

## RE: National Strategy to Prevent Child Sexual Abuse

CREATE thanks the National Office for Child Safety for the opportunity to respond to the *National Strategy to Prevent Child Sexual Abuse* (the Strategy). CREATE is the peak body representing the voices of almost 45,000 children and young people in out-of-home care and those with a care experience up to age 25 years across Australia, many of whom may have experienced past abuse and neglect. As an organisation, CREATE is committed to promoting their safety and wellbeing and have provided responses regarding the six consultation questions related to the proposed vision, objectives, values and engagement strategies stated in the Discussion paper (National Office for Child Safety, 2021).

### Responses to Consultation Questions

#### Vision, Objective and Values


**1. Do the proposed vision and objective reflect what our aim should be and what success should look like under the National Strategy?**

CREATE supports the proposed vision that “Australia is committed to a future where children and young people are protected and safe from sexual abuse” (National Office for Child Safety, 2021). We note that the proposed objective of the Strategy to “... reduce the risk, extent and impact of child sexual abuse and related harms in Australia” has the potential to be effective. However, this would largely be dependent on the actions that are developed and the subsequent implementation of these in practice, which require appropriate resourcing and reforms to current feedback and complaints mechanisms and processes. Feedback and complaint mechanisms should be transparent and encourage children and young people to speak up. We recommend these systems have independent oversight, are responsive, monitored and have open reporting (CREATE, 2021).

**2. Do the proposed values reflect the values that should be guiding our work under the National Strategy?**

CREATE supports the six values proposed under the National Strategy. Particularly, Value One where “Child safety is everyone’s responsibility. Australian governments, non-government organisations and institutions, industry, communities, families and individuals all have a role to play.” Child sexual abuse in institutional settings is both an historical and current problem. Past inquiries have found that even when cases of child sexual abuse in institutions were reported to the departments, police, and institutional providers they were ignored, disbelieved, or not followed up (Child Protection Systems Royal Commission, 2016; Royal Commission into Institutional Responses to Child Sexual Abuse, 2017).

Similarly, CREATE’s research with children and young people has identified several barriers to raising complaints. This consists of complex systems and processes that are not user-friendly and differ across the states and territories; a lack of awareness for how to raise a complaint or who to go to; and lastly, that children and young people often feel that their voices are not heard (CREATE, 2020a).



CREATE believes that well-functioning child protection systems across Australia must be underpinned by an independent, child and young person friendly, transparent, accessible, and responsive complaints mechanism. Independent oversight of out-of-home care systems is essential to ensure children’s and young people’s individual and systemic concerns are heard and addressed (CREATE, 2021). By embedding the National Child Safe Standards in legislation, all governments, organisations, institutions, and individuals that engage in child-related work are mandated to implement these in practice (Royal Commission into Institutional Responses to Child Sexual Abuse, 2017). This will help establish child safety as a shared responsibility and facilitate the necessary changes needed to positively handle these instances if they arise.

### Strategic Priority Themes

#### 3. Do these strategic priority themes reflect the areas of focus for Australia over the life of the First National Action Plan and First Commonwealth Action Plan under the National Strategy (i.e., 2021-2025)?

Yes, CREATE believes the strategic priority themes are reflective of the areas that should be focused on within both of the action plans under the National Strategy. However, CREATE notes that we are unable to comment as to whether the “proposed actions” are appropriate as they have not been provided.

CREATE’s 2018 National survey with 1275 care-experienced young people reported that overall 93% of participants felt safe and secure in their placement. However, this number dropped to 69% for participants living in residential care (McDowall, 2018). Children and young people in care face significant barriers when disclosing abuse. Various reasons such as placement instability, high caseworker turnover, and being separated from existing social networks, such as their friends and extended family when entering into care, mean that they may be isolated and lack a trusting relationship with an adult. They may also lack understanding of what abuse is, and often fear the potential consequences if they disclose abuse (CREATE, 2021). CREATE’s research identified that 31% of children and young people did not feel free to express their concerns without fear of possible negative consequences or repercussions. This appeared to be greater amongst those living in residential care, with 48% of residential care participants likely to hold off from raising a complaint (McDowall, 2018).

Consequently, “*Education and building child safe cultures*” and “*supporting and empowering victims and survivors*” are particularly important in ensuring that children and young people are aware of their right to complain, particularly for those living in residential care facilities, and that positive complaints handling processes and approaches are used to encourage an individual’s concerns earlier on.

*Previous complaints not being dealt with properly makes me now not want to complain anymore. (Female, 12 years)*

*I was worried about the consequences, such as my carer being angry if she found out before it was sorted. (Female, 14 years)*

(McDowall, 2018)

Additionally, CREATE notes that the need to prevent harmful sexual behaviour in children using therapeutic measures is also an important priority theme. However, records and information about children’s sexual behaviour should be respectfully written and managed to inform therapeutic approaches that do not brand, criminalise, or stigmatise children later in life (CREATE, 2020c).



## Working in Partnership

### **4. What are the best ways for Australian, state and territory governments to listen, engage and collaborate with these groups/individuals? Are there any groups you feel are missing?**

A key stakeholder that is missing from the identified groups are children and young people with a care experience. CREATE believes the best strategies would be to collaborate with peak bodies and independent organisations that represent children and young people (i.e., CREATE representing those with a care experience; Children's Commissioners) that can utilise existing relationships with key stakeholder groups.

### **5. Are there best practice mechanisms, existing consultation mechanisms or comprehensive co-design approaches that Australian, state and territory governments should use to consult and partner with these groups/individuals?**

Listening and responding to the views of children and young people in out-of-home care systems is a cornerstone of best practice (CREATE, 2019; CREATE, 2020b). We believe best practice includes the participation of children and young people in decision-making processes. This right to participate in decisions that affect their lives is enshrined in Article 12 of the United Nation's *Convention on the Rights of the Child* (1989).

As such, discussions regarding the design and implementation of actions under the Strategy, particularly for those that ensure accountability for implementing the National Child Safe Standards in practice should be developed with participation of those with a lived experience. These key stakeholders should also be included in review processes to ensure services are delivering on the actions as intended. CREATE has existing consultation processes through Youth Advisory Groups, Think Tanks (and *Hour of Power* sessions), consultations, and its major research reports (McDowall, 2013, 2018, 2020) that allow us to hear the voices and experiences of children and young people in care and would welcome opportunities for future consultation.

### **6. Do you belong to or represent one of these groups and wish to be involved in design and implementation of individual actions under the National Strategy once it is launched?**

Yes, CREATE is the national peak body representing those with a care experience. We are committed to upholding the rights, safety, and wellbeing of children and young people and would welcome the opportunity to be involved in the design and implementation of individual actions under "*Education and building child safe cultures*" and "*Supporting and empowering victims and survivors*" priority areas. CREATE strongly advocates for the continued refinement and implementation of the *National Child Safe Standards*.

## References

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