



Creating a **Safer WA** for Children and Young People

Progress report on Western Australia's
implementation of the Royal Commission into
Institutional Responses to Child Sexual Abuse

2021

This initiative is part of the WA Government's action to create a Safer WA for Children by implementing the recommendations from the Royal Commission into Institutional Responses to Child Sexual Abuse.

Acknowledgement of Country

The Western Australian Government proudly acknowledges the traditional custodians of this country and recognises the continuing connection to land, waters and communities.

We pay our respects to Aboriginal cultures and to elders past, present and emerging.

We acknowledge that past government practices of child removal caused significant irreversible trauma for the children, families and communities affected, and their children and families. Adding to this trauma was the sub-standard care and abuse experienced in some care institutions.

We acknowledge the courage and dignity of Aboriginal people that work tirelessly to redress this trauma and create safe homes, families and communities for their children and for survivors of abuse.

Acknowledgement of survivors

The Western Australian Government acknowledges the victims and survivors of all forms of child sexual abuse. We recognise their strength and courage. We recognise their pain and suffering. We recognise the people who help them carry the burden of their experience. We recognise the tragedy of those who have lost their lives.

Information about support services

Supports and services are available for people who have experienced abuse or neglect via the following services and information lines:

[Kids Helpline](#) 1800 55 1800

[Lifeline](#) on 13 11 14

[National Redress Information Line](#) 1800 737 377

[Blue Knot Foundation](#) 1800 421 468

[Survivors and Mates Support Network](#) 1800 472 676

[Bravehearts](#) on 1800 272 831

For information about local services, please visit [SaferWA](#).

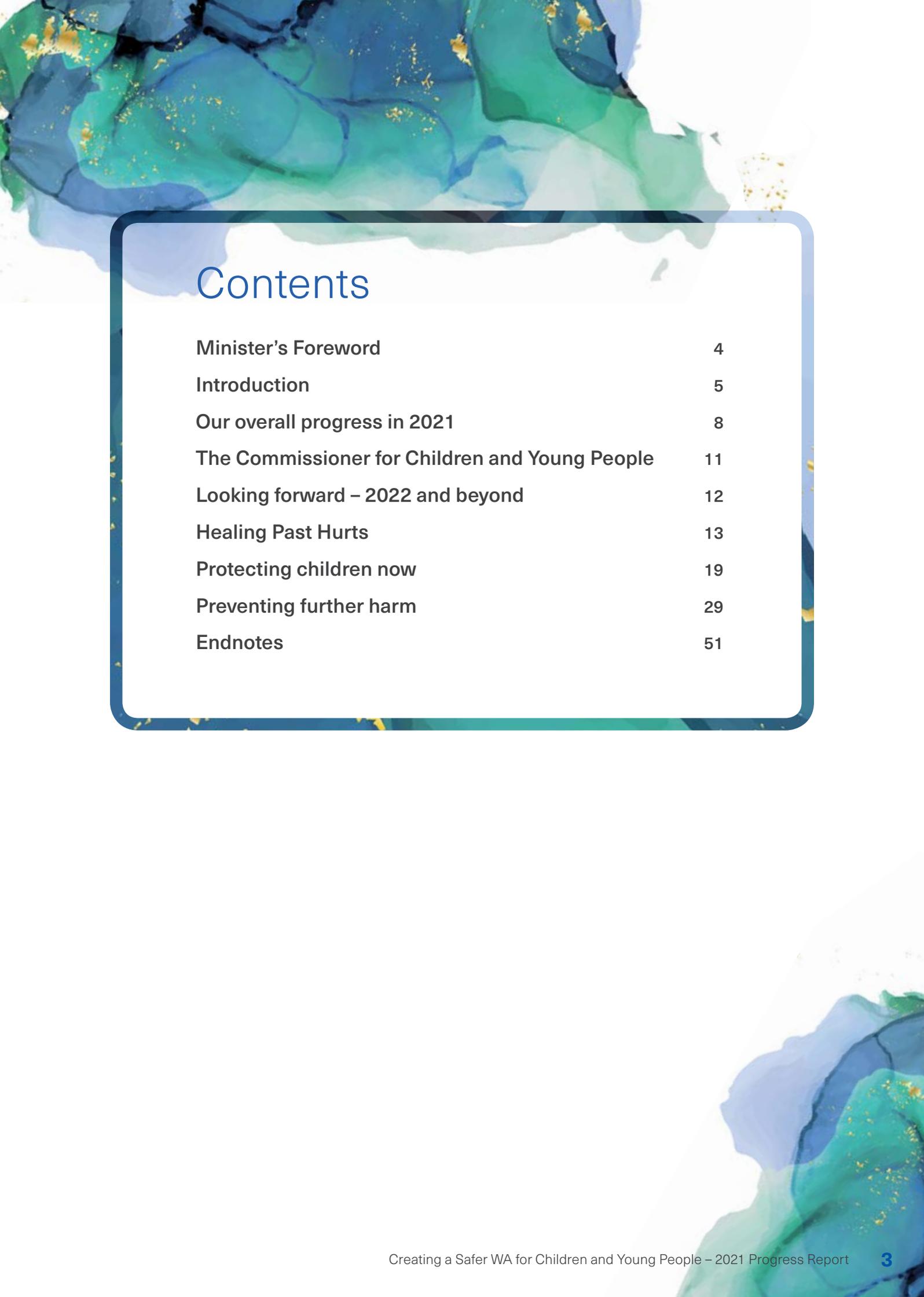
Reporting child sexual abuse

If you or someone else is in immediate danger, contact the Western Australia Police Force on 000.

If you believe a child is or has been sexually abused, you must report it to the police on 131 444.

You can report online child sexual abuse, including online grooming, to the Australian Federal Police's Australian Centre to Counter Child Exploitation at www.accce.gov.au/Report

If you want to report illegal or harmful online content, including photos or videos, you can contact the eSafety Commissioner at www.eSafety.gov.au/Report



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Minister's Foreword



I am proud to present the 2021 Progress Report on the Western Australian Government's (WA Government) implementation of the Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission).

This year we have made substantial progress towards implementation, completing 16 new recommendations, and initiating new projects to deliver significant reform in 2022. I am particularly proud of our work to build the evidence base informing responses to harmful sexual behaviours and child sexual abuse, with new investment of \$2 million for the Australian Centre for Child Protection.

We passed and introduced new legislation to establish safety nets for children experiencing or at risk of experiencing child sexual abuse, including expansion of mandatory reporting and introduction of a Bill to create a reportable conduct scheme.

We continue to pursue reforms in child protection, out-of-home care and youth detention, to ensure that there are adequate safeguards in place for children and young people's emotional, physical and cultural wellbeing when they are no longer in the care of their parents and family. This included new legislation to amend the *Children and Community Services Act 2004* that introduced wide-ranging improvements to child protection including to strengthen the priority and importance of cultural consultation, and connection to family, culture and Country for Aboriginal children in care. The *Children and Community Services Amendment Act 2021* also strengthens supports offered to care leavers which, along with the Government's commitment to invest \$37.2 million in the expansion of Home Stretch, will result in substantial improvements in the care and support offered to young people leaving the care system.

We also continue to deliver on key reforms implemented early in Royal Commission implementation including administration of the National Redress Scheme and processing of civil claims against institutions where child sexual abuse occurred. In 2021, this included 749 new applications from Western Australians to the National Redress Scheme and in 2020/21 financial year contribution of \$42 million by the WA Government to payments made to National Redress Scheme applicants.

In undertaking all of this work, we acknowledge and remember the survivors and advocates who campaigned for the Royal Commission and provided the essential evidence that now informs and guides the child safety reforms we pursue. We are committed to doing them and their stories justice, honouring their courage to come forward about the abuse, trauma and injustices they experienced in the care of our institutions.

Child sexual abuse is an abhorrent crime and abuse of power that we will not tolerate in our community. It continues to occur far too often with deep hurts and long-lasting consequences created for the victim, their family and community.

We are resolute in our commitment to creating safer communities for children and young people where they are free to live, play, learn and thrive without fear of harm. We will not stop working until we have achieved this objective.

A handwritten signature in black ink, appearing to read 'Simone McGurk', followed by a horizontal line.

Simone McGurk MLA

Minister for Child Protection; Women's Interests; Prevention of Family and Domestic Violence; Community Services

Introduction

The Royal Commission provided a systematic analysis of the prevalence and impact of child sexual abuse perpetrated in care institutions and the conditions and circumstances that enabled this abuse to occur. It presented the stories and experiences of survivors and contemporary evidence about preventing and responding to child sexual abuse in the future.

The final report comprising 17 volumes, two supplementary reports and 409 recommendations spoke to the range of reforms that need to occur to provide appropriate safety and safeguards for children and young people in Western Australia to protect them from sexual abuse. In doing so, the Royal Commission was clear that the response must be multifaceted. That while perpetrators of child sexual abuse are responsible for their behaviour and must be held accountable for their crimes, the people and organisations (and their values, attitudes, cultures and processes) that are complicit in these abuses, either by failure to act, or acting to conceal, necessitate wide-ranging, and far reaching reforms across government, communities and institutions.



Key dates

related to Royal Commission

- 2013** | Royal Commission commenced
- 2015** | Working with Children report released
- 2015** | Redress and civil litigation report released
- 2017** | Criminal Justice report released
- 2017** | Final report released
- 27 June 2018** | WA Government released its [response](#) to the Royal Commission and the Premier delivered a formal [apology](#) to all Western Australian survivors of child sexual abuse.
- 22 Oct 2018** | National [apology](#) to survivors of institutional child sexual abuse.
- 2018** | 10 year program of implementation commenced

Our approach

Of the 409 recommendations made by the Royal Commission, 310 are the responsibility of the WA Government. We are addressing the findings and recommendations by:



Healing Past Hurts for victims and survivors of child sexual abuse through redress and reparation, counselling, advocacy and support.



Protecting Children Now by embedding safeguards in our institutions to identify children early who are experiencing, or at risk of experiencing, child sexual abuse. By identifying and reporting workers early if they exhibit behaviours that indicate they may be a safety risk for children. And by creating safe, accessible and trauma-informed civil and criminal justice systems that are responsive to the unique needs and vulnerabilities of victims and survivors of sexual abuse.



Preventing Further Harm by establishing a new standard for how organisations and institutions operate to prioritise the rights, safety and wellbeing of a child. By improving identification of and responses to harmful sexual behaviours and by safeguarding our care environments with a particular focus on out-of-home care (child protection) and youth detention.

Each of these reform areas encompass multiple programs and initiatives. Individually they stand alone as important measures to create child safety but it is their collective impact on creating cultures of safety in our organisations, communities and families that will have the most powerful and direct impact on child safeguarding now, and preventing abuse in the future.

All of the work is underpinned by the best interests of the child and a commitment to the [United Nations Convention on the Rights of the Child](#).

Working in partnership

Responsibility for implementation is shared across government, with much of the work requiring coordinated effort and action. This is oversighted and managed through shared governance arrangements, including the former Director General Implementation Group. It is also supported by cross-agency and cross-sector forums such as the Supporting Communities Forum. It is through working together, that we can create momentum and real change toward safer communities for Western Australia's children and young people.

In Australia

10.7% of women & **4.6%** of men were sexually abused as a child.

79% of people who experienced child sexual abuse before they were 15 were abused by a person they knew (in family, community and institutions)

93.9% of offenders are adult men.

122% increase in reported online abuse material.

21% increase in reported sexual assaults against children and young people to the age of 17 years.

2021 Progress Report

Six of the Royal Commission recommendations relate to the responsibilities of State, Territory and Commonwealth governments to monitor and report on implementation, both to provide transparency and accountability to the implementation process, and also to ensure the reform program stays at the top of political and public agendas and debate, maintaining its status as a priority initiative.

Recommendation 17.2 specifically requires state governments to provide an annual report on implementation progress, for the first five years of implementation. This report is the fourth progress report.

The report is structured in four parts starting with an overview of our work in 2021 and priorities for 2022, followed by a detailed overview of progress against each of the broad reform areas 'healing past hurts', 'protecting children now' and 'preventing further harm'.

Sexual abuse in institutions and the wider community

The Royal Commission heard evidence from over 8000 people who were abused in institutions or who were directly affected by abuse.

In taking evidence directly from survivors, the Royal Commission also found that their experiences were often compounded by abuse occurring in familial and other community environments.

Where appropriate the Royal Commission recommendations, and our implementation, focus on preventing, protecting and healing in all contexts, not just abuse that occurred in institutions.

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download



Our overall progress in 2021

In 2021 the WA Government completed 16 new recommendations and substantially progressed work against remaining recommendations.

Building the evidence base

Worked with the Commonwealth Government, States and Territories to establish a National Centre of Excellence for the Prevention of Child Sexual Abuse, which on 21 October 2021 was awarded to the Blue Knot Foundation along with consortium partners the Australian Childhood Foundation and the Healing Foundation.

Invested \$2 million over two years in the Australian Centre for Child Protection to build an evidence base for informing and responding to harmful sexual behaviours.

Total investment of \$2 million. Recommendation 9.9 completed. Substantial progress towards the recommendations in volume 10.

Contemporising care environments

Passed the Children and Community Services Amendment Bill 2021 on 14 October 2021 which implements reforms to child protection practices in Western Australia to promote improved supports and services for care leavers, and to prioritise the importance of connection to family, culture and Country for Aboriginal children in care (referred to herein as the Amendment Act).

Secured \$2.3 million to support implementation of these reforms.

Committed \$37.2 million to provide Home Stretch for young people leaving care.

Commenced a procurement process for new out-of-home care (OOHC) service models that will improve the supports offered to children in care and the ability to match children to the out-of-home care placement arrangement most suited to them.

Continued promotion of processes to provide opportunity to hear from children in care about their safety and wellbeing in their care arrangement including launch of a [Charter of Rights for Kids in Care](#).

Total investment of \$2.3 million and a commitment for additional \$37.2 million. Six recommendations completed (12.1, 12.16, 12.20, 12.21, 12.22, 12.7).

New protections to identify child sexual abuse and report concerning behaviour

The Amendment Act expands Western Australia's mandatory reporting scheme for child sexual abuse to eight new categories of reporter including ministers of religion. The legislation specifically provides that ministers of religion will not be exempt from reporting relevant information gained during religious confession. The Amendment Bill also establishes new powers to investigate offences under the Act including failure to make a mandatory report. **Invested \$3.7 million** to implement the expansion of mandatory reporting.

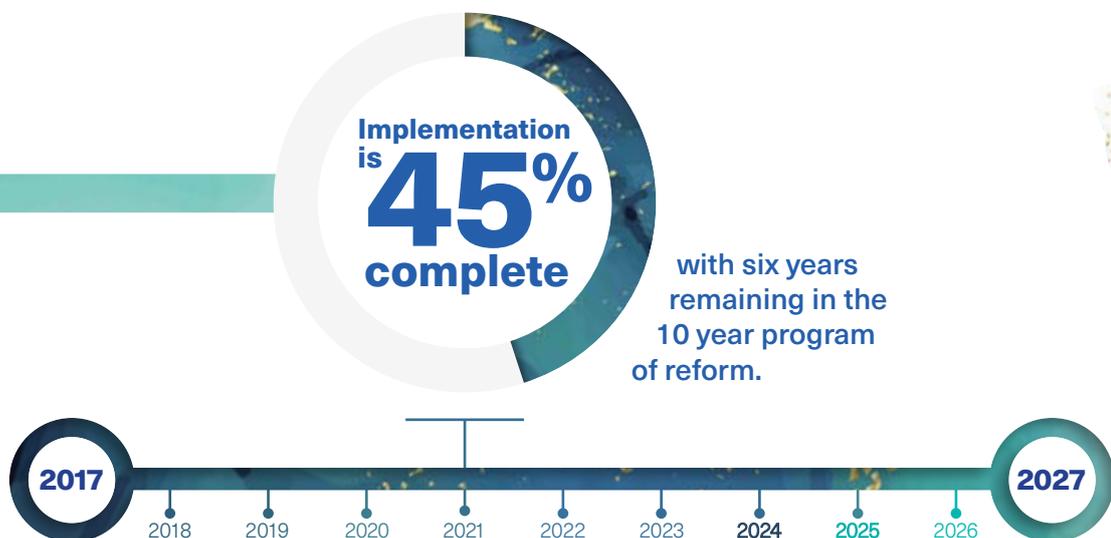
New Bill introduced to Parliament on 24 November 2021 to introduce a reportable conduct scheme in Western Australia which will require the heads of certain organisations to notify the Ombudsman of reportable allegations or reportable convictions involving their employees, contractors and volunteers.

Four recommendations completed (7.3, 7.4, 7.5, Criminal Justice Report (CJR) recommendation 8). Progress towards recommendations 7.9 to 7.12.

Establishing the policy frameworks to coordinate action and drive change

The WA Government worked with the Commonwealth, State and Territory governments to develop the [National Strategy to Prevent and Respond to Child Sexual Abuse](#) and the [National Framework for Protecting Australia's Children](#). These policy frameworks demonstrate the commitment of all governments in Australia to improve child safety and wellbeing and implement the findings and recommendations of the Royal Commission. They and their associated implementation plans will support coordinated attention and action over the next 10 years.

Four recommendations completed (6.2, 6.3, 6.15 and 10.1).



New partnerships towards child safe organisations

The Minister for Child Protection referred a new term of reference to the Supporting Communities Forum to focus on supporting implementation of child safe organisations. A dedicated working group co-chaired by the Director General of the Department of Local Government Sport and Cultural Industries and CEO of Wanslea will lead a program of work to support implementation of the National Principles for Child Safe Organisations. This will complement continued work across government to embed the National Principles for Child Safe Organisations which in 2021 included a range of work to create child friendly complaints processes, child safe policies and practices, and improved participation of children and young people in decisions that impact their lives.

Recommendation 6.5 completed. Two consultation processes concluded and reports released. Commissioner for Children and Young People released new guidelines and resources for child friendly complaints processes.

Redress and reparation for survivors

749 applications to the National Redress Scheme from Western Australians and **\$42 million** contributed by the WA Government to National Redress Scheme payments (in 2020/21 financial year).

Commenced work to develop a strategic commissioning plan for therapeutic services for victims and survivors of child sexual abuse.

Continued work to administer the National Redress Scheme for survivors of abuse residing in Western Australia.

Identifying and responding to harmful sexual behaviours

The CCYP report 'Independent Review of Department of Communities Policies and Practices in the Placement of Children with Harmful Sexual Behaviours in Residential Care Settings' was released on 15 September 2021. In response to Royal Commission volume 10, and the findings of the CCYP report, Communities has strengthened practice guidance for child protection and residential care workers and developed a new practice framework for responding to harmful sexual behaviours to inform and guide a consistent response to harmful sexual behaviours.

Building knowledge and capability about harmful sexual behaviours with a focus on child protection and out-of-home care.

The Commissioner for Children and Young People

A key partner and advocate in our work to create a Safer WA for Western Australian children and young people is the Commissioner for Children and Young People. The Commissioner has taken a lead role in supporting institutions to become child safe and developing our workforce to identify and respond to harmful sexual behaviours. An overview of the Commissioner's work in 2021 is provided below.

Several new resources were released for WA organisations throughout the year, informed by consultation with children and young people:

[Information and checklist for staff and volunteers working with children and young people](#)

[Participation Guidelines: Ensuring children and young people's voices are heard](#)

[Child Friendly Complaints Guidelines](#)

The Commissioner also produced new resources for the National Office for Child Safety to inform young people, adults and organisations about child-friendly complaints processes. [The Speak up and make a complaint](#) resources include posters, brochures and videos which have been widely distributed nationally and translated into many languages.

The Commissioner commenced a review of government agency complaint processes. Monitoring the way government agencies investigate or otherwise deals with a complaint made by a child or young person and the outcome of the complaint, is one of the Commissioner's statutory responsibilities. To assist with the review process, the Commissioner released a new self-assessment tool to support government agencies to evaluate their complaint processes against the National Principles for Child Safe Organisations.

At the request of the Minister for Child Protection, the Commissioner undertook an independent review of the Department of Communities policies and practices in the placement of children with harmful sexual behaviours in residential care. The report, inclusive of nine recommendations, were tabled in the WA Parliament in September. The Commissioner will monitor implementation progress.

Recognising the importance of professional development opportunities for organisations, the Commissioner coordinated WA Government sponsorship to enable the ANZATSA symposium on Young People and Harmful Sexual Behaviours to be held successfully in Perth during May.

The Commissioner continues to advocate for all recommendations from the Royal Commission to be implemented and to benchmark WA's progress with other states and territories. The Commissioner engaged KPMG to undertake a rapid review of national progress on implementing the 24 recommendations in Volume 6 of the Final Report: Making Institutions Child Safe. This review found that two of the 24 recommendations have been completed by all jurisdictions, with 21 found to be in varying levels of progress.



Looking forward – 2022 and beyond

In 2021, WA government agencies responsible for leading implementation of recommendations developed a plan for ongoing implementation within the remaining six-year timeframe. This included identifying priority work for 2022-23 and the sequencing and timing for implementation of the remaining recommendations.

Directors General of relevant government agencies will continue to oversee the implementation of Royal Commission recommendations and ensure a coordinated and collaborative approach to deliver on work priorities.

In 2022, work will occur towards:

- 1 Making institutions child safe** by continuing to build capability across a range of sectors to implement the National Principles for Child Safe Organisations and develop advice for government on an independent oversight model.
- 2 Improving processes for reporting and complaint handling** by passing the *Parliamentary Commission (Reportable Conduct) Amendment Bill 2021*, commencing the phased expansion of mandatory reporting and further embedding child-friendly complaint processes.
- 3 Improving responses to harmful sexual behaviours** by supporting a consistent, evidence-based approach to practice, addressing current limitations to data capture, and providing evidence-informed information and training to professionals, foster carers, parents and community to develop understanding and capability across the workforce.
- 4 Develop new evidence informed service models** for child sexual abuse therapeutic services and Indigenous Healing Services, set out in a strategic commissioning plan for current and future investment.
- 5 Improve access to justice** by releasing a new victim information resource, providing dedicated training to Western Australia Police Force about trauma-informed practice, pursuing criminal justice law reforms (including the Criminal Code and Evidence Act) and continuing work on a witness intermediary scheme.
- 6 Improving access to Redress** by implementing the recommendations of the two-year review, while continuing to support access to redress payments, direct personal responses and civil litigation.
- 7 Contemporising care environments** through the procurement of new models for out- of-home care services.



Healing Past Hurts

Healing past hurts comprises work to support redress, reparation, healing and support for victims and survivors of child sexual abuse.

Through these reforms we build on the public apology by the WA Government to survivors of institutional abuse and provide pathways to monetary compensation via redress or civil personal injury claims; direct apologies from the offending institution; and access to specialised support services.

It is in these actions that we demonstrate to survivors and the wider community, that the abuse perpetrated in Western Australia’s care institutions was an appalling abuse of trust that denied many children their right to safety and in many cases caused deep and long-lasting harm to all aspects of their health and wellbeing.

Eighty-eight of the 310 recommendations of the Royal Commission that are applicable to the WA Government are related to this area.

The WA Government has completed 84 per cent of recommendations related to healing past hurts. In 2021, we focused on consolidating reforms already implemented including through administration of the National Redress Scheme and participation in the schemes two-year review. We also established the foundations for delivery of the remainder of the recommendations which included establishing a program of work to develop a strategic commissioning plan for child sexual abuse therapeutic services and indigenous healing services.



88 recommendations comprise the blueprint for healing past hurts.



No new recommendations were completed in 2021 but considerable work occurred to promote access to, and support administration of the National Redress Scheme and civil personal injury claims.



74 recommendations completed to date, **84 per cent**

Key achievements

The WA Government continues to actively support access to the National Redress Scheme, as follows -



749 National Redress Scheme applications

\$42 million contributed by the WA Government for National Redress Scheme payments in 2020/21

280 applicants requesting Direct Personal Responses in 2021



Substantial progress to re-establishing the Forgotten Australian’s memorial in Perth CBD. Work to develop a strategic commissioning plan for child sexual abuse therapeutic services and Indigenous Healing Services.

Providing redress to survivors of child sexual abuse

The Redress and Civil Litigation report was released in 2015, making 99 recommendations about redress and justice for survivors.

The National Redress Scheme commenced on 1 July 2018. WA's participation in the scheme began on 1 January 2019. The Scheme is made up of three components:

- a direct personal response (DPR) by the institution where the abuse occurred;
- monetary payments to recognise the abuse and harm survivors have suffered; and
- access to therapeutic counselling and psychological care as needed throughout a survivor's life, with redress to supplement existing services and fill service gaps so that all survivors can have access to the counselling and psychological care that they need.

Redress is different to civil personal injury claims. It provides a more supportive and less traumatic pathway to monetary compensation. The standard of proof is lower and the processing time is shorter. Survivors are offered free specialist legal support to assist them to access the Scheme and financial counselling to assist them before and after receiving a payment.

The Redress Coordination Unit (RCU), located within the Department of Justice's Office of the Commissioner for Victims of Crime manages applications to the scheme by WA applicants.

The RCU provides a central coordination point for WA applicants, government departments and the Scheme. It provides information about counselling and psychological care to eligible survivors and coordinates the delivery of Direct Personal Responses.

As at October 2021

1,585
applications

1,585 applications had been received naming a Western Australian Government institution, and 162 had been received under the Funder of Last Resort provision.¹

60.1%
Priority
applications

60.1% of these applications were identified as a priority request, due to the applicants age or declining health.

834
Redress
claims

In 2021 834 Redress claims were accepted by survivors for payment.

\$43
Million+

The total cost, inclusive of both payment to applicants and administrative fees to the National Redress Scheme was \$43,900,986.

Direct Personal Responses

Victims and survivors can choose to receive an apology, referred to as a 'Direct Personal Response' from a representative of the institution where the abuse occurred. The institution's representative can either deliver a Direct Personal Response through a face-to-face meeting, or the applicant can request the response be provided by way of a written letter, or any other method they prefer, and agreed to by the institution.

Providing Direct Personal Responses is a restorative, evidence-based process, which allows a survivor's personal account of abuse to be heard and acknowledged by the responsible institution. It provides an opportunity for a person to have their pain and trauma acknowledged and validated, to facilitate healing.

In 2021, there were 280 Western Australian applicants who indicated they wanted the option of a Direct Personal Response, with 22 having been delivered. Four of these were carried out in person, with 18 written responses provided. While uptake has been relatively low, it is increasing and feedback from survivors who have sought and received a DPR, has been positive.

Civil claims

In 2018, the WA Government amended legislation to remove the limitation period and cap for civil claims brought by survivors of child sexual abuse, thereby providing the avenue for them to seek justice, healing and recognition through civil litigation. With no cap on the amount of damages that can be claimed for personal injury (unlike redress), and the removal of limitation periods to commence civil action (including retrospectively), survivors are afforded with more flexibility and option should they choose this path to justice.

National Redress Scheme two-year review

After two years of operation, the Commonwealth Government appointed Dr Robyn Kruk AO to conduct an independent review of the National Redress Scheme. To inform the review, Dr Kruk undertook extensive consultation, receiving 226 submissions responding to a consultation paper and meeting with 81 survivors, government agencies, support services and Ministers.

Released in March 2021, Dr Kruk's final report made 38 recommendations, highlighting three key areas for improvement: the survivor experience; the redress process; and the administration of the Scheme.

It was noted in the review that momentum was lost before the Scheme formally commenced and awareness of its existence had become quite limited. Some governments, including WA, had also introduced changes to facilitate access to civil compensation processes and made alternative pathways for compensation more accessible, with potentially more lucrative outcomes, even if they are subject to higher standards of proof. That said, the review concluded overall that there remains a strong commitment to the original objectives that led to the set-up of the Scheme.

The Redress Coordination Unit (RCU) coordinated the State's response to the consultation, which included contributions from relevant departments. The RCU continues to work with the Commonwealth and other participating jurisdictions to prioritise and implement the recommendations made in Dr Kruk's report.

Recognising survivors of institutional abuse

Reinstating the Forgotten Australians (Unfolding Lives) Memorial

The Royal Commission noted the value of memorials that honour and recognise victims and survivors of child sexual abuse.

In 2020, Mr Ric Hinch, Old Fairbridgians President, agreed to represent the views of survivors in Western Australia on the national committee to establish a memorial. The WA Government understands that progress to establish the National Memorial for Victims and Survivors of Institutional Child Sexual Abuse (National Memorial), which will be located in Canberra, will be completed in 2022.²

While the National Memorial will be an important landmark honouring victims and survivors, its Canberra location may not be accessible to many Western Australians. The WA Government is therefore looking to reinstate the Forgotten Australians (Unfolding Lives) Memorial. The Unfolding Lives memorial was situated in the Perth Cultural Centre in 2011 as a dedication to the experiences of children who were abused in institutions and foster homes in Western Australia. It was placed into storage during the renovation of the Western Australia Museum Boola Bardip.

The Department of Justice, RCU is working with the Department of Local Government, Sport and Cultural Industries as well as the Department of Communities, to reinstate the memorial in the Perth CBD. It is anticipated that the memorial will be released in 2022 with an official ceremony and a public announcement.

Providing integrated advocacy and support services, and Indigenous Healing Services, for victim and survivors of child sexual abuse

The findings and recommendations documented in volume nine of the Royal Commission final report are focused on the therapeutic responses, advocacy and support that is essential for supporting victims and survivors to heal and recover from the abuse they experienced. In outlining their findings, the Royal Commission noted that many children who were abused in institutions, also experienced sexual abuse perpetrated by a member of their family, or another person in their broader community. This is recognised in the recommendations from volume 9 which speak to the necessary responses to child sexual abuse perpetrated in any context with a focus on providing integrated responses, that include a strong focus on advocacy, trauma-informed service delivery, and specialised therapeutic responses.

Commissioning of Child Sexual Abuse and Therapeutic Services and Indigenous Healing Services



Substantial progress toward recommendations 9.1-9.3 and 9.6

In Western Australia, therapeutic services for victims and survivors of child sexual abuse and children with harmful sexual behaviours are primarily delivered by the Departments of Communities, Health and Justice including via funding contracts with the community services sector.

The Department of Communities funds \$5.2 million annually to Child Sexual Abuse Therapeutic Services (CSATS) and Indigenous Healing Services (IHS) at different locations across metropolitan and regional WA. The CSATS and IHS are currently subject of work to develop a strategic commissioning plan for the service group that will set out a blueprint for progressive reforms toward:

- sustainable funding arrangements;
- evidence-based, fit for community purpose, service models;
- outcomes-based contracting;
- improved capacity and capability to address harmful sexual behaviours;
- culturally-informed and culturally-secure services for Aboriginal people; and
- key system reforms for supporting how CSATS and IHS providers, working alongside partner agencies in government and community services, support safety, healing and recovery for children and families in the Western Australian community.

The project will provide an opportunity to contemporise and localise service models and consider the current capability of the broader service system inclusive of health, justice, police, mental health and child protection to provide seamless integrated service delivery. It will also provide a current analysis of need and unmet demand for services.

In 2021, development of the strategic commissioning plan commenced with one to one meetings with CSATS and IHS service providers to enable discussion about service model re-design, sustainability, issues and opportunities. A design lab was held with all service providers in October 2021 which focused on initial discussions about the outcomes that these services are seeking to achieve for:

- children and young people who have experienced sexual abuse;
- children and young people exhibiting harmful sexual behaviours; and
- the families of children and young people who have experienced sexual abuse and/or exhibited harmful sexual behaviours.

The CSATS commissioning work will continue in 2022 with client journey mapping, further design labs, reviews of relevant literature and analysis of need and unmet demand. The Strategic Commissioning Plan including next steps will be produced by the end of 2022.



The Plan will include consideration of evidence-based models of practice like Multi-Agency Investigation and Support Teams (MIST). MIST is a partnership between Western Australia Police Force (child abuse squad), Communities (Specialist child interviewers) and Parkerville Children and Youth Care (child and family advocates and clinical staff). MIST currently operates in Armadale, Midland and Perth.

MIST enables children and their families to receive a holistic response to abuse by a cross-agency, cross-disciplinary team tasked with undertaking criminal and child protection investigations, while also facilitating health services for the child, and therapeutic treatment and support for the child and their family.

In 2017, the Australian Centre for Child Protection conducted an evaluation of MIST that found that the model is theoretically sound and aligns with international evidence of best practice. There were efficiency gains found in terms of response times, and benefits to victims and their non-offending family members as a result of the MIST response, with value identified in scaling the model up to the other WA locations.

Improvements to, and expansion of MIST will be considered as part of the Plan.



Protecting children now

Protecting children now comprises wide ranging reforms to processes and systems that are designed to detect and respond to child sexual abuse. This ranges from the handling of disclosures and complaints in institutions, through to police investigation and criminal and civil justice response.

Through these reforms we are creating a safety net for children and young people, so that if a child is sexually abused, there are processes, systems and accountabilities in place to identify the abuse early, provide a safety focused and trauma-informed response, support clear access to justice for survivors and accountability for perpetrators.

It is in these actions that we can stop further harm into the future for both the survivor of abuse, and other children who may come into contact with the perpetrator.

In 2021, the WA Government progressed important safeguards to protect Western Australian children. An overview of this progress is provided in the table below, followed by detailed updates on pages 20–28.



106 recommendations comprise the blueprint for preventing further harm.



4 new recommendations completed in 2021



39 recommendations completed to date, **37 per cent** overall



Key achievements include the expansion of mandatory reporting of child sexual abuse and introduction of a Bill to Parliament to establish a reportable conduct scheme.



Substantial progress towards stronger processes for identifying and protecting children at risk of or experiencing sexual abuse. This includes the development and implementation of child-friendly complaints processes and improved access to justice and support services via new victim information resources, police investigative practices and changes to civil and criminal laws.

Improved reporting processes for institutions

The Royal Commission found that there were too many barriers for children to disclose their experiences of abuse, and when they did speak out, they were often not believed, or the abuse was minimised. An entire volume of the Final Report was dedicated to improving the complaint handling processes in institutions, so that in the event that efforts to make institutions child safe do not work, and a child is abused, there is a clear safety net for identifying and responding to the victim and perpetrator. This safety net includes mandatory reporting of child sexual abuse by a nationally consistent 'minimum' number of reporter groups, introduction of a reportable conduct scheme and child-friendly complaints processes.

In 2021, the WA Government progressed key legislative reforms to enact these important safety nets.

Expansion of mandatory reporting of child sexual abuse

Recommendations 7.3, 7.4, 7.5 and CJR 8 complete

The *Children and Community Services Amendment Act 2004* (Amendment Act) received Royal Assent on 19 October 2021. The Amendment Act:

- expands Western Australia's mandatory reporting scheme to eight new categories of reporter including ministers of religion, out-of-home care workers, school counsellors, psychologists, early childhood workers and youth justice workers, Department of Communities staff and Assessors (appointed under the Act)
- requires that ministers of religion will not be excused for failing to make a mandatory report on the basis that the information was obtained or disclosed during a religious confession;
- introduced new powers for Communities to enforce mandatory reporting including to investigate offences under the Children and Community Services Act 2004 which includes 'failure to make a mandatory report'.

Each of the eight new reporter groups will be introduced in a staged approach, commencing with ministers of religion in November 2022.

Providing a legal requirement for some professionals to report child sexual abuse, removes any doubt about their responsibility to put first the safety and best interests of a child who has experienced sexual abuse. It means that when children do speak up, they are believed, and we take swift and appropriate action to protect them and any other child from future harm. Children will be heard, believed and supported. Reporters will be protected.

The WA Government has secured \$3.7 million to support expansion of mandatory reporting including the new compliance and enforcement provisions.

In 2022, the Department of Communities will focus on supporting implementation of the expansion of mandatory reporting. This will comprise a range of strategies including updating the States mandatory reporting guide and developing online training for new reporters.

Key dates



Introduction of legislation to Parliament to create a Reportable Conduct Scheme



Progress toward recommendations 7.9 to 7.12

The Royal Commission recommended the introduction of nationally consistent reportable conduct schemes, which require organisations to have certain systems and processes in place to prevent and respond to allegations of child abuse. A key part of this is for an external, independent agency to oversee the work of organisations to implement these systems and processes.

On 12 November 2020, the Hon. Simone McGurk MLA, Minister for Child Protection, tabled the Green Bill in Parliament, with stakeholders and the public invited to provide submissions until 31 January 2021. In 2021, following extensive consultation with 132 stakeholders, including consultation on submissions regarding the Green Bill, the Ombudsman has undertaken significant work to inform the drafting of the Parliamentary Commissioner Amendment (Reportable Conduct) Bill 2021 (Bill). **The Bill was introduced to Parliament on 24 November 2021** and proposes to establish a legislated reportable conduct scheme in Western Australia undertaken by the Ombudsman (Scheme).

Once established, the Scheme will provide for obligatory reporting by heads of government and non-government organisations that exercise a high degree of responsibility for children and where there is a heightened risk of child abuse. These organisations will need to notify the Ombudsman of reportable allegations or reportable convictions involving any of the organisation's employees, volunteers and contractors.

Under the Scheme, the Ombudsman will assist organisations to identify, notify and investigate reportable conduct by their employees; provide oversight of the organisation's investigation of reportable conduct by an employee and the action taken if a finding of reportable conduct is made; and, if it is in the public interest to do so, undertake their own investigation and make recommendations to the organisation. The Ombudsman will also monitor the organisations' systems for preventing, notifying and dealing with reportable conduct and report to Parliament on the scheme.

At the core of the reportable conduct scheme is fostering cultural change in organisations so that the best interests of children are put first and people are encouraged and supported to speak up about concerning behaviours. The scheme will aim to improve the way reportable allegations and convictions are responded to, making sure children are kept safe and employees are treated fairly.

Child-friendly complaints processes



Further work to embed recommendation 15.9



Substantial progress toward recommendations 7.7, 12.10

Commissioner for Children and Young People

In 2021 the Commissioner for Children and Young People (the Commissioner) produced new resources for the National Office for Child Safety to inform young people, adults and organisations on child-friendly complaints processes. The [Child Friendly Complaints Guidelines](#) and [Speak up and make a complaint](#) resources were developed in consultation with children and young people and include posters, brochures and videos. The resources have been widely distributed nationally and translated into many languages.

The Commissioner also commenced a review of government agency complaint processes. Monitoring the way government agencies investigate or otherwise deals with a complaint made by a child or young person and the outcome of the complaint, is one of the Commissioner's statutory responsibilities. To assist with the review process, the Commissioner released a new self-assessment tool to support government agencies to evaluate their complaint processes against the National Principles for Child Safe Organisations.

Agency responses to the self-assessment were provided to the Commissioner and a summary report on the complaints monitoring process will be released in early 2022.

Banksia Hill Detention Centre

Youth justice and detention is subject of various oversight bodies, including but not limited to, the Office of the Inspector of Custodial Services (OICS), the Ombudsman, the Attorney General, Minister for Corrective Services, the Health and Disability Services Complaints Office, the Corruption and Crime Commission, the Commissioner for Children and Young People and the Department of Justice, internal complaints system (ACCESS).

Informed by a review of complaints handling systems in youth detention, Banksia Hill Detention Centre (BHDC) has now implemented a simpler complaints system including the development of a new "complaint form" for young people to use at BHDC. The form was developed in consultation with young people to ensure it was child-friendly and utilises language and imagery understood by children and young people. The form was finalised with the assistance of the Commissioner for Children and Young People and identifies the process for a confidential internal complaint to the Superintendent of BHDC (blue envelope) and a confidential external complaint to various oversight agencies (yellow envelope).

The Commissioner's Operating Policies and Procedures (COPP) 6.7 "Requests, complaints and feedback" provides the policy and procedural requirements for the request and complaints process at BHDC.

Department of Communities

Following assessment of Communities complaints processes using the Commissioner's self-assessment tool, Communities is undertaking work to improve the complaints process to make it more child-friendly.

Work undertaken to date includes surveying children and young people to seek their views about accessible complaints processes and consulting with key stakeholders including CREATE. The end product will include new complaints policies and procedures, easy-read guides for children and young people and associated communication materials for children and young people promoting complaints processes.

It is anticipated that these materials will be displayed in Communities offices including residential care homes.

Providing access to justice

In August 2017 the Royal Commission released its criminal justice report containing 85 recommendations on criminal offences, sentencing, prosecutions, policing, court support for victims, judicial training, judicial directions and evidence law reforms. The recommendations set out a broad framework for improving access to justice for victims and survivors of child sexual abuse.

Survivors spoke to the Royal Commission about accessing 'justice' in broad terms. They said that obtaining 'justice' from a criminal justice response is impacted by:

- how they are treated by the various participants in the criminal justice system
- whether they are given the information they need to make decisions
- whether their decisions will be listened to and respected;
- what support they will be given, both immediately within the criminal justice system and alongside it; and
- the relative impact of this engagement on seeking 'justice' for themselves, but also for encouraging reporting of child sexual abuse overall and preventing it into the future.

In 2021, the Government continued to progress work towards a safer, trauma-informed, accessible and effective justice system.

Improving access to information for victims and survivors

Development of Victim Information Resources



Substantial progress toward victim and treatment management CJR recommendations 3a, 3c, 4a, 4d, 4f, 12a-12f, supports 12i

The Western Australia Police Force (WA Police Force) is committed to providing safe, supportive and trauma-informed processes for victims and survivors of sexual abuse. In 2021, Western Australia Police Force progressed the development of new information resources to improve access to information and transparency about police processes. These resources, to be available in hard-copy and online, will provide clear guidance about what a person can expect in their dealings with police, when they are reporting a sexual offence. This resource creates transparency for survivors and accountability for police to act in accordance with agency policy and procedure.

The first information resource, which provides guidance for persons 16 years + who have experienced a sexual offence, is currently in final draft and has been developed after extensive consultation with internal and external subject matter experts and specialists in victim treatment and management. The resource is comprehensive in content and is designed to provide assurances to the reader to encourage reporting, whilst still addressing the challenges the victim may face in reporting the crime.

The Royal Commission recommendations encompassing victim treatment by law enforcement are reinforced to the reader throughout the resource.

Information in the resource broadly includes:

- A guide to the service and treatment a victim can expect from police when reporting.
- An understanding of what constitutes a sexual offence and consent.
- Safety advice and assistance.
- The importance of seeking help.
- Extensive information on how to report an offence and options for reporting.
- Support services availability.
- The police process when reporting.
- A comprehensive list of responses to frequently asked questions and concerns
- Where to get further information and how to make a complaint.

Once the resource for the 16 year + cohort is finalised, the Western Australia Police Force will develop a similar resource for parents/carers/guardians of child victims of sexual offences. It is anticipated that this work will commence in 2022.

Trauma-informed responses (Training review)



Substantial progress toward CJR recommendations 7b, 7c(i) and (ii), 6.24c (i) and (ii)

Western Australia Police Force commit significant time and resources to ensuring police personnel receive training to assist in the treatment and management of victims of sexual offences. The agency continuously seeks to improve training to ensure staff are in receipt of best-practice knowledge to assist in ensuring a high standard of victim treatment and investigations.

In 2021, Western Australia Police Force undertook research to identify exemplar training programs for supporting police responses to sexual offences. Through this research a successful training program was identified in Queensland which grounds police responses in trauma informed principles and practices.

Western Australia Police Force have sourced the Queensland training program and commenced a review to adapt and utilise the content to further improve trauma-informed training for their personnel in 2022/23.

Criminal and civil reforms



Related CJR recommendations 21-30, 33-36, 74, 76, 79, 83, 46, 48-50, 54, 62, 64, 65, 70, 71, 73, 84

Consultation and advice to government about reforming the criminal justice system

Eighteen recommendations arising from the Royal Commission Criminal Justice Report relate to child sexual abuse criminal offences, sentencing reforms and criminal appeals. These recommendations formed the basis of the Department of Justice's (Justice) public consultation "Strengthening the Criminal Law in Response to Child Sexual Abuse" in 2019. Following this consultation, Justice prepared a report for the Attorney General in regards to changes to legislation surrounding the charging and prosecution of offences related to child sex abuse, the introduction of new offences, changes in the procedures in dealing with the victims of such offences, and changes to evidence law and victim supports in courts. The recommendations from this report are being considered by government.

New bill to change evidence laws

The WA Government is considering development of a new Bill to repeal and replace the Evidence Act 1906. The Bill will address the 10 outstanding recommendations from the Royal Commission to strengthen protections and support for vulnerable witnesses. It will also bring WA's evidence laws in line with Uniform Evidence Law and provide further protections for victims of family violence.

Amending laws to remove barriers to justice

The *Criminal Law Amendment (Uncertain Dates) Act 2020* amended the Criminal Code, the *Children's Court of Western Australia Act 1988* and the *Magistrates Court Act 2004* to allow prosecutions to continue despite uncertainties that may arise in relation to the age of a victim or alleged perpetrator in cases of sexual offending against children. The legislation resolved technical impediments that had previously resulted in perpetrators avoiding conviction for crimes that had otherwise been proved beyond reasonable doubt. The Act commenced on 9 December 2020. Although the substantial work was completed in 2020, it was not acquitted in the last progress report.

Bail Amendment Bill

The Bail Amendment Bill 2021 is being drafted to amend the *Bail Act 1982* in response to the tragic death of an 11-year-old girl. Justice is progressing this legislation aimed at ensuring child complainants of sexual abuse are at the centre of the decision-making process in relation to bail.

Providing support for vulnerable witnesses



CJR recommendation 61b complete

The Justice Facility Dog Pilot Program commenced in the Children's Court of Western Australia in September 2021 with the aim to reduce the stress and anxiety associated with the court experience for victims, witnesses and other court users. It is anticipated that this will have the dual benefit of making the experience of court more trauma-sensitive and increasing engagement with court processes to improve efficiency.

Winston, a five-year-old black Labrador, has been trained as an internationally accredited Facility Dog by Guide Dogs WA, specifically for work in the Children's Court in Perth. Winston and his handler, who is also contracted from Guide Dogs WA, attend the Perth courthouse two to three days per week to provide emotional comfort and support to court users.

Winston works directly with vulnerable victims and witnesses in private waiting areas, before and after they enter court. At other times he and his handler move around the public areas of the courthouse and all court users are welcome to interact with him if they chose to do so.

Winston has been trained to interact calmly and predictably with a range of people, including those who are showing signs of agitation or distress. People can pat, talk to, and play with Winston, and he may also provide comforting body pressure to soothe anxiety by placing his head on their lap or lying at their feet.

Winston does not enter the courtroom or remote witness facility while court is in session.

The Pilot Program will run for 12 months before it is evaluated for its effectiveness and the viability of extending the Facility Dog Program to other services including to other WA courts is assessed. Justice has partnered with a WA university to undertake the evaluation.

Upgrading court facilities to improve access for vulnerable witnesses



Substantial progress toward recommendation 55

A continuous improvement program which has seen facilities for vulnerable witnesses improved in 14 regional courts and 15 metropolitan courts has also been implemented by the Court and Tribunal Services division of Justice. A further seven regional court locations are expected receive upgrades prior to the end of the 2021-22 financial year, with ongoing improvement of all IT facilities in Courts and Tribunals continuing as funding allows

An infrastructure project has commenced in relation to upgrading physical facilities for vulnerable witnesses in 12 regional court locations. The works will focus on improving sound and image quality of video links and video recording by upgrading lighting, furniture, room acoustics and background colour schemes.

Civil justice reform



Substantial progress towards recommendations 89-93

Justice also undertook consultation in 2018 on civil law reform, with submissions from government and the community services sector. Justice is providing advice to WA Government in consideration of recent reforms in other jurisdictions relating to civil liability and the feedback collected throughout this consultation.



Preventing further harm

The Royal Commission recognised that to prevent the abuse of children, including in institutions, change is required across all aspects of our community including the way services and institutions operate. The scope of work set out by the Royal Commission to prevent further harm includes:

1. Ensuring that all institutions implement child safe standards.
2. Improving responses to harmful sexual behaviours.
3. Improving screening of adults who work with or care for children.
4. Improve preventions against child sexual abuse in high risk environments and amongst vulnerable populations.
5. Improve information sharing between institutions across states.
6. Make institutions more accountable through improved recording and reporting.

The paramount, underpinning principle for this work is the best interests of the child.

In 2021, the WA Government progressed important safeguards for Western Australian children. A significant and wide-ranging body of work was undertaken to prevent child sexual abuse in Western Australian institutions. Twelve recommendations were completed and substantial progress was made across a range of areas to enable delivery of key recommendations over the next 12 to 24 months.

Although the overall completion rate for these recommendations is comparable lower compared to progress in Healing Past Hurts and Protecting Children Now, many of recommendations require wide ranging reform that is dependent upon coordinated Commonwealth and State action. We remain committed to progressing and completing all of the remaining 87 recommendations. An overview of progress is provided in the table below, followed by detailed updates on pages 30–50.



116 recommendations comprise the blueprint for preventing further harm.



11 recommendations completed in 2021, 1 additional recommendation completed earlier but not previously acquitted



29 completed so far, **25 per cent** completed to date



Key achievements include state and commonwealth collaboration to produce the National Strategy to Prevent and Respond to Child Sexual Abuse and the National Framework for Protecting Australia's Children. WA Government commitment of \$2 million to build the evidence base for responses to child sexual abuse and harmful sexual behaviours. Work towards safeguarding out-of-home care including passage of the Children and Community Services Amendment Bill 2021.



Substantial progress toward making institutions child safe.

The WA Government progressed significant reform in 2021 towards preventing child sexual abuse in Western Australian institutions, as well as in our families and communities. A summary of this work is provided in this section, including information about:

1. Establishing policy frameworks to coordinate and guide and action.
2. Building the evidence base to inform responses to child sexual abuse and harmful sexual behaviours.
3. Contemporising and safeguarding out-of-home care (child protection).
4. Safeguarding youth detention.
5. Making institutions child safe.
6. Strengthening worker screening processes.

Establishing the policy framework to coordinate and guide action

The Royal Commission made a number of recommendations about the Commonwealth, state and territory leadership required to drive implementation and action of the Royal Commission findings and recommendations. This included development of a national strategy to provide a clear policy framework including action required, to drive change.

National Strategy to Prevent and Respond to Child Sexual Abuse



Recommendations 6.2, 6.3 and 10.1 complete

The [National Strategy to Prevent and Respond to Child Sexual Abuse](#) (the National Strategy) was launched on 27 October 2021 following a significant collaborative and consultative process led by the National Office for Child Safety, with states and territories across Australia.

The first phase of the National Strategy will be driven by two action plans - the First Action Plan is embedded within the National Strategy and will be delivered by Commonwealth, state and territory governments in a coordinated and consistent approach. The [First Commonwealth Action Plan](#) will be delivered by Commonwealth agencies.

In line with recommendation 10.1, the National Strategy was developed with clear consideration of the delivery and support of implementation of multiple recommendations relating to advocacy, support and therapeutic treatment to victims and survivors, and responses to children with harmful sexual behaviours. The scope of the National Strategy is inclusive of prevention, response and recovery, and addresses all settings for potential child sexual abuse, not just institutions.

In early 2022, the Commonwealth Government will establish cross-government governance arrangements, comprising representatives from all states and territories, to coordinate and drive implementation of the National Strategy and associated action plans.

National Framework for Protecting Australia's Children



Recommendations 6.15 complete, substantial progress toward recommendation 6.17

In November 2021, WA Government endorsed [Safe and Supported: the National Framework for Protecting Australia's Children 2021-2031](#) (the National Framework). The new framework builds on the former National Framework for Protecting Australia's Children 2009–2020, and focuses on improving the lives of children, young people and families experiencing disadvantage or who are vulnerable to abuse and neglect. In the WA context, it supports and aligns with activities being undertaken in our state to support vulnerable children and families, and actions to address the over-representation of Aboriginal children in the child protection system.

Communities is leading Western Australia's implementation of the National Framework, including the development of two five-year action plans.

Building the evidence base

Establishing a Centre of Excellence



Recommendation 9.9 completed

The WA Government worked closely with state and territory partners and the Commonwealth to secure funding for establishment of a National Centre of Excellence to inform and underpin responses to child sexual abuse.

On 21 October 2021, Hon Scott Morrison, Prime Minister announced that Blue Knot Foundation with consortia partners, the Healing Foundation and the Australian Childhood Foundation (BKF consortia) had been selected as the successful supplier to lead the work of the National Centre for the Prevention of Child Sexual Abuse (National Centre).

The consortium will work with the National Office for Child Safety (National Office) and State and Territory Governments to develop and deliver education and capacity-building measures as well as develop and implement a nationally coordinated strategic research agenda under the National Strategy to Prevent and Respond to Child Sexual Abuse 2021-30 (National Strategy).

Informing responses to child sexual abuse and harmful sexual behaviours



Substantial progress towards volumes 9 and 10

The WA Government via Communities has been working closely with the Australian Centre for Child Protection (ACCP) to build the evidence base, and support delivery of key recommendations concerning harmful sexual behaviours trauma informed practice and responses to child sexual abuse.

Led by national experts from the ACCP, Aboriginal Elders, and leading academics and practitioners from Western Australia, the ACCP will apply evidence-based approaches and innovative methodologies to the development and implementation of best practice responses to child sexual abuse and children with harmful sexual behaviours.

Harmful sexual behaviours

In 2021, Communities provided funding for a program of work in response to volume 10 of the Royal Commission 'Children with Harmful Sexual Behaviours'. The workplan comprises four main parts including: workforce development; evidence informed practice; specialist advisory and strategic support; and data capture and measurement.

In 2021, the program of work delivered:

1. a draft Framework for Guiding Responses to Harmful Sexual Behaviours in Children and Young People in the WA Child Protection System; and
2. a jurisdictional scan of evidence-based models for responding to harmful sexual behaviours and accompanying analysis about how learnings from other jurisdictions could be applied in WA.

Improving evidence informed responses to harmful sexual behaviours is a priority focus in 2022. Communities will continue working with its partners to finalise and implement the Framework. Communities will also work to develop and release online, accredited training programs to support practitioner, family and foster carer understanding of harmful sexual behaviours including how to respond in various contexts including residential and out-of-home care settings.

This work is also a key component of Communities response to the recommendations of the Commissioner for Children and Young People's independent review into the Department of Communities' Policies and Practices in the Placement of Children with Harmful Sexual Behaviours in Residential Care Settings.

The PERCAN project

The WA Government is also working with the ACCP and Parkerville Child and Youth Care on the PERCAN project (Pursuit of Excellence in Responding to Child Abuse and Neglect) which received Lotterywest funding in 2019. PERCAN is governed by the WA Enhancing Responses to Child Sexual Abuse Executive Steering Group which is chaired by the Commissioner for Children and Young People, and focuses on two streams of work, both informed by research and evaluation.

Therapeutic Responses for Children with Abuse-Related Complex Trauma Co-Design Project

This project addresses the need for responses designed for the Australian service delivery context (including regional and remote areas) and the criticality of culturally responsive approaches for Aboriginal and Torres Strait Islander children. The project is the first for Aboriginal children and will be adapted for non-Indigenous children.

Chief Investigator Professor Vickie Hovane (Aboriginal researcher, Registered Psychologist, expert in sexual abuse, domestic violence and co-design) is implementing a culturally-governed, culturally-led and evidence informed co-design project partnered with Yorgum. The project brings together Western and Cultural knowledge regarding healing of complex trauma.

The anticipated outcomes of the research are a co-designed therapeutic model for responding to complex trauma for Aboriginal children and a model for non-Indigenous children ready for trial and testing.

The co-design project is scheduled for completion in 2022.

PERCAN workforce development

This project aims to enhance the skills of the existing workforce to provide therapeutic responses to abuse-related simple trauma and PTSD. Training in responding to trauma is one of the most frequently identified workforce development needs across sectors, with many barriers to the existing workforce accessing high quality workforce development that is effective in changing practice.

To address these barriers, the PERCAN project has implemented a cost-effective model to deliver high quality learning for metro, regional and remote workforces. Three online courses are delivered through the University of South Australia's purpose-built Learn Online platform, incorporating a range of bespoke videos, animations and case studies designed for the Australian context. Courses for practice skill development also incorporate work-based learning assessments and a clinically facilitated virtual community of practice.

The three courses in the PERCAN abuse-related trauma short course package include:

- a)** Understanding Childhood Trauma;
- b)** Assessing Childhood Trauma; and
- c)** Responding to Childhood Trauma.

Participants receive a tertiary accredited Professional Certificate for each course completed which can be combined towards post-graduate qualifications (eg Graduate Certificate). WA practitioners meeting eligibility criteria can apply for full fee scholarships to complete the courses.

The professional certificates will also support non-specialist practitioners in community settings to develop their capacity to provide trauma-specific therapeutic interventions to children who have experienced child abuse and neglect, with a focus on child sexual abuse. Taken in sequence, each will build on the knowledge and skills developed in the preceding course.

ANZATSA conference

Between 24-26 May 2021, Western Australia (WA) hosted the Australia and New Zealand symposium about children exhibiting problematic and harmful sexual behaviour.

The symposium was presented by the Australian and New Zealand Association for the Treatment of Sexual Abuse (ANZATSA) in partnership with Yorgum Healing Services.

Presentations from Australian, New Zealand and international speakers examined the issue of harmful sexual behaviours within a public health framework, consistent with recommendations of the Royal Commission and provided innovative responses and prevention initiatives. The program had a strong focus on Indigenous children, families, and communities.

Professor and former Royal Commissioner, Helen Milroy was one of over 20 speakers who addressed the symposium. The event sponsors included the Commissioner for Children and Young People (CCYP), the WA Police and the Departments of Communities, Education, Health and Justice.

Contemporising and safeguarding out-of-home care

Volume 12 of the Royal Commission final report focuses on safeguarding out-of-home care for children who have experienced abuse or neglect and been removed from the care of their parents. It sets out a broad range of reforms to safeguard children and young people from abuse, while providing stable and nurturing environments for them to grow and thrive. Broadly speaking, the reforms recommended by the Royal Commission include:

- Improved capture and reporting of consistent data about children in care.
- Improved processes for seeking, hearing and acting on the views of children in care including access to child friendly complaint processes.
- Stable placement arrangements that maintain connection to family and where appropriate culture and Country.
- Placement matching to support a care arrangement that is responsive to the unique needs of the child.
- Responses to unique circumstances of risk and vulnerability including harmful sexual behaviours.
- Support for care leavers.

The Government has been undertaking work to reform out-of-home care since 2016 with a focus on providing placements and care arrangements that address the unique needs of the child, promote stability and cultural security, and support ongoing connection to family, culture and Country. So far this has included a range of changes to structures, processes and policies within the Department of Communities including introduction of the Needs Assessment Tool, Carer Connection Hub, Care Team Approach and Stability and Connection policy. Together these changes provide for a solid foundation for a care system that is organised around the best interests of the child and works towards the best possible outcomes for the child.

In 2021, significant work was undertaken to build on this foundation. The key initiatives are summarised below. Most fundamental was Royal Assent of the Children and Community Services Amendment Act 2021, received on 19 October 2021. The Amendment Act will change child protection laws in WA to promote improved outcomes for children in care and expand protection for children at risk of or experiencing sexual abuse.

The Amendment Act directly addresses four recommendations of the Royal Commission. Two of these, care leavers and use of the Aboriginal and Torres Strait Islander child placement principle are summarised below. The expansion of mandatory reporting is captured in '**Protecting Children Now**'.

Improving supports for care leavers

Recommendations 12.22 complete

The Amendment Act provides that:

- A leaving care plan must be prepared once a child reaches 15 years of age.
- Leaving care plans should include the social services proposed to be provided for the child post-care.
- Children leaving care must be provided with social services the CEO considers appropriate having regard to the child's needs, regardless of whether those needs are identified in the child's last care plan.
- Children leaving care are to receive written information on their entitlements post-care.

Additionally, public authorities named in regulations must prioritise CEO requests for assistance to a child in care, a child under a protection order (special guardianship) (an SGO) or a care leaver who qualifies for assistance until they reach 25 years of age, provided it would be consistent with and not unduly prejudice the performance of the public authority's functions to do so.

Post care support for care leavers can include assistance to access safe and stable accommodation, education and training, health and counselling services, and financial support.

These changes to legislation build on the changes to practice implemented by the practice guidance 'Leaving the CEOs care' and the commitment of government to Home Stretch. They recognise that the needs of children in care, and the responsibilities of government to support and safeguard children in care, do not cease when the child turns 18 and that for many, the transition to adulthood and independence is a time of heightened stress and vulnerability, thus requiring ongoing support.

Home Stretch

In 2019, the WA Government announced the Home Stretch WA Trial to test an enhanced support system for young people transitioning from out-of-home care, providing them with additional support and resources from 18 years to when they turn 21 years of age. Home Stretch aims to improve care leavers' access to housing, health, education, training and employment through the provision of practical one-on-one assistance. The initial trial included 15 young people from the Fremantle child protection district. This was then extended in 2019 to include a further 25 young people.

Due to the success of the Trial, in 2021 the WA Government announced an election commitment to **invest \$37.2 million** to permanently establish the Home Stretch program to support young people who exit the State's child protection system at 18 years of age, until they turn 21.

This expansion will offer young people transitioning from care each year enhanced access to the supports and services they need to succeed and have a brighter future. This may include support to access therapeutic treatment services to deal with the impacts of abuse.

Within the Home Stretch service model, young people and carers will have the option to continue the safe and stable living arrangements until the young person turns 21 years of age. The offer provides a 'staying on' subsidy to the carer, which provides the young person with stability in the living arrangement and continued support to carers as required.

Culturally secure placements for Aboriginal children

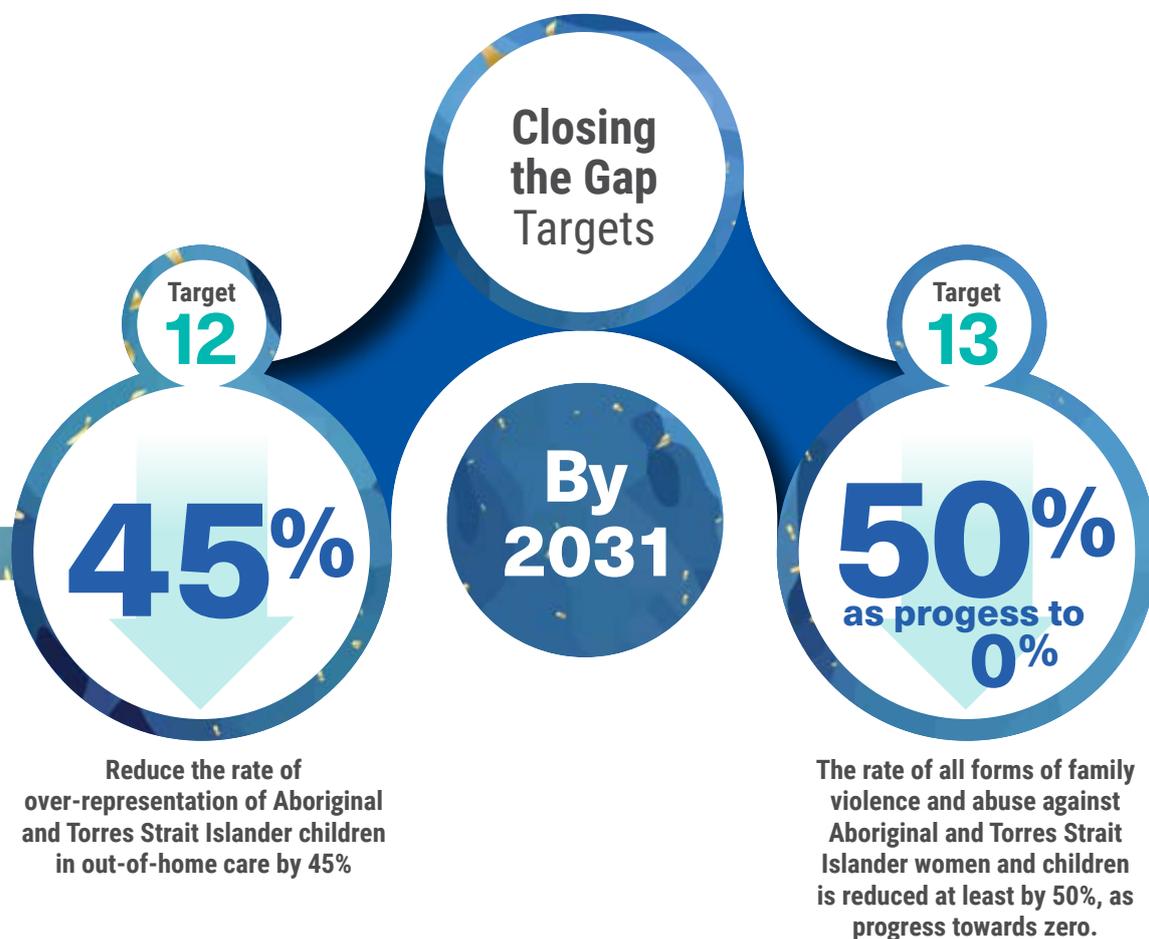
✓ Recommendations 12.20 complete

Fifty-seven per cent of children in care in Western Australia are Aboriginal and Torres Strait Islander children.

Communities is committed to reducing the over-representation of Aboriginal children in the child protection and out-of-home care out-of-home care systems and is undertaking wide ranging reforms to achieve this.

In 2020, the Commonwealth, state and territory governments and the Coalition of Aboriginal and Torres Strait Islander Peak Organisations endorsed the new National Agreement on Closing the Gap. In 2021, the Western Australian Government released the [Aboriginal Empowerment Strategy](#) and Communities commenced development of the Aboriginal Family Safety Strategy.

Together these policy frameworks will provide the critical context for future policy and service design that is built around genuine partnership with Aboriginal people, strong accountability and culturally-responsive ways of working. They also provide a clear framework for delivery of Closing the Gap targets 12 and 13, which are essential for reducing the over-representation of Aboriginal children and families in the child protection system, including the over-representation of Aboriginal children in out-of-home care.



Work towards Target 12 will be substantially progressed by implementation of the *Children and Community Services Amendment Act 2021* which received Royal Assent on 19 October. The Amendment Act sets out a range of new provisions to improve outcomes for children, young people and their families engaged in the child protection system.

Most fundamentally, these changes are aimed at improving the connection to family, culture and Country for Aboriginal children in care, they include:

- Changes to the Aboriginal and Torres Strait Islander Child Placement Principle to prioritise placements in closer proximity to the child's community if placement with family or an Aboriginal person in the child's community cannot be achieved.
- Stronger requirements to consult with Aboriginal people and Aboriginal representative organisations when making decisions about where an Aboriginal child should live (their placement) and how connection to culture and country will be maintained (their cultural support plan).
- Clearer accountabilities for Communities to demonstrate to the Children's Court how an Aboriginal child's connection to family and culture will be supported (cultural support plans), how the child's proposed new living arrangement (placement) aligns with the Aboriginal child placement principles and evidence of cultural consultation informing these decisions.

Aboriginal and Torres Strait Islander child placement principle

('placement' means who the child lives with, also called a care arrangement.)

Now

If placement with:

- 1 the child's family; or
- 2 an Aboriginal person in the child's community;

is not possible, the following placement order is sought:

- 3 with an Aboriginal person (who can be anywhere in WA);
- 4 with a non-Aboriginal person (who can be anywhere in WA).

What will change?

If placement with:

- 1 the child's family; or
- 2 an Aboriginal person in the child's community;

is not possible, the following placement order is sought:

- 3 with an Aboriginal person who lives in close proximity to the child's community;
- 4 with an Aboriginal person (who could be anywhere in WA) or a non-Aboriginal person who lives in close proximity to the child's community;
- 5 with a non-Aboriginal person (who could be anywhere in the WA).

Placements with non-Aboriginal carers must be with people who can support and encourage the child's family, cultural and community connections.

This reinforces the importance of connection to family, culture and Country.

Further information about these changes is available at wa.gov.au

These changes build on a range of existing measures to strengthen practice guidance about creating stability and connection for children in care, which includes a focus on effective cultural support planning and a renewed focus on implementation of all five elements of the Aboriginal and Torres Strait Islander child placement principles.

Listening to children in care

Recommendation 12.7 complete

Following the release of the Royal Commission's final report in 2017, Communities in partnership with key community sector organisations finalised its review of the safety and quality standards for children in care with the delivery of the **Better Care, Better Services: Safety and Quality Standards for Children and Young People in Protection and Care (Better Standards)**.

The review of the Better Standards considered, amongst other information, the Royal Commission findings and included a key indicator of compliance that case managers and key workers would be required to meet with a child alone, assess their needs, monitor the implementation of the Care Plan and culture and identity plan, and complete a quarterly care report that comments on the dimensions of well-being every three months. The Better Standards apply to both Communities and Communities' funded out-of-home care services known as Community Service Organisations (CSOs), with compliance with the standards monitored by Communities' Standards Monitoring Unit.

Upon review of Communities' practice guidance that supports staff to carry out their duties against the Better Standards, it was identified that some amendments were required to support recommendations of the Royal Commission, specifically 12.7.

As a result, Communities Casework Practice Manual has been amended to provide more explicit language and direction to staff that when undertaking annual carer reviews, interviews with all children in the placement with the carer under review, must be held in the absence of the carer.

This practice change will add to and build on existing processes for providing children in care with the opportunity to speak out about their experiences, including via viewpoint, the MyView app, and access to organisations like CREATE.

Also in 2021, Communities worked with CREATE to develop and release a Charter of Rights for Children in care. The associated resources provide age appropriate information to all children in care including information about how to get in contact with the Advocate for Children in Care, for children who have a complaint, question or worry about their care arrangement.

Safe and supported placement

 **12.16 and 12.21 complete**

The out-of-home care reforms progressed from 2016 were further strengthened in 2021 through release of the Stability and Connection policy and provision of a new service for carers.

The [Stability and Connection policy](#) builds on the previous 'Permanency Planning policy' and sets out the processes and approach to supporting children in out-of-home to either return to the care of their parents (when it is safe enough for reunification to occur) or to be supported in a safe and stable long term care arrangement. The policy is informed by an understanding that stability of placement and ongoing connection to family, community, culture and Country are essential protective factors for mitigating or reducing the trauma associated with abuse and neglect, and the trauma that can be caused by placement instability (multiple moves and different carers). This policy was released in 2020 and in 2021 there has been substantial investment in implementation including training for staff and information for family and carers.

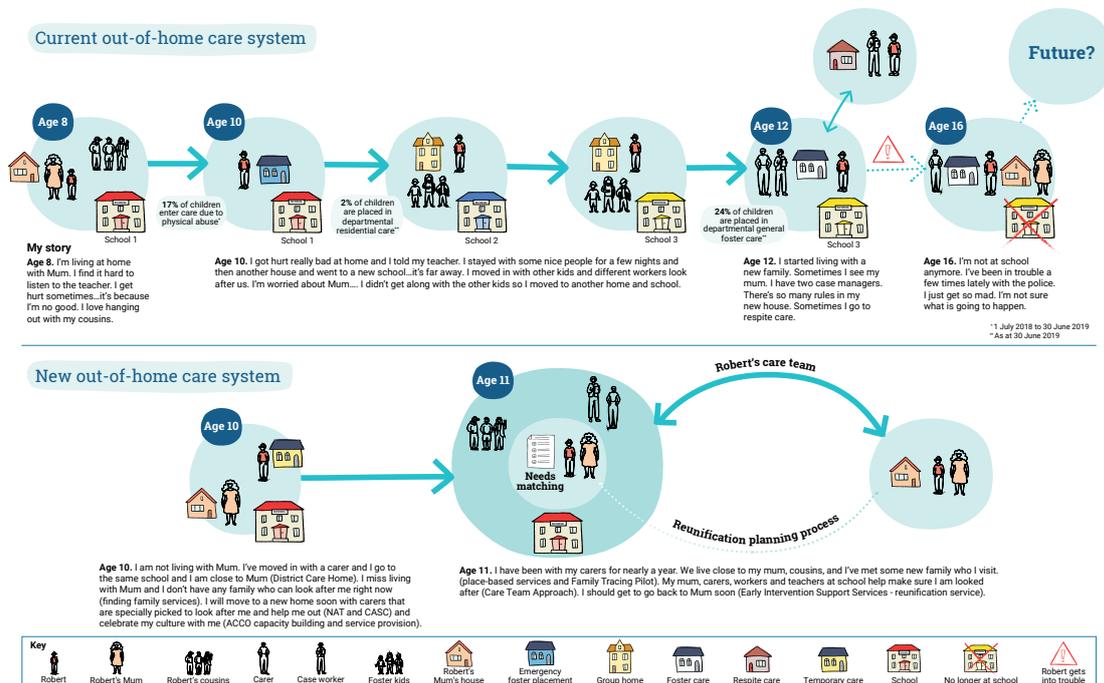
Additional support for carers is being offered by a new service funded by Communities and provided by the Australian Childhood Foundation called OurSpace. OurSpace operates within the care team approach and provides trauma-informed counselling and support to empower carers to understand and meet the needs of the children in their care. This service in an independent value add, to the support, information and training already provided to carers via Communities, and the advocacy and support for carers provided by Foster Carers WA.

New models of out-of-home care to improve placement matching

In 2021, Communities substantially progressed reform in the out-of-home care sector by commencing the procurement process for four new models of care as set out in Figure 2. Changes to the model and design of out-of-home care will enable for improved placement matching for children in care that is informed and guided by the child's unique care needs.

In 2021, extensive stakeholder engagement was undertaken via four design labs with out-of-home care service providers, and individual stakeholder meetings, to discuss and inform the procurement approach.

An open tender process to identify suitable providers will commence in early 2022.



Support for children in care with disability

Section 9 of the *Children and Community Services Act* outlines the principles that must be observed in the administration of the Act which include section 9(ia); **‘the principle that decisions about a child with disability should be made giving special consideration to any difficulties or discrimination that may be encountered by the child because of the child’s disability and should support the child’s full and effective participation in society’**.

The care needs for a child with disability, associated care planning and the supports provided are assessed and considered through the following processes:

- initial health care assessment
- needs assessment tool
- comprehensive health assessment (which is revisited at least annually).

This information informs care planning and enables Communities to:

- connect with the child's current health or other clinical care providers
- make arrangements to ensure the child’s disability related support requirements are being met, whether the child has an existing service provider, whether their current level of funding (if any) is adequate and/or whether an NDIS plan review is required
- determine whether there are any equipment/modifications required to provide an appropriate care placement for the child
- to support an access request to the NDIA and/or request an eligibility assessment for state-funded disability support, in circumstances where the child has a disability (or potentially has a disability) and is not known to either the NDIS or state-funded disability supports.

The *Children and Community Services Amendment Act 2021* includes a provision that public authorities named in regulations must prioritise CEO requests for assistance to a child in care, a child under a protection order (special guardianship) or a care leaver who qualifies for assistance until they reach 25, provided it would be consistent with and not unduly prejudice the performance of the public authority’s functions to do so. This provision will enhance support services offered to all children in care, including those with disability, by formalising existing inter-governmental agreements to prioritise services for children in care (referred to as Rapid Response).

Improving the quality and consistency of data



Recommendation 12.1 complete



Recommendation 12.2 and 12.15 partially completed

In 2021, the Commonwealth Government and Australian State and Territory Governments worked together to enhance the national minimum dataset for child protection, with a focus on improving the quality and consistency of data concerning the placement and safety of children in care. This data was reported for the first time in the report [Safety of Children in Care 2020-2021](#), which was released in December 2021.

Regularly reported and consistent data about child protection, including children in care, is essential for informing policy and practice development and providing public accountability to the care and safety provided for children in care. In future years, this data will be reported annually in the Child Protection Australia report series.

In 2021, work also progressed to improve data linkage for children in care with a disability and work progressed on improving the quality and reliability concerning data items about children from culturally and linguistically diverse backgrounds, as the current data is not sufficiently robust, relying on accurate recording of 'language spoken'.

Safeguarding youth detention

Improving safety in youth detention facilities



Related recommendations 15.3, 15.4, 15.5, 15.6, 15.7 and 15.8

CCTV and body-worn cameras are currently in use at Banksia Hill Detention Centre. As part of a new Banksia Hill Detention Centre project, infrastructure upgrades have been identified including amendments to the Intensive Support Unit.

Several Custodial Operational Policies and Procedures (COPPs) have been finalised and implemented including, but not limited to, the Management of Specific Detainees (including female, trans, gender diverse and intersex young people), Incident Reporting, Communication and Official Visits, Social and Inter-Facility Visits, Searching, Drug and Alcohol Testing and Cultural and Religious requirements.

The Corrective Services Training Academy delivers a Certificate III for entry level staff (and other relevant staff) who manage young people in the youth justice system. Focus is on safety and well-being of young people in custody and the community, including how to work effectively with young people with specific needs and those from diverse backgrounds.

The course includes an information session on responding to young people who disclose allegations of sexual abuse, and covers the legal requirements under the Children and Community Services Act 2004 about mandatory reporting (statutory and operational obligations); of child sexual abuse; who to report to; duty of care; and contingency planning. It also includes the effects of sexual abuse and strategies to deal with young people disclosing sexual abuse.

Making institutions child safe



Recommendation 6.5



Recommendation 6.4, 6.6, 6.8, 6.12

Volume 6 of the Royal Commission emphasised that organisations working with children must be able to provide safe environments where the rights, needs and interests of children are prioritised and met.

The Royal Commission defined child safe organisations as those that create cultures, adopts strategies and takes action to prevent harm to children, including child sexual abuse. For the majority of children in the Western Australian community, child safe institutions are the essential foundation for preventing institutional child sexual abuse.

In 2019 the Council of Australian Governments endorsed National Principles for Child Safe Organisations which enshrine the 10 child safe standards recommended by the Royal Commission.

Embedding the National Principles in the structures, policies and cultures of organisations is the focus of the remainder of the recommendations in volume 6* which includes:

- prescribing the core components of each child safe standard
- defining the scope of which organisations should be 'child safe'
- legislation to require implementation and establishment of independent oversight
- establishing child safety officers in local government
- preventing and responding to online child sexual exploitation.

* Noting that many other Royal Commission recommendations are integrally tied to making institutions child safe including the recommendations concerning child friendly complaint processes and recommendations arising from the Working with Children report.

A significant body of work was undertaken in 2021 to support implementation of the National Principles. This included consultation with community sector and local government; a new program of work led through the Supporting Communities Forum to build capacity and capability for implementation; continued work across government; and work to progress independent oversight.

Voices from the sector

Consultation has occurred with community service organisations and the local government sector to assist in building their capacity to be child safe.

Community sector consultation

Following on from the survey undertaken with the community sector to assess their readiness, capacity and progress towards implementation of the National Principles in 2020 a series of focus groups with targeted community services sector stakeholders were held in 2021. The three focus group sessions focused on:

- the progress organisations had made towards implementation of the National Principles and the impact of events such as COVID-19 on progress;
- factors that help and hinder organisations capacity and progress to implement; and
- opportunities and solutions related to organisations working together and for the WA Government to work with organisations to progress implementation.

A full consultation report with key findings from across both phases of the consultation has been released and published on the [Safer WA for Children and Young People webpage](#).

Child Safety Officers in local government

Recommendation 6.12 of the Royal Commission recommended that, with support from governments at the national, state and territory levels, local governments should designate child safety officer positions from existing staff profiles. The Royal Commission outlined four key functions of the role:

- Developing child safe messages in local government venues, grounds and facilities.
- Assisting local institutions to access online child safe resources.
- Providing child safety information and support to local institutions on a needs basis.
- Supporting local institutions to work collaboratively with key services to ensure child safe approaches are culturally safe, disability aware and appropriate for children from diverse backgrounds.

Communities in partnership with the Department of Local Government, Sports and Cultural Industries (DLGSC) has undertaken consultation with the local government sector to develop an approach to implementation of child safety officers into local governments. A Discussion Paper was circulated to 137 WA local government with 48 individual local government submissions received, as well as responses from Western Australian Local Government Association and Goldfields Voluntary Regional Organisation of Councils.

A full consultation report with key findings from across both phases of the community sector consultation and a Child Safety Officers Summary of Findings Report have been released and published on the [Safer WA for Children and Young People webpage](#).

New partnerships and governance to drive action

In 2021, the Hon. Simone McGurk, Minister for Child Protection referred a new term of reference to the Supporting Communities Forum to '**build capacity and capability to implement the National Principles**'. Supporting Communities Forum is an initiative to build collaborative partnerships between WA Government and the community services sector. They accepted the new Term of Reference and established a Child Safe Organisations Working Group (Working Group) comprising relevant stakeholders from government, the community services sector and private organisations. The Working Group reports to the Forum and is responsible for delivering the following two key objectives:

1. building capacity and capability to implement the National Principles; and
2. support the functions of the independent oversight body (once appointed).

To achieve these objectives the Working Group will focus on supporting and documenting demonstration projects of National Principles implementation across diverse organisations and sectors. It will draw on exemplars to demonstrate how the National Principles can be implemented across diverse organisations. These examples will be showcased in a 'knowledge hub' that promote cross-sector collaboration, learning and sharing.

Implementation of National Principles for Child Safe Organisations across government

Government agencies are progressing work to implement the National Principles. Examples of work undertaken in 2021 is provided below. Please note the overview is not exhaustive.

The **Department of Justice** established a Child Safe Standards Working Group with the remit to develop action plans for each Division to facilitate implementation of the National Principles. Each Division has completed a self-assessment for improvement against the National Principles and while many of the National Principles are already embedded in policies and procedures across the Department, action plans to address gaps were developed in 2021, with implementation due by mid-2022.

The Department of Justice also reviewed and updated their Code of Conduct to include child safe statements. Section 3.2 "Expectations of behaviour towards Departmental work colleagues, members of the public, those in the Department's care and children and young people" identifies that all employees, contractors and volunteers are to report all allegations made by or about children and young people regarding employee misconduct to Professional Standards and lodge an incident report.

It is anticipated that following work with the Commissioner for Children and Young People, in-house training on the National Principles will also be available for Banksia Hill Detention Centre custodial staff.

In 2021, the **Department of Health** commenced the development of a child safeguarding framework for the WA health system. The framework will seek to support the WA health system's response to the recommendations of the Royal Commission and implementation of the National Principles and provides a platform for driving and responding to the needs of children across their diverse structure.

The **Department of Finance** has worked closely with Communities and has proposed changes to the National Principles for Child Safe Organisations clause contained in request templates for goods and services procurement. Communities had received feedback from service providers regarding the interpretation of compliance and consistent application of the principles. The proposed changes will provide a clearer interpretation for business regarding potential compliance requirements.

The **Department of Education** has made substantial progress towards recommendations 13.1 and 13.5. In Term 3, Education released a Safe and Friendly Schools for Students Framework and Self assessment Tool. The framework and tool are designed to support schools embed the National Principles and drive positive cultural change in the area of child safety.

Access to the Framework and Self-assessment Tool is being monitored via online analytics, and further feedback will be sought from those using the self assessment tool. This feedback and relevant analytics will be used to plan for full implementation in 2022.

Government boarding hostels, including Australian Government Aboriginal Hostels Limited, are subject to the *School Education Act 1999* and are therefore included in the implementation process. As such, the Framework and Self assessment Tool also apply to residential colleges and agricultural colleges. The Department of Education provides advice, guidance and oversight to boarding facilities attached to non-government schools as part of its regulatory responsibilities.

All public and non government schools, and boarding facilities, are required to implement the National Principles.

Child safeguarding in our schools

The Department of Education (Education) has also made substantial progress toward recommendation 13.7. The Education Ministers Meeting (formerly Education Council) agreed to progress actions to assist state and territory governments to provide nationally consistent and easily accessible guidance to teachers and principals on preventing and responding to child sexual abuse in all government and non-government schools. The Australian Government Department of Education, Skills and Employment engaged the Australian Institute of Family Studies (AIFS) to develop these resources in consultation with subject matter experts, key sector representatives, and end users.

Education participated in workshops facilitated by AIFS to design the resources which were finalised and released in November 2021, and available on the National Student Wellbeing Hub.

Also in 2021 saw the commencement of negotiations for the delivery of online professional learning addressing sexual behaviours in children and young people for the three education sectors – public, Catholic and independent schools. The development of supporting resources, including fact sheets and guides for schools, is being led by Education and developed in collaboration with the non-government school system and sector. The resources will be available in Term 2, 2022.

Education staff who work with children or manage staff who work with children must also complete the online child protection and abuse prevention professional learning within six months of commencing employment and every three years thereafter.

Public schools implement protective behaviours education that aligns with the Western Australian Curriculum across all phases of schooling. Education will engage a consultant to review its protective behaviours teaching and learning resources in line with the National Principles, in early 2022.

Independent Oversight of child safe standards, out-of-home care and youth detention

Further work to embed recommendation 15.9

Progress toward recommendations 6.9 – 6.11, 12.4 and 12.5

The Royal Commission made recommendations aimed at strengthening oversight mechanisms to enhance child safe environments in organisations that provide certain activities and services to children, including out-of-home care services and youth detention.

In 2020-21, the Department of the Premier and Cabinet undertook public consultation on the design of independent oversight functions and the powers an oversight body may need to fulfil these functions to ensure public trust and confidence in the system. The public consultation sought views on the following:

- The scope of organisations that should be required to comply with the National Principles for Child Safe Organisations, examining the organisations listed in the relevant recommendations and asked for views on whether any others should be added to or excluded from this list.
- The powers and functions of an oversight body in monitoring and enforcing compliance with the National Principles for Child Safe Organisations, including the powers and functions required to support a responsive, risk-based approach, and the power of the oversight body to delegate functions to a sector regulator. Comments were specifically sought on whether the oversight body should have the power to enter an organisation without warning, and what sanctions and penalties should apply to organisations for non-compliance with the National Principles. This information has provided an understanding of community expectations for the role and powers of the oversight body.
- The role and functions of the oversight body, particularly how to support organisations to be child safe and the level of support for the following two principles to underpin the design of the independent oversight system:
 - the system supports a focus on building capability to meet requirements through prevention, education and practical tools; and
 - the system supports coordination, collaboration and information sharing between oversight bodies to meet common child safe objectives.

Targeted consultation was also undertaken in 2021 seeking views on the proposed approach to independent oversight of out-of-home care providers in the context of WA's existing out-of-home care framework, including the key principles to underpin the design of an independent oversight system.

The results from the consultations are contributing to policy advice to government.

This policy work is also being informed by related Royal Commission recommendations, including mandatory reporting, working with children checks and criminal justice reforms, as well as relevant recommendations in various independent, statutory and Parliamentary Committee reviews, and recent developments and approaches in other jurisdictions.

Appropriate independent oversight arrangements for youth detention are also being considered, following a review of complaints handling in youth detention 2019-20. The Ombudsman has been allocated responsibility for collating, monitoring and analysing allegations of child abuse made by children and young people, which will be incorporated as part of the Reportable Conduct Scheme. Once the Scheme is established, the Ombudsman will have the function to review systems and processes within youth detention environments to prevent and respond to reportable allegations or reportable convictions involving employees, volunteers and contractors.

Strengthening worker screening processes

The Royal Commission made 36 recommendations about Working with Children screening checks to improve the quality and rigour of criminal record checking processes that inform and underpin the designation of someone as being 'safe' for child related work.

The Department of Communities is progressing an amendment bill to address a number of the recommendations arising from the Working with Children report and hopes to introduce the Bill to Parliament in 2022.

A number of other changes have been progressed in 2021 towards improving worker screening processes. These are in direct response to the Working with Children Report and also as part of implementation of National Principle 5 - People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice.

New legislation to provide for NDIS worker screening

WA has brought into effect nationally consistent NDIS Worker Screening, or the 'NDIS Check'.

The NDIS Check aims to minimise the risk of harm to people with disability from the people who work closely with them through:

- targeting people who, as part of their work, have contact with people with disability and not those whose contact with people with disability is incidental
- targeting the types of work and settings that create the greatest opportunities to cause harm to people with disability.

Although this work was not a direct response to Royal Commission recommendations it is an important safeguard for children with disability and children of parents with disability.

The *National Disability Insurance Scheme (Worker Screening) Act 2020* (Worker Screening Act) was enacted by Parliament late 2020 and came into effect in its entirety on 1 February 2021.

The Screening Unit within Communities is responsible for the administration of the Worker Screening Act, with functions including accepting and determining applications by way of risk assessment, the issuing of outcomes and compliance functions.

A risk assessment must consider a number of matters, including: the person's criminal, disciplinary, misconduct or other relevant history; the nature, gravity and circumstances of any criminal offending, misconduct or other action; the length of time that has passed; the vulnerability of any victim; the person's conduct since any event occurred; anything else reasonably relevant to risk; and where an adverse decision may result, any information provided by the worker before a final decision is made.

All worker screening outcomes are stored in a national database which facilitates the ongoing monitoring of cleared workers across Australia. The National Worker Screening Database enables NDIS Providers to verify employees as engaged or intended to be engaged by the provider and to confirm a person's eligibility to work.

People with disability experience violence and abuse at significantly higher rates than people without disability. There is increasing recognition that some people may be at heightened risk including women with disability, young people with disability, as well as people with intellectual and psychosocial disability.

The safety and wellbeing of people with disability and, in particular, their right to live free from abuse, violence, neglect and exploitation, is the paramount consideration under the Act.

To date the Screening Unit has:

- Issued 27,600 NDIS Check clearances, permitting holders to undertake certain NDIS work subject to national ongoing monitoring.
- Issued 19 exclusions prohibiting certain NDIS work.
- Imposed 79 interim bars and 8 suspensions preventing certain NDIS work until a final decision is made.

The Screening Unit is carrying out continuous monitoring of over 280,000 NDIS Check outcomes from across Australia.

Improving access to criminal records



Recommendation 4c of the Working with Children Final Report

In response to (WWCC) Recommendation 4 (c) the Western Australia Police Force digitised approximately 40 000 historic criminal records, from microfilm to active policing systems, to ensure accessibility in support of worker screening processes such as Working with Children.

As at 31 December 2020 the project was completed meeting 100 per cent of the target record conversion identified.

Although this work was completed in 2020, it was not reported in the 2020 Progress Report and is therefore acquitted in this report.

Enhancing information exchange to inform screening processes

In 2019, Western Australia Police Force began work on implementing mechanisms to support the National Disability Insurance Scheme (NDIS) worker screening, which is administered by the Department of Communities. NDIS worker screening provides a similar service to WWC, albeit focused on workers supporting or caring for people with disability. To provide the records necessary to inform NDIS worker screening, the Western Australia Police Force developed a monitoring system which can provide real time advice to NDIS when a triggering event occurs on a tagged record. The triggering events include convictions, charges, orders etc. The NDIS system has been specifically developed so it can be adapted for other services, predominantly to improve and enhance the current system used for WWCC.

In 2021, Western Australia Police Force and Communities worked closely to identify, plan and cost upgrades to WWC information exchange processes, to align them to the technology and processes currently used by NDIS worker screening. This work will continue in 2022.

Endnotes

1. Funder of last resort - there are some cases where institutions in which the abuse occurred, no longer exist. In these instances, governments act as **Funders of Last Resort**. That is, they provide redress funding from existing revenue sources rather than impose the obligations onto another institution, or on individual survivors. Governments recognise that there are broader responsibilities beyond government-run institutions, including responsibilities that arise from regulatory and guardianship roles and accept responsibility on this basis.
2. This is a significant milestone for survivors of institutional abuse that Western Australian survivors and advocates have been a part of. It is not a state led Royal Commission recommendation.

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