

INDEPENDENT OVERSIGHT SYSTEM

INFORMATION FOR ORGANISATIONS

The Department of the Premier and Cabinet is leading the work to develop a system of independent oversight that improves child safety in organisations in response to the Royal Commission into Institutional Responses to Child Sexual Abuse. The Royal Commission recommended that organisations engaged in child-related work be overseen by an external body to improve their child safe systems and practices and handling of child abuse complaints.

Public comments were invited via an online survey on the design of the system between November 2020 and February 2021. Feedback received during the consultation period will be considered as advice on the design of the independent oversight system being developed for Government.

Why strengthen independent oversight of organisations?

Children and young people regularly come into contact with organisations and engage in activities outside their home. The Royal Commission into Institutional Responses to Child Sexual Abuse highlighted the numerous times and ways children and young people reported abuse and were not believed or no action was taken. Ensuring that children and young people are kept safe from harm in their interactions with organisations is a priority for everyone in the community.

The Royal Commission recommended more independent scrutiny of organisations engaged in child-related work in implementing child safe practices and handling complaints and allegations of abuse. Independent oversight improves transparency and accountability so the community has confidence in the integrity of our government and non-government organisations and institutions.

Creating child safe organisations

The Royal Commission recommended 10 child safe standards to improve child safe cultures and practices across all sectors providing services to children and young people. The standards have since been incorporated into the National Principles for Child Safe Organisations (National Principles) which were agreed by the Commonwealth, state and territory governments in February 2019.

The National Principles cover the following areas of activity:

- Leadership, governance and culture
- Empowering children and young people to participate
- Involving family and community
- Equity upheld and diverse needs respected

- Managing staff and volunteers
- Child-friendly complaint process and reporting
- Education and development
- Safe environments – physical and online
- Continuous improvement
- Child safe and friendly policies.

The National Principles are not 'one size fits all' and allow flexibility in implementation by organisations according to their type, size and capacities and levels of engagement with children and young children.

For more information on the National Principles, please go to the Australian Human Rights Commission website at <https://childsafe.humanrights.gov.au/national-principles>.

Organisations to be legally safe for children

The Royal Commission was of the view that all organisations should strive to be child safe but recommended that organisations engaged in child-related work, such as schools, childcare services, out-of-home care providers, and children's sport and recreation groups, be legally required to apply the National Principles and that their implementation be independently monitored and enforced.

The requirement for organisations to comply with the National Principles could apply to organisations at the same time or it could be phased with different types or organisations commencing at different times.

Supporting organisations to be child safe

An independent oversight body will work with organisations to build their capability to implement the National Principles, monitor their progress, identify where further support may be required and take action in circumstances of non-compliance.

Many organisations engaged in child-related work are already covered by a sector regulator, or by a peak body. The independent oversight body could work with these bodies so that organisations do not have to deal with multiple regulators when building their capability to implement the National Principles.

Supporting children and young people to make a complaint of abuse

Children and young people will need to be supported in navigating the system to make complaints of abuse, particularly if they do not have a parent, family member or carer who can represent their interests. In designing the independent oversight system, where that function sits in combination with other functions is being considered.

FREQUENTLY ASKED QUESTIONS

Will my organisation be required to comply with the National Principles for Child Safe Organisations?

The types of organisations required to comply with the National Principles has not yet been determined.

The Royal Commission was of the view that all organisations need to be child safe and recommended at a minimum that organisations engaging with children and young people to provide the following services should be legally required to be child safe:

- accommodation and residential services for children, including overnight excursions or stays
- activities or services of any kind, under the auspices of a particular religious denomination or faith, through which adults have contact with children
- childcare or minding services
- child protection services, including out-of-home care
- 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
- disability services for children
- education services for children
- health services for children
- justice and detention services for children, including immigration detention facilities
- transport services for children, including school crossing services.

What does my organisation need to do?

Organisations engaging in child-related work will be asked to build the National Principles into their daily activities. Some organisations have already adopted the National Principles and will be well placed to meet future legislative and oversight requirements.

Tools and resources have been developed by the WA Commissioner for Children and Young People to assist organisations to implement the National Principles and are available at www.ccyp.wa.gov.au/our-work/child-safe-organisations-wa. Resources are also available on the Australian Human Rights Commission website at <https://childsafe.humanrights.gov.au/tools-resources/practical-tools>.

How long will my organisation have to prepare before oversight commences?

Legislation will need to be developed to require compliance with the National Principles, but organisations are encouraged to start building them into their daily activities now. Organisations that enter into contracts with the WA Government are already being encouraged to implement the National Principles.

The timeframe to require compliance with the National Principles has not yet been determined. The requirement to comply could apply to organisations at the same time, or be phased so different types of organisations are required to comply at different times.

What if my organisation is not ready in time?

The National Principles are not one size fits all and organisations will have flexibility with how they comply according to their type, size, capacity and levels of engagement with children and young people. The National Principles contemplate continuous improvement by organisations in their approach to and implementation of child safe strategies and practices.

The Royal Commission recommended that the oversight body takes a responsive, risk-based approach to monitoring and enforcement of the National Principles which means that strategies to support, monitor and enforce implementation will be applied according to the level of risk to children and young people and how the organisation responds to the strategies.

I'm a small business owner and don't have time or resources to implement the National Principles?

The independent oversight system is being designed with the interests of children and young people as a primary consideration and, where possible, integrating with existing regulation to minimise the regulatory burden on organisations. Administrative costs associated with compliance could be viewed as an investment in prevention to reduce exposure to future costs associated with investigations. Businesses that comply with the National Principles could also become 'organisations of choice' as parents and carers look to child safe organisations when choosing services and activities for their children.

The National Principles are not one size fits all, and encourage continuous improvement. Tools and resources are already available to help prepare for future legislative and oversight requirements.

Our employees already have Working with Children Check cards, and the proposed reportable conduct scheme will require us to report and investigate abuse; why do we have to do more?

The National Principles apply to organisations to help prevent abuse happening in the first place by having child safe strategies and practices. The Working with Children Check (WWCC) is an element of National Principle 5: *People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice*. A WWCC prevents individuals from working with children if they have a criminal history indicating they may harm a child, and detecting new charges and convictions of WWCC card holders and preventing them from continuing to engage in child-related work.

The proposed reportable conduct scheme will require organisations to report known incidents or allegations of abuse. Under the proposed reportable conduct scheme, the Ombudsman will also share information with the Chief Executive Officer of the Department of Communities of a finding of reportable conduct to enable an assessment or re-assessment of a person who has a WWCC card.

An Information Sheet about the proposed reportable conduct scheme is available at www.ombudsman.wa.gov.au/Documents/Reportable-Conduct-Scheme-Information-Sheet.pdf.

Are all states and territories strengthening oversight of organisations engaged in child-related work?

Other states and territories have been strengthening their oversight systems in response to the Royal Commission, which recommended a nationally consistent approach.

Who can I contact if I need help?

If you or anyone you know is in immediate danger or life-threatening situation, call 000.

If you are concerned about a child's wellbeing (and it doesn't require immediate Police attention), please contact the Department of Communities on 1800 273 889 or email cpduty@communities.wa.gov.au.

A list of support services for survivors of child sexual abuse is available at www.wa.gov.au/government/safer-wa-children-and-young-people.