

Truth Justice and Healing Council
PO Box 4593
Kingston ACT 2604

Dear Truth, Justice and Healing Council

Re: Jesuit Social Services response to Consultation Draft, Issues Paper 3 – Child Safe Institutions

Firstly we would like to congratulate and thank you for the role you are performing in coordinating the Catholic Church's response to the Royal Commission into Institutional Responses to Child Sexual Abuse. Jesuit Social Services strongly affirms the opening statements in the Executive Summary of the Consultation Draft. That is, that the sexual abuse of children is morally abhorrent and a crime; that organisations have a duty of care to ensure the safety of children with whom they work; and that the detection, independent investigation and prosecution of offenders must happen as soon as possible.

Jesuit Social Services fully endorses the nine essential elements of child safe organisations posited by the Council - a protective child centred organisational culture, 'child aware' leadership, continuous risk management strategies, implementation of a child protection policy, effective human resource practices, effective investigation processes, accreditation, children's empowerment and victim support. The summary included in Table 1 is very helpful in providing a comprehensive overview of the nine essential elements.

In particular, Jesuit Social Services affirms many of the themes and areas for reform identified in the Draft, including:

- Establishing environments where young people's voices are listened to and young people feel that they can report abuse.
- Ensuring child safety is paramount is a cultural shift for many organisations, which currently compartmentalise child protection as an issue that is separate from their other functions.
- There is no current fail-safe method to identify people who are unsuitable to work with children and, in response to this ambiguity, evidence indicates that it is more effective to focus on increasing the safety of organisational environments.
- At the same time, a national Working with Children's Check, as recommended by the Council in its response to the Royal Commission's Issue Paper No. 1, is an important foundation to implementing national child safety principles.
- Child safe organisations proactively identify work activities in which there may be risk of sexual abuse occurring.
- Staff must be confident that they can change the way an organisation operates so that they are encouraged to voice their concerns, or even disclose direct evidence about the sexual abuse of children.
- The importance of training on the dynamics of sexual abuse in organisations and how to positively promote safe environments for children
- The importance in child safe organisation of good staff supervision and performance management practices
- Organisational accountability to stakeholders is facilitated by increasing the transparency about the organisation's performance against publicly available indicators.
- All complaints, even if anonymous and informal, must be thoroughly investigated by the organisation.

- The effective implementation of child safe policies and practices requires an accreditation process that includes external, random independent auditing of the organisation's child safe policies and their implementation.

This last point is a major recommendation of the Draft Consultation report. While Jesuit Social Services fully endorses this recommendation, we do raise a number of questions about its proposed implementation via the establishment of a national mandatory accreditation scheme. Specifically, as the consultation draft itself notes, not-for-profit organisations are already subject to overlapping and at times conflicting incorporation, reporting and governance standards and arrangements at the State and Commonwealth levels. Further overlap with proposed new child safe strategies will compound the already ambiguous picture of how child safe policies and procedures work in practice.

This potential for ambiguity increases again if, as posited under 'Other issues' in the Consultation Draft, 'the child safe principles discussed in this submission might be expanded to cover organisations supporting and providing services to vulnerable people more generally'. Drawing a line in the sand between the safety of children, defined by the Consultation Draft as referring to individuals less than 18 years of age, and other vulnerable groups is difficult. The Consultation Draft itself crosses this line in drawing on the experience of a 20 year old young person in its case study highlighting the many dilemmas faced by managers in responding to risks of sexual abuse in organisational contexts.

Both morally and practically from the perspective of the operational management of a community service organisation, Jesuit Social Services believes the child safe principles should be expanded to other groups. This is particularly pertinent to our organisation that works with a range of highly vulnerable people, including people with disabilities, exiting prison, or with mental health or substance abuse problems. We are further of the view that safety practices should also cover reporting and accountability in the event of disclosures of past sexual abuse by current program participants, whether as children or adults.

Jesuit Social Services recommends therefore that the required safety principles and regulatory and accountability mechanisms include the wider remit of all vulnerable people. Further we strongly recommend that all State and Commonwealth incorporation, reporting and governance standards and arrangements be merged into a simpler, ideally single, process that include safety principles alongside other core standards. Many of the required governance and performance management requirements are in fact covered by existing standards. Ensuring the practicality and workability of the recommended essential elements is critical to ensuring that sexual abuse is eliminated to the greatest extent possible from our institutions. In this regard, reference to the principle of subsidiarity may be helpful. An example of the utility of this would be national standards and protocols that are complemented by clear processes that can be implemented on the ground.

We are happy to discuss in more detail any of the issues discussed in this letter. You can contact us on 03 9421 7600 should you wish to discuss.

Yours sincerely

Julie Edwards
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Jesuit Social Services

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