

The Rights of a Child – an Australian perspective

The United Nations Convention on the Rights of the Child was ratified by Australia in December 1990. Our Australian government has committed to “make sure every child in Australia has every right under each of the 54 articles in the Convention.” This year marks the 25th anniversary of the UN Convention on the Rights of the Child.

Currently there is a Royal Commission being conducted in Australia dealing with historical sexual abuse within institutions. This is exposing a dark history and the findings are very public. The church and school institutions that were so trusted have left a longstanding and permanent impact on the victims. As adults many have never been able to sustain stable relationships or hold down permanent employment. We know from our professional experience and current research that many children in our society continue to be affected by many forms of abuse.

Examples of institutions that focus on the needs and rights of children

There have been a range of approaches to managing the rights of the child. From a systemic level, we have a government department – currently named **Department of Family and Community Services** who has the statutory powers to deal with reported cases of child abuse. Teachers, nurses, medico’s, allied health professionals and those working in child related fields are *mandatory reporters*. It is a confronting experience to be involved with the removal of children from their home. Many cases can go unreported due to inexperience of workers in recognizing the signs of abuse in children.

Given the overwhelming caseload, shortage of workers, burnout and the staff turnover in the Department of Social Services, many reported cases are closed without any investigation. The category used now by the Department is “*risk of significant harm.*” As a paediatric social worker I have been involved in these cases and we know that there are many children and families not able to get the support they need. It is more crisis intervention than prevention and only the worst cases are investigated. This means that there are still many vulnerable children and families in our society.

Each state in Australia has an office called the **Office of the Children’s Guardian**. They focus on the safety, welfare and wellbeing of the young and voiceless. They are now responsible for the implementation of the legislation “Working with Children Check” (see www.kidsguardian.nsw.gov.au). that ensures that anyone working with any child or young person has to have a national criminal history check. This must be renewed every five years and there are auditing and compliance procedures in place. The office also accredits and monitors the agencies that have the out-of-home care programs. They administer the Child Sex Offender Counselling Accreditation scheme.

The **Australian Human Rights Commission** outlines very clear guidelines for Child Safe Institutions. Child Protection awareness, training of staff and volunteers, disciplinary processes and reporting incidents are set out to keep children safe. It is worth noting that we need to include the Disability Discrimination Act 1992 as children who have a disability need protection and were often more at risk(see Australian Human Rights Commission/Australia gov.au).

Australian schools have had to face accountability in the area of sexual and other forms of abuse through the Royal Commission. The Child Protection policies and training has received a lot more attention over the past twenty years and the “Working with Children Check” will ensure greater safety of students. Compliance is regulated and ongoing training is compulsory for those directly involved with

children. The education department/Catholic Education offices now handle any complaints from parents or students and these complaints are submitted and monitored by the state Ombudsman. The normal reporting procedures would also be handled by the Department of Family and Community Services.

There are a number of government funded agencies who work tirelessly in the community with families and children at risk. The Benevolent Society, Barnardos, Intensive Family Support Services are a few child focused services that make a difference. Funding and scarce resourcing for the level of need continues to be a major challenge in our times, especially in the post GFC period. Having spent many years working in the field, there are significant gaps in service delivery for intervention.

School Education: State and Private

School communities continue to be a significant source of support for many students in our country. They can provide a buffer for the stress students carry to school. The relationships teachers have with students facilitates an ongoing development of self-esteem, self-respect and confidence. The commitment of these adults to their students managing complex issues, provides good social protection. The impact of good teachers dealing with the incidental issues of children and adolescents needs a lot more research and acknowledgement in the community.

Pastoral Care is an aspect of any school now. Catholic Schools have a long history of helping students who are marginalized, experience mental health issues or who suffer neglect. Year Coordinators, school counsellors, welfare officers and chaplains are part of the social support structure helping students so they can focus on academic achievement as well as receiving the care that encourages self-mastery.

Students can be referred to outside agencies for psychological or psycho-social support so that intervention before adulthood can help make a difference in the life of a student. In the public sector, the wait lists are often long and a reluctance to seek help due to the shame in families in facing painful issues.

In the Archdiocese of Sydney, the Catholic Education provides a scholarship for every Indigenous child who wants an education in our system. Education is the key to improving life opportunities for many children. They also receive pastoral support and additional mentoring if funds are available. Many families are given fee reduction so they can attend a Catholic school.

There are many programs run in schools across Australia for students focusing on promoting emotional intelligence, resilience and anti-bullying. School policies are online and there are formal procedures that are followed to ensure the safety and wellbeing of students. Research and staff education supports this work. I have been involved with teaching teachers to implement the *MindUp program*. It has made a difference with behaviour and resilience and the student response has been very positive. The program incorporates neurobiology (children love learning about their brain), positive psychology and mindfulness. *The Seasons for Growth* program (focusing on loss and change for primary and secondary students) has been run in many schools. The program allows students to do group work and share their stories about loss. Hearing from others normalizes the feelings they carry and they are given permission to express their hurt, anger and loneliness in a safe place.

Camps, student reflection days, drama, art and the creative arts provide many students a very positive outlet and they develop skills in managing the daily experiences of life. The classroom curriculum is

modified for students with learning difficulties and school could do with more resources in Special Education.

Refugee Children

There has been a lot of work done for refugee children who come here as part of the UNCHR program. Resources have been given to helping children settle into a new country with the New Arrivals program and English as a Second Language program (ESL). A number of Religious Sisters and Brothers have focused their ministries on working with the refugee children in schools, supporting parents, educating them about our Child Protection laws here (as corporal punishment is very acceptable in some cultures) and providing a range of welfare needs. The Pastoral Care for these families has ensured that the children receive protection in their new land. This work is done in the absence of government services. The religious also refer to church run welfare services which reduces the stress on the family. Advocacy is a very important element in the work with children. Supporting children in their school environment has been invaluable and sometimes the children are removed from class for some playtime and are given a chance to debrief with a trusted adult.

Sadly and disturbingly, there are many children in detention centres in Australia. Our government policies have changed dramatically and the level of trauma experienced by these children locked up is a major concern for many in our country. Children and teenagers are living in close proximity to adults who themselves are traumatized and very unsure if there is any future. The artwork of these children expresses the psychological impact of these conditions on their lives. They are missing out on an education and the life skills and emotional resilience skills that enable a holistic development. There are some very strong advocates for the children especially among those with clinical expertise.

Hospitals

Paediatric hospitals are focused on the rights of the child and the major hospitals have a Child Protection unit providing assessments and therapy. Once again, there is a lack of funding so it often the most 'at risk' children who may receive treatment. Psychiatric services are in short supply but the demand is high.

One of the Children's Hospitals in Sydney has run a clinic (multidisciplinary) for refugee children. This has enabled assessments and intervention plans to be done for children at risk.

While we can celebrate some of the services that we have that promote the Rights of the Child and support families, many of the issues facing children are hidden and behind closed doors. I know from experience that some children care for a parent with a significant mental illness.

An example of a child-centred program in a low socio-economic program in the outer Sydney region - (A Presentation Sisters ministry)

Weekend camps are run for children (regardless of ethnicity, religion or race) who experience chronic levels of stress and have limited access to support. Children with a diagnosis of Aspergers, ODD, ADHD and anxiety are included in the program. The children attend a Sport and Recreation Centre and experience the fun and freedom of childhood. The Camp Coordinator trains a number of volunteers

from a tertiary or secondary education institution. The camps certainly fulfil the criteria of the Four Key Principles for the Rights of Children (UN Convention)

The Rights of the Child in Practice

Each child is treated with respect and dignity. The Coordinator will go to the home and meet a child and parents if there is a high level of anxiety. Clear communication and assurance is there for every family.

The policies and procedures cover every aspect of the camp and a risk assessment for the safety of the children is included for each camp. These policies and procedures are updated on an annual basis and constantly reviewed to ensure that the needs of the children are met and recognised.

The volunteers cannot participate in a camp unless they have a *Working with Children Check*. The Coordinator verifies every number on line and a record is kept. The training of the leaders is mandatory especially in the area of Child Protection and other child safe practices.

The leaders are trained in managing challenging behaviours and they receive support throughout the camp with any issue that arises. A daily debriefing is held by the Coordinator. Clear expectations of leaders is communicated and set out in the Training Manual. The Confidentiality for each child is emphasized.

Apart from the training, each leader signs a **Code of Conduct** form outlining the expectations of behaviour. We have a Social Media policy that safeguards the child and the volunteer if a child tried to contact a leader after a camp. Photos of the children on camp are restricted.

A principle of the UN Convention is that children have a right to have their say. At the beginning of the camp, the children are actively involved in formulating the rules and developing a group agreement, so that everyone is safe and can enjoy their time away from home.

The children are supported throughout the camp especially when they are distressed, angry or anxious. Two leaders may stay with a child who needs some space or time out. Establishing boundaries is part of the program.

The Management Committee is involved in the policy making and any change of legislation is incorporated into practice.

Grievance procedures and incident reports are kept and brought to management. This ensures that the rights of children are continually monitored.

The coordinator keeps up to date with the latest research into child protection and implements this knowledge into the camp program. This enables the coordinator and management to create a 'child safe' organization and positive opportunities for all children. Feedback from schools and parents has been very positive in the difference ONE camp can make to a child.

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