

Consultation summary

Regulation of child safe standards in NSW

The Office of the Children's Guardian (OCG) is working to design and implement responses to the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse (the Royal Commission).

The Royal Commission shone a spotlight on thousands of cases where organisations in Australia failed to protect children in their care from abuse. It highlighted that abuse that occurs within organisations is not just a problem of the past, it continues today. Many victims and survivors were motivated to tell their story to the inquiry to prevent harm to children, now and into the future.

Key messages from our consultations

1. Strong support for a **principle-based** approach to regulating child safe standards.
2. Support for the scheme to include **a broad range of organisations** that work with children and young people.
3. Overwhelming support for **capability building and support** to be the foundation of our approach to drive cultural change.
4. Strong support for the **OCG to work with other organisations** – such as sector regulators and peak bodies – to support implementation of child safe standards.
5. Support for the **community, parents and carers** to encourage child safety by building awareness about child safe practice and holding organisations to account.
6. Strong support for the OCG to be able to **monitor and enforce** child safe standards focussing on building capability and continuous improvement.
7. Strong support for a staged approach to **implementation** with enough time and guidance for organisations to implement child safe standards.
8. Support for greater clarity around how the child safe standards interrelate with the **National Principles for Child Safe Organisations**.

'Our focus would be to work together to build organisational capability by providing advice and resources that are relevant to each sector. This will advance the valuable work of organisations providing services to children.'

'We do not wish to restrict the growth of sectors with the implementation of the child safe standards, nor do we want to burden organisations with unnecessary or duplicative regulatory requirements. We do want to take all necessary steps to keep children and young people safe when accessing organisations. That's why the model takes a principle based, responsive and collaborative approach to regulation.'

Moving forward

- **A central regulator** – the OCG would be the central regulator, working with other government regulators and peak bodies to implement child safe standards in organisations and reduce duplication.
- **Child safe standards** – principle-based and outcome-focussed to make sure organisations have enough flexibility to implement child safe practice in meaningful ways that work for their organisation.
- **Scope of regulation** – organisations where at least one person is required to hold or holds a Working with Children Check would be required to implement child safe practice, guided by the child safe standards. Organisations that are implementing the National Principles for Child Safe Organisations would be considered to be simultaneously implementing the child safe standards. In NSW, assessment and monitoring would be against the standards.
- **Building organisational capability and providing support** – organisations would be assisted to implement child safe standards through education and training, e-learning and child safe resources. Tailored support would be provided to help different sectors understand the application of child safe standards in their environment. Capability building may be done in partnership with private providers and training packages would be expected to meet an acceptable standard as determined by the regulator.
- **Self-assessment** – a self-assessment (or ‘health check’) tool to be developed which organisations must complete. This will assist organisations to understand what they could do to make their environments safer by implementing child safe practice, while also assisting the regulator to identify areas for targeted capacity building at the sector level.

‘Our approach to monitoring and enforcement would focus on continuous improvement and excellence instead of rules-based and prescriptive compliance’

- **Monitoring and enforcement** – the Children’s Guardian would have a range of tools available to it to make sure it can properly oversight and support organisations to implement child safe practice.
- **Implementation** – implementation will be conditional upon government approval. The OCG will communicate the stages of implementation to all affected organisations and agencies. There will be enough time for organisations to understand what is expected of them.

CHILD SAFE STANDARDS TO GUIDE PRACTICE

