



Child Safe Organisations Bill 2024

Submission to the Queensland Government Community Support and Services Committee

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This submission may be quoted in public documents.

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Acknowledgement

Anglicare Southern Queensland acknowledges Aboriginal and Torres Strait Islander peoples as the first Australians and recognises their culture, history, diversity and deep connection to the land. We acknowledge the Traditional Owners and Custodians of the land on which our service was founded and on which our sites are operating today.

We pay our respects to the Aboriginal and Torres Strait Islander elders both past and present, who have influenced and supported Anglicare Southern Queensland on its journey thus far. We also extend that respect to our Aboriginal and Torres Strait Islander staff, clients and partners (past, present and future) and we hope we can work together to build a service that values and respects our First Nations people.

We acknowledge the past and present injustices that First Nations people have endured and seek to understand and reconcile these histories as foundational to moving forward together in unity.

Anglicare is committed to being more culturally responsive and inclusive of Aboriginal and Torres Strait Islander people and we are committed to embedding cultural capabilities across all facets of the organisation.

Foreword

About Anglicare Southern Queensland

The experience of Anglicare Southern Queensland (Anglicare) in identifying and responding to the needs of vulnerable members of our many and varied communities is underpinned by 150 years of delivering innovative, quality care services.

More than 3,000 staff and volunteers operate across southern Queensland and in Townsville. We offer a comprehensive, integrated range of community services that comprises community aged care, residential aged care and community support programs, including child safety, disability support, counselling and education, mental health, homelessness and chronic conditions. Our services are designed to ‘wrap around’ clients in a comprehensive way, recognising their health needs but also addressing the social needs which contribute to wellness.

Anglicare recognises the trusted position we hold in supporting and caring for children and young people and is committed to providing a safe environment in which children’s rights, needs and interests are met. Our employees and volunteers are supported to understand the important role they play in promoting the safety and wellbeing of all children and young people across our community. We recognise that our organisation, employees and volunteers are uniquely placed to advocate for the rights of children and young people, and we commit to doing so at the individual level through to policy and legislative reform.

Since 2019 we have pledged adherence to the National Principles for Child Safe Organisations principles and invested in our people, our places and our practices to ensure our organisation is safe for all children and young people. This includes support for the continuous learning, development and training of our staff to actively promote and protect the safety and wellbeing of children and young people.

Anglicare commits to continuing to build and strengthen our capacity to keep children from being harmed. We have zero tolerance for child abuse and neglect. We embrace a culture of openness that supports all persons to safely share any concerns they have in relation to a child’s safety. We aim to respond to all information in timely, ethical and child-focused ways, including sharing and reporting our concerns with appropriate agencies.

We seek out children’s voices and promote children as active participants in the decisions that affect their lives, including policies and service design. We uphold children’s human rights by recognising their developmental needs, vulnerabilities, and unique contributions. We embrace each child’s diversity in culture, gender, sexuality, and abilities, to ensure they feel safe and included.

Anglicare acknowledges the ancient and contemporary child-rearing wisdom of Australia’s First Nations peoples, and we commit to being led by families, Elders and community to uphold the safety and wellbeing of First Nations children. We will continue to grow from our experiences and the experience of our clients, including children and young people. We commit to learning from the best available evidence to implement what works in keeping children and young people safe.

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1.0 Introduction

Anglicare Southern Queensland (Anglicare) welcomes the opportunity to make a submission to the Queensland Government Community Support and Services Committee inquiry into the *Child Safe Organisations Bill 2024* (the Bill).

We bring to this submission the direct experience and expertise of Anglicare staff in working with children, young people and their families in metro, regional and rural communities, as outlined in the Foreword. We do this through in-home family support, playgroups, social groups for children and/or adults, parenting skill programs, emotional intelligence skill groups for children, and groups supporting the transition to school. We also bring the experience of commencing the implementation of the National Principles of Child Safe Organisations.

Much of this submission draws upon our input to the previous Queensland Government consultation in response to *Growing Child Safe Organisations* (September 2023), in which we provided strong support for the implementation of the Royal Commission's recommendations for Child Safe Standards (CSS) and a Reportable Conduct Scheme (RCS).

This submission addresses the three key elements of the current Bill as follows:

- establishing mandatory compliance with 10 CSS, based on the National Principles for Child Safe Organisations (National Principles), and a Universal Principle for cultural safety for Aboriginal and Torres Strait Islander children;
- establishing an RCS for the oversight of reporting and investigations into allegations of child abuse by organisations within scope; and
- providing that the Queensland Family and Child Commission is the independent oversight body responsible for administration of CSS and an RCS.

2.0 Mandatory compliance with Child Safe Standards

2.1 *National Principles for Child Safe Organisations*

Anglicare strongly supports basing the Child Safe Standards on the National Principles for Child Safe Organisations. The National Principles, as noted in the Explanatory Notes to the Bill, incorporate the 10 CSS recommended by the Royal Commission but have a broader scope that goes beyond child sexual abuse to cover other forms of potential harm to children. For this reason, and with many others in the sector, we strongly supported the National Principles as the preferred option in our previous submission and commend its inclusion in the current Bill.

2.2 *Universal Principle*

Anglicare believes it is vital to acknowledge the unique needs and vulnerabilities of Aboriginal children and young people given the historical practices in this country. We

therefore welcome the implementation of a Universal Principle that addresses cultural safety for Aboriginal and Torres Strait Islander children and young people, as a best practice approach to keeping children safe.

We strongly support the requirement that the Universal Principle be implemented and embedded by child safe organisations across sectors in their implementation of each of the 10 CSS, and have the same standing as the 10 CSS in terms of compliance.

2.3 *Risk Management Strategy*

Anglicare acknowledges the repeal of the Risk Management Strategy requirement and sees this as a tangible example of the intent to reduce duplication within the new system.

3.0 **Establishing a Reportable Conduct Scheme**

Anglicare supports the introduction of a nationally consistent reportable conduct scheme (RCS) to provide independent oversight of organisational responses to allegations of child abuse across sectors. In this section, we highlight aspects of the proposed RCS; and then discuss the establishment of the Queensland Family and Child Commission as an independent oversight body in Section 4.0.

3.1 *Scope of reporting entities*

Our organisation supports the proposal to implement mandatory compliance with the 10 Child Safe Standards and the Universal Principle across the full range of sectors and organisations working with children including schools, early childhood education and care, child protection, youth justice, arts, sport and recreation, transport, community and commercial services including coaching/tuition services for children.

3.2 *Phasing of sectors*

Anglicare is pleased to note a phased approach to implementation that introduces the CSS before the RCS, a model which we supported in our previous submission.

We also welcome an initial focus on those service sectors that are higher risk, more highly regulated, and engaged with the most vulnerable children (for example, child protection services, services for children with disability and youth justice services), with incremental implementation in less regulated sectors (for example, sport and recreation services, religious bodies) to enable the latter to prepare for commencement.

We are pleased to see that the Bill recognises the need for targeted support to specific sectors as obligations are introduced. We reiterate the need for both the QFFC, as oversight body, and organisations themselves, to be adequately funded and resourced to ensure the best chance of successful implementation and ongoing maintenance of the integrated system. Our previous submission noted not only the significant costs that our organisation has already voluntarily invested in our existing National Principles implementation (well upwards of \$500,000 and in fact closer to \$1 million with the inclusion of staff training time); but also the need for funding of the oversight body to

reflect the incremental increase in workload as the number of organisations in scope increases over time.¹

In order for the sector to implement and embed cultural change it is critical that QFCC be adequately resourced for the full scope of their new responsibilities. The resourcing of awareness, education, and capacity building responsibilities should be proportionate to that of monitoring, investigating and enforcing responsibilities, recognising that greater investment in the former ultimately reduces the need for the latter. We would not like to see a repeat of what has happened in other jurisdictions where an appropriate balance has not been achieved.

3.3 Scope of reportable conduct

Anglicare supports the Bill's definition of reportable conduct, including conduct that indicates patterns of behaviour within or across organisations or sectors that result in cumulative harm for a child.

3.4 Principles of the RCS

Anglicare strongly supports a foundational principle that ensures that the protection of children from harm, and the wellbeing and best interests of children, are paramount. This includes related principles that acknowledge the right of Aboriginal and Torres Strait Islander children to cultural safety; and the right for children to express and have their views taken seriously.

We also support the other guiding principles outlined in Section 25 (2) of the Bill.

In addition, we welcome those principles related to collaboration and information-sharing and look forward to reviewing the Information Sharing Framework. As a large organisation with 3000+ staff, required to meet multiple standards and regulations and with a suite of service offerings funded by numerous agencies, we strongly support:

- streamlined processes and appropriate information-sharing that minimises duplication, reduces costs and enables timely responses;
- clearly articulated responsibilities, processes and lines of communication; and
- a focus on capacity building through education and guidance that supports reporting entities in their responsibilities to keep children from harm.

3.5 Concurrent QPS Investigations

It will be important that notifications to suspend or not commence RCS investigations occur promptly to allow for timely responses to reportable conduct matters and to ensure organisations are not disadvantaged by delays. There is some concern that delays in notification and/or lengthy police investigations may have unintended negative consequences and potentially inhibit organisations' responses and resources.

3.6 Penalties

Anglicare supports the use of proportionate measures and penalties to ensure accountability for any misconduct against children.

We do note the introduction of personal liability for the head of an entity, as follows:

An offence applies to the head of an entity if they fail to notify the Commission of a reportable allegation or reportable conviction...

While we recognise that introducing such an offence is to improve accountability, we are pleased to note the inclusion of clauses that refer to a 'reasonable excuse for the head of an entity to not comply with the reporting requirements' and a head of entity's being 'reasonably able to investigate'. Such inclusions acknowledge that there may be detrimental unintended consequences from a rigid application of the legislation in relation to penalties.

4.0 QFCC as the independent oversight body

Anglicare welcomes the selection of the Queensland Family and Child Commission (QFCC) as the independent oversight body for the CSS and RCS; and considers that the specified functions and powers of the Commission are appropriate enablers for the QFCC to successfully carry out its role as an independent oversight body.

As discussed above, we commend the ability the QFCC in its new role to be able to, among other responsibilities, enhance appropriate information-sharing; facilitate cooperation between relevant parties in relation to investigations of reportable allegations and convictions; and educate and advise the public, regulators and reporting entities in relate to the CCS and RCS. As noted in our previous submission, we suggest that this last responsibility could include resources such as:

- materials in a variety of mediums – posters, information sessions, webinars, facts sheets, videos, templates
- culturally appropriate and co-designed materials
- co-designed child- and young person-friendly materials that elevate the voice of the child
- community awareness campaigns and education to convey the importance of CSS to the broader community
- communities of practice to share knowledge, ideas, resources, discuss issues, and work through practical scenarios
- sector-specific guides that contain action areas/success criteria similar to those found in the National Principles to help organisations understand expectations and provide guidance with examples
- materials to upskill and support organisations to build confidence and skill in more appropriately involving alleged victims in investigation processes, so that children and young people feel genuinely listened to. With staff turnover in organisations, as well as new service providers, awareness and education efforts also need to be regular and ongoing.

5.0 A final word

Anglicare looks forward to participating in sector-wide cultural change through embedding the Child Safe Standards and Reportable Conduct Scheme. We eagerly anticipate the release of further information outlining the details for organisations. There will be many opportunities to learn and grow our practice throughout the phased implementation and we will welcome the opportunity to provide feedback during the different phases of implementation and at the 2030 review.



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6.0 Endnote

¹ Other jurisdictions have experienced challenges with their implementation due to not factoring in these increases in workload. In Victoria, for example:

The CCYP struggles to balance its role in overseeing the Standards with its role in overseeing the Reportable Conduct Scheme, feeling that the CCYP hasn't kept up with the needs of organisations following the initial awareness-raising phase of implementation or been able to provide sector-specific supports or tailored compliance advice. CCYP are overworked and at the pointy end of the Reportable Conduct Scheme. They have no time to support thousands of organisations who still have questions. (Victoria State Government. 2019. *Review of the Victorian Child Safe Standards: Final Report – December 2019*. www.dffh.vic.gov.au/publications/review-victorian-child-safe-standards).