12 July2019

**Introduction**

# Megan Mitchell, National Children’s Commissioner

# Child Safety Presentation to the Australian Government Department of Education

I would like to begin by acknowledging the traditional custodians of the land on which we meet, the Ngunnawal people, and pay my respects to elders past, present and future.

It is a pleasure to be here alongside Kathryn Mandla, the Head of the National Office for Child Safety.

Many thanks to Dr Michele Bruniges AM and the Department for inviting me to speak with you today about my work as the National Children’s Commissioner on developing and advancing National Principles for Child Safe Organisations.

As many of you would know, this work stemmed out of the Royal Commission into Institutional Responses to Child Sexual Abuse. It also grew out of the National Framework for Protecting Australia’s Children.

Today I would like to talk with you about: my role as the National Children’s Commissioner; development of the National Principles and their ongoing promotion; and my recent report to the United Nations Committee on the Rights of the Child.

**Role of the National Children’s Commissioner**

First, a very brief overview of the role of the National Children’s Commissioner, based at the Australian Human Rights Commission.

As you would know, the Commission is an independent statutory body and Australia’s national human rights institution, set up under federal legislation in 1986. We report to federal parliament through the Attorney-General.

The role of Australia’s first National Children’s Commissioner was established in 2013, and I have filled the role since then. Last year, my term was extended for a further two years, primarily to allow me to focus on the National Principles work and to report to the United Nations on Australia’s progress against the Convention on the Rights of the Child (CRC), which Australia ratified in 1990.

The functions of the National Children’s Commissioner include:

* Promoting discussion and awareness of children’s rights.
* Undertaking research, educational and other programs that promote respect for children’s rights.
* Assessing whether laws, bills and policies protect children’s rights.
* Reporting on children’s rights issues in Australia.

The Convention is the main guiding document for my work. It covers a broad spectrum of children’s rights and covers all the basic preconditions children need to do well – like having a home and a family, being able to access quality healthcare, getting a good education, being safe and being protected from violence, abuse and neglect.

The Convention is underpinned by four guiding principles:

* children’s right to survival and development
* non-discrimination
* the best interests of the child, and
* children’s right to participate in decisions that affect them.

Since I began my term, I have conducted a number of focused investigations on child rights issues, and submitted five reports to parliament. These investigations have necessitated broad engagement with a wide range of stakeholders, covering issues such as: self-harm and suicide; children’s exposure to family violence; the treatment of children in custodial detention; and the needs of teen parents and their children. I continue to work and advocate in these areas.

I also spend as much time as I can speaking with children and young people about what matters most to them.

Two things I often hear from children and young people when we talk about their safety and wellbeing, are that:

* they want to be able to have say, and
* they expect adults not just to listen to them, but to take action when they know something is not right.

These themes also resonated throughout much of the Royal Commission’s work – unfortunately, in many cases children were either not given a platform to speak or not listened to when they did. And, as we know, many adults failed to act as they should have when child abuse came to light.

**Development of the National Principles for Child Safe Organisations**

**Background: The Royal Commission**

I was closely involved with the Royal Commission’s work, particularly those aspects that focused on prevention of child abuse in the future, and made a number of submissions to it.

During its term, the Royal Commission developed a framework containing ten elements or standards designed to make institutions ‘child safe’. It recommended that these Child Safe Standards be adopted in all institutions that engage in child-related work.

The Royal Commission acknowledged that child safe frameworks should have a broader application than the prevention of sexual abuse alone and should guide organisations in how to prevent, identify and improve responses to physical, sexual, emotional and psychological abuse and neglect of children. These child safe frameworks should also help organisations to ensure children’s wellbeing more broadly.

**Development of the National Principles**

The Royal Commission recommended that its Child Safe Standards be adopted as part of a National Statement of Principles for Child Safe Organisations, which were already in train, and that the Council of Australian Governments (COAG) endorse the National Principles.

In 2017, at the request of the Australian Government, we began the process of developing the National Statement of Principles based on the Royal Commission’s work, but with a broader scope that goes beyond sexual abuse to cover other forms of potential harm to children. The Principles also include related action areas, and indicators of success.

Over the next two years the Principles were refined through consultations with various sectors, advocacy groups, academics and Commonwealth, state and territory government officials. Two advisory groups were established to assist us in that task. At the same time we went about developing a suite of training resources and support material to assist organisations implement the principles in practice. These were based on requests and inputs from the networks established as part of the process.

Happily, in February this year, the National Principles were endorsed by COAG.

I also consulted with children and young people about what makes them feel safe and included in organisational settings. They told me about the importance of being treated with respect and dignity; the need to feel welcome and a sense of belonging; how organisations should be more genuine, responsible and responsive; and how unfairness should be addressed. They also said they want adults to be good at what they do, and care about them and their hopes and dreams. One of the strongest themes I heard from children and young people was that they want their voices and views to be heard by adults, and they need to be able to do this in multiple ways.

**Overview of the National Principles**

So, what do the National Principles say?

* The first four principles emphasise getting the organisational culture right, including committed leadership and appropriate governance mechanisms. They focus on children learning about their rights and being empowered to speak out, addressing children’s diverse needs, and informing and involving families in the organisation’s approach to child safety and wellbeing.
* Principles 5, 6 and 7 are about the organisation’s processes for recruiting, screening, training and supporting staff and volunteers, and dealing with concerns, complaints and incidents.
* Principle 8 focuses on managing risks to children in physical and online environments.
* The final two principles focus on the need for current, accessible child safety and wellbeing policies and procedures, and the need for them to be regularly reviewed and improved.

Importantly, the National Principles are grounded in a child rights approach, which recognises children and young people as active participants rather than passive onlookers. They also recognise that children derive many benefits from organisations set up to help them, such as schools. They are national in nature to support organisations that have a footprint in more than one jurisdiction.

The Principles are intended to drive the implementation of child safe cultures in all organisations across Australia that engage with children and young people. They are relevant to organisations of different sizes and across all sectors, from volunteer-run playgroups to local sports clubs, childcare centres, schools, churches and more.

And, of course, they are relevant to you and your work. I understand that Kathryn Mandla will be speaking about the responsibilities of Commonwealth organisations and the education sector to implement the National Principles.

I will just say two quick things about implementation.

First – implementation needs to involve all levels of the organisation, and it needs to be an ongoing conversation, not a quick fix. The whole organisation – from the top down and bottom up – needs to go on a child safety journey to achieve genuine and lasting change.

Second – the conversation needs to involve children and young people, not just adults. This should be done using culturally appropriate and age appropriate strategies to seek and listen to the views of children and young people; to allow them to take part in decision-making; to inform them about their human rights; and to empower them to raise concerns when something is wrong.

**Child Safe Organisations project**

The National Principles are at the heart of the Child Safe Organisations project at the Australian Human Rights Commission.

With the support of the National Office for Child Safety, we have been busy developing practical resources to help organisations implement the National Principles. These include:

* A regular **e-newsletter**.
* A Child Safe Organisations **website**.
* A **video** that gives an overview of the National Principles.
* An **introductory self-assessment tool** to help organisations consider their current child safe practices and areas for improvement.
* A template for a **Charter of Commitment** that can be developed in consultation with children and young people.
* An example **Code of Conduct**.
* A template for developing a **Child Safety and Wellbeing Policy** that addresses the ten National Principles.
* An **online safety checklist** for organisations, developed in partnership with the Office of the e-Safety Commissioner.

We have also developed a **guide for parents and carers**, which helps them consider whether organisations are child safe. And there are more resources in the wings.

Soon, we will be releasing a set of online training modules that will take people through the ten National Principles in an interactive way. The modules will be freely available on our Child Safe Organisations website and I encourage you to go online and see what is available there. We are of course also happy to work directly with you in advancing your own efforts to embed child safety.

There are a range of other resources developed at the Commission that support our ongoing role in promoting the principles and helping to build the capacity of child serving organisations.

And we continue to work through the Commission’s wide range of networks, partnerships, campaigns, and educational activities to promote child safety and wellbeing in organisational settings. At present I am particularly focused on the less well regulated and harder to reach sectors and services for children.

We have a long history of partnering with various sectors to address issues like racism, sexism and disability discrimination, and we see our work on child safe cultures as a natural extension of that work.

This includes working with Children’s Commissioners and Guardians and human rights agencies across Australia; the sporting community, especially through our long association with Play by the Rules; the business community through our business and human rights network; our recently established technology and human rights partnership; our anti-racism campaign partners; our Australian Public Service training program, and our program of educational resources. These include a new video teaching children about their rights, and a series of educational resources mapped to the Australian curriculum and the early childhood quality framework.

As a next step in our ongoing commitment in this area, I will be hosting a forum in August, bringing together a number of international, national and federated organisations to exchange information about how they are implementing the National Principles. We will also continue to engage with child serving organisations through child safe training activities.

**Report to the UN Committee on the Rights of the Child**

To finish up, I want to turn to Australia’s engagement with the United Nations on children’s rights issues. Late last year, the Australian Human Rights Commission reported to the UN Committee on the Rights of the Child on Australia’s performance under the CRC. These reporting cycles occur every 5 to 6 years, and both the Commission and the Australian Government submit reports.

Our report is the first that has been submitted to the UN since I was appointed as Australia’s first National Children’s Commissioner. I also had the privilege of appearing before the Committee in February and talking to our submission and its recommendations. This is significant because it has enabled us to create a public report that provides a comprehensive assessment of children’s rights in the Australian context, and to convey that to the UN Committee in Geneva.

We conducted an extensive amount of consultation in preparation for the report: we held roundtables with over 100 stakeholders and received 127 written submissions. I met with hundreds of children face-to-face and was able to hear from 22,700 other children through an online national poll.

In the Kids’ Rights Survey, which we ran in partnership with ABC’s Behind the News, children ranked their top three rights as the rights to be safe, to be cared for and to have a home, and to be able to breathe clean air and drink clean water. Older children ranked getting an education in their top three rights.

And while most children in Australia are doing pretty well, going forward, we have much work to do to ensure all children in Australia are able to claim their basic rights. A central message in our UN report is the need for stronger measures in policy, law and practice in Australia to protect children and advance their rights.

We made 60 recommendations, including in relation to education that:

* Australian Governments ensure all children receive respectful relationships education.
* Australian Governments make an ongoing commitment to the National Early Childhood Quality Framework and provide more investment in Aboriginal and Torres Strait Islander specific programs in early childhood education and care.
* The Nationally Consistent Collection of School Students with Disability includes children that do not qualify for support.
* The Australian Government commissions an investigation into the use of restrictive practices in Australian schools.
* The Australian Government raise awareness of the importance of Indigenous languages in educational settings.

A key overarching recommendation was that the Australian Government should develop a National Plan for Child Wellbeing, using the CRC as its foundation, and supported by a national data framework. Among the many current data gaps highlighted in the report was national information on suspensions and expulsions.

It is imperative that we move forward with a comprehensive strategy to address child wellbeing in areas like poverty, homelessness, health and mental health, bullying and harassment, exposure to violence – and that such a plan is underpinned by robust evidence and data.

The Australian Government is due to appear before the UN Committee in Geneva in September, after which the Committee will release its concluding observations and recommendations.

Later this year, I will also table a statutory report in federal parliament. This will be a public facing 'state of the nation' report on children's rights in Australia, incorporating the Committee’s concluding observations. My hope is that this report can be utilised to provide a benchmark for child rights and wellbeing in Australia, and a core advocacy tool against which progress can be measured into the future.