Royal Commission into Institutional Responses to Child Sexual Abuse

ISSUES PAPER 4

RELEASED 11 SEPTEMBER 2013

PREVENTING SEXUAL ABUSE OF CHILDREN IN OUT OF HOME CARE

ISSUE

All states and territories have a system whereby children can be cared for outside of their family home. Out of home care (OOHC) is overnight care for children aged 0-17 years, where the state or territory makes a financial payment, or where a financial payment has been offered but has been declined by the carer. OOHC includes foster care, relative or kinship care, family group homes, residential care and independent living arrangements.

In many cases, children will be in OOHC as a result of orders being made by a Children's Court, where parental responsibility for the child has been transferred to the Minister or department head. In other cases, the parents of a child may arrange OOHC on a voluntary basis.
Government and non-government organisations are involved in the provision of OOHC, through providing residential care and managing placements with foster carers and relative or kinship carers.

A number of individuals and organisations have raised with the Royal Commission whether the regulation of out of home care protects children in OOHC from sexual abuse.

SUBMISSIONS

Submissions are sought from interested individuals and government and non-government organisations on this issue. Submissions relating to Working with Children Checks have been sought in response to Issues Paper 1 and that issue is not raised again here.

Of particular interest to the Royal Commission is:

1. An essential element of OOHC is for a child to be safe and secure. Are there core strategies to keeping children in OOHC safe from sexual abuse and what is the evidence that supports them?

2. Is there evidence for having different strategies to keep children in OOHC safe from sexual abuse depending upon whether a child is in relative or kinship care, foster care or one of the forms of residential care?

3. What are the strengths and weaknesses of models that check OOHC practices by an audit approach, a regular supervisory visit, or an irregular visit by someone like a community visitor?

4. What are the strengths and weaknesses of having OOHC providers regulated by the child protection department, or regulated by a body separate from the child protection department?

5. What are the core components of the training needs of those working with children who might be sexually abused including carers, caseworkers and staff of regulatory bodies? What priority should be given to training in relation to sexual abuse compared to other training needs?

6. Is there adequate and effective training and information available to carers who are caring for children who have sexually abused other children?

7. How should the rate of sexual abuse of children in OOHC be determined, noting that the *National Standards for Out-of-Home Care* require reporting of substantiated claims of all types of abuse? Would a form of exit interview assist in capturing information? What should be introduced to ascertain whether information on child sexual abuse in OOHC is resulting in changed OOHC practices?

8. What is the usefulness and validity of different ways to address allegations of sexual abuse brought against carers? In particular, which approaches enhance participation by the child particularly approaches best suited to seeking possible disclosures of abuse (including disclosures that might be inferred from behavioural changes) from children? Are the current processes fair? What appeal processes should be available for carers?

9. What measures could be used to assess whether the safety of children from sexual abuse in OOHC is enhanced by independent oversight of the handling of allegations of sexual abuse?

10. What are the strengths and weaknesses of different oversight mechanisms in keeping children safe from sexual abuse in OOHC?

11. What implications exist for record keeping and access to records, from delayed reporting of child sexual abuse?

Submissions will be made public unless the person making the submission requests that it not be made public or the Royal Commission considers it should not be made public. That will usually only occur for reasons associated with fairness.

The Royal Commission intends to hold a public forum in the first quarter of 2014 into the matters raised in this Issues Paper. The submissions received will assist to determine the agenda of that public forum.

Submissions should be made by **8 November 2013**, preferably electronically, to solicitor@childabuseroyalcommission.gov.au, otherwise in writing to GPO Box 5283, Sydney NSW 2001