



# Public Consultation Submission

## NSW Child Safe Standards

March 2019



**CHILD WISE**  
creating child safe communities

## Introduction

Established in 1991, Child Wise works with communities and organisations to create and embed systems, processes and approaches that build child safety capacity. In Australia, Child Wise introduced the use of child safety standards within organisations where children and young people spend time and has developed an in depth understanding of the approaches which are most effective in ensuring child safety. Child Wise has seen firsthand the significant benefits that clear, outcome-focused and unequivocal expectations can have in creating child safe spaces. We value the rigour of child safe standards which are underpinned by legislation, and the potential this has for sharpening a collective focus on the safety of children.

Based on the principles of capacity building and prevention, Child Wise continues to work with organisations to create and maintain organisational cultures where child safety is front of mind. Our work includes child safety training, consulting, coaching and accreditation. Child Wise is a social enterprise of Save the Children Australia; Save the Children Australia and Child Wise share a common vision - that all children are safe from violence, exploitation and abuse.

Child Wise has worked with hundreds of organisations using both legislated and non-legislated child safety standards, across a variety of sectors, including:

- Community Development;
- Disability Support;
- Early Learning and Child Care;
- Education;
- Employment and Training;
- Foster Care and Out of Home Care;
- Local Government;
- Health and Community Services;
- Hospitality and Tourism;
- Housing and Homelessness Support;
- International Development;
- Migrant and Multicultural Services; and
- Sport and Recreation.

We have developed considerable insight into how child-focused organisations have responded to child safe standards, their impact and how they might be further strengthened going forward. The following submission is based on our experience of working with this broad range of child-focused organisations and the aggregate evidence accumulated. Child Wise welcomes the opportunity to participate in this public consultation on child safe standards in NSW, and contribute to the ongoing development of child safety across the state.

**Q1: In what ways is a principle-based approach a good fit for regulating child safe organisations in NSW?**

Child Wise is of the view that a principles-based approach to regulating child safe organisations can provide a framework that is rigorous, outcome-focused, yet sufficiently flexible to adapt to the myriad child-focused organisations across the state. Child Wise works with a wide variety of organisations across the country which vary in size, structure, resources, capacity and service delivery. A rigid, 'one-size fits all' approach has never been our preferred model as it risks alienating certain organisations, whilst insufficiently challenging others. A principles-based approach which continually encourages organisations to progress along the child safety continuum has the capacity to empower leaders to take ownership of child safety in their organisations, collaborate with stakeholders and shape child safety improvements which are authentically relevant to their contexts. An overly prescriptive or target driven approach runs the risk of leaders conceptualising child safety as a definitive destination as opposed to continuous journey of reflection and improvement. In our experience, where we have partnered with organisations which have been unduly influenced by prescriptive, top-down, target driven leadership approaches, this has had the unintended consequence of creating closed cultures with disempowered stakeholders who are unlikely to speak up about concerns in the organisation.

Child Wise is, however, also of the view that as much as principles can offer flexibility and encourage creative, adaptive responses to challenges, they must not be seen as optional or unenforceable. Principles must be introduced as mechanisms to drive improvement in child safety, offering a clear, unambiguous baseline which child-focused organisations must meet or exceed, and proportionate consequences where this is not achieved.

**Q2: In what ways would a different approach be a better fit for regulating child safe organisations in NSW?**

The NSW Government could opt to develop a more performance-oriented framework with prescriptive targets per standard. This would reduce the potential for misinterpretation and variability across organisations. In our view, however, the risks of such an approach as specified in question 1 above outweigh the potential benefits of such an approach.

**Q3: What types of organisations should be regulated to meet child safe standards in NSW?**

Child Wise agrees that the list of organisations in the public consultation paper should be regulated to meet child safe standards. Child Wise would, however, also encourage the NSW Government to consider the inclusion of certain organisations which provide services to adults who may care for children and/or pose a risk to children, as they may be well placed to signal concerns that children may be unsafe. This may include, for example: Justice Services for adults; adult-focused health care services including primary care, hospitals, acute and community mental health services and Alcohol and Other Drug Services.

It is not specified if the categories of 'Entertainment' and 'Other Bodies' in the consultation paper include public spaces where children spend time, such as museums and galleries. Child Wise would support the inclusion of such spaces as regulated bodies.

Further, it is not specified if the category of 'Justice Services' in the consultation paper includes Police. Child Wise is of the view that Police have significant contact with children and young people and should be regulated as any other publicly-funded child-focused organisation would be.

**Q4: What types of organisations should not be regulated to meet child safe standards in NSW?**

Child Wise is of the view that the only organisations which should definitively be out of scope are those which deliver nil services to children, and those whose service delivery to adults is unlikely to impact children in their care.

**Q5: What sorts of organisations should help to co-regulate child safe standards?**

Where child-focused organisations are already regulated, well coordinated co-regulation between the Office of the Children's Guardian (OCG) and relevant sector regulators could be of value. Child Wise has experience of working with organisations that report to multiple regulators and has observed the challenges which can arise when various regulatory functions are not sufficiently coordinated, leading to both duplication and gaps. Where co-regulation is relatively seamless, however, it can have the benefit of providing child-focused organisations with effective support and challenge which recognises both the broad child safety landscape and sector specific issues.

Child Wise would also encourage the NSW Government to explore the potential for non-government sector leaders to contribute to co-regulation through the provision of targeted support and capacity building. Organisations such as Child Wise and several other sector leaders have expertise, flexibility, knowledge and skills to augment the work of the OCG and contribute to capacity building. Should the NSW Government opt for such an approach, Child Wise would support the implementation of a rigorous framework which assures the quality, reliability and integrity of any organisation involved in this type of co-regulation. Child Wise first raised this proposition to the Royal Commission in 2017 as part of a public consultation on sector best practice in relation to complaints of abuse; the full detail of this submission can be found [here](#). In this submission, Child Wise highlighted the potential benefits of non-government sector leaders contributing to building the capacity of child-focused organisations. At the same time, Child Wise also called for transparent scrutiny of such organisations, including itself, to ensure quality, consistency and public confidence.

**Q6: How should the OCG support organisations to build their capacity to meet the child safe standards?**

Child Wise endorses the approach set out in the consultation paper, insofar as organisations will, in the first instance, be enabled to build capacity by utilising resources, support and guidance, in the context of a principles-based framework. Child Wise also supports a transparent approach such that it will be made clear to organisations that where principles are not adhered to, sanctions may be applied.

In our experience of working with organisations that are subject to legislated standards, Child Wise has seen the benefit of a primarily supportive and learning-oriented approach. Such an approach tends to

foster well-paced, long-term, sustainable solutions. Where organisational leaders perceive a more punitive, target driven approach, Child Wise has observed poorer outcomes including short-term, unsustainable plans, lack of stakeholder engagement and child-focus, weak systems and inertia.

Having worked with organisations through the roll-out of legislated standards, Child Wise has first-hand and extensive experience of the scale of the task ahead for the regulator. Child Wise would, therefore, strongly encourage capacity building approaches which are targeted, risk-led and tiered so as to use resources to best effect and ensure those organisations most in need are reached. Connected to the Q5 response, Child Wise would also encourage the NSW Government to consider how non-government sector leaders might support the capacity building process.

**Q7: How should the OCG roll out regulation of the child safe standards so that organisations have time to plan and make changes if required?**

Child Wise supports the approach to regulation as set out in the consultation paper, which describes a staged, transparent and progressive approach to regulation. Child Wise would encourage early communication to organisations which sets out all aspects of regulation, including the approach to support, capacity building and enforcement. Child Wise would further support a risk-led approach whereby the NSW Government may use data and other sources of information to identify those organisations which might benefit from more targeted, tailored support and communication in the lead up to implementation. Risk might be informed by the type of work done by an organisation, higher risk populations using the service or based on prior history of child safety concerns.

**Q8: What powers should the regulator have to monitor the child safe standards?**

Child Wise is of the view that transparency and openness is critical if the regulator is to monitor organisations' implementation of standards effectively. Child Wise utilises a broad range of static and dynamic approaches to assess child safety in organisations including self-assessment, data reviews, site visits and stakeholder engagement, e.g. surveys, focus groups. It is through triangulating this range of data that Child Wise can rigorously review an organisation's child safety capacity. Critically, such a systemic approach also enables the identification of barriers to progress, as opposed to merely identifying that there is a problem. Child Wise appreciates that it may not be feasible for the regulator to apply such a model to all organisations, however it is important that this range of tools is available. Using a risk-led approach, the regulator can then proportionately determine which approach(es) should be applied in certain organisations. Lower risk organisations may, for example, submit self-assessments and data, whereas higher risk organisations and/or organisations about which there have been concerns, may be subject to inspection visits which analyse a range of data including the views of stakeholders.

**Q9: What powers should the regulator have to enforce the child safe standards?**

Child Wise is of the view that to ensure standards are applied robustly and rigorously, the regulator must have a range of enforcement options including the powers to conduct investigations, issue

notices to improve and make recommendations as to whether government funding should continue to be allocated to organisations which consistently fail to adhere to fundamental child safe principles.

**Q10: How can the OCG support parents, families and communities to encourage organisations to be child safe?**

Child Wise is clear that without actively engaged parents, families, communities, children and young people, organisations will not achieve sustained improvements in child safety. Over three decades, Child Wise has delivered awareness raising programs to these stakeholders because it sees the protective benefit of empowered, aware community members. Child Wise is therefore fully supportive of the OCG's commitment to community engagement. Based on our experience, we would recommend the following to better ensure broad and active stakeholder involvement in the implementation of child safe standards:

- Offer a variety of awareness raising programs to ensure engagement of the broadest possible cross-section of communities. This could include: targeted communications, face to face training and awareness raising sessions, online awareness raising sessions, and dissemination of information via trusted sources such as schools and health services. Use of clear, jargon-free information to set out the core aims of child safe standards, including rationale, approach and evidence-base;
- Empower stakeholders with the facts and tools to self-advocate for change;
- Establish clear and effective feedback loops to ensure that when community members contribute to the implementation of the standards, that updates are provided as to outcomes and outputs; and
- Establish well publicised and accessible complaints and feedback processes, so that parents, families, communities, children and young people can raise concerns and compliments about child-focused organisations.

**Conclusion**

Child Wise has witnessed the significant and sustained shifts that can occur when child safe standards are implemented. Where standards are effectively introduced, we tend to see more engaged leaders who are clearer about their responsibilities, and have a broad understanding of child safety approaches, including prevention and detection of concerns, not just response. Child Wise is of the view that the development of child safe capacity is an ongoing endeavour and the introduction of standards can enable strong foundations to be established. Child Wise is supportive of the principles-based, learning oriented and measured approach proposed by the NSW Government and is grateful for the opportunity to contribute to the development and implementation of child safe standards in the state.

## Contact Details

At Child Wise, our core aim is the creation of child safe communities; to this end, we would welcome the opportunity to participate in any further community consultation regarding the introduction of child safe standards.

For further information on Child Wise or on the content provided in this submission, please contact:

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