on reasonable grounds, report known or suspected child abuse from liability for defamation; and

(c) creating criminal offences for persons having a duty to report who fail to do so without reasonable excuse.

Three issues should be taken into account in relation to mandatory reporting.

First, there should be clarity as to the types of behaviours that should be reported. For example, where there is a requirement to report conduct constituting "significant risk of harm", it is not clear what "significant" means.

Secondly, mandatory reporting of abuse and of suspected child abuse to child protection authorities is only effective if action is taken on those reports. If no action is seen to be taken, there is little incentive to report.

Thirdly, there are considerable difficulties with any requirement to report child abuse to child protection authorities where the victim is an adult without their consent. While it is important that child protection authorities have information about known or suspected abusers, disclosure of information that identifies the victim could re-traumatise them. A mechanism has been developed in some places for reporting that does not identify the victim without their consent. This question requires very careful deliberation.

Dated: 8 October 2013