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**Children and safety in Australian policy : Implications for organisations and practitioners**

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**Title** Children and Safety in Australian Policy: Implications for Organisations and Practitioners

## Abstract

Child safety is now a national policy priority in Australia. Extensive inquiries and reviews have escalated legislative and policy responses focused on developing, maintaining and monitoring 'child safe' organisations. The recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse point to the importance of cultural conditions within organisations in supporting child safety and the need for responsive change in some organisations. Drawing on a recent policy analysis, undertaken as part of a larger Australian Research Council Discovery Project, this article examines how children and safety are constructed, within and across relevant state and federal government policies in Australia, and the implications of this. Distinctions are drawn between conceptualisations of children within the broader education policy context and two specific policy contexts in which children are considered particularly vulnerable to abuse – out-of-home care and disability. The findings indicate that policy discourses of 'child safe' potentially foster different emphases and approaches in organisations. These have implications for the way children are positioned in relation to their safety, how their rights are recognised and implemented, and what is required to foster cultural conditions within organisations to best support children's safety and wellbeing.

Keywords: child safety, children, policy, rights, protection

## Introduction

Child safety within organisations is a priority in Australia. Over the past few decades, multiple inquiries have been conducted across Australian jurisdictions looking into child maltreatment in institutional care, foster care, child migration, Indigenous communities, child protection systems and families (Australian Human Rights Commission 2017). These inquiries, including two recent Royal Commissions

focused on child safety in institutional contexts,<sup>1</sup> have consistently demonstrated problems within organisations and systems in which children should be safe. The work of the Royal Commission into Institutional Responses to Child Sexual Abuse (referred to hereafter as the 'Royal Commission') exposed widespread abuse of children and organisations' failures to respond appropriately when such abuse became public (Swain 2014). Based on recommendations from the Royal Commission, policy responses have required the development and monitoring of 'child safe' organisations (valentine et al. 2016), as evident in initiatives such as the *National Statement of Principles for Child Safe Organisations* (Australian Human Rights Commission 2018). Critical to the successful implementation of 'child safe' efforts are prevailing cultural conditions within organisations, including beliefs, values and assumptions, and the ways in which these are enacted, explicitly and implicitly (Palmer, Feldman & McKibbin 2016). How children are positioned, and how safety is understood, in policy potentially reinforces or challenges particular practices which, in turn, enable or constrain children's felt sense of safety and wellbeing. Closer scrutiny is therefore required of the ways in which aspirations concerning child safety are conceptualised in policy and operationalised in practice. This article draws on a systematic analysis of relevant policy in Australia to examine how 'child safe' is constructed across federal and state policies. It focuses on three policy contexts – education, out-of-home care and disability - with distinctions highlighted in relation to the latter two sectors where children are considered particularly vulnerable to abuse.

## Background

A raft of recent policy developments reflect the intent of Australian governments to promote the safety and wellbeing of children and young people, such as the *National Safe Schools Framework* (Ministerial Council for Education Early Childhood Development and Youth Affairs 2011) and the *National Framework for Protecting Australia's Children 2009–2020* (Australian Government Department of Social Services 2009). The latter child protection Framework provides an overarching national agenda for change in the way Australia manages child protection issues. Aimed at protecting all children, it also has an emphasis on protecting vulnerable children and families, particularly from child abuse and neglect. Consultation is currently underway for the renewal of this Framework beyond 2020 and there is considerable interest in the processes, priorities and direction of the next national long-term policy approach (Families Australia 2019). Commensurate with an increased focus on the prevention of abuse of children, notions of the 'child safe organisation' and 'child safe culture' have become part of policy idiom. This is reflected in the implementation of the child protection

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<sup>1</sup> Royal Commission into Institutional Responses to Child Sexual Abuse and Royal Commission into the Protection and Detention of Children in the Northern Territory

Framework, as outlined in four Action Plans, focused on priority areas (Australian Government Department of Social Services 2019). A key strategy area in the fourth, and most recent, Action Plan focused on ensuring that “organisational cultures that foster child safety and wellbeing are embedded across organisations engaging with children and young people” (Commonwealth of Australia 2018:7). While laudable, this raises a number of questions concerning the nature of child safe organisations and the kind of cultural conditions that support safety and wellbeing.

### ***What is a ‘child safe’ organisation?***

Given evolving terminology, it is important to understand what is meant by ‘child safe’ in relation to organisations. The concept of child safety initially developed, in the first instance, in the context of child protection activities, which can be viewed “as a reaction to the social change of each prevailing time shaped by country-specific societal and cultural features, including national moralities and ways of judicial and political thinking” (Hämäläinen 2016:734). With the shift from social democracy to neoliberalism at the end of the 20<sup>th</sup> Century, there was a move from child welfare as a broad concern, to a narrower focus on child protection and safeguarding (Rogowski 2015). Child protection generally employed a ‘reactive approach’ to safeguarding children, which almost exclusively had a narrow emphasis on physical, emotional and sexual abuse and neglect, resulting in adverse consequences for the overall safety of children (Smith 2002). Within this, unrealistic demands were made of professionals to ‘ensure’ children’s safety and “a defensive culture [*developed*] that focuses on compliance with targets and rules instead of whether services are providing effective help” (Munro 2012:3). As the child safeguarding discourse evolved, the concept of the ‘best interest of the child’ was promoted and later conflated with the rights of the child following near universal adoption of the United Nations Convention on the Rights of the Child (1989).

The phrase ‘child safe, child friendly’ was first promoted in Australia by the NSW Commission of Children and Young People in the early 2000s. The emergence of discourses reflecting a ‘child safe/friendly’ emphasis served as a reminder to organisations that their task was not just risk detection and mitigation, but also the provision of protective and friendly environments (Smallbone 2017). The notion of ‘child safe’ gained further prominence through the work of the Royal Commission. Child safe institutions, according to the Royal Commission, “create cultures, adopt strategies and take action to prevent harm to children, including child sexual abuse” (2017:135). The Royal Commission adopted the Australian Children’s Commissioners and Guardians’ (2013:2) definition of a “child safe institution as one that consciously and systematically:

- Creates conditions that reduce the likelihood of harm to children and young people
- Creates conditions that increase the likelihood of identifying any harm
- Responds to any concerns, disclosures, allegations or suspicions of harm.”

This definition provided some initial parameters for understanding ‘child safe institutions’. The Royal Commission recommendations further aimed to achieve “cultural change in the community and institutions to ensure that children are valued, their rights are respected and their best interests are paramount” (2017:9). Based on the Royal Commission’s recommended ten Child Safe Standards, the *National Statement of Principles for Child Safe Organisations* (Australian Human Rights Commission 2018), developed by the National Children’s Commissioner and endorsed by the Council of Australian Governments (COAG), aims to drive cultural change in organisations across all sectors and contribute to a nationally consistent approach to child safety and wellbeing in organisations. It builds on the Australian Children’s Commissioners and Guardians’ (2013:3) definition to stipulate that “a child safe institution:

- Creates an environment where children’s safety and wellbeing is the centre of thought, values and actions.
- Places emphasis on genuine engagement with and valuing of children”.

This recent expansion of the definition gives greater depth to the nature of child safe institutions and the cultures that contribute to these, moving beyond safety from harm to include children’s wellbeing. It elevates the status of children from objects of concern to human beings to be engaged with, indicating respect for children and recognition of their capacity to participate in their own safety and wellbeing. However, ‘wellbeing’ itself is a widely promulgated, but often poorly defined, concept (Graham et al. 2017). Conceptually connected with health and happiness, wellbeing is generally perceived as being multi-dimensional and subjective, with the (Australian Institute of Health and Welfare (AIHW) 2009:60) defining it as being “about gaining the strength and capacity to lead a full and productive life, and having the resilience to deal with change and unpredictability”. Recent research in schools found that feeling and being safe were emphasised by students in their conceptualisations of wellbeing (Graham et al. 2017). Findings identified the importance of relationships for young people’s wellbeing and pointed to potentially positive outcomes when a school’s culture fosters relations that result in experiences of being cared for, respected and valued.

### ***How do organisations become ‘child safe’?***

The Royal Commission called for cultural change to ensure that organisations value and respect children (valentine et al. 2016). This call aligns with what has been described as something of a ‘child

protection revolution', in which the focus shifted from compliance with policies and procedures, to cultural change within organisations (Field 2016). Clearly, a 'culture of compliance' is essential for organisations to meet legal and regulatory obligations. Further, as Justice French (2003) pointed out, meeting those obligations requires support by structures, programs and procedures and, in best practice cases, a commitment to an ethical framework. However, compliance mechanisms alone are insufficient to achieve a safe culture, and the 'ticking of boxes' kind of mechanistic compliance that can occur if formal regulatory processes are separated from substantive organisational processes (Tilbury 2014).

The NSW Working With Children Check (WWCC) and similar schemes provide an example of this. Such schemes screen the criminal history of people seeking to work or volunteer in child-related organisations and are recognised as part of a child safe organisation. While the NSW Office of the Children's Guardian acknowledges the WWCC as "a valuable tool in identifying and preventing known offenders from working with children", reviews have identified problems related to its utilisation (NSW Office of the Children's Guardian 2017:6). WWCCs, for example, only identify those who have been reported previously, or come to the attention of authorities, for offences against children and are incapable of predicting potential offenders. Reviews have cast doubt on the effectiveness of WWCCs, raised concerns related to equity and costs, and concluded that alongside routine criminal history checks, organisations also need other mechanisms for identifying and monitoring risk and to further develop their capacity to keep children safe (NSW Office of the Children's Guardian 2017; Tilbury 2014). Without these complementary strategies, the Royal Commission argued that "an over-reliance on WWCCs can be detrimental to children's safety. They can provide a false sense of comfort to parents and communities, and may cause organisations to become complacent due to the belief that people who have undergone WWCCs do not pose any risks to children - this is not the case" (Royal Commission 2015:3).

Implementation of the recommendations made by the Royal Commission, as incorporated into the *National Statement of Principles for Child Safe Organisations* (Australian Human Rights Commission 2018), explicitly requires child safety and wellbeing to be embedded in the organisation's culture. Organisational culture can be understood in terms of both content and form, with content imbued with assumptions, values and beliefs, and norms (Palmer & Feldman 2017:24). In terms of cultural and structural change related to child safety, the attitudes, assumptions, values and behaviours of practitioners invariably come into play (Munro 2011; Smith 2016), requiring attention to both individual and organisational capacity building (Parenting Research Centre 2015).

However, what kind of attitudes and assumptions about children and safety might influence the shift toward child safe organisations? Kehily (2010:172) argues that “contemporary meanings of childhood are shaped by the past and present, located in residual notions of childhood in the popular imagination and in contemporary accounts of risk and crisis”. There are a multiple residual notions about childhood, but included within these are understandings of childhood as a time of innocence, with children positioned as vulnerable, immature, incompetent and ignorant, in a dangerous and potentially corrupting adult world (Kehily & Montgomery 2009). Contemporary notions of risk are closely associated with such understandings, consequently played out in heightened anxiety about child abuse, which Lang (2015:5) considers “epitomizes Beck’s (1992) ‘risk society’, a new age of insecurity characterized by risk consciousness and risk avoidance”. The intersection of these two discourses, of childhood innocence and of risks to children’s safety, often positions children primarily in terms of vulnerability. This is particularly the case for children who are frequently considered more ‘vulnerable’, such as those in out-of-home care and children with disability (Collings & Davies 2008; Keddell 2018; McDougall 2008; Reime 2018). Consequently, the governance of children’s lives (primarily by adults) reflects efforts to protect them from risk (Smith 2014). This governance is embedded in cultures and practices within organisations and the policies that guide and shape these.

Risks to children are not solely from adult perpetrators, nor are children perceived solely in terms of vulnerability (Hendrick 1997). Alternative constructions portray children also as potentially dangerous and a source of risk. This can take the form of bullying, violence, abuse or peer sexual victimisation, which research indicates is a stronger and a more likely concern for many children than adult behaviour (Moore, McArthur & Death 2020). However, while this is a major concern for children and for organisations, it is less evident in the Australian state and territory policy related to child safety, in which safety is predominantly conceptualised in terms of protection from the risk of harm and abuse from adults (Authors 2020).

An alternative discourse, increasingly evident in policy, is one that emphasises children’s participation rights, agency and competence (Kehily 2008). Having some autonomy and control over their environment, and opportunities to influence decisions that affect their lives, can help children to feel safe (Moore et al. 2018; Moore et al. 2016). Evidence from children also supports the importance of an organisational culture that recognises and fosters positive relationships, especially with trusted staff (Powell et al. 2018a; Graham et al. 2017; Moore et al. 2018).

### ***How does policy contribute to 'child safe' developments?***

Policy generally serves multiple purposes and reflects particular constructions of children, of childhood and of safety, which have shifted and developed over time. This is evident, for example, in the emphasis in more recent documents, such as the *National Statement of Principles for Child Safe Organisations* (Australian Human Rights Commission 2018), on children's agency and rights. This important national document explicitly identifies organisational cultural conditions likely to enhance children's safety and wellbeing. Such conditions include an emphasis on children's agency and rights to participation, as well as protection, and the relationships children have with others in organisations. However, given broader risk-related concerns it is conceivable that many organisations will focus predominantly on compliance obligations, documenting procedures and mechanisms for harm reduction, without engaging with the development and strengthening of organisational *cultures* that support child safety and wellbeing.

Far from positioning compliance and cultural considerations as mutually exclusive and/or in oppositional terms, our research instead sought to analyse policy in ways that shed light on how *children* and *safety* are constructed, in order to draw attention to possible implications for how child safety might then be approached and operationalised in practice. Conceptualisations of children in terms of vulnerability, agency and rights, along with understandings of safety, risk and protection, influence policy aims and, in turn, are reflected in their implementation and the cultural conditions that exist within organisations. While international policy comparisons are made elsewhere (Authors 2020), this article closely examines Australian policy to ascertain how child safety is understood, constructed and operationalised. The following questions guided this analysis:<sup>2</sup>

- How is children's safety constructed in National, State and Territory policies?
- Does the policy create the organisational culture necessary to support children's safety and wellbeing?
- Does the policy promote compliance?

## **Methods**

The policy analysis reported below was undertaken as part of Phase 1 in a large Australian Research Council Discovery project focused on ethical practice involving children. This article reports on findings

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<sup>2</sup> Two other questions were also asked, which are not directly relevant to the focus of this article: Is there an ethical emphasis/interest evident within the policy? Does the policy promote elements of relational ethics?



concerning child safety and how policy efforts are framed in supporting organisations to understand and address this.

The policy analysis was undertaken in four stages:

### ***1. Collecting and mapping policies and related documents***

Relevant legislation and policy documents were sourced from websites and key contacts, and captured in a comprehensive database ( $N = 349$ ). The website searches, carried out between May and June 2018 employed keywords such as 'child protection', 'child safety', 'policy' and 'country/state name'. Subsequently, over 20 key experts were invited to review the documents sourced to help triangulate the search data and ensure key legislation and policies had been identified. The legislative documents were analysed for contextual background to inform understanding of the policy landscape of the jurisdictions (Australia, New Zealand, England, Scotland, Wales and Ireland), but not progressed to the next stage of analysis. The policy-related documents, which were progressed, included procedural documents, practice guidelines and standards, codes of practice, action plans and strategies. While searches were conducted across several international jurisdictions, this article pertains only to the documents sourced from Australia.

The inclusion criteria were:

- Policies that pertain to all children and their safety, including in the diverse contexts in which they live their lives (e.g., schools).
- Policies specific to children with disability and in out-of-home care (sectors in which children are considered particularly vulnerable).
- Policies relevant to practice involving children and the lived experiences of children in organisational contexts.

### ***2. Categorising and analysing***

The documents that met the inclusion criteria, 56 of which were Australian (see Table 1), were analysed using a summative content analysis approach (Hsieh & Shannon 2005). This involved searching for the words within the documents, to ascertain whether or not terms of interest were present. The inclusion of words was the key interest, not quantifying how many occasions the word appeared in each document. Relevant keywords and content in the selected policy documents were compared, followed by interpretation of the underlying context. The keywords used to ascertain the extent to which documents were of particular interest to the project, included: 'child safe', 'safe/ty',

'safeguard', 'protect/ion', 'vulnerable', 'ethic/s/al', 'professional practice/conduct', 'relationship', 'rights', 'power/empower/ment', 'respect', 'trust', 'child-centred' and 'participation'<sup>3</sup>.

### **3. Statistical analysis of keywords**

Keywords that described similar constructs were clustered into five themes for further analysis – safety, protection, ethical/(un)professional practice, relationship, and rights and agency. The frequency of keywords and themes within the demographic characteristics of the policy documents, such as country of origin, sector, document type, and date of publication were counted. Keywords were clustered into themes as follows:

#### *Safety:*

- Child safe – related to children's safety in organisations and keeping them safe.
- Safe/ty – in relation to children.
- Safeguard – in relation to children and young people.

#### *Protection:*

- Protect/ion – related to protecting children or children needing protection (including from risk of harm in organisational contexts).
- Vulnerable – related to describing/conceptualising individual, or groups of, children as vulnerable.

#### *Ethical / (Un)Professional Practice<sup>4</sup>:*

- Ethic/s/al – in relation to organisational or worker practice, activities, approaches involving children; organisation or worker ethics and values (excluding references to ethical codes and/or data storage and sharing).
- (Un)Professional conduct/practice/behaviour – in relation to adult's work/practice/behaviour in relationship with children (including inappropriate/unprofessional relationships).

#### *Relationship:*

- Relationship – reference to developing, maintaining and engaging in positive and appropriate relationships between children and adult workers/practitioners.
- Trust – in the context of a relationship between adult worker and child/ren.

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<sup>3</sup> The words 'wellbeing/well-being' were intentionally not included as keywords, given the conflation of this with 'safety' found elsewhere (see Powell & Graham, 2017) and the key interest of this study in how 'safety' was represented and conceptualised.

<sup>4</sup> These keywords, while important to the larger study, are not addressed in this particular article.

- Respect – in the relationship context between adult worker and child/ren (excluding reference to respect as an abstract concept e.g., respect for children’s rights).

*Rights and agency:*

- Rights – in relation to and/or recognition of children’s rights.
- Em/power/ment – in relation to empowering children and/or recognising power differences between children and adults.
- Child-centred – in reference to organisational or individual worker practices and/or approaches.
- Participation – in reference to children’s participation in decision making, activities and/or influencing decisions.

Statistical analyses of keywords involved frequencies, percentages and Fisher’s exact tests. The latter were used to investigate potential contingencies between the frequency of key words and themes across demographic categories, such as across sectors or across countries. Fisher’s exact tests (rather than Chi square tests) were considered appropriate given small frequencies in some categories.

#### **4. Content analysis**

Content analysis allows texts (in this case policy texts) to be examined ‘in order to understand what they mean to people, what they enable or prevent, and what the information conveyed by them does’ (Krippendorff 2019:2). In this study, content analysis was employed to explore whether the language used to depict child safety in organisations working with children and young people signalled a focus on the organisational *cultural conditions* to enhance children and young people’s safety or whether it potentially reflected *compliance-based interests*.

[INSERT TABLE 1]

## **Findings and Discussion**

In the following sections we draw on the findings from the analysis of keyword themes to report on key interests. How children are constructed in Australian policy is explored, based largely on findings from the protection, rights and agency themes. Understandings of safety are drawn from the safety theme. Findings across the themes, highlight how policies position the organisational cultural conditions necessary to support children’s safety and wellbeing. Throughout the discussion, distinctions are made between policy contexts, in particular between: a) policies focused on child safe

organisations; b) cross-sector policies; and c) sector-specific policy, namely, out-of-home care and disability given these are two sectors where children are considered particularly vulnerable.

### How are children constructed in Australian policy?

Two key constructions of children were evident in the policy, with these broadly aligning with those identified in international jurisdictions (Authors, forthcoming). These constructions were focused on vulnerable children needing protection from harm (in 76.5% of Australian national and 87.2% of state and territory documents) and recognition of children's rights, agency and capabilities (in 94.1% of Australian national and 84.6% of state and territory documents) (see Figure 1). These constructions, which align with those found in discourses around child protection (Collings & Davies 2008), reflect the dominant social discourses described earlier.<sup>5</sup>

[INSERT FIGURE 1]

Whilst Fisher's exact test showed there was no significant contingency between the frequency of themes and national or states documents ( $p > .05$ ), the qualitative analysis suggested that the states and territories documentation more often constructed children in terms of vulnerability, and less often in terms of agency and participation rights, than the national policies. This may, in part, reflect the statutory responsibilities of state and territory government departments, evident in policies from child care and protection, family support and justice agencies. However, there was considerable variation between the states, as shown in Figure 2.

[INSERT FIGURE 2]

Some national documents took a scaffolded approach, with different degrees of children's vulnerability to abuse taken into consideration. The *National Framework for Protecting Australia's Children* (Australian Government Department of Social Services 2009), for example, was aimed at protecting all children, but used a public health model that increasingly targeted vulnerable and 'at risk' children and families. Reflecting this, the concomitant four Action Plans (*Protecting Children is Everyone's Business*, COAG, 2009, 2012, 2015, 2018) were progressively more focused on priority areas of concern.

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<sup>5</sup> While included in the UN Convention on the Rights of the Child, it is important to note that the 'protection' keyword cluster used in the policy analysis here (protect\* and vulnerab\*) does not include references to children's *right* to protection. Rather, it includes direct references to children's vulnerability and needing protection.

Within the documents, overall, 'vulnerability' was largely vested in the child or young person or within their families. Conditions or factors within the organisation, or more broadly within the cultural or societal context, which potentially serve to increase or mitigate vulnerability were not recognised or attended to. Such individualistic framing and tendency to ignore socio-political realities potentially underplays systemic factors, even in contexts where such factors, for example, poverty, inequality and community violence, are in the foreground (Schmid 2015) and contribute to the harms experienced in families (Featherstone, Gupta & Morris 2017).

### ***How are children constructed in documents focused on child safe organisations and environments?***

Policies specifically aimed at creating child safe organisations recognised both children's vulnerability and their rights and agency. This is particularly noteworthy given that these documents are more recent. The *Victorian Child Safe Standards* (Department of Victoria Health and Human Services 2015), for example, explicated the rights of children, including to protection and to not be injured, to make decisions about their own body and privacy, and to raise concerns. There was an emphasis on the participation and empowerment of children, although this was only in relation to safety from abuse.

The child safe organisation documents also tended to link vulnerability with children's experiences or circumstances. The *Guidelines for Building the Capacity of Child Safe Organisations* (Australian Government Department of Social Services n.d.), for example, recognised that children are vulnerable in different ways, and that this is potentially compounded for children who are Australian Aboriginal or Torres Strait Islander, have a disability, or have experienced homelessness or abuse. It also acknowledged that 'other circumstances or experiences may be significant although less visible' (Australian Government Department of Social Services n.d.:1).

### ***How are children with disability and in out-of-home care constructed in Australian policy documents?***

Some children are perceived as particularly vulnerable, including children in out-of-home care and those with disability, and recognised as requiring additional safeguarding (McDougall 2008; Powell et al. 2018b). However, a key finding of interest in our policy analysis was the silence and invisibility around these particular groups of children in Australian cross-sector policy. References to children with disability and in out-of-home care were minimal in national documents aimed at *all* children (that is, documents that were not sector specific). Those references, when they did appear, tended to be solely in the contexts of vulnerability and the need for support and protection.

### *Children with disability*

The *National Framework for Protecting Australia's Children* (Australian Government Department of Social Services 2009) listed disability as a known risk factor for abuse and neglect and stated that enhanced support was needed for children and/or parents with disabilities.<sup>6</sup> Children with disability were not mentioned at all in the first Action Plan. However, disability was a priority area in the second Action Plan, enacted to look for opportunities to link with the rollout of the National Disability Insurance Scheme (NDIS) and the National Disability Strategy. An exception to the general silence around children with disability was the *Victorian Child Safe Standards* (Department of Victoria Health and Human Services 2015), in which promoting the safety of children with disability was integral and one of three underpinning principles (the other principles were promoting the cultural safety of Aboriginal children and children from culturally and/or linguistically diverse backgrounds). The *Victorian Child Safe Standards* noted that children with disability have an increased risk of being abused and are less likely to receive protection and support.

Documents that focused specifically on children with disability constructed children and young people in ways that recognised their agency, rights and capabilities, to a greater extent than their vulnerability and need for protection ( $p < .05$ ). As is evident in Figure 3, the 'rights' theme is included in two thirds of the documents in the disability sector (66.7%).

[INSERT FIGURE 3]

However, the disability sector documents looked only at specific aspects of children's lives. The primary national policy responses to children with disability were incorporated within disability policies that took a life-course approach, which tends to diminish any focus on the needs and priorities of children. The NDIS primarily gave attention to children in terms of early childhood, early intervention and the appointing of child representatives, none of which had high level documented policies. However, the *NDIS Quality and Safeguarding Framework* (Australian Government Department of Social Services 2016) made greater reference, including recognition that children with

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<sup>6</sup> This brief reference was somewhat overstated in the *National Disability Strategy 2010-2020* (Council of Australian Governments 2011:40), which noted that the National Framework 'includes enhanced support for children or parents with disability to protect their rights, particularly the right to a safe, healthy childhood free from abuse and neglect'.

disability may be at higher risk of abuse, particularly those involved with the justice or child protection systems. Children are conceptualised as needing protection from the risk of abuse or harm from self or others, but their right to participate in decisions that impact on them was also acknowledged.

#### *Children in out-of-home care*

Similar to the findings concerning children with disability, references to children in out-of-home care were minimal in national cross-sector documents. They were not specifically referred to in any of the child safe documents reviewed, although references to the particular vulnerabilities of some children and young people in some documents were likely referring to them. However, one document where children in out-of-home care featured significantly was the *National Framework for Protecting Australia's Children* (Australian Government Department of Social Services 2009:25). This policy document includes the plan to develop and introduce ambitious National Standards for Out-of-home Care to support the specific outcome that 'Children who have been abused or neglected receive the support and care they need for their safety and wellbeing' (Outcome 4), which were further prioritised in the first Action Plan.

Also, similar to children with disability, within sector specific documents children and young people in out-of-home care were constructed in terms that were resonant with their agency and rights. Figure 4 shows that this emphasis was evident in the state and territory documents to a greater extent than children's vulnerability ( $p < .05$ ). Hearing the voices of children and young people, and promoting their participation in decision-making, were evident. The *Strategic Plan for Out-of-home Care in Tasmania 2017-2019* (Tasmanian Government Department of Health and Human Services 2017:7), for example, advocated "taking a preventive, proactive and participatory approach" to keeping children safe, which included children and young people's views being heard and having a genuine impact on system design and decisions about their care.

[INSERT FIGURE 4]

While children and young people with disability are over-represented within child protection services in Australia (CREATE 2012), this was not consistently recognised in the out-of-home care documentation analysed. Some included no reference to children with disability, whereas others included much more frequent reference. Children with disability were explicitly included in the *National Standards for Out-of-home Care* (Department of Families Housing Community Services and

Indigenous Affairs and the National Framework Implementation Working Group 2011), for example, which aimed to develop and support best practice for out-of-home care.

### How is children's safety conceptualised in Australian policy?

The majority of Australian national (88.2%) and states and territories (94.9%) documents analysed included direct reference to children's safety (see Figure 1). In these documents, safety tended to be conceptualised in relation to protecting children from the risk of harm and abuse (evident in 20 out of 39 states and territories documents). Other conceptualisations were also evident, most notably in recent key policy documents, which tended to conceptualise safety in conjunction with 'wellbeing'.

#### **Safety from risk of harm and abuse**

Some documents, including child safe standards, explicitly defined safety in terms of abuse and neglect, and primarily in terms of abuse that occurs within organisations. Notably, care and protection policies regarded safety in terms of risk of harm and abuse, but also tended to construct children in terms of vulnerability and needing support and protection, with no reference to their capabilities or participation rights. This suggests that constructions of children in terms of vulnerability may be closely associated with the need for protection from abuse and neglect. Some documents, most notably from the education sector conceptualised safety in terms of risk from harm other than child abuse, such as harm from bullying or from potentially injurious (to self, or other) behaviour, which children with a disability and in out of home care are more vulnerable to (Queensland Department of Education and Training 2017). The *ACT Safe and Supportive Schools Policy* (ACT Government Education Directorate 2016), for example, perceived safety in relation to behavioural risks in school, in terms of preventing and addressing bullying, harassment and violence; and safely responding to complex and challenging behaviour.

#### **Safety and wellbeing**

Broader conceptualisations of safety were evident in some of the out-of-home care and disability documents with the pairing of 'safety' with 'wellbeing'. The *National Framework for Protecting Australia's Children Australian* (Australian Government Department of Social Services 2009:7), for example, specifically advocated a "move from seeing 'protecting children' merely as a response to abuse and neglect to one of promoting the safety and wellbeing of children". However, for the most part, neither safety nor wellbeing were well defined in the documents analysed, although broader contexts were evident. A public health model was evident in the child protection policies targeted toward 'at risk' children. For example, the *National Standards for Out-of-Home Care* (Department of



Families Housing Community Services and Indigenous Affairs and the National Framework Implementation Working Group 2011), suggest that promoting the safety and wellbeing of children and young people by applying a public health model to care and protection will deliver better outcomes for our children, young people, and their families. Similarly, the *National Framework for Protecting Australia's Children* (Australian Government Department of Social Services 2009) promotes a public health tiered approach, albeit with an emphasis on 'vulnerable children and families'.

Notably, there is an absence of broader conceptualisations of safety in the disability-specific policy documents. The *Disability Standards for Education* (Commonwealth of Australia 2005), for example, include standards for harassment and victimisation, including strategies and programs to support the rights of students with disabilities and their 'associates' to education in an environment that is free from discrimination caused by harassment or victimisation. However, while there is an implied understanding in this regard, 'safety' is conceptually absent.

Likewise, while the *NDIS Quality and Safeguarding Framework* (Australian Government Department of Social Services 2016) notes that children with intellectual disabilities may be at higher risk of abuse, the *NSW Disability Inclusion Action Plan 2016-2019* (NSW Ministry of Health 2016) makes no reference to safety.

### **Cultural safety**

Cultural safety (in relation to children's culture, rather than organisational culture) is a concept referred to in several documents. This is a key underpinning principle in relation to Indigenous and culturally and linguistically diverse children in the *Victorian Child Safe Standards* (Department of Victoria Health and Human Services 2015:11), evident in implementation ideas such as: "Provide culturally safe environments for Aboriginal children, for example by having a cultural safety charter, or developing cultural safety or support plans in partnership with Aboriginal children, families and communities". However, detail about what constitutes 'cultural safety' was limited.

### **How do the policies encourage organisational cultures that support children's safety and wellbeing?**

Procedural mechanisms for preventing, identifying and responding to risks of harm are key elements in policy that promote children's safety. Alongside these, other elements are evident that contribute to developing organisational cultures where children's safety and wellbeing are central to thought and action. Cultural conditions that support children's safety and wellbeing include recognition of

children's agency and rights, to participation as well as protection, and the importance of key relationships characterised by trust and respect. These elements were identifiable in the policy analysis across the themes, particularly terminology related to relationships, rights and agency. The importance of *both* procedural mechanisms, which invite compliance, and cultural conditions is recognised in the first principle of the *National Statement of Principles for Child Safe Organisations* (Australian Human Rights Commission 2018:5), "Child safety and wellbeing is embedded in organisational leadership, governance and culture". The key action areas to support this principle include governance arrangements that are transparent, such as "a child safety and wellbeing policy, practice guidance, a Code of Conduct and a risk management framework" (Australian Human Rights Commission 2018:7). Such regulations and procedures are indisputably important, but as flagged earlier, it is critical that the cultural conditions in organisations help ensure that approaches to child safety go beyond compliance with governance and procedural mechanisms.

Key elements that promote the cultural conditions to support children's safety and wellbeing were evident in some documents focused on child safe organisations. The *Child Safe Organisations WA Guidelines* (WA Commissioner for Children and Young People 2016:9), for example, emphasise a 'child friendly' approach, situating children at the centre of the policy in terms of "safe, supported and valued children and young people". While compliance with procedures is promoted, the importance of children's participation is recognised and the power relationships inherent in community service organisations acknowledged. The *NSW Child Safe Standards for Permanent Care* (NSW Office of the Children's Guardian 2015) also promote the cultural conditions for children to thrive and feel safe, with standards relating to providing a positive care environment (Standard 2), having a positive sense of identity (Standard 4), participation in decision making (Standard 6), emotional and social behaviour (Standard 8) and behavioural support (Standard 10).

Elements that support the cultural conditions for children's safety and wellbeing were identified in the policy analysis in terminology that recognises children's rights and agency (keywords: rights, em/power/ment, child-centred and participat\*) and relationships between children and adult workers (keywords: relationship, trust\* and respect\*). While most of the Australian policies referred to children's rights and agency, considerably fewer made reference to relationships, with the keywords 'relationships', 'trust' and 'respect' appearing in 58.8% of national and 46.2% of state and territory documents (see Figure 1).

### ***How do policies represent relationships to support children's safety and wellbeing?***

The inclusion of relationships was evident in some recent documents, such as the *Child Safe Organisations WA Guidelines* (WA Commissioner for Children and Young People 2016:8), which included views expressed by children and young people that “staff and volunteers need to be engaging, trustworthy and involved ... be proactive in connecting with children and young people to enable them to raise issues”. Keywords related to relationships were also evident in education documents, for example, the *National Safe Schools Framework* (2010). The second element (of nine) in the Framework was “a supportive and connected school culture”, which included “positive, caring and respectful student-peer relationships, student-teacher relationships and teacher-teacher relationships” (p. 6). Generally, though, relationships were mentioned in the education documents in the context of professional boundaries and the violation of these.

### ***Organisational culture and children's safety in out-of-home care and disability sector documents***

The national and state documents in the out-of-home care sector reflect a focus on creating and promoting the cultural conditions for children's safety and wellbeing, recognising the importance of children's agency and relationships. This includes promotion of a culture that fosters children's participation, such as in the *ACT A Step Up for Our Kids: Out of Home Care Strategy 2015-2020*, which recognises the importance of empowering children and young people:

Ultimately, the best protection for children and young people in care is that they have a voice, that is, that they are empowered to participate in decisions about their own lives, and that they are engaged in a community which accepts responsibility for the safety and protection of all children and young people (ACT Government Community Services 2015:18).

The importance of relationships in the out-of-home care sector was evident in documents with a policy emphasis on security, stability, continuity of relationships and social support. While indirect references were made in some documents, relationships between children and workers feature significantly in *A Step Up for Our Kids* (ACT Government Community Services 2015), as the out of home care system is recast as a therapeutically-oriented, trauma-informed system of care.

In the disability sector, the documents analysed predominantly call for compliance, rather than promoting cultural conditions which recognise the importance of children's rights and relationships. The *Disability Standards for Education* (Commonwealth of Australia, 2005), for example, set out a process to be followed, including a statement of rights, legal obligations and measures that, if

implemented, will be evidence of compliance with the legal obligations. The NDIS *Quality and Safeguarding Framework* (Australian Government Department of Social Services 2016:11) 'is designed to balance the need for appropriate protections that meet governments' duty of care obligations with the need to enable participants to take reasonable risks so they can reach their goals'. However, the aspects directly relating to children are primarily compliance focused, for example, screening workers (such as potential workers undergoing a Working with Children check), compliance of providers with relevant child safety arrangements operating within their jurisdiction, and implementation of state-based regulation governing the use of restraint in schools.

## Conclusion

Exploring how children are positioned and how safety is constructed in policy provides important insight into the ways in which organisations might respond to current requirements to demonstrate they are 'child safe'. The policy analysis reported above, suggests that some quite specific policy related responses have already emerged regarding the direction laid out in the Royal Commission recommendations. In recent documents, particularly those focused on 'child safe' organisations, there is a shift toward intentionally developing and sustaining a 'child safe' culture. Alongside the call for strengthening of procedures and governance for organisations to comply with, there is a shift evident in some policy content that clearly aligns with the Royal Commission recommendations around cultural change, including having children's safety and wellbeing at the centre of thought, values, actions, and relationships. Ostensibly, this reflects a growing emphasis on genuine engagement with and valuing of children. Needless to say, reflecting the spirit of such recommendations in policy is not sufficient in and of itself to foster the kind of cultural change that is likely required to effectively and respectfully support children's safety and wellbeing.

Policy can be understood in terms of setting out to address particular 'problems' (Bacci 2012), thus how the problem is perceived has implications for policy development and implementation. Understanding child safety as socially constructed, and located at the intersection of different discourses, provides insight into the problem of 'child safety'. The way in which children are positioned and safety is constructed in policy functions to reinforce or challenge particular beliefs, values and attitudes in practice and, ultimately, to enable or constrain children's safety and wellbeing. The two key constructions of children evident in the Australian policy documentation, which highlight children's vulnerability or alternatively children's participation rights and competencies, evoke different understandings and approaches that organisations may take to promoting children's safety and wellbeing. Perceiving children in terms of vulnerability will often reflect a protective stance.

However, protection without appropriate recognition of children’s agency and participation rights, may limit efforts aimed at their protection. As noted by the United Nations General Assembly (2011), “a child rights-based approach to child caregiving and protection requires a paradigm shift towards respecting and promoting the human dignity and the physical and psychological integrity of children as rights-bearing individuals rather than perceiving them primarily as ‘victims’”.

Recent research highlights that having opportunities for participation is positively associated with children’s wellbeing (Graham et al. 2018) and that their safety may be enhanced when they are empowered to participate in organisational contexts (Graham, Powell & Truscott 2016). However, policy that constructs children primarily or predominantly in terms of vulnerability tends to perceive safety as an adult responsibility. Thus, it potentially compromises children’s capacity to participate in practices that enhance their own and each other’s safety. Practitioners within organisations are cast in the more paternalistic role of protector, while children’s agency is minimised and sidelined and their powerlessness within relationships and organisational structures is reinforced (Archard 2014; Warrington & Larkins 2019).

While many of the documents included references to children’s rights, in some these were fleeting, appearing more akin to a checklist exercise for organisations to comply with. In others, the rights references seemed aspirational in nature, informing the *philosophical* underpinnings of the policy, but not integrated throughout the documents in a way that might suggest rights were fundamental to the *implementation* of policy into practice. Such findings raise the possibility that tokenistic expressions of children’s rights in policy texts beg close attention from those engaged in promoting the safety of children. We suggest, as a starting point, that policy claiming a child-rights approach grounded in the UNCRC (United Nations 1989) needs to reflect a balance between protection, provision and participatory rights and the duties/responsibilities of adults – in line with Article 5 which also includes the concept of the child’s evolving capacities:

States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention.

The policy findings related to children with disability and those in out-of-home care shine further light on unfulfilled aspirations around 'children's rights'. When these children do feature in cross-sector policy it is primarily in terms of their perceived vulnerability. Different constructions of children in cross-sector and sector-specific policy have potential implications for the way that the safety and wellbeing of children and young people is attended to across contexts, such as schools or other organisations. The construction of children with disability and in out-of-home care in terms of agency, rights and empowerment in sector-specific documents seems more likely to contribute to their increased wellbeing and safety, than the emphasis on vulnerability in other contexts. As Collings and Davies (2008) point out, discourses of the vulnerable child can obscure other possibilities for thinking about the children and "completely elide a counter-discourse of the child as having agency and a capacity to contribute to decisions about their own welfare". As such, some existing sector-specific policy that highlights agency and rights potentially prompts a different mindset and response in practice terms.

Organisations are now obliged to ensure through their child safeguarding efforts that children and young people under their care, or to whom they are providing services, are indeed safe. Less clear perhaps, is the ways in which organisations can fulfil those responsibilities and duties to ensure that children's rights to protection and participation are upheld wherever they may be. Policy clearly has a role to play in this, helping to signal the cultures we need to be creating to operationalise policy imperatives and improve child safety and wellbeing in meaningful, functional ways. While beyond the scope of this article, a further area that needs to be addressed in considering child safety in organisations is the issue of children's embeddedness in their families and wider kinship groups. This is pertinent for all children and young people, and particularly so for Indigenous children, very young children and those in out of home care.

One way forward may be for national bodies and organisations to explore whether, and how, the trends, issues and meanings we have identified in the above policy analysis are present or absent, explicit or implicit, in their own relevant policies. Such review will make it possible for them, for example, to identify how, with amendment, the identified policy emphasis could shift from presenting as overly protective or too aspirational to accommodating language throughout that signals a more agentic child capable of participating. Whether such an approach to policy framing would create any impetus for change in practice depends, of course, on whether it is reflected in processes and procedures that give effect to it. As the child safety policy landscape continues to unfold in Australia we might do well to consider how change in mindsets and practice might also be encouraged.

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