



## Queensland University of Technology

### Response to the Queensland Department of Children, Youth Justice and Multicultural Affairs and Department of Justice and Attorney-General

#### *Growing Child Safe Organisations in Queensland Consultation Paper*

***Question 1: Are there other principles or elements, not currently referred to in the child safe standards and National Principles, that will achieve safer organisational environments in the Queensland context?***

Queensland's proposed adaptation for Child Safe Standard #2 is, "Children participate in decisions affecting them and are taken seriously", whereas the National Principle #2 states, "Children and young people are informed about their rights, participate in decisions affecting them, and are taken seriously." The notable absence of children's rights from Queensland's proposal is of concern, given that the Royal Commission strongly recommended that children's rights form the foundation stone for child safety in organisations. QUT recommends the Queensland Standard incorporates the National Principle's emphasis upon children's rights, preferably with the use of its precise wording.

No other changes are required. The National Principles for Child Safe Organisations were developed based on the best available evidence, obtained from numerous authoritative sources:

- Child Safe Organisation frameworks, guidelines and standards developed in Australia;
- Child Safe Organisation frameworks, guidelines and standards used internationally;
- Empirical research on the evaluation of Child Safe Organisation initiatives;
- Empirical research and literature on the characteristics of child sexual abuse including victim, offender and contextual characteristics, and characteristics of Child Safe Organisations;
- Findings of the Royal Commission's case studies (specifically case studies 1, 2, 4, 7);
- Stakeholder submissions to the Royal Commission (in response to Issues Paper 3);
- Royal Commission research projects; and
- Findings and recommendations from previous Inquiries.

In addition, the National Principles have already been subjected to extensive consultation with a wide range of stakeholders, including children, Aboriginal and Torres Strait Islander communities, culturally and linguistically diverse communities, people with disability, and regional and remote communities. The consultation was led by the National Children's Commissioner. The Royal Commission also held roundtables with peak industry bodies and service providers engaged in child related work such as Departments of Education, Health Service Authorities, Police, and Child Welfare.

***Question 2: Do the categories recommended by the Royal Commission appropriately represent those that should be subject to a potential child safe standards system? Is this scope too broad or too narrow, and why?***

The scope is insufficiently differentiated. Universities do have a role to play but in a quite different way to schools. Universities should appear in a different category from 'education services for

children' as universities' services and activities are provided to children and young people only marginally if at all in comparison with school education providers and other organisations that provide services specifically for children. Consideration might be given to the inclusion of a category for post-school education and training providers, including TAFE, universities and private VET and higher education. This would be similar to the Victorian Model. If there is a staged approach (Q7) then universities should be considered in a lower risk category whereby capacity building would be beneficial in the higher education sector.

In a different capacity, universities teach pre-service courses preparing professionals for many of the sectors providing services to children. Universities work across jurisdictions, so need to be apprised of all standards and schemes applicable in the states and territories. Teaching students about these schemes needs to be embedded in units in relevant courses and congruent with professional accreditation requirements.

The scope also needs to cover offline and online child safety concerns.

***Question 3: If a regulatory response to child safe standards is implemented, should some sectors be subject to regulation and oversight before others? Why, or why not?***

The large sectors (presumably with greater resources) such as Child Protection/Welfare, Juvenile Justice, Education (Teaching), Health and Allied Health should be first. A phased model of implementation similar to that used in Victoria would be welcomed.

***Question 4: Is the voluntary compliance model or mandatory compliance model likely to be the most appropriate for Queensland? If you consider a particular model is more preferable, why is that the case?***

Experience indicates that little focus is given to voluntary models until compliance is made mandatory. This may not necessarily derive from a lack of willingness or acceptance, but could simply be a question of allocation of resources to mandatory vs non-mandatory schemes (which will become more apparent in the COVID context). A mandatory compliance model also sends a strong, clear message about the importance of child safety. While this impression is widespread, however, it is anecdotal, so further research and statistical analysis would be imperative to inform the decision.

We note that Victoria has a mandatory model and NSW will have a mandatory model from mid-2021. As Australia's third most populous jurisdiction, it makes sense for Queensland to harmonise with that best practice, and also to learn from their implementation experiences.

***Question 5: If a co-regulation approach was adopted, which existing bodies or regulatory mechanisms may be suitable to co-regulate the child safe standards?***

Not applicable in the light of our response to Q4.

***Question 6: Which sectors do not have existing peak bodies, oversight bodies or sector regulators that could take a role in requiring implementation of the child safe standards?***

Sector-wide oversight by either Universities Australia or TEQSA would be viable options.

***Question 7: Should there be a staged approach to implementing child safe standards focusing on awareness and capacity building before imposing regulation and oversight functions?***

Yes. We note that Victoria introduced Child Safe Standards in a phased approach over three years. This seems sensible, providing that there is scope for provision of high quality and timely advice (e.g. via dedicated helplines) and proven approaches to education and training for individuals at levels within organisations.

***Question 8: How prepared is your organisation or sector to implement the child safe standards?***

Somewhat prepared. QUT has a well-developed child protection policy framework, established practices in child protection including blue card requirements (right to the top – all University Executive members are required to have blue cards) and convenes a blue cards/child protection working group. Obviously new or updated regulations would require further work but the university is geared to respond quickly and thoroughly to changing regulatory requirements.

***Question 9: What will your organisation need to do to implement the child safe standards?***

Likely all of the categories proposed:

- Training service delivery staff;
- Train program/policy staff;
- Access online resources;
- Train governance/compliance/legal staff;
- Engage or seek advice from expert; and
- Other: would require a focus on awareness raising, capacity building, risk identification in the online environment, and familiarity with reporting processes.

***Question 10: How much time would your organisation need to implement the child safe standards (if you started today)?***

Between six months and a year; within six months could be plausible if sufficient support is offered by means of high quality and timely advice (e.g. via dedicated helplines) as mentioned at Q7.

***Question 11: How could an oversight body target monitoring and compliance activities to where they are most needed?***

By providing extensive, proactive monitoring in higher risk environments.

***Question 12: Which monitoring and enforcement powers would be most effective in ensuring compliance?***

All of the measures described in the dot points in this section are relevant and important.

In particular, requiring organisations to publish information about compliance with child safe standards in combination with making recommendations (specifically through industry-specific guidelines and recommendations) is an effective approach to ensuring compliance. This approach promotes pro-active participation and continual improvement.

***Question 13: In your sector, which bodies have a role to play in the regulation and oversight of the handling of employee-related child protection matters (such as allegations of child sexual abuse)? How could these functions align with a separate body overseeing a reportable conduct scheme?***

Within universities, the Registrar handles complaints and is the conduit to referral including reporting of child protection concerns to relevant authorities.

It is not clear how access, possession, distribution, and manufacture of child exploitation material fits within a reportable conduct scheme. This should be clarified.

Professional accreditation and certification authorities may also have an interest in this question, although that would be independent of the concerns of universities themselves.

***Question 14: How prepared is your organisation or sector to implement a reportable conduct scheme?***

Somewhat prepared to very prepared, given our existing complaints and investigative processes.

***Question 15: How mature are your organisation's or sector's complaints and investigative processes for responding to allegations of employee or volunteer conduct that raises child protection concerns?***

Very mature.

***Question 16: What will your organisation or sector need to do to implement and comply with a reportable conduct scheme?***

Likely all of the categories proposed:

- Training service delivery staff;
- Train program/policy staff;
- Access online resources;
- Train governance/compliance/legal staff; and
- Engage or seek advice from expert.

***Question 17: How much time would your organisation or sector need to develop policies and procedures that implement a reportable conduct scheme?***

Within six months.

This institutional policy response was prepared in consultation with various QUT staff across a range of areas, including lawyers in our Governance, Legal and Performance group specialising in governance compliance; and notably Professor Kerryann Walsh from the School of Early Childhood and Inclusive Education in the Faculty of Creative Industries, Education and Social Justice, who was an academic advisor to the Royal Commission into Institutional Responses to Child Sexual Abuse and led the international scoping of the best available evidence (research) underpinning the National Principles for Child Safe Organisations.