



Ms Janet Schorer  
NSW Children's Guardian  
Office of the Children's Guardian

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Dear Ms Schorer

**Comment on Exposure Draft of the Children's Guardian Amendment (Child Safe Scheme) Bill 2020**

Thank you for the opportunity to comment on the Exposure Draft of the *Children's Guardian Amendment (Child Safe Scheme) Bill 2020*.

The Children in Care Collective notes that the Bill seeks to implement the recommendations of the Royal Commission into Institutional Responses to Child Sexual abuse aimed at making organisations safer for children through the implementation and independent oversight of child safe standards.

The proposed regulatory scheme and the Bill clearly reflect the outcome of the extensive consultations conducted by the Office of the Children's Guardian (OCG) as set out in the report published on the OCG's website *Making organisations safer for children Regulation of child safe standards in NSW – Consultation Report*.

The Children in Care Collective, formed by a number of out-of-home care service providers, senior practitioners and academics, strongly supports the proposed principle-based approach that sets clear outcome-focused expectations. This, together with the focus on capability building and support through education and training, will provide the best possible platform for improving child safety in organisations. That said, the Collective also supports the robust monitoring and enforcement framework and powers of enforcement that are proposed.

The capability building approach is especially important for smaller organisations in the out-of-home care sector that may not always have the staffing, resources, or knowledge to implement immediate and/or technical changes. The Collective agrees with the proposed approach of self-evaluation and assessment as this is a very robust way for organisations to clarify their current status and any implementation strategies.

The proposal to embed child safe practice in codes of practice, complaint management procedures, risk management plans and human resources policy as required in Division 2 of the Bill will support cultural change within an organisation. This approach, provided that it is supported by strong organisational leadership, will clarify the intent and practice of increasing child safety within the organisation.

The Children in Care Collective strongly supports the proposed amendments, noting in particular the following points:

1. The OCG's experience in the regulation of out-of-home care and adoption accreditation, WWCCs and reportable conduct clearly establish it as the most suitable central regulator of child safe standards in New South Wales.

2. The principle-based, outcomes-focused nature of the child safe standards allows organisations to be flexible in the way child safe organisational practice is implemented, taking into account the nature of their workforce, core work, geographical spread and other unique features.
3. A key element in implementing a principle-based approach is ensuring that expectations for complying with the standards are very clearly stated, including the nexus with the regulatory framework.
4. The proposal to replace the existing *Child Safe Standards for Permanent Care* with a Code of Practice for statutory out-of-home care and adoption service providers will assist in reducing duplicative regulatory requirements which is essential. Incorporating the child safe standards into existing licensing or accreditation requirements will assist all, and especially small, service providers to comply with implementation and reporting requirements.
5. With the responsibility for implementing Child Safe Standards sitting with the 'head' of a child safe organisation, the legislation emphasises that child safe organisational practice starts from the top of the organisation. The Collective recommends that this position be distinguished from the position of 'Principal Officer' as in some organisations (for example, large national organisations like Life Without Barriers) the head of the organisation is not necessarily their Principal Officer.
6. The resources and tools to be provided by the OCG, including the *Guide to the Child Safe Standards*, will be an essential support for non-government agencies in the sector. The Collective would encourage the OCG to consult with service providers that provide services to minority ethnic or cultural groups (for example, organisations that provide support to migrants and/or refugees) about the best way to reach those agencies and staff where English may not be a first language and cultural norms are varied.
7. The information sharing provisions in section 180A that give the OCG the power to exchange information obtained under Part 3A (Child Safe Scheme) and Parts 9A (Enforcement Measures) with other Commonwealth, State and Territory regulators are to be applauded.

The Children in Care Collective looks forward to the opportunity to implement Child Safe Standards in its own organisations and to contribute to the broader purpose of encouraging all organisations and communities to ensure the safety of our children.

Yours sincerely



Roderick Best  
Chair  
Children in Care Collective  
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*On behalf of the Children in Care Collective:*

Allambi Care, Anglicare NSW South, NSW West and ACT, Anglicare Sydney, CareSouth, Key Assets, Life Without Barriers, Mackillop Family Services, Marist180, Settlement Services International, Stretch-a-Family and Australian Catholic University Institute of Child Protection Studies