

# TRANSCRIPT

## FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE

### Inquiry into the handling of child abuse by religious and other organisations

Melbourne — 5 April 2013

#### Members

Mrs A. Coote

Ms G. Crozier

Ms B. Halfpenny

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Chair: Ms G. Crozier

Deputy Chair: Mr F. McGuire

#### Staff

Executive Officer: Dr J. Bush

Research Officer: Ms V. Finn

#### Witnesses

Mr S. Jacobs, child protection policy and certification, and

Mr A. Campion, trainer and counsellor, Child Wise.

**The CHAIR** — Good morning, everyone. In accordance with the guidelines of the hearings I remind members of the public gallery that they cannot participate in any way in the committee's proceedings. Only officers of the Family and Community Development Committee secretariat are to approach committee members. Members of the media are also requested to observe the media guidelines. Could you all please ensure that your mobile phones are now switched off or on silent.

On behalf of the committee I welcome Mr Scott Jacobs, child protection policy and certification, from Child Wise and Mr Adrian Campion, trainer and counsellor, from Child Wise. Welcome to both of you. All evidence taken by this committee is taken under the provisions of the Parliamentary Committees Act, attracts parliamentary privilege and is protected from judicial review. Any comments made outside the precincts of the hearings are not protected by parliamentary privilege. All evidence given today is being recorded. Witnesses will be provided with proof versions of the transcript. Please note that these proceedings are not being broadcast.

Following your presentation committee members will ask questions relating to the inquiry and the evidence that you provide to us. I call on you now to give your presentation, and thank you again for being with us this morning; we do appreciate it.

**Mr CAMPION** — Thank you. Firstly, I would like to say thank you for the opportunity to appear before the inquiry and provide information that might assist the inquiry with its deliberations. To begin with, we need to apologise that our CEO, Bernadette McMenamin, is unable to attend due to illness. She was eagerly awaiting this appearance but has expressed her regrets in not being here today. Bernadette has a wealth of experience in the field of child abuse prevention and has been the driving force behind Child Wise for the last 21 years. As such, whilst we will endeavour to answer all the questions the inquiry may have, there may be some aspects on which we will request the inquiry's leave to take on notice and provide a response at a later date.

**The CHAIR** — That is fine.

**Mr CAMPION** — Representing Child Wise is me, Adrian Campion, and Scott Jacobs. We have similar, but also dissimilar, roles. Much of the presentation will be drawn from the material that you have in the pack before you, which I think we have also sent you previously. I am not sure whether you have had a chance to read that.

**The CHAIR** — We have; thank you very much.

**Mr CAMPION** — We will try to address the elements of the Child Wise work relevant to the inquiry's scope of reference and situate this within the broader context of child abuse and child-safe organisations.

To give you a bit of background on Child Wise, Child Wise is Australia's leading child abuse prevention charity, operating for 21 years. We are committed to the prevention and reduction of child sexual abuse and exploitation of children, both in Australia and also around the world. Our Child Wise primary focus is to prevent child abuse before it actually happens.

The Child Wise National Child Abuse Prevention Helpline is the only one of its kind in Australia, having operated across Australia for over four years without any ongoing funding. Our helpline is staffed by a team of trained counsellors and allows Australians to obtain advice and support, to speak up about child abuse and to navigate systems. We also provide support for people dealing with suspected cases of child abuse, crisis counselling and referrals where necessary. Our programs are child-focused, award winning and informed by a fundamental belief that children have a right to physical and psychological safety.

Child Wise has been responsible for many outstanding achievements in the protection of children, both in Australia and overseas. In recognition, Child Wise has been the recipient of many awards, such as the Australian Human Rights Award, the Australian Council for Overseas Aid Human Rights Award and the Victorian Crime Prevention Award, the overall winner of the National Child Protection Awards for the Choose With Care program back in 2003, and the Australian Crime and Violence Prevention Award.

Some of our notable achievements have been to develop child protection frameworks for a number of large organisations including, in 2009, the AusAID Child Protection Policy. This is a world's best practice approach to international child protection, requiring that all partner agencies have stringent child protection requirements and ensuring the training of its representatives.

Some of our international work has also included high-level programs with the Association of Southeast Asian Nations, ASEAN, governments to prevent child sex trafficking and tourism. We have had a long running commitment in Cambodia, where we have worked with the government to implement child-safe government centres. We have worked with NGOs and community service organisations and run prevention programs in rural communities. Additionally, we work with the Singapore government to try to train child-care centres. We are currently in talks with the Singapore government to develop an auditing system to ensure these centres are compliant with training and the child-safe organisations.

Due to confidentiality restraints we are unable to reveal the names of many organisations that we are currently working with in the public forum. However, we are happy to provide the inquiry with details of clients who have made it clear that they are able to be contacted confidentially as well. It should be acknowledged that whilst Child Wise has encountered many instances of institutional reticence in dealing with child abuse, institutions or organisations that participate in our service have been from a voluntary basis. Child Wise works with many organisations that are predisposed to seek out and adopt child-safe practices. We will talk more in that context very soon. Much of the Child Wise work comes to us through referrals to our service via recommendations from other organisations that have adopted and implemented all or some aspects of the Child Wise child abuse prevention model. This model is on page 21 of our submission, if you have not seen it previously.

The challenges and obstacles that Child Wise faces when assisting organisations to develop and implement child-safe practices are ones which are common to all organisations. Whether the organisation voluntarily and openly accesses our services, or whether the organisation is unwilling to implement child-safe practices, the same obstacles exist.

**The CHAIR** — Members of the gallery, I will suspend the hearing for the moment, thank you very much. If you could just hold off please, Adrian, for one moment.

**Mr CAMPION** — Sure.

**The CHAIR** — I will clear the gallery for the moment, please.

**Sitting suspended 10.06 a.m. until 10.17 a.m.**

**The CHAIR** — Could we continue with your evidence, thank you very much, Adrian.

**Mr CAMPION** — Certainly. I might start off where I was in my paragraph. The challenges and obstacles Child Wise faces when assisting organisations to develop and implement child-safe practices are ones that are common to all organisations. Whether the organisation voluntarily and openly accesses our services or whether the organisation is unwilling to implement child-safe practices, the same obstacles exist. These challenges or obstacles are not limited, but could range from anything, like the lack of procedures or policies that have led to an incident or incidents; the lack of understanding of child abuse and the impacts for all parties; the lack of understanding of the implications for victims, staff, volunteers and the organisation relative to funding credibility, legal liability et cetera; maintaining culture as the status quo — if it is not broken, why should we fix it and why should we change it; failure to meet industry expectations or standards; actually implementing child-safe practices rather than only talking or writing about them; organisations that have shied away from accountability and transparency processes and practices for multitudes of reasons; hierarchical complexity and complacency, even including communication; and organisations that are generally resistant to change for a multitude of reasons. When we talk about these obstacles, these are the obstacles that you would have been hearing about through the course of these inquiries. This is not something that is dissimilar. You would have heard about them before. We face these challenges on a regular basis.

All we really want to talk about today is what we consider to be a child-safe organisation and our national abuse prevention model, because we think we actually have some of the frameworks that could assist in preventing and minimising child abuse within organisations and institutions. So a child-safe organisation — the underpinning belief for Child Wise is that children have the right to physical and psychological safety. Child Wise believes that there is an urgent need to shift the paradigm away from too heavy a focus on child protection to one that emphasises child protection prevention. To this end, through our research and expert partnerships over 20 years, Child Wise has developed a range of preventative models for organisations to understand and implement what we consider to be child-safe practices. These child-safe practices are embodied in Child Wise's

Choose With Care model, and in the 12 standards for child-safe organisations. These standards are included in your pack that you have here today. Within that context, we also have a whole range of criteria that we expect organisations to be able to meet.

A child-safe organisation is committed to protecting children in its care. It understands the nature and the risks of child abuse and has an open and aware culture. Child abuse can be discussed and reported safely. Policies and procedures are developed to protect children and staff, and establishing and maintaining a child-safe environment is a main consideration of all its activities and management practices. The key factor here is that our 12 standards for a child-safe organisation model is an overarching approach. There are a number of national state-based standards or regulations for various areas of work with children — for example, the early learning out-of-home care frameworks — which are standout achievements in this regard. We acknowledge that. Yet as the inquiry would be aware, there are currently no overarching standards or regulations for all organisations that work with children from a child-safe perspective as a whole entity.

It is Child Wise's opinion that this is a serious obstacle to creating child-safe environments for children. If there are no overarching standards, then attempts to build child-safe organisations will be piecemeal. For example, an organisation that has activities across a range of sectors — out-of-home care, child care, respite care and disability services — may have different standards and regulations that cover each area individually but not for the whole of the organisation, and we think that is concerning. Equally one organisation may set a best-practice standard and another may set a far lower standard or benchmark, and that is concerning. We actually need benchmarks. Unless all organisations have a consistency of approach across all their activities, one that encompasses all staff and volunteers, they will struggle to meet their duty-of-care obligations towards children. Our 12 standards for child-safe organisations reflect our belief that a consistent, consultative and reflective practice backed by a system of continuous improvement will directly influence positive outcomes for children and young people.

The objectives of our 12 standards are for all organisations to minimise and reduce the risk of abuse to children in their care. We cannot stress enough the importance of having national standards for child protection. This has been an overarching theme from Child Wise with different governments throughout Australia. They will ensure a level of consistency, awareness and compliance that will influence positive outcomes for children and young people more effectively than any other tool. Our 12 standards underlie all our training, our policy work and our certification programs, which Child Wise conducts under our child abuse prevention model and ensures organisations can offer consistent, best-practice child abuse prevention processes no matter what industry they work in. They are quality assurance and compliance focused, designed to implicitly state what is expected from an organisation. Child Wise has based the 12 standards for its child-safe organisations on our Choose With Care program, which was introduced in 2001.

I want to talk quickly about our Choose With Care program because it is a framework and parameter, and some of the bases of the Choose With Care program were created from the basis of other inquiries that also happened overseas, and it has actually been a benchmark or a standard in regard to preventative programs. Choose With Care is a proactive, preventative and participatory model that builds awareness and resilience in professionals charged with the care of children in such diverse areas as schools, residential care, foster care, recruitment, sport and leisure organisations, volunteer programs, mentoring programs, government, social services, child care et cetera. While there is no foolproof methodology, Choose With Care is a risk management approach which, if applied thoroughly, will reduce and minimise the incidence or risk of child abuse within an organisation. As I said, in 2003, Choose With Care was the overall winner of the national child protection awards.

Choose With Care's holistic approach to child protection works to create child-safe and respectful environments where opportunities for abuse are eliminated. The training program is based on a general content of principles that are tailored to different organisations and different industries. It has been delivered to schools, community sporting groups, disability services, government departments, psychologists, states, nationally-based charity groups, private sector businesses and international aid groups, and this has been happening since 2001. The Choose With Care program, including the training and workbooks, provides the framework for the 12 standards for a child-safe organisation, and this program has been fundamental in assisting organisations locally and internationally to develop child-safe practices backed by strong tools and structures that are embedded in sustainable approaches. This is the kind of pack we have — you might be familiar with it — we did send one across. There are a couple of workbooks and a DVD that go with it.

As made clear in our submission that we put to the inquiry earlier, it is Child Wise's contention that individuals and organisations which have been complicit in child abuse, sexual or otherwise, have not done so in isolation but as a culmination of a range of factors. It is through organisational cultures of secrecy, denial and ignorance that children are rendered vulnerable to abuse, and that allows child sex offenders to gain access to our children. Child Wise recognises that implementing organisational change can have many challenges. At the heart of a child-safe organisation is a commitment not just at a management level, though that is essential, but an overall commitment to child safety by all participants. This commitment can be reinforced with child abuse prevention models based on clear standards that are both accountable and transparent — probably some of the key words.

Child Wise wants to highlight two categories of risk factors for child abuse within organisations — constitutive structures and normative cultures. The organisational structure contains a constitutive or structural element of an organisation. Some of these may include hierarchal status systems, no formal procedures for hiring or screening staff, or activities which have technical or task demands that require touching. The structural elements of an organisation, if not geared towards child abuse prevention, may render the organisation vulnerable to the predations of sex offenders. For instance, a lack of formal procedures for the hiring or screening of staff is a structural element that makes organisations more attractive to potential offenders, yet these elements can be managed or altered or accounted for within frameworks of training and the development of policies and procedures. This should include a process of continuous improvement. New procedures can be implemented around the hiring of staff. Procedures can be put in place to address appropriate or inappropriate behaviours and actions and blurring or breaching of professional boundaries.

The normative culture of an organisation encompasses the values and attitudes that exist within the organisation. It is a culture that will be based on staff and volunteer behaviour and attitudes. Elements of an organisational culture may be autocratic authority systems, hostility to change or overwhelming loyalty to existing practices. The normative organisational culture of an organisation can magnify the vulnerability of an organisation's structural elements. For example, if a hierarchal status system is reinforced by autocratic authority systems, it becomes difficult to facilitate the change. Within religious organisations, for instance, the often unquestioned power of ministers can create a culture of both secrecy and acceptance. The normative culture of an organisation can set up the internal barriers to changing the organisational structure and inhibit effective child abuse prevention.

There are two broad elements to effectively implementing child abuse prevention within an organisation: prevention measures which focus on training, awareness raising et cetera, and prevention measures which will help to instil a culture that acts to protect children from the risk of abuse. The second element is the organisational safeguards, which include policies and procedures and ensuring their implementation. Organisational safeguards will help to establish external and internal barriers to sex offenders. The delivery methods of preventative organisational safeguards must be tailored to the structure of the organisation and the culture that is currently in place.

Child Wise has found that a combination of tailored training, information sessions, awareness-raising material and strategic planning with organisations can change representative attitudes within an organisation so that they consider child abuse prevention to be achievable. If the problem is understood to be manageable and people acknowledge that child abuse can and does occur and they are provided with the tools and knowledge in how to best to recognise and respond to child abuse, they will be more confident and able to prevent it, and we will eliminate some of the areas in regard to resistance to change.

When working with clients our child abuse prevention model has three key elements to implementing the 12 standards of a child-safe organisation. One is the tailored training; policy development and review; and the last thing we offer is also a thing called certification.

The training framework for a child-safe organisation addresses the following topics: we would be talking about understanding what abuse is; we would be talking about the definitions and indicators in that area; we would talk about the dynamics of sex offenders — their grooming and targeting techniques; the sexualised behaviour of children — normal sexualised behaviour versus concerning behaviours. We would talk to the groups around the concept of duty of care. We would talk to them about managing risks to minimise abuse, so we would ask them to look throughout their individual programs and the organisation as a whole to think about the risk frameworks that they have got in place. From there we would be working with them to think about child

protection policies. We talk about child protection policies: what are they? What do they mean to the organisation? What do they mean to staff? How can staff put them into operation?

We talk to them about creating clear boundaries, around having efficient and effective codes of conduct; understanding of what professional boundaries are; understanding when there are breaches, slurring or blurring of boundaries. We talk at length in regards to what recruitment looks like, the screening and selection process. Often this is one of the areas where we can prevent offenders coming into our organisations — having a child-safe message at the start: that we really are not going to condone child sex offenders coming into our organisations, and making sure that we have practices around that which will support these people, so they do not want to come to that organisation.

We also need to support staff and supervise them. Central to the key point, staff need assistance, they need training, they need development. We need to support them in the processes, particularly if they do see somebody who might breach a code of conduct, breach a procedure, blur boundaries. Do they feel supported that they could actually make a complaint and that somebody will listen to it in an objective manner rather than a subjective manner? Central to the whole lot of this, we talk about responding to abuse and managing complaints. We talk about this as being one of the key aspects. If our complaints grievance procedure is not effective, the rest of the process falls down. It is talking about having a robust complaints management procedure that allows everybody to be heard from an objective viewpoint rather than a subjective viewpoint, which is often around that levels of secrecy.

Lastly, we talk about how do we empower, involve and listen to children. How do we get young people involved in the process of actually giving us information about our practices, about our staff members? Are we doing it right? Are we doing it wrong? Has something inappropriate occurred? Beyond that, we ask information of parents, caregivers, anybody who might be associated with a young person. Sometimes young people will tell somebody else, but then they might not be sure where to pass that information on to. We like to open up the opportunities so that information will get back to the organisation, so they can be accountable and transparent with that information.

One of the key elements in the 12 standards for our child-safe organisation is that policy should be considered a single part of the child abuse prevention model. Effective child protection policies can act in two ways to create a child-safe organisation. One is as a deterrent. Sex offenders and groomers will target vulnerable organisations. They look for access and opportunity. Organisations that have clear and transparent policies and procedures, that advertise and promote themselves as being child safe will be much more effective in deterring potential offenders. The second aspect is in regard to prevention. While strong policies and procedures can deter most offenders, a policy can also act to prevent and reduce and minimise opportunities for child abuse to occur within an organisation. Transparent, open and accountable reporting procedures, risk management systems and complaints and grievance procedures will all help to build a culture of child abuse prevention within an organisation and overcome these barriers of secrecy, denial and ignorance that prevent organisations from becoming child safe.

A policy should never be a stand-alone document. It must be considered as part of the organisational approach, which includes training so that staff can understand, recognise and respond to child abuse incidents. Procedures must be specific to organisational activities and programs and ensure that continuous improvement processes are built into the process of child abuse prevention. This should entail regular reviews, mechanisms for changes to the policy to occur outside of a review and accessible ways for staff, children, young people and parents to be involved in any review process.

At Child Wise we continue to work with organisations that do not have comprehensive policies and procedures but are prepared and committed to working consultatively with Child Wise to address the gaps that they have identified within their organisations. Yet many of the organisations we work with already have strong policies and procedures, and we have seen that change in regards to child protection, reflecting a trend that has been happening over the last 10 years. Organisations are becoming more accountable in that sense. Recognising this general increase in awareness, we now work with organisations to improve the organisational internal culture around child abuse prevention and to implement effective structures to minimise and reduce the risk of child abuse occurring.

The culmination of this process is our child-safe organisation certification program. Based on the 12 standards for a child-safe organisation, the certification takes a collaborative approach to child abuse prevention. We find that this is by far the best way to ensure that the client is appropriately assessed and that all areas of risk are evaluated. Using the 12 standards and associated criteria, the certification process requires that we conduct document and policy reviews, representative and participant interviews, and site visits to assess the organisation. The pack which we gave the committee earlier pretty much has that whole model and the certification details. There is a model there.

In conclusion, and to end this speech, ultimately the most effective way to build child-safe organisations and to change organisational structures and cultures is to empower the staff and volunteers with a knowledge and understanding of how to prevent and respond to child abuse. Our prevention-focused programs equip organisations and people with the knowledge and tools to shield children from harm. Child Wise's commitment to researching the best practice prevention techniques ensures that our programs remain effective and responsive. I thank you for your time.

**The CHAIR** — Thank you, Adrian. Before we do go to questions, Scott, is there anything you would like to add?

**Mr JACOBS** — No, that is okay. I am happy to take questions.

**The CHAIR** — Thank you very much, and again thank you very much for that presentation, Adrian, which was very detailed and outlined some very worthy elements of the work that you are undertaking and have been able to achieve to date. I am interested in one of those areas where you said there has been a trend over the last 10 years or so — that policies and procedures are being effective and that organisations are becoming more accountable. I am just wondering if you can explain to the committee in those organisations where you have seen that, is it across the board or is that from the leadership who has taken a proactive stance in this area? Can you just elaborate a little bit on those trends in organisations.

**Mr CAMPION** — Just to qualify: what we are seeing more organisations — whether it is because of regulations or standards that are imposed on them — becoming familiar and creating child protection policies and frameworks around it. Whether they are necessarily accountable and transparent, and whether they are effective, that is also a different matter.

The groups that come to us, come to us for a whole range of things. Some organisations identify that they have training gaps within their organisation. They might attend one of our Choose With Care programs which talks about all these kinds of parameters, and from there they might talk to us because they are seeing some gaps within their organisation. They might talk to us and start thinking about, 'What do we need to do with regard to policy? Do we need to think about certification? What are we doing right? What areas could we improve?'. They might come from that perspective.

Sometimes organisations come to us after there has been an incident. There has been an incident within their organisation which highlights a whole range of gaps within their service structures and they want us to come in, assist them to create the frameworks so that it can be really preventive, so that those incidents do not occur again.

**Mr JACOBS** — Part of that as well is that we are seeing a lot more overarching bodies, either national bodies or accreditation groups or things like the national early learning framework, which do stipulate that there be a policy in place, and there is a greater awareness within the community than there has been previously. All this contributes to more likelihood that there will be a policy or procedures in place, but a lot of the time those might be fragmented or they may not be effectively implemented due to a lack of understanding or knowledge.

**The CHAIR** — Are they larger organisations in general, do you think, that are more aware of the regulation that is in place and that they need to abide by? What do we need to do to those smaller organisations to get their awareness of those aspects?

**Mr JACOBS** — The larger organisations definitely have a stronger awareness. Again, it is not across the board; some have better than others. With the smaller organisations, we are seeing some that have policies and obviously mean very well but a lot of them might be volunteer-based or volunteer-run and so they do not have

the resources able to dedicate to developing them or the understanding and knowledge required to do it effectively.

We have been exploring working with a number of the larger bodies that may partner with the smaller groups, so sporting bodies that look at the community level or larger community organisations that have subsidiaries, and different ways of trying to get that information out to them to be able to provide training or awareness raising in an effective manner, because a lot of the time we find that a small amount of awareness raising does a lot to overcoming the barriers to trying to prevent child abuse.

**Mr CAMPION** — Probably as a whole, whilst we are seeing some improvement, particularly from community service organisations, there are still lots of gaps throughout the whole sector that works with young people or has a role or interest in working with young people.

**The CHAIR** — How do we reach those people? That is really the point, isn't it?

**Mr CAMPION** — We talked a little bit earlier about how regulations and standards have a massive impact. We believe — and we have had that contention for a long time at Child Wise, and we have been lobbying governments in regard to that — that there need to be standards so that all organisations that have a role with children need to be able to meet a whole range of standards that create some level of accountability and transparency. What it also means is that we can have some evidence base so if organisations are not complying, potentially we can think about how we could respond to that.

**Mrs COOTE** — Thank you both, Adrian and Scott, for your very in-depth presentation; it is very helpful. My point follows on from what the Chair has just said and is about the issue you bring up about child prevention standards being mandatory for all organisations. To tease that out a little, you gave us in your presentation, at page 13, 'Potential new laws', where you outline in quite a lot of detail what those child abuse prevention standards for organisations would look like. I am particularly interested to hear a bit more detail about that and particularly about the concerning persons register and how you would see that being implemented, who would monitor it, who would do it, where you believe this body should sit, how you believe technically it would work?

**Mr JACOBS** — To start with the standards, that is something, as we mentioned, where there is a lot of scattered approach so there needs to be an overarching mechanism of some sort, which we have been implementing in our certification programs. We have the 12 standards and underneath that we have a set of criteria that we work with the organisations to try to help them to meet. Something like that would be quite useful.

We see a lot of change in the child-care sector, as you have asked us to speak to that. The child-care sector, with the national early learning framework and things along those lines, has meant that there has been a vast improvement. There is still a long way to go, but this is always going to be a process which is continually improving.

That is why we are pushing for national standards that do have some kind of impact across all organisations, so that there is a consistency of approach. If you look at something like WorkSafe, 20 years ago when there was nothing along those lines there were far higher industrial accidents and a lot more problems at work. Also, because it is universal, when you move from one industry to the next you understand the regulations and the sort of things that you need to apply to your work.

The ideal is that everyone who works with children in any regard should have an understanding of the standards and expectations, no matter at what level you interact with them or how your work might impact on them.

**Mrs COOTE** — I am particularly interested in Victoria, obviously. You speak about national standards, and certainly that is an opportunity perhaps with the royal commission, but I am particularly interested in our inquiry and the parameters of our inquiry, which is Victoria, so I am particularly interested to know how you believe that these could be implemented within Victorian institutions and the model you expect would be applicable in Victoria. Is the same as it would be nationally?



**Mr JACOBS** — The same would apply. The ideal is for it to be national, obviously, but even Victorian or state based, as long as there is some consistency across all organisations. Obviously it varies within DHS departments across the country.

**Mr CAMPION** — Within that kind of concept there needs to be a regulatory body that oversees and accredits or works through a certification process to ensure that organisations are compliant, otherwise do we need to change the structure in which all people, particularly paid organisations, work with young people, and how we actually deal with that? But there needs to be a regulatory body that can make organisations accountable in some aspect for the roles in concert or for their responsibilities.

**Mrs COOTE** — Do you have a view as to who that organisation could be?

**Mr CAMPION** — There is probably a range of leading contenders, but it would probably be better if we came back to you with a more detailed approach about what that could be.

**Mrs COOTE** — I would be very keen to see that.

**Mr JACOBS** — Someone like the Office of the Child Safety Commissioner. The key is that it is an independent body and is set up with the power to be able to regulate, enforce and check to make sure that they are following the standards.

**Mrs COOTE** — And they would be monitoring, and what — —

**Mr JACOBS** — Some form of certification process would be the ideal.

**Mrs COOTE** — The concerning persons register? You believe that role should sit within the child safety commissioner as well?

**Mr CAMPION** — That might be one of the avenues. We understand that it is a difficult process, because there are discriminatory elements that sort of sit with that kind of concept, but there are a range of organisations where they could possibly sit. Maybe we could detail something and get that back to you in detail —

**Mrs COOTE** — That would be particularly useful.

**Mr CAMPION** — because I do not think we can finitely give you an answer on the correct body right now. We need to give you an argument against a number of different bodies and what they actually can do in their role and responsibility.

**Mrs COOTE** — That would be really very good. Thank you so much.

**Mr JACOBS** — The idea of the concerning persons register in general is something that our national training manager, Deb, and Bernadette have been considering. Obviously Crime Stoppers to some extent has this role at the moment. The general approach to child protection is that you want to be recording any suspicions so that you can build up a picture. We feel there needs to be one more supports for potential offenders so they can be rehabilitated or prevented from continuing to offend. Part of this is to be monitoring and making sure that concerning people are having a picture built up over time. The exact workings of it we can get back to you on, but that is the — —.

**Mr CAMPION** — And that would encompass a whole range of different organisations having some level of input and direction, but I do not think we can articulate it in one comment.

**Mr JACOBS** — Yes.

**Mrs COOTE** — That would be particularly useful. That would be really helpful. Thank you so much.

**Mr CAMPION** — We would be more than happy to. We can certainly get something to you.

**Mrs COOTE** — Thank you.

**Ms HALFPENNY** — I was just looking through your submission. You talk about how people will not report or raise issues about child abuse unless they are comfortable with the processes and confident in the

organisation they are within. Bearing that in mind, we are hearing a lot from victims, and they are very critical of organisations where they see there is more support for offenders than there is for the actual victim — for example, funding legal defences for criminal assault and those sort of things. Looking at that in terms of the leadership that is around that, do you see an organisation being capable of implementing policies and monitoring policies to prevent child abuse in those organisations?

**Mr CAMPION** — We are certainly seeing some organisations wanting to be incredibly open and transparent and accountable, and we have seen other organisations that do not work in that kind of realm. They are happy to take on board the concepts of child protection but what that actually means to them is something different from other organisations. When we talk about a complaints-grievance procedure or that process to protect both the victim and thinking about what happens with the perpetrator as well, effectively we are want to make sure there are mechanisms that are in place so that the complaint is heard through a whole range of different channels and so that it becomes an objective result as opposed to a subjective result.

That mechanism could be that once the matter is recorded at a certain level — it does not matter how big or small the incident is — we could be talking about boundary blurring, where somebody consistently touches someone on the arm; we know that is not appropriate, and we might have something in regards to our codes of conduct. We would report that. We make sure that that is actually reported. It goes to a central register within an organisation, so somebody records every incident that comes through. There will be a process for people to work through. Once that process has been worked through, that information will be signed off potentially by another party. There might be even a review committee that reviews the decisions made by individuals as part of that process.

**Ms HALFPENNY** — So within that organisation itself or outside?

**Mr CAMPION** — Within that organisation. If we were thinking about it, you could have a subcommittee — and sometimes we have worked with organisations. In creating subcommittees we ask them a whole range of value-based questions to determine the people who could come on board. That might be from the highest level of management to the front-line staff, and that encompasses a whole range of people from the organisation. But then they would objectively have to review the decision that has actually been made. Is it appropriate; has it actually met all the elements of what the complaints grievance procedure is; has the victim been supported; has their case been listened to; have we gone through the right process of reporting to police or child protection or whatever that might be? Within that kind of context, there are organisations that will do that really well, and there are other organisations that culturally need to continue to work on that.

One of the things that we work with when we do what we call our certification process is to ask organisations to meet our 12 standards, and we have a whole range of criteria, and within that we will go out and do site visits, ask questions, interviews and all those kind of things. We actually go and look at the register of their complaints to see how they have dealt with them, and to find out whether they have met the aspects of their policies and procedures. So again, we are a second body that might come on top that might be able to review it as well, but maybe that can happen from a regulatory body as well at some point in time. I hope that answers it.

**Ms HALFPENNY** — That is fine. The other thing is you were talking earlier — I think when you first started speaking — about there needing to be a policy or a procedure or a system that goes across the whole of an organisation rather than separate policies or procedures. Can you explain a bit about that, because again we are hearing about organisations such as dioceses and parishes and many separate organisations that actually operate independently with an overarching — —

**Mr JACOBS** — Effectively the key thing is to be open, transparent and accountable in all of the processes, and the best way to do that is to have something that applies to all staff no matter what level you are in backed up by codes of conduct and really clear methods of behaviour, but that this complaints and grievance procedure is organisation wide. The problem we see is when it gets compartmentalised, when — —

**Ms HALFPENNY** — What are the problems with doing it like that as opposed to overall?

**Mr JACOBS** — Because, as Adrian was saying, of the need to have something that is a universal, where people can have it backed up and have it checked to make sure that the procedure is being followed. Sometimes we will encounter — and I am sure you have as well with a number of people who have spoken to you —

organisations where the complaint goes to one person and then that person looks at it, signs it off and it then goes in a drawer and is not really taken any further.

When it is an organisation-wide policy and it is made very clear that it is all staff and representatives who have a shared responsibility for the protection of children — and this comes back to where we were talking about the two types of organisational structures and the culture — the organisation's culture becomes much more open to protecting children and making sure that they are protected effectively.

Having the complaints procedures that are very clearly documented and have a central element to them so that no matter where it occurs within the organisation — whether it is different dioceses, whether it is different sporting clubs, whatever they might be — there is a clearer picture built up of what is occurring which will also enable the organisation to implement better child protection measures, because they have a better understanding of what is occurring within the organisation, certainly within the upper management of these groups.

**Mr CAMPION** — For example, we have been to an organisation that had about seven different components to their work aspect and about five different child protection policies, which were all different. So staff would move from one part of the organisation to another and take with them the information they picked up when they first read the policy — they had not reviewed it — but that policy was not applicable to the other area. So people were missing lots of signs or lots of indicators. There needs to be that consistency of approach across the organisation.

**Mr O'BRIEN** — Thank you for your evidence and your work.

**Mr CAMPION** — Thank you.

**Mr O'BRIEN** — I will just follow up on my colleague's question by taking you to the mandatory reporting section of your submission at paragraph 13 on page 11. You state that this should include ministers of religion and the Catholic confessional. Could you explain why you say that and, more particularly, how you would expect the Catholic Church to comply with that recommendation?

**Mr JACOBS** — At the moment there is confusion, certainly in some organisations, as to who is mandated to report. Obviously kindergarten teachers have recently come under the same act as primary teachers. We speak to a lot of kindergarten teachers who are not certain whether they are mandated to report as a result or not.

The same occurs with a lot of other groups. Some organisations are exceptionally strong in this regard and they make it a duty of care that that they must follow the mandatory reporting procedures — so whether or not they are legally obliged to, they make it an organisational policy that they do. The benefit of that is that everyone has the same expectations and all instances of abuse are meant to be reported. That is particularly important because it again ensures that a picture can build up. So any suspicions are reported; it does not matter what position you hold or who you are, it needs to be followed.

**Mr CAMPION** — If the legislation was adjusted in the Child, Youth and Families Act to account for a range of different people — you might be familiar with the fact that mandatory reporters are different if you look at the legislation in each state. Some states list pretty much everybody. Victoria lists a small collective of people — about five or six different groups. If it was mandated and became a responsibility for organisations but people did not do that, they would then be breaching duty of care. There is a consequence that comes with that — a natural consequence in regard to liability and all the things that come from that perspective as well.

**Mr O'BRIEN** — Could I ask you to turn specifically to your recommendation in relation to the confessional, given the size of the Catholic Church in Victoria. It may be that size should not matter, but obviously there is a lot of resistance from the Catholic Church to a requirement that it go across the board.

**Mr CAMPION** — Yes.

**Mr O'BRIEN** — I can understand your reasoning as to why you say it should go across the board. Can you specifically look into the future and tell us how you would expect that organisation to comply with an across-the-board mandatory reporting obligation that included the confessional, so that we can draft our recommendations?

**Mr CAMPION** — We have some models in regard to mandatory reporting. We could design and put one together for you that would be rather comprehensive. That might give you a framework that you could work with.

**Mr O'BRIEN** — Probably better than working with me, you would probably say that your no. 1 recommendation would be that you work with the church to design a model.

**Mr JACOBS** — Yes. It is obviously controversial and something that is up for debate at the moment, because it infringes on things like religious freedoms. We feel that it is very much a matter for the organisational change as a whole approach. The Catholic Church needs to be much more open in this regard. We are obviously starting to see some shifts with them appointing new commissions internally. The mandatory reporting of confessional is not something that you would expect to occur immediately. Clearly it is something that comes from a longer process of change within the organisation — of opening things up and being much more transparent and accountable, as we try to encourage all organisations to be — and then it would stem from that. How exactly it is going to work is not something we are able to talk about immediately. Unfortunately we have not worked directly with Catholic parishes for some time.

**Mr O'BRIEN** — It is a live question for us, so if you could provide any further thought or assistance, we would be most grateful.

**Mr CAMPION** — Yes, we certainly can.

**Mr WAKELING** — Thank you very much for your presentation. I am interested in your policies that have been adopted by organisations, particularly smaller organisations, which are often run by voluntary groups. Many of us on this committee deal with a range of similar organisations. We know that for many the committees turn over every 12 months.

**Mr CAMPION** — Yes.

**Mr WAKELING** — The committees may be responsible for employing staff, if there are staff. I am just wondering how you as an organisation deal with these groups. A committee may take it upon themselves to adopt your policy. It may become the policy of the organisation, but if there is then a turnover of the committee, the incoming committee may not know that they are a signatory to this.

**Mr CAMPION** — That exists, yes.

**Mr WAKELING** — What is the process? Unless the new committee understands the process then it effectively ceases to operate within that group and thus defeats the purpose of what you are trying to achieve.

**Mr JACOBS** — In those cases, because at the moment there is no regulatory or compliance mechanism in place, we would work with them to try to educate and train them on that.

**Mr WAKELING** — Right.

**Mr JACOBS** — It is very much a process that all staff and all volunteers need to have a base level of understanding. There are different levels of training and different responsibilities, so different staff may need to have a deeper understanding of different areas. In some cases where an entire staff turns over, that is where you struggle to build the organisational culture, but much more frequently, even within the small organisations, it is a gradual process where some may leave and some come in, and that enables a greater level of institutional or organisational memory to exist. When there is none, that is ultimately where we are pushing for some form of regulation or standards that overarch so that while there may be new people involved, they understand that they must comply with these things in the same manner that they must comply with WorkSafe. It should just be par for the course.

**Mr WAKELING** — That leads me to my next question. If an organisation like yours is not going in every 12 months to advise the incoming committee that they have this obligation, who do you believe should perform that role?

**Mr JACOBS** — Again, it is the regulatory body, or some form of regulatory body, just so they are aware of their expectations. We are obviously not going to be training every single community organisation in the

state — it would be nice if we had that opportunity — but there is the resources factor as well, and a lot of them would not be able to afford to have professional training every 12 months.

**Mr WAKELING** — Do you have an opinion of who that may be? The commissioner or — —

**Mr CAMPION** — If we were not, it could be the commissioner. If we were to group together similar organisations — sporting groups and leisure activities — that have a role with children, if they were grouped together, we could work with that peak body and provide them with training, so we do that from the management level down. Then, as the group changes, it is a role, function and responsibility of that organisation to ensure that ongoing or incoming committees or people who have a role with children can be attended to with some level of training, whether that is directly from us or they have a DVD or something that they would need to comply with or they need to meet a whole range of questionnaires to tick off that they have actually got some level of understanding. Then they can meet that level of compliance. Where that sits is a difficult question to answer simplistically. It would be great if there were an overarching body that all these smaller groups were accountable to. That would be the ideal way to do it.

**Mr JACOBS** — The other key thing is that community awareness is increasing, and we are seeing that already. We run a number of training programs like Speak Up, which encourages parents to become aware of the risks of child abuse but also so that they are aware of what to look for in an organisation. If people who are sending their kids to sporting groups or community groups ask, ‘Do you have a child protection policy? Can I see it? What happens if this occurs on a camp?’, that kind of thing increases the organisational awareness as well. It is very much a broader community approach that needs to be taken, rather than just a regulatory body that is affecting the organisations directly.

**Mr CAMPION** — As we mentioned earlier, we would be more than happy to put together a submission that explains what we consider to be a good regulatory process and who that could be, plus all the implicated and associated organisations that would sit within that context.

**The CHAIR** — Thank you. Scott, in answering Mr O’Brien’s final question I think you stated that you have not worked with parishes for a long time. Can you clarify for the committee when that was and perhaps broadly speaking who it was?

**Mr JACOBS** — We have worked with a number of lay church organisations that may be running camps or may run community service-based activities, and we have worked with a number of those groups. That has been an ongoing process, but I would not be able to tell you when we last worked directly with parishes. We would need to take that question on notice.

**The CHAIR** — Do you have a view, Adrian?

**Mr CAMPION** — I probably do not have enough information to be able to give you an accurate answer, but my understanding is that we have not been doing a great deal of work at the higher hierarchical level. Certainly at the lower levels and what Scott was talking about — lay positions and activity-based positions within religious organisations — we have done lots of direct work with a range of religious organisations but not so much recently in regard to the hierarchical level.

**The CHAIR** — But you have in the past?

**Mr CAMPION** — There has been some work in the past, but probably where we are more qualified to give you that information is that we could take that on notice and get back to you to give you some more details, just to be accurate.

**The CHAIR** — Thank you. On behalf of the committee, I thank you both for your time this morning and for being before us. Your evidence has been most helpful. Thank you very much indeed.

**Mr CAMPION** — We thank you for your time as well.

**Mr JACOBS** — Thank you for the opportunity.

**Witnesses withdrew.**

