

Child-Safe, Child-Friendly Canberra

The Public Advocate and Children and Young People Commissioner (PACYPC) is committed to promoting and pursuing a child-safe, child-friendly Canberra. Becoming a Child-Safe, Child-Friendly city involves recognising children and young people as valued members of the community, respecting their thoughts and opinions, and ensuring opportunities for them to participate in decisions that affect their lives. Equally it involves ensuring their rights are upheld and that they are appropriately protected.

Protecting children and young people and promoting their rights and safety is everyone's business. It is a national priority that requires a national solution. Everyone – all levels of governments, private and non-for profit organisations, communities, families and individuals – has a role to play to better safeguard children and young people in organisations, and in the broader community. Child-related organisations must have children and young people's safety and their rights at the foundation of their organisation's operation and purpose.¹

The Royal Commission into Institutional Responses to Child Sexual Abuse

The Royal Commission into Institutional Responses to Child Sexual Abuse made a wide range of recommendations in the final report. Of particular relevance to establishing child safe organisations, the Royal Commission recommended that:



Royal Commission into Institutional Responses to Child Sexual Abuse – Child Safe Standards

✚ The Australian Government require all institutions that engage in child-related work, including Commonwealth and State and Territory agencies, to meet the 10 Child Safe Standards.²

✚ The Australian Government evaluate, publicly report on and drive continuous improvement of the implementation of the child safe standards, and coordinate national capacity building and support initiatives.

✚ State and Territory governments ensure that an independent oversight body in each State and Territory is responsible for monitoring and enforcing the child safe standards, along with providing information, advice and capacity building to institutions and the community.³

¹ <https://www.childabuseroyalcommission.gov.au/making-institutions-child-safe>

² <https://www.childabuseroyalcommission.gov.au/making-institutions-child-safe>

³ <https://www.humanrights.gov.au/child-safe-organisations-project>

The Government's response to The Royal Commission into Institutional Responses to Child Sexual Abuse

On 13 June 2018, the Australian Government made an official statement that 104 of the 122 recommendations that were either directed towards, or directed in part to, the Australian Government would be accepted or accepted in principle, with a further 18 being noted or requiring further consideration.⁴

Every State and Territory provided a formal response to the final report's recommendations in June 2018 at the Council of Australian Governments (COAG). This includes all States and Territories, and selected religious institutions, having committed to sign on to the National Redress Scheme starting in July 2018.

The new National Office for Child Safety will be set up within the Department of Social Services from July 2018. The office will work across government and sectors to develop and implement policies and strategies to enhance children's safety and prevent future harm.

The Australian Government will deliver a National Apology to Victims and Survivors of Institutional Child Sexual Abuse on 22 October 2018.⁵

The ACT Government has released an official response to the Royal Commission stating it accepts or accepts in principle 290 recommendations with 17 for further consultation. The ACT Government has openly expressed its support for the National Statement of Principles for Child Safe Organisations, Child Safe Standards, Working with Vulnerable People, Reportable Conduct, Redress, Criminal Justice, Civil Litigation, Education, Youth Justice, and Therapeutic Services.

More detailed information: [ACT Government response to the Royal Commission into Institutional Responses to Child Sexual Abuse](https://www.act.gov.au/act-government-response-royal-commission-into-institutional-responses-to-child-sexual-abuse)



⁴ <https://www.pm.gov.au/media/australian-government-response-royal-commission-institutional-responses-child-sexual-abuse>

⁵ <https://www.pm.gov.au/media/australian-government-response-royal-commission-institutional-responses-child-sexual-abuse>

What is a Child-Safe, Child-Friendly Organisation?

A Child-Safe, Child-Friendly Organisation is one that builds an organisational culture, adopts child focused strategies, and takes action to protect and promote the rights and safety of children and young people. The draft National Statement of Principles for Child Safe Organisations define a child safe organisation as one that “consciously and systematically:

- ✚ Creates an environment where children’s safety and wellbeing is the centre of thoughts, values and actions
- ✚ Places emphasis on genuine engagement with and valuing of children and young people
- ✚ Creates conditions that reduce the likelihood of harm to children and young people
- ✚ Creates conditions that increase the likelihood of identifying any harm
- ✚ Responds to any concerns, disclosures, allegations or suspicions of harm”.⁶

At the core of any Child-Safe, Child-Friendly Organisation is a firm commitment to promoting the rights and well-being of children and young people and fostering a culture of genuine and meaningful participation that empowers children and young people to actively engage within their organisation and their communities.⁷

The term ‘Child Safe Organisation’ focuses on the prevention of and response to child abuse. The term ‘Child Friendly Organisation’ is focused on the extent to which the organisation is accessible to children and young people, including by designing their services *with* children and young people.

Having a Child-Safe, Child-Friendly city involves a commitment by the whole community to engage with the vision of children and young people as active participants and valued contributors to the community in which they are growing up.

How does the ACT’s operating environment support Child-Safe, Child-Friendly Organisations?

The ACT is unique to most jurisdictions in Australia by virtue of all of its legislation being grounded within a human rights framework. The ACT *Human Rights Act 2004* (HR Act) imposes direct obligations on ACT public authorities to act compatibly with the human rights protected in the HR Act, and to take relevant human rights into account in decision-making.

Children and young people are entitled to all the human rights guaranteed under the HR Act. The HR Act also specifically provides in s11(2) that ‘every child has the right to the protection needed by the child because of being a child, without distinction or discrimination of any

⁶ https://www.humanrights.gov.au/sites/default/files/AHRC_National_Statement_Principles_Child_Safe_Orgs_Consultation_Draft_2017.pdf

⁷ <https://www.childabuseroyalcommission.gov.au/sites/default/files/file-list/Issues%20Paper%203%20-%20Submission%20-%2036%20Australian%20Childrens%20Commissioners%20and%20Guardians.pdf>

kind'. This is a right to special or positive measures, which also requires a higher standard to be adopted in relation to children and young people when the application of other human rights are considered.

Section 31 of the HR Act recognises that international law can be used to interpret human rights, and is an important source of guidance as to the scope and meaning of rights protected in the HR Act. The UN *Convention on the Rights of the Child* is the key international treaty on children's rights and assists to elucidate the content of rights protected in the HR Act where relevant to children and young people.

In addition to the HR Act, the Public Advocate and Children and Young People Commissioner has specified functions within the *Human Rights Commission Act 2005*. Relevant to Child-Safe, Child-Friendly Organisations, the Children and Young People Commissioner is charged with responsibility to consult with children and young people in ways that promote their participation in decision-making, listen to and seriously consider the views of children and young people, and ensure that the Human Rights Commission is accessible to children and young people.

In addition, the Public Advocate's functions include fostering the provision of services and facilities for children and young people, supporting the establishment of organisations that support children and young people, promoting the protection of children and young people from abuse and exploitation, monitoring the provision of services for the protection of children and young people, investigating, reporting and making recommendations to the Government and most relevant promoting community discussion, and providing community education and information.

Further, the ACT Children and Young People's Commitment 2015-2025 provides guidance to the Canberra community about how we can best support their potential and work together to promote and protect their rights. The Commitment includes six key priorities, these being:

-  Provide access to quality healthcare, learning and employment opportunities
-  Implement policy that enables the conditions for children and young people to thrive
-  Keep children and young people safe and protect them from harm
-  Advocate the importance of the rights of children and young people
-  Include children and young people in decision making, especially in areas that affect them, ensuring they are informed and have a voice
-  Build strong families and communities that are inclusive and support and nurture children and young people.

The ACT also has an established [Working with Vulnerable People \(WWVP\) scheme](#), which commenced in 2012 and has recently been reviewed. The WWVP Act 2011 requires those who work or volunteer with vulnerable people (including children and young people) to have a background check and be registered.

In July 2017, the ACT also introduced a [Reportable Conduct Scheme](#) to oversee how organisations prevent and respond to allegations of child abuse and misconduct. Broadly, ‘reportable conduct’ covers allegations or convictions of child abuse or misconduct toward children and young people by workers. The scheme does not replace mandatory reporting requirements.

Requirements for the safety and wellbeing of children and young people are also contained in numerous other legislative instruments, all of which are grounded by the human rights framework discussed above.

What does it really mean to be a Child-Safe, Child-Friendly Organisation?

Child-safe, child-friendly practices have been at the heart of many child-centred organisations since their creation however it is hard to deny that since the announcement of The Royal Commission, the evolution of the child-safe environment has been rapid. What should be central to every framework is the clear understanding that being child-safe, child-friendly is more than just updating a policy and procedure manual.

Policies and procedures are not enough to keep children and young people safe and well in organisational settings. Being child-safe, child-friendly requires a commitment that is embedded into the very foundation of the organisation and endorsed and demonstrated by the leaders of the organisation.

There is an ever-increasing number of child-safe frameworks circulating within the sector however for the purpose of this information resource, we will focus on the National Statement of Principles for Child Safe Organisations⁸, which expand on the Royal Commission’s 10 Child Safe Standards.

The National Statement of Principles is underpinned by a child-rights approach to building capacity to deliver child safety and wellbeing in organisations, families and communities.

The National Statement of Principles is:

- ✚ Underpinned by a child rights, strengths-based approach.
- ✚ Designed to allow for flexibility in implementation across all sectors engaging with children and young people, and in organisations of various sizes.
- ✚ Aligned with existing child safe approaches at the state and territory level.

Each principle has key action areas and indicators. The indicators will act as a guide as to whether the organisation is implementing that standard in practice.⁹

⁸ https://www.humanrights.gov.au/sites/default/files/AHRC_National_Statement_Principles_Child_Safe_Orgs_Consultation_Draft_2017.pdf

⁹ <https://www.humanrights.gov.au/national-principles-child-safe-organisations>

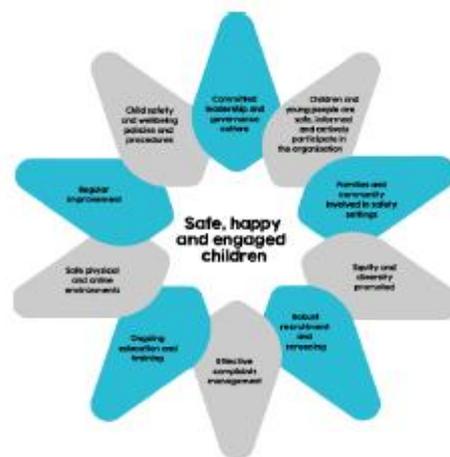
Importantly, a child rights, strengths-based approach includes emphasising genuine engagement with children and young people, taking action to promote their right to safety and right to have their views heard, and prioritising the safety and wellbeing of children and young people.

The National Child Safe Principles:

The principles work together to articulate what makes a child safe institution. All the principles are of equal importance and are interrelated. They should be read holistically, not in isolation, as there are necessary overlaps. Principles can cut across, or be relevant to, other principles.

The draft National Principles for Child Safe Organisations are as follows:

1. Child safety and wellbeing is embedded in organisational leadership, governance and culture.
2. Children and young people are informed about their rights, participate in decisions affecting them and are taken seriously.
3. Families and communities are informed and involved in promoting child safety and wellbeing.
4. Equity is upheld and diverse needs respected in policy and practice.
5. People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice.
6. Processes for complaints and concerns are child focused.
7. Staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training.
8. Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed.
9. Implementation of the national child safe principles is regularly reviewed and improved.
10. Policies and procedures document how the organisation is safe for children and young people.¹⁰



More detailed information: [Child Safe Organisations: National Principles](https://www.humanrights.gov.au/sites/default/files/National%20Principles%20for%20Child%20Safe%20Organisations.pdf)

¹⁰ <https://www.humanrights.gov.au/sites/default/files/National%20Principles%20for%20Child%20Safe%20Organisations.pdf>