

|  |
| --- |
| Review of the Victorian Child Safe Standards  Final report – December 2019 |
|  |

Department of Health

|  |
| --- |
| Review of the Victorian Child Safe Standards  Final Report – December 2019 |
|  |

|  |
| --- |
|  |
| To receive this publication in an accessible format phone email Child Safe Standards Review <cssreview@dhhs.vic.gov.au>  Authorised by the Victorian Government, 1 Treasury Place, Melbourne.  © State of Victoria, Department of Health and Human Services, December 2019.  Where the term ‘Aboriginal’ is used it refers to both Aboriginal and Torres Strait Islander people. Indigenous is retained when it is part of the title of a report, program or quotation.  ISBN 978-1-925947-80-9 **(pdf/online/MS word)**  Available at [Department of Health and Human Services website](https://www.dhhs.vic.gov.au/publications/review-victorian-child-safe-standards) <https://www.dffh.vic.gov.au/publications/review-victorian-child-safe-standards> |
|  |

Contents

[Executive summary 7](#_Toc17187062)

[The Victorian Child Safe Standards 7](#_Toc17187063)

[Purpose and background of the review 8](#_Toc17187064)

[Key themes 8](#_Toc17187065)

[Recommendations 11](#_Toc17187066)

[Methodology and consultation 13](#_Toc17187067)

[Victoria’s Child Safe Standards 17](#_Toc17187068)

[Implementation experience 18](#_Toc17187069)

[Implementation support 18](#_Toc17187070)

[Organisations’ experiences implementing the Standards 19](#_Toc17187071)

[Experiences of diverse communities 21](#_Toc17187072)

[Community awareness and education 23](#_Toc17187073)

[Multiple requirements and ‘reform fatigue’ 24](#_Toc17187074)

[Applying the Standards to young people 24](#_Toc17187075)

[Effectiveness 25](#_Toc17187076)

[National harmonisation of child safe standards 29](#_Toc17187077)

[The National Principles for Child Safe Organisations 30](#_Toc17187078)

[Building on Victoria’s approach 31](#_Toc17187079)

[Moving to the National Principles in Victoria 34](#_Toc17187080)

[Amendments for the Victorian context 35](#_Toc17187081)

[Transition to the National Principles 37](#_Toc17187082)

[Scope of the Child Safe Standards scheme 40](#_Toc17187083)

[Exemption from the Victorian Child Safe Standards 41](#_Toc17187084)

[Oversight, monitoring and enforcement 43](#_Toc17187085)

[The co-regulatory model 43](#_Toc17187086)

[Role of the Commission for Children and Young People 43](#_Toc17187087)

[Role of ‘relevant authorities’ 44](#_Toc17187088)

[Allocation of regulatory responsibility 45](#_Toc17187089)

[Contemporary compliance and enforcement powers 47](#_Toc17187090)

[Information sharing 50](#_Toc17187091)

[Appendix 1 – Organisations required to comply with the Child Safe Standards 52](#_Toc17187092)

[Appendix 2 – Written submissions received by the review 54](#_Toc17187093)

[Appendix 3 – Targeted community stakeholder consultation sessions 56](#_Toc17187094)

[Appendix 4 – Implementing the Victorian Child Safe Standards: Feedback 57](#_Toc17187095)

[Appendix 5 – The National Principles for Child Safe Organisations 63](#_Toc17187096)

[Principle 1 – Child safety and wellbeing is embedded in organisational leadership, governance and culture 63](#_Toc17187097)

[Principle 2 – Children and young people are informed about their rights, participate in decisions affecting them and are taken seriously 63](#_Toc17187098)

[Principle 4 – Equity is upheld and diverse needs respected in policy and practice 64](#_Toc17187099)

[Principle 5 – People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice 64](#_Toc17187100)

[Principle 6 – Processes for complaints and concerns are child focused 64](#_Toc17187101)

[Principle 7 – Staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training 65](#_Toc17187102)

[Principle 8 – Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed 65](#_Toc17187103)

[Principle 9 – Implementation of the national child safe principles is regularly reviewed and improved 65](#_Toc17187104)

[Principle 10 – Policies and procedures document how the organisation is safe for children and young people 65](#_Toc17187105)

[Glossary 67](#_Toc17187106)

# Executive summary

## The Victorian Child Safe Standards

The Victorian Child Safe Standards (the Standards) are a key response to the Victorian Parliamentary *Inquiry into the Handling of Child Abuse by Religious and Other Non-government Organisations*, often referred to as *Betrayal of Trust*, which was tabled in Parliament on 13 November 2013 and found serious incidences of child abuse in some of our most trusted and important institutions and organisations.

Organisations providing services or facilities specifically for, or employing, children or young people in Victoria must comply with the Standards. The Standards aim to assist organisations in preventing and improving responses to allegations of child abuse by embedding the protection of children in everyday thinking and practice. They became fully operational on 1 January 2017.

The **seven Standards** are:

1. Strategies to embed a culture of child safety through effective leadership arrangements.
2. A child safe policy or statement of commitment to child safety.
3. A code of conduct that establishes clear expectations for appropriate behaviour with children.
4. Screening, supervision, training and other human resources practices that reduce the risk of child abuse by new and existing staff.
5. Processes for responding to and reporting suspected child abuse.
6. Strategies to identify and reduce or remove risks of child abuse.
7. Strategies to promote the participation and empowerment of children.

As part of each Standard, organisations must reflect and embed the following **cross-cutting principles**:

Promoting the cultural safety of Aboriginal children.

Promoting the cultural safety of children from culturally and linguistically diverse backgrounds.

* + Promoting the safety of children with a disability.

Victoria’s Standards are principle-based to allow flexibility for many different types and sizes of organisations to implement them. Approximately 50,000 Victorian organisations are required to comply with the Standards, whether incorporated or unincorporated.

Further discussion regarding the organisations captured is included later in this report in the chapter ‘Scope of the child safe standards scheme’.

## Purpose and background of the review

The Standards had a staggered commencement, with organisations falling within Schedule 1 to the *Child Wellbeing and Safety Act 2005* (Vic) (the Act) becoming subject to the Standards on 1 January 2016, and Schedule 2 organisations a year later, on 1 January 2017. Schedule 1 organisations are funded and/or regulated by the Victorian Government (usually under a state contract) and provide services and/or facilities specifically for children. Schedule 2 organisations provide services and/or facilities specifically for children but have limited or no funding from, and are not directly regulated by, the Victorian Government.

During this time, the Commonwealth *Royal Commission into* *Institutional Responses to Child Sexual Abuse* (Royal Commission) built upon the important learnings from *Betrayal of Trust* to make a suite of recommendations aimed at making organisations safer for children. These included recommendations that organisations engaging in child-related work implement and comply with ten child safe standards identified by the Royal Commission, and that organisations’ compliance with those standards be overseen by relevant state and territory regulatory bodies.

Victoria is already well advanced in implementing the Royal Commission’s recommendations. Like the Royal Commission’s recommended child safe standards, the Standards support organisations to be safer for children by requiring organisations to implement policies and procedures to prevent, respond to, and report allegations of child abuse.

On 11 July 2018, the Victorian Government announced it would review the Standards in its response to the Royal Commission. The review is intended to:

assess whether the Standards have been understood and implemented by organisations in their first two years of operation in a way that promotes a child safe culture

assess whether the regulatory scheme that supports compliance with the child safe standards is operating effectively

ensure that the Standards remain as strong as possible

* + consider whether any adjustments are needed to the standards or the regulatory scheme to better align with the recommendations made by the Royal Commission.

Victoria’s Standards and regulatory model are still relatively new, having been fully implemented just over two years ago. The data and findings in the review reflect this. An overarching objective of implementing the Standards is to change the culture in organisations to embed child safety into everyday thinking and practice. Culture change takes time and is also difficult to measure. The review uses the best available information to measure this change but, at this point in time, does not seek to draw definitive conclusions about effectiveness.

## Key themes

Several key themes emerged during the review and are summarised below. They form the basis for recommendations made by this review.

### Strong support for the existing Standards and current scope

Victoria has been a leader in implementing mandatory child safe standards and respondents are proud of Victoria’s leadership. They see Victoria’s approach as ground-breaking and believe that the Standards have helped make their organisations safer places for children.

The existing Victorian scheme and scope of organisations required to comply is broader than contemplated by the Royal Commission. However, the Victorian sector does not support any decrease in scope for Victoria. Several submissions expressed a view that the scope of organisations required to comply with mandatory Standards in Victoria should be expanded. However, the review is cautious about further extending the scope of the mandatory compliance scheme beyond the recommendations of the Royal Commission, noting the need to balance the risk of harm with regulatory burden, and acknowledging that Victoria already has a greater breadth of coverage for its mandatory Standards than the Royal Commission recommended.

### Implementation experience was challenging

While there is strong support for the Standards and the outcomes they seek to achieve, the review has heard that the volume and pace of reforms to protect children have been challenging. Many organisations and peak bodies informed the review that implementation of the Standards has been resource intensive, costly and, at times, difficult.

Organisations noted that a lack of clear guidance, particularly at commencement, was a barrier to effective and efficient implementation of the Standards. While a significant array of guidance materials was developed, the review heard that some organisations, particularly those without a direct relationship with government or peak bodies, found guidance inconsistent or hard to find. Many organisations advised that the resources that were available were not specific to their sector and did not provide clear action-focused guidance on how to meet the Standards.

The lack of a compliance framework was also considered to be a hindrance to organisations trying to implement compliant policies.

Since 2016, the Commission for Children and Young People (CCYP) has supported organisations to implement and comply with the Standards. However, it advises that the significant number and diversity of organisations has made this challenging.

### Strong support for national harmonisation

The Royal Commission found that a nationally consistent approach to child safe standards is necessary to prevent, identify and improve responses to physical, sexual, emotional and/or psychological abuse and neglect of children.

The *National Principles for Child Safe Organisations* (National Principles) were developed by the Commonwealth as a key response to the Royal Commissionand subsequently endorsed by the Council of Australian Governments (COAG) on 1 February 2019.

There is strong stakeholder support in Victoria for aligning with the National Principles, which are broadly consistent with the Standards, although a smooth transition that builds on Victoria’s leadership and existing good work will be important.

Almost all respondents to the review expressed strong support for the adoption of the National Principles’ ‘action areas’ as a method to guide organisations’ implementation and understanding of what is required to achieve compliance. Some noted that the action areas are outcome-focused and broad enough to avoid creating an overly prescriptive framework and are broadly similar to the success criteria and toolkits already developed in Victoria.

### Oversight and compliance need to be strengthened

The ‘co-regulatory’ model established by the Act allows for regulatory oversight by both the CCYP and ‘relevant authorities’ (Victorian Government departments and authorities that regulate or fund in-scope organisations) but does not clearly define who the regulator of an organisation should be. This causes confusion and unnecessary duplication between the activities of the CCYP, government departments and other agencies.

The CCYP and relevant authorities have almost unanimously stated that there are substantial challenges arising from the ‘co-regulatory’ model established by the Act; many of which arise directly from the legislation itself.

The Act provides the CCYP with an incomplete suite of regulatory compliance and enforcement powers, and those that are provided are inhibited by requirements for the CCYP to consult with each relevant authority for an organisation before exercising those powers. These requirements reduce the ability for the CCYP to obtain the information it needs and act quickly and efficiently.

The Act does not give any compliance or enforcement powers to relevant authorities. The Act envisages that relevant authorities will use existing funding relationships, or powers in their existing regulatory schemes, to promote and require compliance with the Standards. This is problematic in practice as some regulatory schemes are unsuited for integrating with the Standards, and many relevant authorities relying on funding mechanisms have very limited ability or skills to oversight compliance with Standards and no powers to respond to non-compliance except to withdraw funding, which does not address risks to children.

The limitations created by the Act may delay or prevent relevant authorities identifying concerns and initiating compliance action, potentially risking the safety of children and frustrating the objectives of the Act.

# Recommendations

The recommendations included in this report are as follows:

|  |  |  |
| --- | --- | --- |
|  | **Summary** | **Page** |
| **1** | Consider amending the *Child Wellbeing and Safety Act 2005* to change the meaning of the term ‘child’ to include ‘young person’. | 25 |
| **2** | Replace Victoria’s Standards with updated standards that reflect the National Principles for Child Safe Organisations subject to minor drafting changes and any amendments required for the Victorian context. | 35 |
| **3** | Include action areas under each of the updated child safe standards. These action areas should reflect the action areas in the National Principles subject to minor changes arising from recommendations four and five if required for the Victorian context. | 35 |
| **4** | Consider how to best ensure the concept of child empowerment is retained in harmonising with the National Principles for Child Safe Organisations. | 36 |
| **5** | Consider how to best ensure cultural safety for Aboriginal children is included as a stand-alone focus in harmonising with the National Principles for Child Safe Organisations.  The Department of Health and Human Services should work with Victorian Aboriginal communities to determine how to best give effect to cultural safety. | 37 |
| **6** | Allow at least 12 months for transition from Victoria’s child safe standards to new updated Standards that reflect the National Principles for Child Safe Organisations. | 38 |
| **7** | Retain the current scope of Schedule 1 and 2 organisations subject to mandatory child safe standards, as identified in Schedules 1 and 2 to the *Child Wellbeing and Safety Act 2005*. | 41 |
| **8** | Amend the *Child Wellbeing and Safety Act 2005* to enable the Minister to prescribe in regulations the organisation types and sectors subject to mandatory child safe standards to allow flexibility in circumstances where evidence emerges in future about risks of child abuse. | 41 |
| **9** | Consider clarifying the application of the exemptions in section 22 of the *Child Wellbeing and Safety Act 2005*. Clarification could be provided via the publication of guidance materials and case examples. | 42 |
| **10** | Make any necessary amendments to the *Child Wellbeing and Safety Act 2005* to more closely align the functions of the CCYP, as the Standards oversight body for Victoria, with recommendation 6.11 of the Royal Commission. This should include giving the CCYP the following additional state-wide leadership and capacity building functions:   1. collecting, analysing and publishing data on the child safe approach in Victoria and providing that data to the National Office for Child Safety 2. coordinating ongoing information exchange between relevant authorities relating to organisations’ compliance with the Child Safe Standards 3. promoting consistent child safety outcomes across the diverse sectors through the provision of overarching general guidance to relevant authorities, peaks and organisations, including liaising with the National Office for Child Safety. | 44 |
| **11** | Establish a mechanism in the *Child Wellbeing and Safety Act 2005* to allocate a single regulator to undertake the compliance and enforcement functions for each type of organisation identified in the Schedules to the Act. | 46 |
| **12** | Amend the *Child Wellbeing and Safety Act 2005* to explicitly provide for the functions of relevant authorities for regulating the Standards. | 46 |
| **13** | Amend the *Child Wellbeing and Safety Act 2005* to remove funding arrangements from being linked to regulatory compliance and enforcement. | 46 |
| **14** | Amend the *Child Wellbeing and Safety Act 2005* to give the CCYP access to a suite of graduated compliance and enforcement powers and allow for relevant authorities to adopt these powers via appropriate statutory instruments (this may be achieved through regulations or existing legislation). | 49 |
| **15** | Amend the *Child Wellbeing and Safety Act 2005* to allow best-practice information sharing arrangements across the scheme. | 51 |

# Methodology and consultation

Victoria’s Standards apply to a diverse range of organisations spanning the public, not-for-profit, and private sectors. It is estimated that more than 50,000 organisations are legally required to comply with the Standards. The scope of organisations required to comply with the Standards is at **Appendix 1**. This presented a challenge for the review in seeking to engage with the diverse types of organisations and sectors.

The Department of Health and Human Services is grateful to the many stakeholders, peak bodies, government departments and regulators who communicated information about the review and the public consultation to their networks, made written submissions and sought the views and experiences of the children and young people that they provide services to. They represent a large variety of organisations – some are large organisations with sophisticated bureaucracies such as schools, municipal councils, health services and youth justice services; others are small providers including parent-led playgroups, photography services for children or volunteer sporting groups. This input greatly enriched the breadth and depth of evidence received by the review.

In reaching its recommendations, the review considered a range of data and research, which is outlined in this section. There are, however, limitations to the data available and the conclusions that can be drawn at this early stage of implementation. Compliance data is also limited because initial implementation has focused on supporting organisations to understand and comply with the Standards. There is no overarching compliance framework and there has been limited compliance auditing or monitoring across many of the diverse sectors and organisations subject to the scheme. Further, the absence of a data baseline of child abuse in organisations in Victoria has meant the review has been unable to determine qualitatively whether the Standards are effective in preventing child abuse.

### Creating a data baseline – Victoria’s Child Safe Standards

To better monitor the impact of the Standards it would be beneficial to create baseline data which measures prevalence and incidence of child abuse in organisations.

The review investigated the possibility of creating a data baseline, with a view to linking available reports of child abuse to try and understand the prevalence and incidents themselves. However, it was not possible within the timing of the review due to several practical challenges, including:

changes made to systems and reporting which made the comparison of data pre and post implementation of the standards difficult (risking inaccuracy)

inconsistencies in the breadth of data collected

inconsistencies in the way data is collected across organisations

* + reluctance to share data, due to concerns about the reasons for reporting and privacy obligations.

Incorporating all relevant data sources into a baseline is an aspirational goal and could be explored through future work. This would require an iterative process whereby sources are slowly incorporated as available, improving coverage of the baseline, in turn enhancing its value and making contributing data more appealing to prospective agencies.

Engage Victoria online survey and submissions

On 13 December 2018, the Victorian government published an issues paper and online survey via the Engage Victoria website[[1]](#footnote-1) seeking stakeholder feedback. The website remained open for submissions and survey responses until 22 February 2019.

To communicate the review as widely as possible, peak bodies, Victorian government departments and agencies, universities and research bodies, churches and religious bodies, and over 1200 funded agencies were informed about the review and asked to communicate the review to their networks and stakeholders. The review also sent information to each state and territory department involved in responding to the Royal Commission’s recommendations and the National Office for Child Safety.

The Engage survey resulted in 469 survey responses. The responses were analysed by Schedule 1 organisations (68 per cent of respondents) and Schedule 2 organisations (28 per cent of respondents), noting that Schedule 1 organisations have been subject to the Standards from 1 January 2016 while Schedule 2 organisations have been subject to the Standards from 1 January 2017.

The top organisation types represented in each category were:

Schedule 1: health services (13 per cent), education and care services (12 per cent), registered schools (9 per cent) and local councils (9 per cent)

* + Schedule 2: charities and not-for-profit organisations (13 per cent), cultural, sport and recreation organisations (9 per cent) and religious bodies (3 per cent).

People who completed the survey predominately came from organisations that provide services to and/or employ children and young people (81 per cent).

The geographical distribution of survey participants was representative. The Australian Bureau of Statistics’ categories for geographical distribution of survey participants was 68 per cent major cities, 20 per cent inner regional and 9 per cent outer regional. This was broadly like the geographical distribution for non-Indigenous Australians from the 2011 ABS census[[2]](#footnote-2) (71 per cent major cities, 18 per cent inner regional and 9 per cent outer regional).

The review received 67 written submissions from stakeholders in a wide range of sectors, with one in five responses (22 per cent) received from a peak body. The questions asked covered the five broad areas: implementation, compliance, effectiveness, regulation and national harmonisation.

Several respondents requested that information in their submissions be redacted or that they are de-identified. The review team received 27 confidential submissions.

The review received submissions or survey responses from most of the categories of organisations required to comply with the Standards. However, there were some gaps. This includes little input from businesses that employ children under a permit in accordance with the *Child Employment Act 2003* (Vic) (which can range from large multinationals to small businesses). A focused review of the impact and implementation of the Standards for this diverse group of organisations would be beneficial in future.

While there were no written submissions from state government schools or independent schools, the review received submissions from Catholic education providers, providers of early childhood education or their peak bodies. The Department of Education and Training, the Victorian Registration and Qualifications Authority, the Victorian Institute of Teaching and, for the early childhood sector, the Quality Assessment and Regulation Division also provided input into the review. The review team notes that the schools sector has also recently been subject to a Victorian Auditor General’s Office audit of the system for schools’ compliance with the Standards.

Empirical surveys of staff and children

The review commissioned Australian Catholic University’s Institute of Child Protection Studies (the Institute) to undertake three empirical surveys of staff, children and leaders in a small sample of youth-serving organisations:

the Children’s Safety Survey which investigated young people’s perceptions of safety

the Safeguarding Capabilities Survey investigating adults’ capabilities to safeguard children

* + the Reflections survey which asked organisational leaders to consider what the data from the child and adult surveys revealed about their compliance with the Standards and the three associated principles and whether seeing that data helped to identify anything they could do to improve the child safety culture of their organisation.

Organisations that took part in the Institute’s study came from a range of sectors, including schools, an outside-school-hours care provider, sports organisations, a religious body, an out-of-home care provider, and youth organisations. The Children’s Safety Survey was completed by 334 children and young people and the Safeguarding Capabilities Survey was completed by 647 adults across 12 large youth serving organisations. Organisational leaders across the 12 organisations were asked to complete the Reflections survey.

The findings of the study cannot be generalised to the overall population due to the sampling methods used to recruit organisations, which were strategic in ensuring a broad scope of organisation types were recruited through a convenience sampling approach. Equally, the organisations self-managed recruitment of survey participants may impact generalisation of the findings.

An additional limitation relates to the low sample size of the Children’s Safety Survey (334). A sample size of 448 was indicated as sufficient to identify significant findings. The fact that this was not met affects the analyses related to differences between participants in different groups (i.e. culturally and linguistically diverse children and their peers) or in identifying relationships between variables (i.e. children’s confidence in adults and wellbeing). By having a smaller than preferred sample size it is possible that significant relationships or differences may exist which have not been identified, or that significant relationships were noted when they do not actually exist.

Targeted community stakeholder consultation

Six face-to-face targeted community stakeholder sessions were held, including several sector-specific meetings with sports organisations; religious and faith-based organisations; Aboriginal community-controlled organisations; and private businesses. Approximately 135 participants contributed to the community stakeholder consultation sessions. For detail of groups represented see **Appendix 3.**

Several peak bodies also independently ran round-table meetings and other consultation processes with their memberships to inform their written submissions.

Engagement with government agencies

The review team conducted 11 consultation meetings with relevant authorities and the CCYP to understand their views and experiences about the current operation of the regulatory scheme established by the Act.

The review team also consulted with the National Office for Child Safety, and other Australian jurisdictional offices responsible for child safety.

Other information considered

The review examined available information about the activities of the CCYP, Victorian Government departments and peak bodies to support organisations to implement and comply with the Standards over the first two years.

The review also considered the regulatory arrangements for child safeguarding in other states and territories and consulted with other jurisdictions about their efforts in implementing the recommendations arising from the Royal Commission.

The findings in this report are informed by Australian and international published research on child abuse and best practice regulatory arrangements for its prevention, as well as careful consideration of the regulatory tools and practices adopted by other regulators, especially those tasked with preventing significant and pervasive harms that arise in diverse industries and sectors, involving organisations of different types, sizes, locations, and maturity. For example, recent reforms of the Environmental Protection Authority’s legislation were useful to identify good practice in responsive, risk-based and preventative approaches and tools.

Finally, the review has integrated the extensive commentary and findings from the Royal Commission on how to create child safe organisations into the recommendations contained in this report.

# Victoria’s Child Safe Standards

Victoria’s Child Safe Standards are part of a mandatory regulatory scheme that supports organisations to promote the safety of children and young people by requiring them to implement policies and procedures to prevent, respond to and report allegations of child abuse.

The Standards aim to ensure that organisations engaging in child-related work are child safe by making sure the safety of children is promoted, child abuse is prevented, and allegations of child abuse are responded to. They promote the safety of children and young people by supporting the way in which organisations, their staff, volunteers and members work so that protecting children is always considered, taken seriously and acted upon. The Standards are made under the Act by the Minister for Child Protection through publication in the Victorian Government Gazette[[3]](#footnote-3) and are administered by the CCYP and relevant authorities.

Victoria has **seven Child Safe Standards** that focus on governance and leadership; documenting, identifying and managing risk; and promoting the participation of, and empowering, children.

|  |
| --- |
| Standard 1 – Strategies to embed an organisational culture of child safety, including through effective leadership arrangements.  Standard 2 – A child safe policy or statement of commitment to child safety.  Standard 3 – A code of conduct that establishes clear expectations for appropriate behaviour with children.  Standard 4 – Screening, supervision, training and other human resources practices that reduce the risk of child abuse by new and existing personnel.  Standard 5 – Processes for responding to and reporting suspected child abuse.  Standard 6 – Strategies to identify and reduce or remove risks of child abuse.  Standard 7 – Strategies to promote the participation and empowerment of children. |

The Standards also include **three Principles** which recognise three groups of children that require organisations to take more tailored responses to protect them from harm – Aboriginal children; children from culturally and/or linguistically diverse backgrounds; and children with disabilities. Organisations must apply the principles in addressing each of the seven Standards.

|  |
| --- |
| Principle 1 – Promoting the cultural safety[[4]](#footnote-4) of Aboriginal children.  Principle 2 – Promoting the cultural safety of children from culturally and/or linguistically diverse backgrounds.  Principle 3 – Promoting the safety of children with a disability. |

# Implementation experience

## Implementation support

The CCYP has supported organisations to implement and comply with the Standards by providing information and training activities throughout Victoria. This includes running a digital awareness campaign, developing a website, holding information sessions, publishing guidance material in several community languages, and publishing tip sheets focusing on the safety of children with disability, children from culturally and linguistically diverse backgrounds and Aboriginal children. The CCYP has also funded training partnerships with eight community-based peak bodies across a range of sectors.

The CCYP informed the review that the significant number and diversity of organisations involved has made supporting implementation challenging. It has responded to this challenge by working with relevant authorities and peak bodies to amplify its messaging.[[5]](#footnote-5)

Relevant authorities (Victorian Government departments and the Victorian Registration and Qualifications Authority (VRQA)) have also proactively promoted the Standards to organisations within their remit. For example:

The Department of Education and Training developed the Child Protection and Child Safe Standards (PROTECT) website, which provides information and advice for schools on how to protect children, create a child safe environment, and identify and report signs of abuse.

The Department of Health and Human Services provides information and support to all its funded organisations, including guidance documents such as *An Overview of the Victorian Child Safe Standards*, which gives examples of how to comply with each Standard.

* + The Department of Premier and Cabinet provide applicants for child employment permits with the CCYP’s *A Guide for Creating a Child Safe Organisation*.

Consistent with the intent of the Act, most relevant authorities also promote the Standards by including compliance with them as a condition of funding agreements or by incorporating the Standards into existing regulatory schemes or policy frameworks. For example, the VRQA has incorporated the Standards into school registration and review processes,[[6]](#footnote-6) and the Department of Health and Human Services has incorporated the Standards into the *Healthcare that Counts: A framework for improving care for vulnerable children in Victorian health services* and provided health services with a self-assessment checklist.

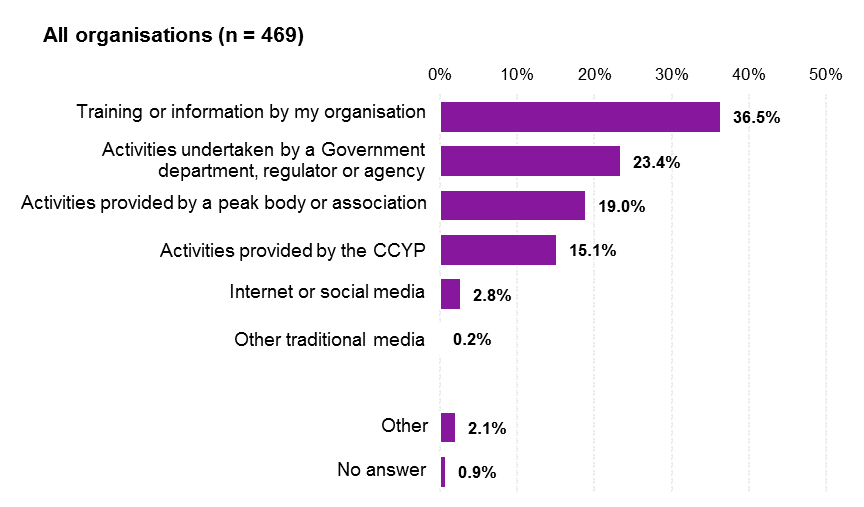
Peak bodies have been vital change leaders through communication and awareness-raising activities, the development and publication of sector-specific resources, the provision of training and information sessions, and forming, or taking a leadership role in, sector working groups. For example, sports peak bodies such as Vicsport have been at the forefront of providing sports organisations with practical and ongoing advice though events, communications, workshops, advice, presentations, one-to-one support and capacity building for state sport associations, regional sports assemblies, local government and other peak organisations.[[7]](#footnote-7)

Most organisations that responded to the review consider that the resources and training developed by the CCYP, relevant authorities, and peak bodies supported their implementation of the Standards.

The intent of the Standards, and necessary steps to progress their implementation, are made clear in information provided on the relevant government website. The online materials such as the Guide and other resources are very helpful and easy to use. Free information sessions have been useful, and a number of staff members have attended external training.[[8]](#footnote-8)

The activities of CCYP, relevant authorities and peak bodies appear to have contributed to raising organisations’ awareness of the Standards. In a survey conducted by the review, 91.5 per cent of respondents indicated they were aware of the Standards, with respondents advising they became aware of the Standards via the mechanisms outlined in Figure 1:

Figure 1 – Response to Engage survey question about how respondents became aware of the Standards



The review heard that some organisations that were uncertain about their compliance requirements sought the advice of organisations specifically offering training on the Standards. Some respondents told the review that this has generated a market of providers of education and training for organisations on the Standards, with concerns raised about variable capability and quality and the need for training providers to be accredited.[[9]](#footnote-9)

## Organisations’ experiences implementing the Standards

Generally, organisations’ understanding of the Standards appears high. Results from the Engage survey show that 92 per cent of respondents were aware of the Standards and 90 per cent indicated a good, or detailed, understanding of the Standards. 90 per cent also indicated that the Standards were easy to understand with 89 per cent advising that their organisation had implemented the Standards.[[10]](#footnote-10)

Organisations did report that they found some of the Standards easier to implement than others. Standards that required the development of ongoing strategies were experienced as more difficult to implement, as they were considered less clear and directive, and it was more difficult to measure compliance and success. **Appendix 4** provides a summary of implementation experience against each of the Standards and the three cross-cutting Principles.

Many organisations have demonstrated a strong commitment to child safety and have proactively implemented the Standards by aligning their policies and procedures and providing training opportunities to their leaders, staff and volunteers.

Several organisations have established or are involved in working groups to discuss child safety related matters; others have developed innovative approaches to driving child safety within and across their organisations.[[11]](#footnote-11)

Organisations that do not primarily or solely provide services to children (e.g. health care organisations, councils, and community services) sometimes faced difficulties implementing the Standards. These organisations reported difficulty in securing buy-in from all staff, particularly where contact with children was incidental.

While an array of guidance materials was developed to support the implementation of the Standards, organisations participating in the review said that implementation was difficult due to the lack of a compliance framework in the Act and inconsistent or hard-to-find guidance.

Many organisations did not know about guidance materials or struggled to find materials, particularly organisations without a direct or ongoing relationship with government bodies or peak bodies.

The Ethnic Communities Council, on behalf of ethnic and multicultural organisations across Victoria, commented:

Community feedback suggests that although there are supports available, for example provided by The Commission for Children and Young People (CCYP), the Centre for Excellence in Child and Family Welfare (CECFW) and Child Wise, there’s a concern that many community members and sector workers might not know this.[[12]](#footnote-12)

Many organisations advised that while resources were available, they were not necessarily specific to their sector, and did not provide clear actions on how to meet the Standards. These respondents advised that the broad guidance provided allowed each organisation to interpret and implement the Standards in different ways, leading to inconsistencies.[[13]](#footnote-13)

While a number of relevant authorities have developed monitoring and compliance frameworks,[[14]](#footnote-14) many organisations and peak bodies participating advised that where a compliance monitoring framework did not exist for them, or where guidance was unclear, organisations developed their own policies and procedures. This sometimes had unintended consequences, for example, the review heard:

In response to the risk of a child being alone in a room with a single adult, some schools have implemented a policy for all counselling rooms to have clear walls or windows. Some psychologists hold concerns that this conflicts with the Australian Psychological Society Code of Conduct and Ethical guidelines on confidentiality and have raised concerns that this may negatively impact on student’s help-seeking behaviour.[[15]](#footnote-15)

Some music teachers had clauses included in their code of conduct which instructed them to avoid touching a child, including positioning their hand on an instrument correctly.[[16]](#footnote-16)

Some sports organisations have policies in place that two staff are required to transport children and young people, including for carpooling. This meant that extra volunteers or staff were required, or that organisations avoided carpooling, resulting in some children missing out on activities.[[17]](#footnote-17)

One organisation advised that to comply with its policies, it needed extra funding to increase staffing to teams of two staff for youth outreach programs and weekend night shifts in residential care.[[18]](#footnote-18)

* + Work experience placements have been cut short in some smaller organisations due to staffing levels as policies require that a young person is not left alone with just one adult.[[19]](#footnote-19)

The review found that small and volunteer-run organisations in particular struggled where guidance was unclear or not specific. Some of these organisations, such as local sporting groups, may not have had any previous knowledge or exposure to child safety matters or issues, and found understanding and implementing the Standards much more challenging.

We note that in the sport and recreation setting, especially in clubs and associations led by volunteers, actions need to [be] clear and not rely on a large amount of interpretation, which can lead to tasks going in the ‘too hard basket’.[[20]](#footnote-20)

The regulatory system is overly complex and needs simplification. It confuses staff and may inadvertently divert them from timely best practice intervention in response to incidents and risk factors through too heavy a focus on (and anxiety about) compliance.[[21]](#footnote-21)

This feedback is consistent with the Royal Commission which heard that smaller or less regulated institutions such as faith-based institutions, sporting clubs and dance studios needed detailed guidance, such as online training and templates, on how to become child safe. Research commissioned by the Royal Commission found that capacity-building and support resources should be simple, streamlined and readily accessible. It recommended a centralised approach to capacity-building and support, citing WorkSafe Victoria as a successful example. The Royal Commission suggested that authoritative, evidence-based resources that can be applied or adapted to different institutional contexts would improve the quality and consistency of child safety initiatives.[[22]](#footnote-22)

Several organisations noted that they were not given additional funding for the cost of compliance with the Standards and advised that they have invested intensive resources and time to comply.

There were resource implications for our organisation to adhere to the standards. We created two positions with no additional funding. It was time intensive to get up and running.[[23]](#footnote-23)

Some organisations advised that adequate resourcing, and a clearer compliance framework would have assisted with ensuring a greater level of consistency in compliance, as they have had varied capacity to dedicate resources to the Standards.

## Experiences of diverse communities

Several organisations, including Aboriginal, multicultural, and religious organisations stated that the Standards framework is culturally inaccessible. They advised that the Standards and guidance materials do not use culturally accessible language, and extra work was required to interpret the standards and develop policies and processes consistent with organisations’ cultural values and processes.

The new regulatory scheme has been presented in a way that is culturally inaccessible, requiring a high degree of literacy in the language of compliance and regulation. The existing publications do not always represent a good understanding of the target audience and their needs.[[24]](#footnote-24)

The Ethnic Communities Council of Victoria surveyed its members and submitted that it can be challenging to educate multicultural communities on requirements:

Multicultural and ethnic communities and their organisations are often not connected to the same support mechanisms as other service providers, don’t necessarily engage with mainstream media and may even lack basic knowledge about the current policies, laws and regulations their organisations require for providing a child safe environment […] This makes it particularly challenging for peak organisations to educate a very diverse group of member organisations about new requirements, particularly when such organisations may not have had a ‘child safety-focus’ in the past.[[25]](#footnote-25)

Leaders in these fields advised that they are regularly called upon by other organisations for advice and expertise on the Standards and have been proactive in developing resources for their communities and organisations. These include:

the *Child Safe Standards Faith Communities Toolkit* developed by the Victorian Council of Churches

*Keeping Aboriginal Children safe in a mainstream organisation,* a video resource developed by the Victorian Aboriginal Child Care Agency targeted at mainstream organisations

*Child’s Voice* developed by the Victorian Aboriginal Child Care Agency and Australian Catholic University that provides strategies for encouraging the participation and understanding of Aboriginal children

the Catholic Education Commission of Victoria’s *Aboriginal and Torres Strait Islander Resource Guide*

* + cultural safety tip sheets, and Standards information sheets in easy-to-read formats and in several languages developed by the CCYP.

Review participants recommended that Aboriginal, multicultural, and religious peak bodies are provided with support to work with their communities to continue to develop and co-design resources and messaging about child safety, including induction materials for diverse staff on what child safety is, why the standards are important, and their responsibilities.

Respondents recommended that programs of continuing education are required for new comers and to keep child safety ‘front of mind’.

Communities of Practice

Many organisations requested that ‘communities of practice’ be established[[26]](#footnote-26) to enable them to share knowledge, ideas and resources with their peers and work through issues and complex, practical scenarios. Some organisations said that they have participated in communities of practice for child safety and these have been helpful.

This is consistent with the findings of the Royal Commission which noted that communities of practice across and within sectors could build capacity and support and encourage and facilitate collaboration between experts and practitioners.[[27]](#footnote-27)

The review considers that the development of communities of practice would provide organisations with support and guidance to implement the Standards.

Consideration should be given to developing communities of practice to build capacity, develop case examples and other materials to guide compliance, and work through issues.

## Community awareness and education

The review heard that increased community awareness of child safety would benefit children and organisations.[[28]](#footnote-28) Some organisations suggested that community messaging of child safety was not strong enough and, in some instances, may have contributed to resistance and misunderstanding. Some organisations advised that a lack of community awareness with the Standards made implementing changes in their organisations difficult. Some religious organisations advised that it could be challenging to implement the child safe standards because the church was often considered by members as an extension of the home, rather than a business or organisation.[[29]](#footnote-29)

Other respondents to the review expressed the view that greater community awareness of the Standards was important to create the long-term change required and empower communities and parents to engage with or assess child safety at the organisations their children are involved with.[[30]](#footnote-30)

Raising the expectations and knowledge of parents, children and young people about child safe standards would help to cement the standards.[[31]](#footnote-31)

There has been no widespread messaging or media communication to the community from government such as television advertisements, posters, fliers, or social media to create public awareness. Better media promotion and campaigns could convey the importance of the child safe standards to the community.[[32]](#footnote-32)

The Royal Commission identified that increasing public understanding and awareness of child abuse is an essential element to reducing child abuse and making communities safe places for children.[[33]](#footnote-33)

The National Office for Child Safety has been established to promote child safety across Australia. It has developed a suite of community materials on child safety including materials specifically for parents.

## Multiple requirements and ‘reform fatigue’

Several respondents to the review noted that child safety reforms arising from *Betrayal of Trust* and the Royal Commission, alongside other major inquiries such as the *Royal Commission into Family Violence*, have generated a substantial amount of reform activity which has occurred at a rapid pace.[[34]](#footnote-34) While organisations accept the need for these reforms, the review has heard from some organisations that the volume and pace of change has been burdensome for them and risks impacting on direct service delivery to vulnerable people.

For some organisations, the Standards have been an additional requirement on top of an already large suite of compliance requirements and reforms. Ongoing changes and regulatory requirements have resulted in information saturation and staff experiencing change fatigue.

Ensuring staff can retain and understand all information on the ever-increasing compliance requirements in legislation and standards, and not compromise case work for administrative requirements [has been challenging].[[35]](#footnote-35)

Organisations urged that the Victorian government consider further how new initiatives and oversight activities can be integrated and streamlined to reduce administrative burden and impact on direct service delivery to vulnerable people. Other organisations suggested that they would benefit from greater flexibility to implement the Standards in ways that are appropriate to their organisations, and to be able to integrate the Standards with their existing frameworks.

In this context, there was almost unanimous support for national harmonisation of child safe standards. Organisations advised that the different legal and reporting requirements across states is confusing and resource intensive. Some organisations had to develop multiple policies and processes to comply with multiple legislative obligations across states. Further discussion on national harmonisation is in the chapter ‘National Harmonisation of child safe standards.’

## Applying the Standards to young people

Several organisations submitted that the Standards give the impression that they are intended to protect young children from child abuse but not older children or adolescents (young people). The Actuses the term ‘child’ throughout to refer to children and young people aged 17 or younger. Youth advocacy, education, and children’s groups advised that the term ‘child’ does not align well with the language used in their organisations/sectors or the age groups of children and young people they work with.[[36]](#footnote-36)

Calling [the Standards] ‘child safe’ has not been helpful: the lack of mention of young people has the unfortunate impact of having people believe this is only about small children.[[37]](#footnote-37)

The word ‘children’ can be problematic. It is not the term that would necessarily be used by youth workers or by teenaged young people themselves.[[38]](#footnote-38)

Organisations identified that there was a gap in resources to promote the safety of young people. Respondents suggested that resources should be developed targeted at encouraging the safety, participation and empowerment of older children and young people, co-designed by young people.[[39]](#footnote-39)

Youth Support and Advocacy Service consulted with young people in its Youth Advisory Group ‘The CREW’. Feedback included:

Young people need to know this information (about Child Safe Standards), but in a way that isn’t condescending

yeah, lots of teenagers wouldn’t consider themselves a ‘child’ and wouldn’t think that the Standards apply to them

they need posters and information that are suitable for young people, not just primary aged kids but secondary aged too.[[40]](#footnote-40)

Other organisations advised young people engage with role models, and on social media, rather than with physical documents.[[41]](#footnote-41)

The review recommends that the Act be amended to include the term ‘young people’, in alignment with the National Principles which refer to both children and young people.

**Recommendation 1:** Consider amending the *Child Wellbeing and Safety Act 2005* (Vic) to change the term ‘child’ to include ‘young person’.

## Effectiveness

As the Standards have only been fully operational for just over two years, it is too early to properly measure long-term cultural change in organisations. There are also limitations to the data available to assess effectiveness, as outlined further in the chapter ‘Methodology and consultation’.

Given these limitations, the review has assessed the effectiveness of the scheme through self-reported measures of change, effectiveness and confidence of organisations and staff implementing the Standards and the self-reported experience of children who access organisations that must comply with the Standards. The available measures suggest that organisations consider the Standards have improved culture and outcomes for children.

Perceptions of safety and effectiveness of Standards

The Institute’s Children’s Safety Survey measured children and young people’s perceptions of safety within a small number of large youth-serving organisations. It found that in the participating organisations, feelings of safety and confidence in adults varied depending on the type or nature of services that the organisation provided. Children and young people felt that the participating youth and sports organisations had better child safe cultures than the participating schools – they did not feel their views were valued in schools at the same level as other organisations and had greater confidence in adults being able to respond to safety issues from other organisations.[[42]](#footnote-42) Children and young people also felt adults in their organisations were better equipped to handle an event where an adult has made them feel uncomfortable or unsafe, compared to when a peer has been the source of inappropriate behaviour.[[43]](#footnote-43)

Over half of the respondents to the Engage survey felt that the Standards had led to improvements in child safety in the organisation they were involved with (68 per cent, combining strongly agree and agree responses). 74 per cent either strongly agreed or agreed that the Standards helped to create a safe environment for children, regardless of cultural background. However, caution should be applied when interpreting these results, as 18 per cent did not know if the Standards had led to improved child safety and 16 per cent did not know if they helped to create a safe environment. Further, approximately one in ten disagreed that the Standards had helped create a child safe environment (10 per cent) or led to improved child safety (13 per cent).

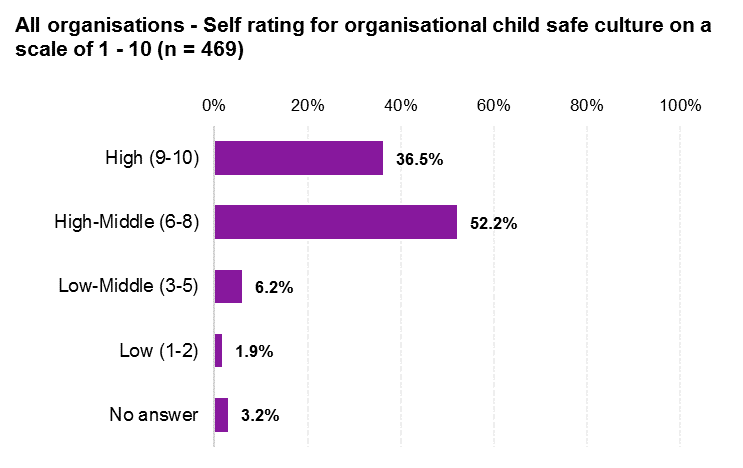
Of the responses to the Engage survey, 82 per cent reported that the organisation they were involved in had applied the Standards effectively.[[44]](#footnote-44)

Respondents to the Institute’s Reflections survey revealed they felt the Standards had helped their organisation address child safety and rated their organisation’s child-safety highly. On a scale of 1 – 10 (with one being least child safe to 10 being most child safe), the average self-rating was seven.[[45]](#footnote-45)

Key factors in effectiveness of the Standards

Respondents attributed their self-reported ratings to three main factors; systems in place to support child safety, strong levels of staff awareness, and efforts to improve the participation of children.[[46]](#footnote-46) This result is consistent with findings from the Engage survey where the average self-reported rating provided by respondents for an organisation’s child safe culture was 7.9 on a scale of 1 – 10 (with one being least child safe to 10 being most child safe).

Figure 2 – Response to Engage Survey - Self-ratings for an organisation’s child safe culture, all organisations[[47]](#footnote-47)



Engage survey respondents primarily attributed their rating to two key factors; having a strong child safe culture and having a code of conduct in place. Respondents also advised that the Standards have strengthened their organisation’s practices:

[The Standards have been conducive to] strengthening and safe guarding, exposing areas of risk and making it difficult for things to slip through cracks.[[48]](#footnote-48)

At organisation and management level we are more aware and more responsive – the governance and approval process has tightened up and has become a real focus.[[49]](#footnote-49)

Many written submissions advised that the Standards have led to stronger leadership around child safety, changes in attitudes, and improvements in organisational culture and practice related to child safety. Child Wise shared their experience from working with many child focused organisations:

Since the introduction of the Standards, we have seen more engaged leaders who are clearer about their responsibilities and have observed a broadening of child safety approaches to include prevention and detection of concerns, not just response.[[50]](#footnote-50)

In working with over 1,100 early learning providers, Early Learning Association Australia’s experience is similar:

The Standards have provided a robust framework to embed child safety within an organisation so that prevention and response are a part of everyday practice. The implementation of the Standards has provided an opportunity for a level of rigour across services to ensure responsibility and accountability at every level, for example, by being clear about the governance and leadership responsibilities for child safety.[[51]](#footnote-51)

Some schools participating in the review agreed – one school advised:

Standard 1 and Standard 7, in particular, are like the 'book-ends' within which the standards sit comfortably and have consequently enabled us to see the importance of long-term cultural change rather than simply the development of a series of policies.[[52]](#footnote-52)

Some respondents noted that organisations can focus too heavily on meeting their compliance requirements, without practical implementation, or culture change.

What the Standards have achieved is to create explicit policy whereby there may have previously been implicit expectation. This is valuable. Having said that, the policy expectations risk providing a false reality. Policy is nothing when compared to action.[[53]](#footnote-53)

Confidence to implement the Standards

The Institute’s Safeguarding Capabilities Survey assessed the degree to which staff and volunteers feel confident to implement safeguarding strategies such as:

providing support for children and young people to keep themselves safe

approaching colleagues and other adults when they feel someone has not followed a child-safe policy, or where a child/young person may be, or feel, unsafe, and

* + confidence to act and support young people if something unsafe was to happen.

Respondents advised that they were somewhat confident to act. Youth organisations and other Schedule 2 organisations appeared to have staff who felt more positive about their capacity to safeguard children. Sports organisations participating in the survey rated themselves lower than other organisations.[[54]](#footnote-54) This contrasts with Engage survey results which show that cultural, sport and recreation organisations (n = 41) rated their child safe culture quite highly (self-rating average of 7.98 out of 10).

The results above are promising. However, the review considers that there is considerable work to be done to develop an outcome-focused assessment of effectiveness. This could include working towards the development of a baseline of the prevalence and incidence of child abuse in organisations that engage in child-related work in Victorian organisations, as well as the use of proximal indicators of the conditions of safety. This was supported by several review participants that urged the development of a framework to measure child safety:

A further challenge facing both the Victorian and Australian community is the measurement of the effectiveness of the reforms proposed by the Betrayal of Trust Inquiry and the Royal Commission. Ideally this would include evidence of the prevention of child abuse and of the creation of child safe environments. Building the tools and the data in order to identify and measure such evidence is a task that has barely begun.[[55]](#footnote-55)

# National harmonisation of child safe standards

On 1 February 2019, COAG endorsed the National Principles, implementing the Royal Commission’s recommendation that its ten child safe standards be incorporated into the National Principles and that COAG endorse them with the aim of driving a nationally consistent approach to child safe standards in each state and territory.[[56]](#footnote-56)

The Royal Commission found that a nationally consistent approach to child safe standards is necessary to ‘prevent, identify and improve responses to physical, sexual, emotional and/or psychological abuse and neglect of children’. The Royal Commission outlined that the benefits of a nationally consistent approach include:

providing equal protection for children across all organisations engaging with or providing services to children, regardless of their location

reducing opportunities for potential perpetrators to seek out jurisdictions or organisations with less rigorous child safety requirements

sending clear messages about what it means for an organisation to be child safe

facilitating national collaboration on capacity building and support, and continuous improvement

helping organisations working across borders to comply with the child safe standards

* + promoting effective responses to the needs of all children regardless of their diverse experiences, circumstances or needs.[[57]](#footnote-57)

The National Principles are not mandatory in Victoria or in other states and territories. However, COAG’s endorsement suggests that states and territories may consider whether to make them mandatory in the future.[[58]](#footnote-58) The Australian Government has already committed to requiring all relevant Commonwealth entities and staff and organisations that it funds to undertake ‘child-related work’ to comply with the National Principles.[[59]](#footnote-59)

Many Victorian organisations receive both Commonwealth and Victorian Governments funding – for example community health services and Aboriginal Community Controlled Organisations. These organisations will soon need to comply with Victoria’s Standards as well as the National Principles, increasing their compliance burden.[[60]](#footnote-60) The National Office for Child Safety has been tasked with working with state and territory governments, the National Children’s Commissioner, and other organisations working with children, to promote and educate organisations working with children about the National Principles. The review acknowledges the Victorian Government’s commitment to working with the Australian Government, the National Office for Child Safety, and other jurisdictions to progress a nationally harmonised approach.[[61]](#footnote-61)

## The National Principles for Child Safe Organisations

The National Principles were developed through a national consultation process involving key sectors engaging with children and young people, as well as advocacy groups and academics. They reflect the child safe standards recommended by the Royal Commission but have a broader scope than those standards, which focus primarily on sexual abuse.[[62]](#footnote-62) The National Principles are:

**National Principle 1** – Child safety and wellbeing is embedded in organisational leadership, governance and culture

**National Principle 2** – Children and young people are informed about their rights, participate in decisions affecting them and are taken seriously

**National Principle 3** – Families and communities are informed and involved in promoting child safety and wellbeing

**National Principle 4** – Equity is upheld and diverse needs respected in policy and practice

**National Principle 5** – People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice

**National Principle 6** – Processes to respond to complaints and concerns are child focused

**National Principle 7** – Staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training

**National Principle 8** – Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed

**National Principle 9** – Implementation of the national child safe principles is regularly reviewed and improved

**National Principle 10** – Policies and procedures document how the organisation is safe for children and young people

The broader scope of the National Principles is also more aligned with Victoria’s Standards, which aim to prevent physical violence and sexual abuse as well as serious emotional and psychological harm and neglect.

The National Principles reflect the Royal Commission’s position on the design of best-practice child safe standards. They are outcome-focused (rather than narrow or prescriptive), which means they give organisations flexibility to implement actions that are appropriate for their organisation to achieve the intended outcome. This is important given there are organisations undertaking child-related work across Australia are of different types, sizes and capacities. The National Principles also include ‘action areas’ under each National Principle which provide guidance for organisations on how to implement each Principle to achieve its desired outcomes, and ultimately embed a child safe culture. The action areas are included in **Appendix 5**.

The National Principles seek to promote equity and diversity broadly, while also identifying that child safe organisations should pay particular attention to:

cultural safety for Aboriginal and Torres Strait Islander children

the needs of children with disability

the needs of children from diverse religious and cultural communities

the needs of very young children

the needs of children who have been impacted by prior trauma

the needs of children identifying with gender differences

the experiences of lesbian, gay, bisexual, transgender and intersex children

* + challenges for children living in remote locations.[[63]](#footnote-63)

In reflecting these broader groups and equity needs, the National Principles are more explicitly inclusive than Victoria’s three cross-cutting principles, which only refer to the cultural safety of Aboriginal children and culturally and linguistically diverse children, and the safety of children with disabilities.

## Building on Victoria’s approach

Victoria has been a leader in implementing mandatory child safe standards, and the review heard that many respondents are proud of Victoria’s leadership. They see Victoria’s work on the Standards as ground-breaking and do not want organisations to lose the good work that they had done, especially where ‘organisations had come to ‘own’ and feel proud of their child safe approaches’.[[64]](#footnote-64) Several submissions, including those from peak bodies, noted that they and their members support aligning Victoria’s Standards with the national approach. However, they were keen to see a smooth transition that builds on existing practices and procedures.[[65]](#footnote-65)

Eventual future alignment with the National Principles for Child Safe Organisations was widely seen as likely and positive. However, youth support professionals were clear that the good work already done in their organisations should not be lost, and that any new model should be adequately resourced and supported.[[66]](#footnote-66)

Consistent with this sentiment, the review has found very strong support for a nationally harmonised approach to child safe standards that builds on the work already undertaken in Victoria.[[67]](#footnote-67)

National principles and consistency will help organisations, reduce duplication of work and make it easier for them to work across programs and facilitate implementing child safe working practices. Because we [in Victoria] already have the standards and reportable conduct, we are already ahead. And we should maintain some of our additional standards […] We should aim for the highest standards and not aim for the lowest common denominator.[[68]](#footnote-68)

When we asked respondents to our survey whether they would support Victoria's Child Safe Standards changing to align more closely with the National Principles of Child Safe Organisations, three-quarters were in favour and the rest were unsure. No one said 'no' outright.[[69]](#footnote-69)

Some organisations and sectors that work in Victoria and nationally are already taking steps to implement the National Principles in their businesses and across their sectors.

Like many other organisations, after the release of the Royal Commission’s final report, Life Without Barriers has begun orienting our services towards these National Principles […][[70]](#footnote-70)

We note that standards recently drafted by Catholic Professional Standards Ltd are based on the 10 elements [Standards] identified by the Royal Commission.[[71]](#footnote-71)

The few submissions that did not support national harmonisation, expressed concerns that organisations had expended significant resources to implement Victoria’s standards, and that for some organisations’ implementation was still a ‘work in progress’.[[72]](#footnote-72)

Like all community service organisations Berry Street has committed resources to the implementation of [the Standards …] It makes no implementation sense to alter at a fundamental level the foundations that have been established in Victoria over the last three years. Implementation is still occurring, and embedded cultural change will take time.[[73]](#footnote-73)

Benefits of national harmonisation

Respondents to the review submitted that national harmonisation would have several advantages for many organisations and for children including:

* + children being equally protected no matter where they are in Australia and no matter which types of services or facilities they access

Vicsport believes that for the best interests of children in sport, the Victorian standards should be aligned with the national principles so that safeguarding practices are as strong as possible across all sport and recreation organisations.[[74]](#footnote-74)

* + consistency of messaging about child safe organisations and what is required for organisations to be ‘child safe’ to children, parents and families, organisations’ staff and volunteers, and the broader community

Alignment with the National Principles also supports a ‘shared language’ between organisations, government and other stakeholders which our experience has shown to be important, particularly given the diverse statutory and regulatory requirements across programs and jurisdictions.[[75]](#footnote-75)

* + reduced regulatory burden and confusion for organisations with national or inter-jurisdictional remit

As a national organisation we would love to see uniform and consistent standards and regulation across all states. Some unnecessary confusion does arise when a group or school from one state visits a camp in another state.[[76]](#footnote-76)

[We] fully support the consistency of Standards across Australia. Agencies operating in multiple jurisdictions will be hampered by complying to varying standards and different authorities … Staff and management who work across several jurisdictions may be required to attend multiple versions of the same training to meet each jurisdiction’s standards.[[77]](#footnote-77)

Our experience working with communities on the border of Victoria and NSW has been that the inconsistency has put children at risk.[[78]](#footnote-78)

* + sharing of best-practice guidance materials and case studies across state and territory boundaries and within sectors, including enabling benchmarking and driving continuous improvement in child safe cultures

For [VCOSS] members that operate across different states, national consistency was considered a large benefit as it allows a single set of policies and training material to be developed and delivered to staff. Other benefits identified include helping address the problem of offenders moving across the country and supporting greater community engagement around the issue of child safety.[[79]](#footnote-79)

* + including three new standards for which Victoria has no direct equivalent about promoting online safety, ensuring families and communities are informed and involved in promoting child safety and wellbeing, and regularly reviewing and improving child safe standards

Each of these principles highlight an important aspect of child safety. Specifically articulating these aspects within a set of standards would enhance the focus of these aspects when undertaking continuous improvement processes on child safety practices and policies.[[80]](#footnote-80)

Aligning with the National Principles would also create a different focus on equity and diversity. Most respondents recognised that Victoria’s three cross-cutting principles do not recognise all vulnerable groups of children identified by the Royal Commission – such as LGBTI young people and young people who have experienced trauma – and that this should be rectified. Some respondents noted that having Victoria’s three principles as cross-cutting principles rather than as a standard equal to, but informing, the other standards, meant that the principles weren’t given the attention that they deserved.[[81]](#footnote-81) Many noted that having a specific standard about equity and diversity would focus attention on a broader range of vulnerable groups.[[82]](#footnote-82)

A smaller group of respondents wanted to retain the cross-cutting Victorian principles but include some of the other vulnerable and diverse groups identified by the Royal Commission.[[83]](#footnote-83) A small number of respondents thought there may be benefit in retaining Victoria’s three cross-cutting principles due to their explicit focus on Aboriginality and disability.[[84]](#footnote-84) Others stressed that while they supported National Principle 4, they did not want any transition to result in a loss of focus on the three diverse groups currently protected by Victoria’s three principles.[[85]](#footnote-85)

The three Victorian principles omit some key groups therefore it is preferable to have a principle that is inclusive of all vulnerable groups.[[86]](#footnote-86)

[W]hile the phrasing of National Principle 4 draws particular attention to the needs of Aboriginal and Torres Strait Islander children, children with disability, children from culturally and linguistically diverse backgrounds and other groups, it also refers to those children who are “vulnerable”. This is a broader, more inclusive term that could extend to groups other than those named in the three Victorian principles. This term also avoids stigmatisation that may be associated with naming any additional groups […][[87]](#footnote-87)

Replacing the three principles with a single ‘equity’ standard is a more future-oriented approach and also accommodates contemporary understandings of intersectionality.[[88]](#footnote-88)

By including the principles as part of a specific standard, it creates a more prominent and explicit expectation for organisations to incorporate equity into their practice and reduces the likelihood of the principles being overlooked or addressed in a tokenistic manner, separate to the core requirements.[[89]](#footnote-89)

### Action areas

Most respondents consider that the action areas under each of the National Principles would be a useful guide for organisations implementing the National Principles. Several respondents noted favourably their similarity to Victoria’s Standards[[90]](#footnote-90) and the flexibility they allow organisations in implementation because they are also outcome focused.[[91]](#footnote-91)

Child Wise views the ‘action areas’ as a useful component of the principles, as they provide specific examples of what organisations need to have in place to satisfy the principles. The action areas are outcome-focused, yet sufficiently broad so as to avoid creating an overly prescriptive framework. The action areas are not dissimilar to the success criteria and toolkits developed in Victoria and are therefore likely to be welcomed by Victorian organisations.[[92]](#footnote-92)

Several organisations mentioned that the action areas would allow for greater compliance monitoring and provide organisations with a better understanding of what is required to achieve compliance,[[93]](#footnote-93) although the CCYP noted that action areas may need to be amended over time to reflect new or unforeseen risks.[[94]](#footnote-94)

The ‘action areas’ are helpful in providing guidance and can be adapted to the context of each organisation, whether they are small organisations such as a small dance group or more complex like local government.[[95]](#footnote-95)

Our community has continually asked for more support and guidance in how to meet standards and the action areas would help accomplish this with the national principles. The action areas are simple to understand and provide practical examples for how to meet the principles, they are absolutely essential to effective implementation.[[96]](#footnote-96)

## Moving to the National Principles in Victoria

There were different views on how to achieve national harmonisation in the Victorian context. Some organisations and peak bodies recommended incorporating the ‘missing’ National Principles (National Principles 3, 8 and 9) into Victoria’s Standards,[[97]](#footnote-97) and replacing Victoria’s cross-cutting principles with a new standard equivalent to National Principle 4. Others considered that Victoria should wholly replace the Standards[[98]](#footnote-98) ‘with the more developed, more considered and hopefully more nationally consistent National Principles.’[[99]](#footnote-99)

On balance the review recommends that Victoria should replace its seven Child Safe Standards and three cross-cutting principles with updated standards that reflect the Royal Commission’s ten child safe standards as incorporated into the National Principles subject to minor drafting changes and any amendments required to reflect the Victorian context.

The updated standards should include mandatory ‘action areas’ under each new standard that reflect the action areas set out in the National Principles. In making this recommendation, the review notes that the action areas are outcome-focused, are broad enough to avoid creating an overly prescriptive regulatory framework and are not dissimilar to the success criteria and toolkits currently in place in Victoria.

The review has considered the following matters to reach this conclusion:

1. The Royal Commission’s ten child safe standards and action areas are based upon the best available evidence domestically and internationally about supporting organisations to be safer for children, including learning from Victoria’s *Betrayal of Trust* inquiry.
2. Respondents to the review overwhelmingly supported a nationally harmonised approach to child safe standards, including the action areas in the National Principles.
3. National harmonisation promotes consistency in protections, reinforces messaging about child safety, and reduces regulatory burden, especially for organisations that would otherwise be subject to multiple schemes across jurisdictions.
4. Retaining Victoria’s Standards but amending them to include the aspects of the National Principles that are not present in the Victorian Standards:
   1. is likely to be confusing and lack internal coherence as the National Principles are structured differently to Victoria’s Standards and are outcome focused
   2. is unlikely to resolve the administrative burden on organisations working nationally or across state and territory borders and may not fully achieve the COAG objective of a nationally harmonised approach
   3. will still require documents, policies, and staff training to be revised and is therefore unlikely to be less resource intensive than a well-timed and appropriately supported full transition.

**Recommendation 2:** Replace Victoria’s Standards with updated standards that reflect the National Principles subject to minor drafting changes and any amendments required for the Victorian context.

**Recommendation 3:** Include action areas under each of the updated child safe standards. These action areas should reflect the action areas in the National Principles, subject to minor drafting changes and any amendments required for the Victorian context.

## Amendments for the Victorian context

Consistent with the strong support for national harmonisation, and the rationale set out above, the review recommends minimising any amendments to the National Principles or the action areas unless they are required to protect children in the Victorian context. The review heard that there were two aspects of the National Principles (including their action areas) which may require amendment.

### National Principle 2 – ‘Child empowerment’

The review heard that some respondents were concerned that the National Principles do not explicitly refer to the ‘empowerment of children’. The empowerment of children is a key aspect of Victorian Child Safe Standard 7 – *Strategies to promote the participation and empowerment of children.* Several respondents to the review submitted that child empowerment is an important aspect of child safe organisations and that moving away from this would be seen as a step backwards in achieving the cultural change that is underway in Victoria.

The Commission supports in-principle the adoption of nationally consistent child safe standards, providing that: a) Victoria does not lose the current express reference to having strategies to promote the participation and empowerment of children […][[100]](#footnote-100)

In considering incorporation of the National Principles, VCOSS members were keen to maintain existing standards. For example, there was strong support for standard 7 and its emphasis on promoting children’s empowerment and participation. This standard should not be lost as part of any reform.[[101]](#footnote-101)

… [Our] stakeholders were clear that they did not want to lose Standard 7: ‘Strategies to promote the participation and empowerment of children’. There was concern that this theme was not so prominent in the National Principles.[[102]](#footnote-102)

[If] the National principles are adopted in Victoria, the emphasis on the empowerment and participation of children and young people should be retained.[[103]](#footnote-103)

The review notes that while National Principle 2 does not explicitly reference ‘empowerment’, arguably the Principle seeks to achieve this objective in substance and practice through the wording of the Principle itself and the action areas supporting its application in practice. For example, National Principle 2 seeks to achieve the outcome ‘*Children and young people are informed about their rights, participate in decisions affecting them and are taken seriously*’ and action area 2.4 provides that: ‘*Staff and volunteers are attuned to signs of harm and facilitate child-friendly ways for children to express their views, participate in decision-making and raise their concerns*.’[[104]](#footnote-104) Similarly, action area 2.1. provides: ‘*Children and young people are informed about all of their rights, including to safety, information, and participation.*’[[105]](#footnote-105)

The review notes it is important to balance retaining the high standards and aspirations already set in Victoria with achieving a nationally harmonised approach to child safe standards and minimising confusion and regulatory burden on organisations working nationally or across jurisdictions. As such, the Victorian Government should consider how to best ensure that the concept of empowerment is retained in Victoria’s adoption of the National Principles. This could be achieved by amending a standard equivalent to National Principle 2 or an action area under it to explicitly reference ‘empowerment’. The review heard strong views that using other means, such as publishing supporting materials and other guidance would be unlikely to carry enough weight to be effective.

**Recommendation 4:** Consider how to best ensure the concept of child empowerment is retained in harmonising with the National Principles.

### National Principle 4 – Aboriginal children

Several submissions, including submissions from Aboriginal community-controlled organisations, urged that Victoria should not lose its explicit focus on promoting Aboriginal cultural safety and expressed the view that ‘it is imperative to separately acknowledge the special needs and vulnerabilities of Aboriginal children … rather than grouping Aboriginal children together with children with other “vulnerabilities and diversities”’.[[106]](#footnote-106)

[Combining] Aboriginal, CALD and disabled children into a single clause is likely to be an unwelcome innovation in the eyes of Victorian Aboriginal communities. In the past, grouping Aboriginal peoples with CALD communities has been thought to overlook the distinctive history and experience of Aboriginal peoples, while being insensitive to the unique place Aboriginal peoples hold as First Nations peoples.[[107]](#footnote-107)

We believe it is imperative to separately acknowledge the special needs and vulnerabilities of Aboriginal children as per Principle 1 of the Victorian Child Safe Standards, rather than grouping Aboriginal children together with children with other “vulnerabilities and diversities” as per National Principle 4. It is important for mainstream services to provide a culturally safe choice for Aboriginal people and they must recognise that specific additional work must be undertaken to ensure Aboriginal community trust, ownership and engagement. Cultural safety requires special attention and expertise to achieve. It is not enough for organisations to simply state that they prioritise it.[[108]](#footnote-108)

The review acknowledges that Aboriginal self-determination and cultural safety are critical to make organisations safe for Aboriginal children. The Royal Commission found that ‘Aboriginal […] children may be less likely to disclose abuse due to a lack of cultural safety and a fear of authorities intruding into their family and community, based on historic experiences of systemic racism and abuse.’[[109]](#footnote-109) The review recommends that the Victorian Government include a new action area informing a standard equivalent to National Principle 4 that requires organisations to be culturally safe for Aboriginal children. This action area should be separate from action area 4.3 as described in the National Principle.[[110]](#footnote-110) The review also recommends that Aboriginal communities should drive the development of the action item, consistent with Victoria’s commitment to Aboriginal self-determination.

**Recommendation 5:** Consider how to best ensure cultural safety for Aboriginal children is included as a stand-alone focus in harmonising with the National Principles for Child Safe Organisations.

The Department of Health and Human Services should work with Victorian Aboriginal communities to determine how to best give effect to cultural safety.

## Transition to the National Principles

Victorian organisations and peak bodies have undertaken substantial and often innovative work to implement the Victorian Standards over the past few years. Importantly, this work will not be lost if Victoria transitions to nationally harmonised child safe standards as many elements of Victoria’s Standards align with the National Principles and their action areas. As recognised by many respondents, transition from Victoria’s existing Standards to nationally harmonised child safe standards would be ‘a progression, rather than a fundamental shift.’[[111]](#footnote-111)

We believe that we comply with the National Principles as defined. We believe our existing implementation will map over to the National Principles and our current self-identified improvement opportunities would further strengthen our commitment when considered against the National Principles.[[112]](#footnote-112)

The review also heard that many organisations and peak bodies recognise that a well-supported transition to the National Principles is likely to improve child safety in Victoria, as it will bolster continued commitment and focus on child safety matters. For example, participants in one consultation workshop noted that change to the National Principles would reinvigorate focus on child safety and ensure that the momentum generated by the establishment of the Victorian Standards is not lost.[[113]](#footnote-113)

However, the review heard from several respondents, including government departments and regulators, that it is very important that transition to the National Principles is guided by realistic expectations about timing and resourcing to support a smooth implementation process and minimise disruption. This is critical to avoid undermining good-will and interrupting the momentum of child safety initiatives.

Given the momentum and work that organisations have undertaken in implementing the standards, members were keen to see a smooth transition that builds on existing practices and procedures.[[114]](#footnote-114)

[…] there is an opportunity in Victoria through the Victorian Commissioner for Children and Young People to lead on the development of a consultative and coherent implementation plan for the National Standards that recognises the level of work and investment already being made in Victoria and that does not cut across this work but rather enhances it.[[115]](#footnote-115)

It is important that any transition to nationally harmonised child safe standards be informed by the implementation experiences of the CCYP, relevant authorities, peak bodies and organisations. Many organisations and peak bodies informed the review that implementing the Standards has been resource intensive, costly and, at times, challenging. Experience varies across and within sectors, by the size of an organisation and its previous experience with regulation or child safety practices. Staff training and recruitment processes, and strategies to promote the participation and empowerment of children, were regularly cited as especially challenging.

The review heard that some of these challenges could have been avoided if clearer compliance guidance had been provided to organisations early in the implementation period. The review notes that the action areas in the National Principles would go some way to assisting organisations to understand what actions are required to achieve compliance. However, further guidance materials and sector-specific examples will be required to support organisations through the transition.

The review recommends that the Victorian Government allow at least 12 months for transition from the Victorian Standards to newly harmonised standards consistent with the National Principles. This transition period is consistent with the views and suggestions made by respondents to the review to allow for changes to policies, procedures and staff training.[[116]](#footnote-116)

The review notes that the Victorian Government will need to consider what supports may be required to enable a smooth and effective transition to nationally harmonised child safe standards, including how the National Office for Child Safety, the CCYP, relevant authorities and peak bodies might work together to achieve this. In making this recommendation, the review notes that the National Office for Child Safety has been tasked with leading national coordination and implementation of the National Principles and has been developing a range of national resources and practical tools to inform and support organisations, parents and carers across all sectors.

**Recommendation 6:** The Victorian Government and regulators allow at least 12 months for transition from Victoria’s child safe standards to new updated Standards that reflect the National Principles for Child Safe Organisations.

**Trauma-informed approach**

The review heard views that transition to the National Principles should be guided by a trauma-informed approach. Several submissions noted that discussions around child abuse, reporting, and other aspects of the Standards had to be carefully managed because staff, children and their families could find these discussions could ‘trigger’ past trauma.

Organisations requested further support to develop trauma-informed strategies and to provide support to children and young people.

In terms of providing the resources to inform young people and families on avenues for reporting, this was more difficult to progress. Input from young people and families is an important aspect in the development of these resources, but it was complicated by the need to provide education and make therapeutic support available due to the possibility of triggering families and children.[[117]](#footnote-117)

The Victorian Government may consider whether and how a trauma-informed approach to implementation of nationally harmonised child safe standards could be achieved and whether such an approach would be appropriate.

Consultation with the National Office for Child Safety and other jurisdictionsto identify appropriate strategies and supports for staff, children and families to inform implementation of the National Principles to minimise the risks of re-traumatisation may also be considered.

# Scope of the Child Safe Standards scheme

Many types of organisations work with children and young people throughout Victoria. Organisations that must comply with the Standards include those that provide any services specifically for children, provide any facilities specifically for use by children who are under the organisation’s supervision, or engage a child as a contractor, employee or volunteer to assist the organisation in providing services, facilities or goods.

These organisations may be highly organised and regulated, for example, schools, hospitals, and child protection services. There are also many organisations that are small and community-based, for example sports clubs, youth organisations or playgroups where families and community members contribute voluntarily to the delivery of those services. Religious bodies, including churches, are also required to comply with the Standards. The scope of organisations required to comply with Victoria’s child safe standards is set out in **Appendix 1**.[[118]](#footnote-118)

Following *Betrayal of Trust* extensive consultations in Victoria found very strong support for all organisations providing services for children specifically to be subject to mandatory standards.[[119]](#footnote-119) This sentiment has not changed.

There is strong support for the Standards to apply to all organisations undertaking child-related work. Respondents to the review universally supported organisations currently within scope of the Standards remaining within scope of the mandatory scheme.

The review did not receive any submissions suggesting the scope should be narrowed. There were several submissions that said Victoria’s scheme does not go far enough and raised concerns about some of the exemptions proposed by the Royal Commission. The exclusion of shopping centres and movie cinemas was raised as particularly high risk.[[120]](#footnote-120) It was also pointed out that there appeared to be some inconsistency to the law because some shops in shopping centres would be subject to the Standards (such as shops that have obtained child employment permits or children’s gym or play facilities) but not the shopping centre itself.

[It is unclear why] places like shopping centres and movie theatres, where countless teenagers frequent every single day with no parent or caregiver present for supervision are not entitled to be kept safe to the same standard …CLAN believes that the only way to achieve true consistency is in making child safe standards applicable to any organisation that deals with or makes money from children, no matter what its main function. The only way that an organisation should NOT have to comply with child safe standards is if it does not deal with children at all.[[121]](#footnote-121)

These are valid concerns and all regulatory schemes should be flexible to respond to emerging risk. However, the review is cautious about further extending the scope of the mandatory Standards beyond the recommendations of the Royal Commission, noting the need to balance risk with regulatory burden, and acknowledging that Victoria already applies its mandatory Standards more broadly than the Royal Commission recommended. The Royal Commission also cautioned against adopting an overly broad scope for the mandatory scheme commenting:

… a proportional response is required, and unnecessarily onerous regulation should be avoided. The cumulative impact of mandating child safe requirements on all [organisations] involved with children would be enormous. The number of [organisations] affects the cost and practicalities of overseeing implementation of the standards.[[122]](#footnote-122)

Currently, the organisations subject to mandatory Standards are set out in the Schedules to the Act.[[123]](#footnote-123) The review considers that the regulatory scheme should enable greater flexibility for other organisation types or sectors to be made subject to the scheme in circumstances where evidence emerges in future about risks of child abuse.

**Recommendation 7:** Retain the current scope of organisations subject to mandatory Child Safe Standards, as identified in Schedules 1 and 2 to the *Child Wellbeing and Safety Act 2005*.

**Recommendation 8:** Amend the *Child Wellbeing and Safety Act 2005* to enable the Minister to prescribe in regulations the organisation types and sectors subject to mandatory child safe standards to allow flexibility in circumstances where evidence emerges in future about risks of child abuse.

## Exemption from the Victorian Child Safe Standards

The Act requires all organisations that are identified in Schedules 1 and 2 to the Act to comply with the Standards unless one or more of the exemptions in section 22 of the Act apply to that organisation. Section 22 provides that an organisation is exempt from complying with the Standards if it does not do any of the following –

1. provide any services specifically for children
2. provide any facilities specifically for use by children who are under the [organisation’s] supervision
3. engage a child as a contractor, employee or volunteer to assist the [organisation] in providing services or facilities or in producing or providing goods.[[124]](#footnote-124)

The review received very little feedback on the way the exemptions are expressed in the Act. However, some organisations expressed confusion about how these exemptions should be interpreted in practice. This confusion is especially apparent where organisations primarily provide services or facilities for adults, and any services provided for children are ancillary rather than solely provided for them.[[125]](#footnote-125)

Health services and medical centres ‘not providing children’s health services’ are currently exempt - I think any health service or medical centre, regardless of whether or not they specifically provide children’s services, should be required to comply with the Standards.[[126]](#footnote-126)

Child Wise would continue to support a balanced and proportionate approach to the [Standards] but would encourage greater clarity around the threshold for what constitutes, ‘services specifically for children’, as services which are primarily adult focused can still have a significant impact on children’s safety.[[127]](#footnote-127)

… YSAS has clearly understood its obligations to be in scope for the [Standards] and agree that this is highly appropriate given the vulnerability of our client group. It has been less clear whether some other agencies to which we partner in consortia settings have been in scope ... It has also proved challenging to determine this through [consultation] with the CCYP …[[128]](#footnote-128)

While the review is not recommending any change to the scope of organisations required to comply with the Standards, the review recommends clarity about the application of the exemption in section 22 of the Act could be provided through publication of guidance materials or case examples rather than by legislative amendment. The CCYP could collaborate with relevant authorities to develop guidelines and case examples for consistent interpretation of the exemptions in the Act.

In providing guidance, the CCYP and relevant authorities should consider the meaning and interpretation of ‘specifically’ in section 22 of the Act. The review considers that the example in the Explanatory Memorandum for the Bill[[129]](#footnote-129) establishing the Victorian Standards provides some helpful initial guidance.

**Recommendation 9:** Consider clarifying the application of the exemptions in section 22 of the *Child Wellbeing and Safety Act 2005*. Clarification could be provided via the publication of guidance materials and case examples.

# Oversight, monitoring and enforcement

## The co-regulatory model

Clarity of role and function is critical to the effective operation of any regulatory scheme.[[130]](#footnote-130) The Act sets out a co-regulatory model for the oversight, monitoring and enforcement of the Standards and assigns these functions to both the CCYP and ‘relevant authorities’[[131]](#footnote-131) with some differences.

The Act provides for the CCYP to oversee, promote and enforce compliance by organisations with the Standards and to educate and provide advice to relevant authoritiesand organisations.[[132]](#footnote-132)

For relevant authorities, the Act sets out a role in overseeing and promoting compliance with the Standards by organisations that they regulate or fund.[[133]](#footnote-133) The regulatory scheme assumes relevant authorities will be able to use existing funding or regulatory powers to fulfil this function and does not provide tools beyond the power to request the provision of information in specified circumstances.[[134]](#footnote-134) The Act includes provisions that require, in many circumstances, the CCYP and relevant authorities to consult before taking action.

## Role of the Commission for Children and Young People

In considering the role of an oversight body like the CCYP**, recommendation 6.11** of the Royal Commission states:

[Each] independent state and territory oversight body should have the following additional functions:

1. provide advice and information on the [Standards] to institutions and the community
2. collect, analyse and publish data on the child safe approach in that jurisdiction and provide that data to the proposed National Office for Child Safety
3. partner with peak bodies, professional standards bodies and/or sector leaders to work with institutions to enhance the safety of children
4. provide, promote or support education and training on the [Standards] to build the capacity of institutions to be child safe
5. coordinate ongoing information exchange between oversight bodies relating to institutions’ compliance with the [Standards].[[135]](#footnote-135)

Currently, the CCYP has most of these functions. It also has an advocacy function under its establishing legislation, which tasks it with ‘[promoting] the interests of vulnerable children and young persons in the Victorian community.’[[136]](#footnote-136) This role was vitally important to respondents to the review in protecting the best interests of children and holding government to account. However, some respondents to the review felt that the multiple roles of the CCYP – regulator, advocate and educator – can cause confusion and lead to tension between roles and in the way issues are dealt with. It is important that the CCYP’s legitimacy as an advocate and as a regulator are not be jeopardised by lack of clarity in its roles.

As outlined in the ‘Implementation experience’ chapter, the CCYP has provided considerable support and guidance to organisations. Organisations were generally supportive of the CCYP and grateful for the support and guidance it provides. However, some organisations expressed the view that the CCYP struggles to balance its role in overseeing the Standards with its role in overseeing the Reportable Conduct Scheme, feeling that the CCYP hasn’t kept up with the needs of organisations following the initial awareness-raising phase of implementation or been able to provide sector-specific supports or tailored compliance advice.

CCYP is now swamped with Reportable Conduct allegations and has no time for [the Standards]. Their role has changed, and the scope has changed. It is not clear how they support compliance or implementation of the [Standards …] There is information on the website about the Standards but not enough about the implementation. CCYP are overworked and at the pointy end of the Reportable Conduct Scheme. They have no time to support thousands of organisations who still have questions.[[137]](#footnote-137)

The review heard that the CCYP commits significant resources to identifying and working with relevant authorities to seek agreement as to who should act. This is discussed further below.

**Reco****mmendation 10**: Make any necessary amendments to the Act to more closely align the functions of the CCYP, as the Standards oversight body for Victoria, with recommendation 6.11[[138]](#footnote-138) of the Royal Commission. This should include giving the CCYP the following additional state-wide leadership and capacity building functions:

1. collecting, analysing and publishing data on the child safe approach in Victoria and providing that data to the National Office for Child Safety
2. coordinating ongoing information exchange between relevant authorities relating to organisations’ compliance with the Child Safe Standards
3. promoting consistent child safety outcomes across the diverse sectors through the provision of overarching general guidance to relevant authorities, peaks and organisations, including liaising with the National Office for Child Safety.

## Role of ‘relevant authorities’

While the Act provides for the functions of the CCYP, it is silent on the role and functions of relevant authorities. Under the Act a relevant authority is defined as:

a department that is responsible for regulating an in-scope organisation[[139]](#footnote-139)

a department that provides funding to an in-scope organisation

the Victorian Registration and Qualifications Authority (VRQA)

* + and any other authority that regulates or funds an in-scope organisation and that is prescribed (in regulations) to be a relevant authority.[[140]](#footnote-140)

The Act does not define the terms ‘regulate’ or ‘fund’. Relevant authorities and the CCYP have indicated it is not clear what the term ‘funding’ means in practice. For example, ‘fund’ may be interpreted broadly to include grants and appropriations as well as multi-year funding arrangements. This can result in a lack of clarity between departments and the CCYP as to whether a department is in fact a relevant authority for an organisation, and this uncertainty can result in unacceptable delays in acting on potential risks to children.

By conflating funding and regulation, the Act often requires relevant authorities with no relationship to an in-scope organisation beyond a funding agreement to enforce compliance without adequate regulatory or other tools or capability. Departments have noted that when they provide funding via a one-off grant (usually for activities unrelated to children) they may have little relevant knowledge of the receiving organisation. This means the department may not have the specific knowledge of the organisation that the Act seems to envisage.[[141]](#footnote-141)

This lack of knowledge and ad hoc relationship can make it difficult for departments to determine whether an organisation is compliant with the Standards.

The broad definition of relevant authority also means that sometimes an organisation can be funded or regulated by more than one relevant authority. In these circumstances it can be unclear who is responsible for regulating compliance and how regulatory actions should be coordinated to reduce duplication. The latter is particularly true given the Act does not require or expressly permit relevant authorities to consult with each other.

## Allocation of regulatory responsibility

The CCYP and relevant authorities have almost unanimously stated that there are substantial challenges arising from the ‘co-regulatory’ model established by the Act.

In addition to confusion for the CCYP and relevant authorities themselves, organisations may have to engage with several relevant authorities and the CCYP in circumstances where non-compliance has been identified. The CCYP has responded to this risk by helping relevant authorities to coordinate compliance activity so that all relevant authorities agree who will lead the compliance activity and be the key contact for the in-scope organisation in relation to that matter. However, despite the efforts of the CCYP, having multiple relevant authorities creates inefficiency, uncertainty, unacceptable delays and, in some cases, reluctance on the part of relevant authorities to take compliance action.

The review is convinced by the weight of the evidence that the Act should be amended to clarify the allocation of roles and responsibilities between the CCYP and relevant authorities. This is essential to avoid duplication, close gaps and allow effective oversight of organisations’ compliance with the Standards. This could be done by establishing a mechanism in the Act to allocate a single regulator or government department (including the CCYP) to undertake the compliance and enforcement functions for each type of organisation identified in the Schedules to the Act. The review also considers that existing sector regulators, such as the VRQA, should be allocated the function of regulating their sectors for compliance with the Standards.

This approach addresses the Royal Commission’s recommendation that oversight bodies be able to ‘delegate’ functions to relevant authorities in a way that empowers government (rather than the CCYP) to determine who is the appropriate regulator for each sector. Adopting this type of regulatory mechanism allows enough flexibility to accommodate changes in the future, and as necessary.

The proposed mechanism would unequivocally assign responsibility for the Standards to the most appropriate regulator. This will avoid duplication of effort, potential gaps and delays in regulatory compliance and enforcement activity. Clarifying the allocation of regulatory functions will also create efficiencies by enabling the CCYP to focus on regulating organisations within its remit, rather than having to commit resources to identifying and working with relevant authorities to seek agreement as to who should act.

**R****ecommendation 11:** Establish a mechanism in the *Child Wellbeing and Safety Act 2005* to allocate a single regulator to undertake the compliance and enforcement functions for each type of organisation identified in the Schedules to the Act.

**Recommendation 12:** Amend the *Child Wellbeing and Safety Act 2005* to explicitly provide for the functions of relevant authorities for regulating the Standards.

The Act conflates the discrete functions of regulation and funding by giving relevant authorities the same regulatory compliance role regardless of whether they have a funding or regulatory relationship with an organisation. This means that some relevant authorities have a compliance role without regulatory tools to require compliance.

The Royal Commission noted funding and procurement processes may be a useful mechanism to promote child safety in organisations,[[142]](#footnote-142) and the Australian Government has recently adopted this approach and issued model clauses to be used in its funding agreements and procurement processes.[[143]](#footnote-143) Some organisations, particularly those funded by the Department of Health and Human Services, considered funding to be a useful mechanism for promoting and requiring compliance with the Standards, especially when integrated with an accreditation or registration requirement.[[144]](#footnote-144)

However, funding in and of itself is a poor regulatory tool as it leaves withdrawal of funding as the only real option available where non-compliance has been identified. This is often too blunt a mechanism and does not necessarily address potential risk to children.

Giving funders a regulatory role also fails to recognise that funding is fundamentally different from regulation, and that allocating both these functions to the same entity risks conflicts of interest.

The Organisation for Economic Co-operation and Development (OECD) *Best Practice Principles on the Governance of Regulators* also cautions against providing both funding and regulatory functions to the same entity.

Combining the functions of service delivery or the funding of external providers with enforcement of regulatory standards can also present conflicts, particularly when the same staff carry out both functions and report to the same decision maker, and therefore should be avoided. These conflicts may arise because rigorous enforcement of regulatory standards can affect supply of a government service or delivery costs. Where there are limited suppliers, there may also be pressure to accept lower standards to avoid any service disruption. This can lead to concerns by clients and providers about inconsistent application of standards.[[145]](#footnote-145)

Funding relationships may be useful for promoting compliance but should not be the sole regulatory tool. Regulatory enforcement should be undertaken by a properly empowered regulator that has an appropriate degree of independence and separation from the funding mechanism.

The review team recommends that the Victorian Government amend the Act to de-couple funding arrangements from regulatory compliance and enforcement by clarifying the roles and functions of relevant authorities.

**Recommendation 13:** Amend the *Child Wellbeing and Safety Act 2005* to remove funding arrangements from being linked to regulatory compliance and enforcement.

## Contemporary compliance and enforcement powers

Under the current framework, necessary statutory powers to monitor and enforce compliance effectively are not always available.

The Act provides an incomplete suite of regulatory compliance and enforcement powers to the CCYP, and those that are provided are inhibited by cumbersome requirements to consult with each relevant authority for an organisation before exercising these powers.

Table 1 provides a comparison of powers the Act provides to the CCYP and relevant authorities. It is important to note that many powers provided to the CCYP can only be utilised with the consent of the organisation being regulated, making them ineffectual in practice.

Table 1 – Regulatory powers under the *Child Wellbeing and Safety Act 2005*

|  |  |  |
| --- | --- | --- |
| **Powers** | **CCYP power** | **Relevant authority power** |
| Request relevant authorities promote and require compliance | ✓ |  |
| Request information or documents from relevant authorities | ✓ |  |
| Request documents from organisations | ✓ | ✓ |
| Inspect an organisation’s premises  *CCYP must give at least 7 days written notice and the organisation must consent to the inspection, except in exceptional circumstances* | ✓ |  |
| Require documents from organisations (notice to produce)  *CCYP must believe that the organisation is not complying, or is not reasonably likely to comply, with the Standards.* | ✓ |  |
| Require organisations to address non-compliance (notice to comply)  *CCYP must believe that the organisation is not complying with the Standards.* | ✓ |  |
| Seek a court declaration of non-compliance and/or a pecuniary penalty for failing to comply with a notice[[146]](#footnote-146) | ✓ |  |

For relevant authorities, the Act assumes their existing regulatory schemes or funding arrangements can be used to require compliance with the Standards. For some relevant authorities, their primary regulatory schemes are unsuited for this purpose, or do not refer to the Standards and therefore cannot be used except where the Standards overlap with their existing authority, resulting in inconsistent and often ineffective regulation.

The most comprehensive example of integration of the Standards into an existing regulatory scheme is the Ministerial Order No. 870, made under section 4.3.1(6)(d) of the *Education and Training Reform Act 2006*, which sets out specific actions that registered schools must take to comply with the Standards. This has enabled the VRQA to use its powers under the Education and Training Reform Act to enforce schools’ compliance with the Standards. If the Standards are updated to more closely align with the National Principles, consideration will need to be given to Ministerial Order No. 870 and how the amended Standards will be operationalised for the schools sector. Further consideration will also need to be given to whether consequential amendments of the Education and Training Reform Act are required to give effect to the review’s recommendations.

As noted earlier in this report, approximately 50,000 highly diverse organisations must comply with the Standards. This diversity needs to be taken to be into account when developing the optimal approach to monitoring and enforcement to ensure that regulatory responses are effective, proportionate, and do not impose undue regulatory burden or create unintended consequences.

The CCYP, as the regulator, needs a graduated suite of contemporary compliance and enforcement powers, so regulatory responses can be tailored according to the characteristics of an organisation and other inter-related, and often complex and dynamic, factors. This is a feature of responsive risk-based regulation, which is the recommended approach of the Royal Commission.

[Consistent] with best practice regulation, oversight bodies should take a responsive approach to compliance. This means enforcement efforts should focus on higher risk institutions, and regulators should respond to non-compliance with proportional interventions for those institutions unwilling and/or unable to comply. We believe this approach recognises the diverse range of institutions and, importantly, prevents placing too high a cost and administrative burden on government to regulate the Child Safe Standards.[[147]](#footnote-147)

A risk-based approach helps regulators better target their finite resources. This is critical given concerns raised by several respondents to the review that resourcing constraints risk effective enforcement of the Standards.

The Royal Commission did not provide detailed commentary about which regulatory tools would be optimal for monitoring and enforcing compliance with the Standards. However, the review has considered published research on child abuse and best practice regulatory arrangements for its prevention, as well as examining the regulatory tools and practices adopted by other regulators.[[148]](#footnote-148)

The review considers that existing powers of the CCYP should be retained and strengthened. The CCYP should also be given additional powers to enable a more responsive, risk-based approach to enforcing compliance with the Standards. These powers should be made available to relevant authorities where they do not have equivalent powers, and it would appropriate to do so taking into consideration their existing regulatory functions and powers.

Where relevant authorities can effectively integrate the Standards into their existing regulatory frameworks (e.g. via a Ministerial Order or by making compliance a condition of a permit), and the regulatory powers under those frameworks are suitable for enforcing the Standards, those existing powers should be used.

While the specific range of regulatory tools to be included in the Act would be subject to further consideration and consultation, Table 2 provides examples of the types of regulatory tools which can make up a modern, responsive and flexible regulatory scheme.

Table 2 – Examples of regulatory tools

|  |  |
| --- | --- |
| Regulatory tool | Description |
| Civil penalties | A civil penalty is a court-ordered monetary penalty. Civil penalties aim to punish and deter non-compliance. The ability to impose substantial penalties aligns with community expectations that recalcitrant organisations that put children at risk will be punished. |
| Adverse publicity order | There are two ways that adverse publicity can be used as an enforcement tool. Firstly, regulators can have the power to publish enforcement action it has taken against an organisation, including any actions taken by the organisation in response. Secondly, regulators can seek a court order for an adverse publicity order which directs an organisation to notify the public or specified persons of its non-compliance, its consequences, and any penalty imposed. |
| Court injunctions | An injunction is a court order that requires a person or organisation to do, or not do, a specific thing. Injunctions can have a high deterrence effect because failing to comply with an injunction can constitute contempt of court, which may result in fines, imprisonment or both. |
| Prohibition notices | A prohibition notice is a written direction from the regulator to an organisation prohibiting the organisation from carrying on a specific activity. Prohibition notices are highly coercive and intrusive and can have serious consequences for an organisation. |
| Infringement notices | Infringement notices allow a regulator to respond proportionately and efficiently where there is minor non-compliance. They require organisations to pay a fixed penalty by a specified time. |
| Enforceable undertakings | An enforceable undertaking is a written promise by an organisation to take specified actions to address non-compliance. If it does not fulfil this promise the regulator may seek enforcement of the undertaking by a court. |
| Official warnings | An official warning is a written warning that the regulator believes an organisation is contravening the law and that any further non-compliance will result in an escalating enforcement response. |

In contrast with comparable regulators (including the VRQA, the Department of Health and Human Services’ Human Services Regulator, and the Department of Education and Training Quality Assessment and Regulation Division) the CCYP does not have authorised officers to exercise its monitoring and enforcement powers.

The Victorian Government may consider providing for the CCYP to appoint authorised officers to administer its regulatory scheme. This option may also help to mitigate any perceived tension between the CCYP’s roles as advocate and regulator in the performance of its functions. By exercising its regulatory functions through duly appointed authorised officers, it will be clearer to organisations when the CCYP is functioning as a regulator, rather than as an advocate.

**Recommendation 14:** Amend the *Child Wellbeing and Safety Act 2005* to give the CCYP access to a suite of graduated compliance and enforcement powers, including the appointment of authorised officers, and allow for relevant authorities to adopt these powers via appropriate statutory instruments (this may be achieved through regulations or existing legislation).

## Information sharing

Effective information sharing facilitates the coordination of regulatory activity, informs risk-based action, and increases regulatory effectiveness and efficiency.

While the Act contains provisions[[149]](#footnote-149) governing information sharing for the purposes of regulating the Standards, these provisions do not enable the CCYP and other regulators to effectively share information in practice. For example, section 41D permits the CCYP to disclose information to relevant authorities[[150]](#footnote-150) about concerns about the failure of an organisation to comply with the Standards but does not provide for disclosure about potential failures.

There is no clear provision in the Act allowing relevant authorities to share information with one another.

Strengthened information sharing provisions will be necessary to enable the CCYP to fulfil the additional Royal Commission recommendation that they collect, analyse and publish data on child safe approaches and provide that data to the National Office for Child Safety.

As we move towards a nationally harmonised approach to the Standards, the ability for regulators to share information with interstate counterparts will become more important. One of the key potential benefits of a nationally harmonised approach will be the ability of child safety regulators to collaborate with each other to effectively support and enforce compliance [...] The Commission, while performing its functions, may become aware of information relating to non-compliance with the Standards of an interstate entity. The ability to provide this information to an interstate body tasked with administering the Standards will ensure that interstate child safety issues are able to be quickly addressed.[[151]](#footnote-151)

Improving information sharing between regulators and across regulatory schemes has the potential to reduce burden on organisations by enabling a single report to be made to a regulator who then could share that information with other relevant regulators and agencies in a timely way.

Child Information Sharing Scheme

Victoria has recently established a Child Information Sharing Scheme,[[152]](#footnote-152) which enables prescribed organisations and entities (called information sharing entities) to share confidential information to promote the wellbeing and safety of children. Organisations and services prescribed as information sharing entities by the *Child Wellbeing and Safety (Information Sharing) Regulations 2018* are permitted to share confidential information with each other.

The CCYP is an information sharing entity, which means that it can share information with other information sharing entities. However, at the time of writing, the Child Information Sharing Scheme does not prescribe all the relevant authorities as information sharing entities. For example, the Child Information Sharing Scheme does not prescribe the Secretary to the Department of Education and Training, which would allow information sharing between the CCYP and the Quality Assessment and Regulation Division (which is responsible for the regulation of early childhood services).

The review understands that the Victorian Government is intending to prescribe additional information sharing entities. However, this may not include all the relevant authorities that may be allocated regulatory functions for the Standards, nor will it enable the sharing of information about compliance with the Standards between interstate regulators. As a result, specific information sharing provisions for the purposes of regulating the Standards should be retained.

Sharing information with members of the public

The CCYP submits that existing information disclosure provisions in the Act prevent it from sharing information with members of the public who raise concerns about an organisation’s potential non-compliance. This includes not being able to tell the person that the CCYP is acting in response to the concerns that they have raised.

Due to the sensitive nature of information received and gathered by the Commission, strict and broad confidentiality requirements are contained in the Act. However, as a result of these confidentiality requirements, the Commission is usually legislatively prohibited from providing updates or information to individuals who have raised concerns with the Commission about non-compliance or about the actions taken by the Commission or organisation.[[153]](#footnote-153)

The inability to share information may deter people from making reports to the CCYP in future as the CCYP may be perceived as not acting on information provided. This impacts on public confidence in the CCYP as a regulator and risks undermining the effectiveness of the scheme. Reports from the public play a critical role in CCYP’s compliance monitoring.

The review considers that the Act should be amended to better promote effective information sharing between regulators. Information sharing provisions should also permit regulators to share information with other relevant government agencies and regulators that have a role in safeguarding children and manage issues which occur across jurisdictional borders.

Consistent with the Royal Commission’s intention that information sharing is critical to ensuring child safety, the review considers these provisions should be amended to enable the CCYP to share relevant information with people who raise concerns about potential non-compliance. This should include a provision that protects people who raise concerns in good faith with the CCYP about potential non-compliance with the Standards.[[154]](#footnote-154)

**Recommendation 15:** Amend the *Child Wellbeing and Safety Act 2005* to allow best-practice information sharing arrangements across the scheme.

# Appendix 1 – Organisations required to comply with the Child Safe Standards

### Schedule 1 organisations

Schedule 1 organisations are organisations that are funded and/or regulated by the Victorian Government (usually under a state contract) and provide services and/or facilities specifically for children. These include:

housing services and homeless services funded under a State contract

registered schools (government and non-government) within the meaning of the *Education and Training Reform Act 2006* (Vic)

approved education and care services (e.g. kindergartens, after hours care services)

organisations registered or accredited to provide senior secondary education and training

approved organisations operating an overseas student exchange program within the meaning of the Education and Training Reform Act 2006

approved education and training organisations providing courses to students from overseas

child protection services

out-of-home care services

disability services provider within the meaning of the *Disability Act 2006* (Vic)

organisations providing early therapeutic intervention specifically for children with a disability, additional needs or developmental delay

government departments providing services or facilities specifically for children (including youth justice and corrective services)

youth services funded under a State contract

children’s services (e.g. occasional care providers)

public and denomination hospitals, public health services, private hospitals, multipurpose services, day procedure centres and registered community health services

drug or alcohol treatment services funded under a State contract

a mental health service provider within the meaning of the *Mental Health Act 2018* (Vic)

Maternal and Child Health Centres

local councils

support services for parents and families funded under a State contract

family violence or sexual assault services funded under a State contract

* + applicable entities that are constituted by or under an Act that have functions of a public nature.

### Schedule 2 organisations

Schedule 2 organisations are organisations that have limited or no funding from government and are not directly regulated by the Victorian government. However, these organisations also provide services and/or facilities specifically for children. They include:

residential facilities for boarding schools and student hostels

overnight camps for children

religious bodies, including churches

charities and not-for-profit organisations providing services to children

post-secondary school education and training providers, including TAFE institutes and universities within the meaning of the Education and Training Reform Act 2006

a place where home schooling takes place

entertainment or party services for children

children’s talent or beauty competitions

gym or play facilities for children

photography services for children

disability service providers not registered under the Disability Act 2006(such as TAC funded providers)

cultural, sport or recreation services specifically for children

youth organisations (such as Scouts or Girl Guides)

professional babysitting services

counselling or other support services for children

schools other than registered schools (e.g. swimming schools, dance schools)

coaching or tuition services specifically for children

commercial or publicly funded transport services for children

* + organisations that employ a child for whom a permit is required under the *Child Employment Act 2003* (Vic)*.*

# Appendix 2 – Written submissions received by the review

As part of this review, the Department of Health and Human Services engaged with the community, organisations and relevant authorities through the Engage Victoria online survey, targeted meetings with relevant authorities and the CCYP, face-to-face community stakeholder sessions, and surveys commissioned by the Australian Catholic University Institute of Child Protection Studies.

Details of the consultations and methodologies used are available at **engage.vic.gov.au.**

### Submissions from organisations

The following respondents made submissions to the review and gave permission via the Engage website for their submissions to be identifiable when quoted or published.

Alfred Health

Ardoch

Australian Camps Association

Australian Psychological Society

Berry Street

BestChance Child and Family Network

Body Safety Victoria

Brimbank City Council

Care Leavers Network Australasia Network

Centre for Excellence in Child and Family Welfare

Child Wise

City of Casey

City of Melbourne

Commission for Children and Young People

Disability Advocacy Victoria

Disability Discrimination Legal Service Inc

Djirra

Duty of Care

Early Childhood Management Services

Early Learning Association Australia

Ethnic Communities Council of Victoria

The Gatehouse Centre auspiced by the Royal Children’s Hospital

Good Shepherd Australia New Zealand Healthcare that Counts – Implementation in Loddon

Hobsons Bay City Council

Institute of Child Protection Studies, Australian Catholic University

MacKillop Family Services

Office of the Public Advocate

Scope

The Salvation Army

Uniting Vic Tas

Victorian Council of Social Services

Victorian Aboriginal Child Care Agency (VACCA)

Vicsport

Victoria Police

Western Health

Windana

Youth Affairs Council Victoria

* + Youth Support and Advocacy Service (YSAS)

Submissions are available online at **www.dhhs.vic.gov.au**

### Confidential submissions

A number of respondents requested that information in their submissions be redacted, or de-identified. These submissions have been deemed confidential and will not be published online. The review team received 27 confidential submissions.

# Appendix 3 – Targeted community stakeholder consultation sessions

Five face-to-face targeted community stakeholder sessions were held, including several sector-specific meetings with sports organisations; religious and faith-based organisations; Aboriginal community-controlled organisations; and private businesses. The review team also met with the Multi-faith Advisory Group of the Victorian Multicultural Commission to conduct a mini workshop. Several peak bodies also independently ran round-table meetings and other consultation processes with their memberships to inform their written submissions. All workshops were held in Melbourne city apart from one workshop held in Geelong.

### Workshop 1 – Sports clubs, associations and representative bodies

Thirteen participants contributed to the Sports focused workshop, including representatives from Sports peak organisations, sports clubs, and disability sport organisations.

### Workshop 2 – Faith based organisations and their representative bodies

Approximately ten participants attended the faith-based organisations workshop, representing Catholic, Jewish, Christian faith organisations, among others.

### Workshop 3 – Aboriginal organisations

Seven participants, representing five Aboriginal community-controlled organisations participated in the workshop.

### Workshop 4 – Mixed organisations with a disability focus – Geelong location

Approximately 30 attendees contributed to the workshop, including disability organisations, health organisations, culturally and linguistically diverse community organisations, and family violence organisations.

### Workshop 5 – Mixed organisations (Schedules 1 and 2)

Approximately 50 participants contributed, representing both Schedule 1 organisations and Schedule 2 organisations, including youth organisations, photography services for children and entertainment or party services for children, out-of-home care organisations, and health organisations. Participating organisations included Victorian organisations, and organisations that operate across Australia.

### Multi-faith Advisory Group

The review team also met with the Multi-faith Advisory Group of the Victorian Multicultural Commission to conduct a mini workshop. Approximately 25 representatives from a number of faiths contributed to this workshop.

# Appendix 4 – Implementing the Victorian Child Safe Standards: Feedback

***Standard 1*** – *Strategies to embed an organisational culture of child safety, including through effective leadership arrangements*

The Institute’s Safeguarding Capabilities Survey revealed that 60 per cent – 96 per cent of staff and volunteers across the 12 organisations[[155]](#footnote-155) who participated in the survey agreed that leaders in their organisations understood the importance of safeguarding children and young people from sexual abuse.

However, many of the submissions revealed that organisations are unclear about what compliance looks like for this standard, and how to measure it. Organisations said they require further support and assistance to embed an organisational culture of child safety and noted that this would be supported by a campaign to raise awareness of child safety in the community.

Some participants in the disability services workshop commented that there was better buy in for the intent of Standard 1 ‘on the ground’ because it was more relevant to their work, rather than at upper management levels. There were suggestions that mandated training for leadership levels would help.[[156]](#footnote-156)

The review found that an essential element required to implement and maintain the Standards is buy-in from leaders in an organisation and considers that continued engagement with organisations is essential to ensuring the promotion of child safety.

***Standard 2*** *– A child safe policy or statement of commitment to child safety*

***Standard 3*** *– A code of conduct that establishes clear expectations for appropriate behaviour with children*

Generally, respondents to the review found the above Standards easiest to implement, noting that they are ‘clearly written’ and ‘provided a specific outcome’[[157]](#footnote-157) or provided ‘something tangible for organisations to work on and to change’.[[158]](#footnote-158) Many organisations said they had existing policy and procedure, and code of conduct documents in place, and found that they only needed to adjust these to comply with the Standards.[[159]](#footnote-159) Further, they considered that enough guidance was in place to help organisations meet these Standards including sector guides and templates which contribute to consistency in procedures across organisations.

Some respondents advised that these Standards were productive in developing a child safe culture in their organisations. One organisation advised that the code of conduct enabled productive conversations with staff about their responsibilities and helped shift awareness, attitudes, and practices of staff, volunteers, and contractors.[[160]](#footnote-160)

Most respondents to the Institute’s survey had high levels of confidence that the code of conduct was being implemented and was embedded at their organisations. One noted that ‘[t]he Code is being used to support leadership behaviour and address conduct when needed’.[[161]](#footnote-161)

***Standard 4*** *–* *Screening, supervision, training and other human resources practices that reduce the risk of child abuse by new and existing personnel*

Some organisations found it challenging to determine who they are required to screen, supervise, and train, particularly organisations with volunteers and contractors[[162]](#footnote-162) and organisations with services that were not exclusively specific to children.[[163]](#footnote-163) Schools and sports organisations were not clear whether this requirement applied to parents and family members of children, and if so, to what extent they needed to conduct interviews, referee checks, and working with children checks for volunteers. Organisations felt that they had to apply their own judgement about Standard 4 and felt uncomfortable doing so.[[164]](#footnote-164)

Some organisations experienced resistance from staff in implementing this Standard and advised that some staff became uncomfortable or upset when requested to undergo police checks and working with children checks.[[165]](#footnote-165) Workshop participants advised that it was hard to explain to long-standing members of their communities why they now had to be screened.

A staff member from one organisation commented:

I’ve heard people taking it personally ‘why do I need to have WWCC or police check I’m safe’. I’m not sure that our society across the board understands the risks. We need to shift thinking and ensure everyone has an understanding of how abuse occurs, grooming and the significant damage.[[166]](#footnote-166)

***Standard 5*** *– Processes for responding to and reporting suspected child abuse*

Many respondents acknowledge the importance of Standard 5 but found it challenging to implement. Some organisations found having multiple reporting requirements confusing.

Organisations that also are required to comply with reportable conduct requirements find compliance very time and resource intensive. The terminology used under the reportable conduct scheme and other reporting systems (for example, the Department of Health and Human Services Critical Incident Management System) differs. Review respondents advised that there are multiple processes for responding to and reporting suspected child abuse,[[167]](#footnote-167) different pathways for reporting family violence,[[168]](#footnote-168) differences in terminology between schemes[[169]](#footnote-169) and different IT platforms[[170]](#footnote-170) which can be administratively burdensome.

Review participants also expressed frustration about the limitations of government applications and databases. Workshop participants highlighted an example of a reporting system that only had gender categories of ‘male’ or ‘female’ and no non-binary option which seemed incongruous with Standard 7, to promote the participation and empowerment of children.[[171]](#footnote-171)

Organisations differed in what they reported. For example, in the faith-based workshop some participants commented that abuse was often interpreted narrowly to exclude anything beyond sexual abuse. Other organisations take a broad approach and encourage their staff to raise any concerns if in doubt. This encouragement is based on a ‘we’ll work it through together approach’ with the assumption being that issues are raised in good faith’.[[172]](#footnote-172) The use of broad language causes confusion in some organisations. For example, some organisations required their camp counsellors to report ‘reasonable concerns’, however, counsellors struggled with understanding what a ‘reasonable concern’ constitutes. Some organisations have a triage process for reports and, importantly, no time limits on reporting concerns.

Organisations would like to see a ‘no wrong door’ approach for reporting incidents, shared across agencies, noting that it is important for organisations that frameworks and systems work together and use consistent, and inclusive, terminology.

***Standard 6*** *– Strategies to identify and reduce or remove risks of child abuse*

Many organisations said that they are not confident in their capacity to identify potential risks of child abuse and implement strategies to reduce or remove these risks.

Findings of the Institute’s Safeguarding Capabilities survey suggests that staff across both Schedule 1 and Schedule 2 organisations have confidence to identify risk factors related to perpetrator behaviour (38 per cent to 87 per cent), but less so to risk factors associated with vulnerability characteristics of children (20 per cent to 68 per cent).[[173]](#footnote-173)

Further, organisations providing specialised services to children in areas with limited resources could not always reduce or remove risks. For example, one organisation advised that limited placement options in out-of-home care meant that some children are not placed in optimal placements and may be at risk of abuse from fellow residents.[[174]](#footnote-174)

Standard 6 has been a disincentive to some organisations and has resulted in them removing services to children. Workshop participants advised that ‘remove risk’ has, for some organisations, meant removing services to children altogether.[[175]](#footnote-175)

Respondents to the Institute’s surveys see a need for ongoing work to realise Standard 6, including further education about strategies, monitoring and evaluative activities to determine the effectiveness of existing strategies and enhanced child participation in risk management.[[176]](#footnote-176)

***Standard 7*** *– Strategies to promote the participation and empowerment of children*

Many organisations advised that while they considered Standard 7 to be one of the most valuable and essential,[[177]](#footnote-177) the review also heard that Standard 7 was the most challenging standard for organisations to implement.

This is one of the most important standards and also one of the most difficult to implement. What does empowerment of children and young people look like? How do we achieve this? We know a poster is not enough but what other resources are available? It has taken much creative thinking and time to think about how support for clubs can be provided to meet this standard.[[178]](#footnote-178)

Health organisations struggle with how to build ‘the voice of the child and the voice of families’ into the governance structure and would benefit from support on how to do this in a meaningful way.[[179]](#footnote-179)

For example, during the round-table consultations some participants stated that Standard 7 is where their organisation had invested the least energy and attention, as they struggled to understand what it means in practice for their organisation to empower children. Others were concerned that their organisations and staff do not have the capability to communicate with and encourage the participation of children and young people.

We have found that for all organisations, regardless of size or resources, Standard 7 - *Strategies to promote the participation and empowerment of children*, is the most challenging to address and implement effectively. Many organisations struggle to implement meaningful strategies and are not sufficiently aware of what ‘good’ looks like in this space.[[180]](#footnote-180)

Participation of children and children’s voices being heard has been hard to implement. Organisations would like more guidance on how to meaningfully empower children and young people and promote their participation. This should be a concerted effort and not just tokenistic. However, to truly engage with children and young people staff require training and support.[[181]](#footnote-181)

These sentiments are also supported by the findings from surveys of 334 children and young people and 647 staff conducted by the Institute of Child Protection Studies (the Institute) on behalf of the review. These surveys found that while all organisations that participated in the surveys are taking steps to ensure that children and young people in their care feel safe and are safe, it was apparent that all these organisations required extra support to ensure the participation and empowerment of children.[[182]](#footnote-182)

Staff across all participating organisations did not appear confident about how to include the perspectives of children and young people in addressing and preventing the risk of abuse. Interestingly, while staff expressed some confidence in their organisation’s inclusion of young people, staff rated themselves low on their own behaviour and personal inclusion of children’s perspectives.[[183]](#footnote-183)

Further while children and young people generally felt their views were valued by the participating organisations they are involved with, young people at schools did not feel their views were valued as much as their peers in most of the other participating organisations. The exception was the faith-based organisation – young people attending the faith-based organisation were more likely to express uncertainty on whether their opinions were valued.[[184]](#footnote-184)

Despite these findings, it was apparent that all participating organisations across all sectors surveyed by the Institute recognised that they needed to include children and young people more in creating a child-safe environment because children and young peoples’ perception of safety is related to their wellbeing and quality of life.[[185]](#footnote-185)

The Engage survey results presented similar findings. Of 399 responses to the question ‘*What do you think it means for an organisation to have a child safe culture?*’, only 21 per cent of responses identified ‘the child’s voice being paramount’ as the most important. However, 57 per cent of responses did consider that a child safe culture meant that the child is at the centre of all decisions.

**Table 3**

| Question 8 – What do you think it means for an organisation to have a child safe culture (Open text) Code themes | Number of responses |
| --- | --- |
| Policies and procedures | 202 |
| Child-centric culture | 228 |
| Child’s voice paramount | 83 |
| Staff training and education | 149 |
| Principle that all children are safe | 97 |
| Organisations comply with Child Safe Standards | 27 |
| Awareness of Child Safe Standards and child safety | 60 |
| Other | 23 |

Many organisations struggled to find resources to guide them on how to empower children, and how to provide a safe environment for vulnerable children to participate. Further, some organisations said that they did not know how to identify vulnerable children. Other organisations were fearful that parents did not want organisations discussing child safe related matters with their children.

Body Safety Australia advised that many organisations came to them for education on abuse prevention and the Standards for this reason:

The understanding of what is age-appropriate and evidence-based, coupled with desire to respect the roles of parents, guardians, faith and culture in a child’s life, have left many places of education needing greater support.[[186]](#footnote-186)

Organisations found it difficult to empower children and encourage participation, particularly children with diverse needs. These respondents said that where they did not have the expertise in-house to empower Aboriginal children, children with disability, and children from culturally and linguistically diverse backgrounds and valued advice and resources developed by expert organisations for children with diverse needs.[[187]](#footnote-187) This was also reflected in the Institute’s Reflections Survey. Organisations asked for more structured guidance documents on how to promote the participation and empowerment of children, particularly the most vulnerable groups of children.

Some organisations advised that many children with disabilities in their organisations require specialised strategies to promote their participation and empowerment.[[188]](#footnote-188) Further, many organisations suggested that specialist Aboriginal organisations should be further supported to continue to develop resources for the sector on how to engage Aboriginal children.[[189]](#footnote-189) An Aboriginal workshop participant advised it would take a high level of trust for an Aboriginal child to confide in a non-Aboriginal person.[[190]](#footnote-190)

These findings align with Royal Commission recommendation 6.3, which highlights the importance of designing initiatives to engage children and young people and involving them in their development, design, implementation and evaluation.[[191]](#footnote-191)

### Implementing the three principles

The Standards include three principles that recognise that while all children are vulnerable, some groups of children face additional risks – Aboriginal children; children from culturally and/or linguistically diverse backgrounds; and children with disabilities. In complying with the Standards, organisations must also apply these principles.

Organisations agreed that the three principles are important. Respondents to the Engage survey agreed that the Standards support organisations to create a safe environment for Aboriginal children (72 per cent), culturally and/or linguistically diverse children (75 per cent) and children with a disability (74 per cent).

Review participants recognised the need to protect the most vulnerable children and young people, but acknowledged they struggled with how to give effect to these principles.[[192]](#footnote-192) Some disability and religious organisations did not believe the Standards made children with disabilities safer, particularly in schools.[[193]](#footnote-193) Respondents pointed to a lack of resources to promote the safety and inclusion of and support consultation processes with children and young people with a disability.[[194]](#footnote-194)

One Aboriginal organisation said that promoting the cultural safety of Aboriginal children involved:

actions which recognise and respect the cultural identity, and safely meet the individual’s needs, expectations and rights. It is [… developing] an understanding of intergenerational trauma, grief and loss and possible impact on family functioning and relationships.[[195]](#footnote-195)

Aboriginal organisations were mixed in their views about whether the Standards had led to organisations being more culturally safe for children.[[196]](#footnote-196)

Responses to the Institute’s Survey show that while staff agree their organisations promote positive attitudes towards diverse young people,[[197]](#footnote-197) this did not translate to staff confidence in supporting children in these groups. Participating organisations did not feel they had the specialised skills to create a safe environment for Aboriginal children, culturally and linguistically diverse children, and children with disability.[[198]](#footnote-198) The Institute’s Survey also revealed that promotion of positive attitudes within organisations towards diverse young people, as rated by staff, did not necessarily translate to staff’s confidence in providing responsive support to individuals, at least in the case of supporting young people with disabilities.[[199]](#footnote-199)

Consistent with the Royal Commission’s commentary, most organisations that provided written submissions considered that there are other groups of children that organisations should recognise as especially vulnerable. Written submissions identified two vulnerable cohorts as essential to recognise: children from out-of-home care; and lesbian, gay/genderqueer/gender fluid, bisexual/bigender, transgender, queer/questioning, intersex, asexual/aromantic/agender/abrosexual/abroromantic (LGBTQIA+). Other groups who were considered as facing additional risks included young people who have experienced family violence or trauma, and children whose parents have addiction or mental health issues.

# Appendix 5 – The National Principles for Child Safe Organisations

## Principle 1 – Child safety and wellbeing is embedded in organisational leadership, governance and culture

**Principle 1 action areas**

1.1 The organisation makes a public commitment to child safety.

1.2 A child safe culture is championed and modelled at all levels of the organisation from the top down and the bottom up.

1.3 Governance arrangements facilitate implementation of the child safety and wellbeing policy at all levels.

1.4 A Code of Conduct provides guidelines for staff and volunteers on expected behavioural standards and responsibilities.

1.5 Risk management strategies focus on preventing, identifying and mitigating risks to children and young people.

1.6 Staff and volunteers understand their obligations on information sharing and recordkeeping.

## Principle 2 – Children and young people are informed about their rights, participate in decisions affecting them and are taken seriously

**Principle 2 action areas**

2.1 Children and young people are informed about all of their rights, including to safety, information and participation.

2.2 The importance of friendships is recognised and support from peers is encouraged, to help children and young people feel safe and be less isolated.

2.3 Where relevant to the setting or context, children may be offered access to sexual abuse prevention programs and to relevant related information in an age appropriate way.

2.4 Staff and volunteers are attuned to signs of harm and facilitate child-friendly ways for children to express their views, participate in decision-making and raise their concerns.

**Principle 3 – Families and communities are informed, and involved in promoting child safety and wellbeing**

**Principle 3 action areas**

3.1 Families participate in decisions affecting their child.

3.2 The organisation engages and openly communicates with families and the community about its child safe approach and relevant information is accessible.

3.3 Families and communities have a say in the development and review of the organisation’s policies and practices.

3.4 Families, carers and the community are informed about the organisation’s operations and governance.

## Principle 4 – Equity is upheld and diverse needs respected in policy and practice

**Principle 4 action areas**

4.1 The organisation, including staff and volunteers, understands children and young people’s diverse circumstances, and provides support and responds to those who are vulnerable.

4.2 Children and young people have access to information, support and complaints processes in ways that are culturally safe, accessible and easy to understand.

4.3 The organisation pays particular attention to the needs of Aboriginal and Torres Strait Islander children, children with disability, children from culturally and linguistically diverse backgrounds, those who are unable to live at home, and lesbian, gay, bisexual, transgender and intersex children and young people.

## Principle 5 – People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice

**Principle 5 action areas**

5.1 Recruitment, including advertising, referee checks and staff and volunteer pre-employment screening, emphasise child safety and wellbeing.

5.2 Relevant staff and volunteers have current working with children checks or equivalent background checks.

5.3 All staff and volunteers receive an appropriate induction and are aware of their responsibilities to children and young people, including record keeping, information sharing and reporting obligations.

5.4 Ongoing supervision and people management is focused on child safety and wellbeing.

## Principle 6 – Processes for complaints and concerns are child focused

**Principle 6 action areas**

6.1 The organisation has an accessible, child focused complaint handling policy which clearly outlines the roles and responsibilities of leadership, staff and volunteers, approaches to dealing with different types of complaints, breaches of relevant policies or the Code of Conduct and obligations to act and report.

6.2 Effective complaint handling processes are understood by children and young people, families, staff and volunteers, and are culturally safe.

6.3 Complaints are taken seriously and responded to promptly and thoroughly.

6.4 The organisation has policies and procedures in place that address reporting of complaints and concerns to relevant authorities, whether or not the law requires reporting, and co-operates with law enforcement.

6.5 Reporting, privacy and employment law obligations are met.

## Principle 7 – Staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training

**Principle 7 action areas**

7.1 Staff and volunteers are trained and supported to effectively implement the organisation’s child safety and wellbeing policy.

7.2 Staff and volunteers receive training and information to recognise indicators of child harm, including harm caused by other children and young people.

7.3 Staff and volunteers receive training and information to respond effectively to issues of child safety and wellbeing and support colleagues who disclose harm.

7.4 Staff and volunteers receive training and information on how to build culturally safe environments for children and young people.

## Principle 8 – Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed

**Principle 8 action areas**

8.1 Staff and volunteers identify and mitigate risks in the online and physical environments without compromising a child’s right to privacy, access to information, social connections and learning opportunities.

8.2 The online environment is used in accordance with the organisation’s Code of Conduct and child safety and wellbeing policy and practices.

8.3 Risk management plans consider risks posed by organisational settings, activities, and the physical environment.

8.4 Organisations that contract facilities and services from third parties have procurement policies that ensure the safety of children and young people.

## Principle 9 – Implementation of the national child safe principles is regularly reviewed and improved

**Principle 9 action areas**

9.1 The organisation regularly reviews, evaluates and improves child safe practices.

9.2 Complaints, concerns and safety incidents are analysed to identify causes and systemic failures so as to inform continuous improvement.

9.3 The organisation reports on the findings of relevant reviews to staff and volunteers, community and families and children and young people.

## Principle 10 – Policies and procedures document how the organisation is safe for children and young people

**Principle 10 action areas**

10.1 Policies and procedures address all national child safe principles.

10.2 Policies and procedures are documented and easy to understand.

10.3 Best practice models and stakeholder consultation informs the development of policies and procedures.

10.4 Leaders champion and model compliance with policies and procedures.

10.5 Staff and volunteers understand and implement policies and procedures.

# Glossary

|  |  |
| --- | --- |
| **Betrayal of Trust** | **Victorian Parliamentary *Inquiry into the Handling of Child Abuse by Religious and Other Non-Government Organisations***  https://www.parliament.vic.gov.au/file\_uploads/Inquiry\_into\_Handling\_of\_Abuse\_Volume\_2\_FINAL\_web\_y78t3Wpb.pdf |
| **CCYP** | **Commission for Children and Young People**  Independent Statutory body that promotes improvement in policies and practices affecting the safety and wellbeing of Victorian children and young people. On 1 January 2017, CCYP became the oversight body for the Child Safe Standards. |
| **National Principles** | **National Principles for Child Safe Organisations**  Ten Principles recommended by *The Royal Commission into Institutional Responses to Child Sexual Abuse*.  See **Appendix 5.** |
| **Relevant Authority** | An Authority or Department that is responsible for regulating a relevant organisation, or that provides funding to a relevant organisation |
| **Royal Commission** | **Royal Commission into Institutional Responses to Child Sexual Abuse**  <https://www.childabuseroyalcommission.gov.au/final-report> |
| **Standards** | **The Victorian Child Safe Standards**  See **Pages 7 and 17**. |
| **Working with Children Check** | A screening process for assessing or re-assessing people who work with or care for children in Victoria. |

1. Department of Health and Human Services, *Review of the Victorian Child Safe Standards,* [website], 2018, <[www.engage.vic.gov.au/victorian-child-safe-standards-review](http://www.engage.vic.gov.au/victorian-child-safe-standards-review)>. [↑](#footnote-ref-1)
2. Australian Institute of Health and Welfare 2018, *Australia’s health 2018*. Australia’s health series no. 16. AUS 221. Canberra, Australian Institute of Health and Welfare, 2018, p. 261. [↑](#footnote-ref-2)
3. Because the child safe standards are made by the Minister by publication in the Government Gazette, it is possible to amend the child safe standards without necessarily making any amendments to the Act itself. [↑](#footnote-ref-3)
4. Cultural safety for Aboriginal people means an environment which is safe for Aboriginal people where there is no assault, challenge or denial of their identity and experience. Connection to culture is a strength and a protective factor for Aboriginal children. The risk of child abuse is heightened if Aboriginal children do not feel culturally safe as it may reduce their willingness to report abuse. [↑](#footnote-ref-4)
5. Submission 67, Commission for Children and Young People. [↑](#footnote-ref-5)
6. Via Ministerial order. [↑](#footnote-ref-6)
7. Submission 34, VicSport. [↑](#footnote-ref-7)
8. Submission 59, Good Shepherd Australia and New Zealand. [↑](#footnote-ref-8)
9. Child Safe Standards Review Workshop; Submission 11, Body Safety Australia; Submission 48, Early Learning Association Australia, peak body submission on behalf of its membership base of over 1,100 service providers. [↑](#footnote-ref-9)
10. Results of the Engage Victoria Survey. [↑](#footnote-ref-10)
11. Submission 59, Good Shepherd Australia and New Zealand. [↑](#footnote-ref-11)
12. Submission 55, Ethnic Communities Council of Victoria, peak body submission on behalf of eight regional ethnic community councils. [↑](#footnote-ref-12)
13. Submission 46, De-identified Youth organisation. [↑](#footnote-ref-13)
14. Department of Health and Human Services, *Child Safe Standards Monitoring and Compliance Framework*, [website], 2019 <https://providers.dhhs.vic.gov.au/child-safe-standards-compliance-monitoring-framework-2018-2019-word> [↑](#footnote-ref-14)
15. Submission 38, Australian Psychological Society, peak body submission. [↑](#footnote-ref-15)
16. Child Safe Standards Review Metro Workshop, 12 April 2019. [↑](#footnote-ref-16)
17. Child Safe Standards Review Sports-focused Workshop, 21 March 2019. [↑](#footnote-ref-17)
18. Submission 16, Youth Support and Advocacy Service. [↑](#footnote-ref-18)
19. Submission 12, De-identified Youth education organisations. [↑](#footnote-ref-19)
20. Submission 34, Vicsport, peak body for sport and active recreation submission on behalf of members. [↑](#footnote-ref-20)
21. Submission 66, Victorian Aboriginal Child Care Agency. [↑](#footnote-ref-21)
22. Commonwealth of Australia, *Royal Commission into Institutional Responses to Child Sexual Abuse, Volume 6, Making institutions child safe*, 2017, p. 305 - 307. [↑](#footnote-ref-22)
23. Member quoted in Submission 65, Victorian Council of Social Services, peak body of the social and community sector in Victoria. [↑](#footnote-ref-23)
24. Submission 18, Djirra. [↑](#footnote-ref-24)
25. Submission 55, Ethnic Communities Council of Victoria. [↑](#footnote-ref-25)
26. Submission 11, Body Safety Australia; Submission 26, Youth Affairs Council Victoria; Submission 64, De-identified peak body; Submission 48, Early Learning Association Australia; Submission 9, De-identified health service; Child Safe Standards sports-focused workshop. [↑](#footnote-ref-26)
27. Commonwealth of Australia, *Royal Commission into Institutional Responses to Child Sexual Abuse*, vol 6, p. 306. [↑](#footnote-ref-27)
28. Submission 12, De-identified Youth education organisations [↑](#footnote-ref-28)
29. Child Safe Standards Review Workshops [↑](#footnote-ref-29)
30. Submission 15, De-identified Sports peak; Submission 16, Youth Support and Advocacy Service. [↑](#footnote-ref-30)
31. Submission 48, Early Learning Association. [↑](#footnote-ref-31)
32. Submission 41, Brimbank City Council. [↑](#footnote-ref-32)
33. Commonwealth of Australia, *Royal Commission into Institutional Responses to Child Sexual Abuse*, vol 6, p. 43 – 44. [↑](#footnote-ref-33)
34. Submission 6, Windana; Submission 8, De-identified Family Services Provider. [↑](#footnote-ref-34)
35. Submission 66, Victorian Aboriginal Child Care Agency. [↑](#footnote-ref-35)
36. Submission 12, De-identified youth education organisation. [↑](#footnote-ref-36)
37. Submission 43, De-identified youth advocacy organisation. [↑](#footnote-ref-37)
38. Submission 26, Youth Affairs Council of Victoria. [↑](#footnote-ref-38)
39. Submission 16, Youth Support and Advocacy Service. [↑](#footnote-ref-39)
40. Submission 16, Youth Support and Advocacy Service. [↑](#footnote-ref-40)
41. Child Safe Standards Review Workshop, 12 April 2019. [↑](#footnote-ref-41)
42. Schedule 2 organisations in this study included three sports organisations, one outside of school hours care organisation, one faith-based organisation, one youth personal development organisation, one multi-youth organisation offering youth services, community recreation, and before and after school care. [↑](#footnote-ref-42)
43. Russell, D., Higgins, D., & Stewart, J. *Safety survey data from Victorian youth-serving organisations: Survey data from workers, children and young people, and organisational leaders’ self-reflections after implementing the Victorian Child Safe Standards. A* *report to the Victorian Government Department of Health and Human Services*. Melbourne: Australian Catholic University – Institute of Child Protection Studies, 2019. [↑](#footnote-ref-43)
44. Results of the Engage Victoria Survey. [↑](#footnote-ref-44)
45. Russell, D, et al., *op. cit.* [↑](#footnote-ref-45)
46. Russell, D, et al., *op. cit.* [↑](#footnote-ref-46)
47. Results of the Engage Victoria Survey. [↑](#footnote-ref-47)
48. Participant feedback, Stakeholder Workshops on the Review of the Child Safe Standards held on various dates between 21 March 2019 and 15 April 2019. [↑](#footnote-ref-48)
49. *Ibid.* [↑](#footnote-ref-49)
50. Submission 13, Child Wise. [↑](#footnote-ref-50)
51. Submission 48, Early Learning Association Australia. [↑](#footnote-ref-51)
52. School quoted in Russell, D, et al., *op. cit.* [↑](#footnote-ref-52)
53. Russell, D, et al., *op. cit.* [↑](#footnote-ref-53)
54. Russell, D, et al., *op. cit.* [↑](#footnote-ref-54)
55. Submission 29, Institute of Child Protection Studies, Australian Catholic University. [↑](#footnote-ref-55)
56. Commonwealth of Australia, *Royal Commission into Institutional Responses to Child Sexual Abuse*, vol 6, p. 253. [↑](#footnote-ref-56)
57. *Ibid.* [↑](#footnote-ref-57)
58. The NSW Office of the Children’s Guardian has just published its consultation report *Making organisations safer for children – Regulation of child safe standards in NSW* (2019), which found strong support for mandatory child safe standards and a regulatory scheme with a range of monitoring and enforcement powers, consistent with the recommendations of the Royal Commission. [↑](#footnote-ref-58)
59. Commonwealth of Australia, Department of the Prime Minister and Cabinet, *Commonwealth Child Safe Framework*, 2019,<<https://pmc.gov.au/domestic-policy/national-office-child-safety/commonwealth-child-safe-framework>> [↑](#footnote-ref-59)
60. Review of the Child Safe Standards Workshop with Aboriginal Community Controlled Organisations, Melbourne, 4 April 2019. [↑](#footnote-ref-60)
61. Victorian State Government, *Victorian Government Response to the Royal Commission into Institutional Responses to Child Sexual Abuse,* 2018, p. 4. <<https://www.justice.vic.gov.au/sites/default/files/embridge_cache/emshare/original/public/2019/06/96/afa9237e5/Vic_Government_Response_Royal_Commission_into_Child_Sexual_Abuse_Report.pdf>> [↑](#footnote-ref-61)
62. Commonwealth of Australia, Department of the Prime Minister and Cabinet, *National Office for Child Safety – Key Activities*, [website], 2018, <<https://www.dss.gov.au/the-national-office-for-child-safety/key-activities>> [↑](#footnote-ref-62)
63. Commonwealth of Australia, *Royal Commission into Institutional Responses to Child Sexual Abuse*, vol 6, p. 170. [↑](#footnote-ref-63)
64. Submission 26, Youth Affairs Council Victoria. [↑](#footnote-ref-64)
65. Submission 65, Victorian Council of Social Services. [↑](#footnote-ref-65)
66. Submission 26, Youth Affairs Council Victoria. [↑](#footnote-ref-66)
67. Submission 20, The Salvation Army; Submission 19, Centre for Excellence in Child and Family Welfare (including submissions from a round table the Centre conducted with its members and stakeholders); Submission 29, Institute of Child Protection Studies, Australian Catholic University. [↑](#footnote-ref-67)
68. Submission 55, Ethnic Communities Council of Victoria. [↑](#footnote-ref-68)
69. Submission 26, Youth Affairs Council Victoria. [↑](#footnote-ref-69)
70. Submission 61, Life Without Barriers. [↑](#footnote-ref-70)
71. Submission 58, MacKillop Family Services. [↑](#footnote-ref-71)
72. Submission 64, De-identified peak body; Submission 19, Centre for Excellence in Child and Family Welfare (including submissions from a round table the Centre conducted with its members and stakeholders). [↑](#footnote-ref-72)
73. Submission 31, Berry Street. [↑](#footnote-ref-73)
74. Submission 34, VicSport. [↑](#footnote-ref-74)
75. Submission 61, Life Without Barriers. [↑](#footnote-ref-75)
76. Submission 3, Australian Camps Association. [↑](#footnote-ref-76)
77. Submission 6, Windana. [↑](#footnote-ref-77)
78. Submission 11, Body Safety Australia. [↑](#footnote-ref-78)
79. Submission 65, Victorian Council of Social Services. [↑](#footnote-ref-79)
80. Submission 28, De-identified child and family services organisation. [↑](#footnote-ref-80)
81. Submission 45, De-identified sport peak body; Submission 15, De-identified sport peak body. [↑](#footnote-ref-81)
82. Submission 65, Victorian Council of Social Services; Submission 9, De-identified health service; Submission 16, Youth Support and Advocacy Service; Submission 29, Institute of Child Protection Studies, Australian Catholic University; Submission 54, Ardoch; Submission 20, The Salvation Army; Submission 14, The Gatehouse centre auspiced by the Royal Children’s Hospital; Submission 34, VicSport. [↑](#footnote-ref-82)
83. Submission 46, De-identified youth organisation. [↑](#footnote-ref-83)
84. Submission 66, Victorian Aboriginal Child Care Agency. [↑](#footnote-ref-84)
85. Submission 58, MacKillop Family Services. [↑](#footnote-ref-85)
86. Submission 41, Brimbank City Council. [↑](#footnote-ref-86)
87. Submission 47, Scope. [↑](#footnote-ref-87)
88. Submission 59, Good Shepherd Australia and New Zealand. [↑](#footnote-ref-88)
89. Submission 13, Child Wise. [↑](#footnote-ref-89)
90. Submission 46, De-identified youth organisation. [↑](#footnote-ref-90)
91. Submission 34, VicSport. [↑](#footnote-ref-91)
92. Submission 13, Child Wise. [↑](#footnote-ref-92)
93. Submission 61, Life Without Barriers; Submission 66, Victorian Aboriginal Child Care Agency; Submission 45, De-identified sport peak body. [↑](#footnote-ref-93)
94. Submission 67, Commission for Children and Young People. [↑](#footnote-ref-94)
95. Submission 41, Brimbank City Council. [↑](#footnote-ref-95)
96. Submission 15, De-identified sport peak body. [↑](#footnote-ref-96)
97. Submission 31, Berry Street. [↑](#footnote-ref-97)
98. Submission 39, Office of the Public Advocate; Submission 50, City of Melbourne Council. [↑](#footnote-ref-98)
99. Submission 29, Institute of Child Protection Studies, Australian Catholic University. [↑](#footnote-ref-99)
100. Submission 67, Commission for Children and Young People. [↑](#footnote-ref-100)
101. Submission 65, Victorian Council of Social Services. [↑](#footnote-ref-101)
102. Submission 26, Youth Affairs Council of Victoria. [↑](#footnote-ref-102)
103. Submission 19, Centre for Excellence in Child and Family Welfare (including submissions from a round table the Centre conducted with its members and stakeholders). [↑](#footnote-ref-103)
104. Council of Australian Governments, *Child Safe Organisations – National Principles for Child Safe Organisations,* February 2019, p.10. [↑](#footnote-ref-104)
105. *Ibid.* [↑](#footnote-ref-105)
106. Submission 18, Djirra. [↑](#footnote-ref-106)
107. Submission 36, Early Childhood Management Services. [↑](#footnote-ref-107)
108. Submission 66, Victorian Aboriginal Child Care Agency. [↑](#footnote-ref-108)
109. Commonwealth of Australia, *Royal Commission into Institutional Responses to Child Sexual Abuse*, vol 6, p.170. [↑](#footnote-ref-109)
110. ‘*The organisation pays particular attention to the needs of Aboriginal and Torres Strait Islander children, children with disability, children from culturally and linguistically diverse backgrounds, those who are unable to live at home, and lesbian, gay, bisexual, transgender and intersex children and young people.’*, National Principle 4, action area 4.3. [↑](#footnote-ref-110)
111. Submission 13, Child Wise. [↑](#footnote-ref-111)
112. Submission 46, De-identified youth organisation. [↑](#footnote-ref-112)
113. Participant feedback, Stakeholder Workshops on the Review of the Child Safe Standards held on various dates between 21 March 2019 and 15 April 2019. [↑](#footnote-ref-113)
114. Submission 65, Victorian Council of Social Services. [↑](#footnote-ref-114)
115. Submission 64, De-identified peak body. [↑](#footnote-ref-115)
116. Participant feedback, Stakeholder Workshops on the Review of the Child Safe Standards held on various dates between 21 March 2019 and 15 April 2019. [↑](#footnote-ref-116)
117. Submission 66, Victorian Aboriginal Child Care Agency. [↑](#footnote-ref-117)
118. The legislation also provides that organisations may be prescribed in regulations as having to comply with the child safe standards or, if they otherwise would have to comply, to not having to comply with the child safe standards. Victoria Police is the only organisation prescribed in the regulations as being exempt from complying with the child safe standards. See *Child Wellbeing and Safety Act 2005,* ss. 19 – 21 and *Child Wellbeing and Safety Regulations 2017,* Reg. 8. [↑](#footnote-ref-118)
119. Department of Health and Human Services, *Consultation report – Betrayal of Trust implementation – Child safe standards and capacity building*, Victorian Government, Melbourne, 2015 <https://providers.dhhs.vic.gov.au/sites/dhhsproviders/files/2017-10/Creating-Child-Safe-Organisations-Consultation-Report\_0.doc> [↑](#footnote-ref-119)
120. Submission 28, De-identified child and family services organisation. [↑](#footnote-ref-120)
121. Submission 42, Care Leavers Australia Network. [↑](#footnote-ref-121)
122. Commonwealth of Australia, *Royal Commission into Institutional Responses to Child Sexual Abuse*, vol 6, p.266. [↑](#footnote-ref-122)
123. *Child Wellbeing and Safety Act 2005* (Vic), Schedules 1 and 2. [↑](#footnote-ref-123)
124. *Child Wellbeing and Safety Act 2005* (Vic), s. 22. [↑](#footnote-ref-124)
125. Submission 42, Care Leavers Australia Network. [↑](#footnote-ref-125)
126. Submission 43, De-identified youth peak body. [↑](#footnote-ref-126)
127. Submission 13, Child Wise. [↑](#footnote-ref-127)
128. Submission 16, Youth Support and Advocacy Service. [↑](#footnote-ref-128)
129. ‘For example, it may be that an applicable entity provides disability services only to adults, and does not engage a child as a contractor employee or volunteer, but does provide an unsupervised playground for the use of visiting children. It is intended that this entity would be exempt.’Child Wellbeing and Safety Amendment (Child Safe Standards) Bill 2015, Explanatory Memorandum, p.5. [↑](#footnote-ref-129)
130. Organisation for Economic Co-operation and Development (OECD), *Best Practice Principles on the Governance of Regulators – The Governance of Regulators,* 2014, p. 29–39. [↑](#footnote-ref-130)
131. A ‘relevant authority’ in relation to an in-scope organisation means – a Department that is responsible for regulating the organisation; a Department that provides funding to the organisation; the Victorian Registration and Qualifications Authority; and any other authority that regulates or funds the organisation and that is prescribed (in regulations) to be a relevant authority. See *Child Wellbeing and Safety Act 2005,* s.3 definitions. [↑](#footnote-ref-131)
132. *Child Wellbeing and Safety Act 2005,* s. 25(1)(b). [↑](#footnote-ref-132)
133. *Ibid,* s. 5A(1)(b). [↑](#footnote-ref-133)
134. *Child Wellbeing and Safety Act 2005* (Vic), s. 27. [↑](#footnote-ref-134)
135. Commonwealth of Australia, Recommendation 6.11, *Royal Commission into Institutional Responses to Child Sexual Abuse,* vol 6, p.293. [↑](#footnote-ref-135)
136. *Commission for Children and Young People Act 2012* (Vic), s. 8(1)(b). [↑](#footnote-ref-136)
137. Submission 19, Centre for Excellence in Child and Family Welfare (including submissions from a round table the Centre conducted with its members and stakeholders). [↑](#footnote-ref-137)
138. ‘Each independent state and territory oversight body should have the following additional functions: a. provide advice and information on the [Standards] to institutions and the community; b. collect, analyse and publish data on the child safe approach in that jurisdiction and provide that data to the […] National Office for Child Safety; c. partner with peak bodies, professional standards bodies and/or sector leaders to work with institutions to enhance the safety of children; d. provide, promote or support education and training on the [Standards] to build the capacity of institutions to be child safe; e. coordinate ongoing information exchange between oversight bodies relating to institutions’ compliance with the [Standards].’ Commonwealth of Australia, Recommendation 6.11, *Royal Commission into Institutional Responses to Child Sexual Abuse,* vol 6, p.293. [↑](#footnote-ref-138)
139. This definition refers to regulatory functions under legislation other than the *Child Wellbeing and Safety Act 2005*. [↑](#footnote-ref-139)
140. *Child Wellbeing and Safety Act 2005* (Vic), s.3. There are no authorities prescribed to be relevant authorities under section 3(1). [↑](#footnote-ref-140)
141. Section 5A(1)(b) ‘relevant authorities of [organisations] have specific knowledge of the [organisations] that they regulate or fund’. [↑](#footnote-ref-141)
142. Commonwealth of Australia, *Royal Commission into Institutional Responses to Child Sexual Abuse*, vol 6, p.297. [↑](#footnote-ref-142)
143. Australian Government, ‘Child Safety’, *Commonwealth Clause Bank*, 2019, <<https://www.finance.gov.au/procurement/clausebank/child-safety/>> [↑](#footnote-ref-143)
144. Submission 47, Scope; Submission 12, De-identified youth education organisations; Submission 58, MacKillop; Submission 8, De-identified community services organisation; Submission 16, Youth Support and Advocacy Service. [↑](#footnote-ref-144)
145. OECD, *Best Practice Principles on the Governance of Regulators – The Governance of Regulators,* 2014, p. 34. [↑](#footnote-ref-145)
146. Pecuniary penalty must not exceed 60 penalty units or $9671.40. [↑](#footnote-ref-146)
147. Commonwealth of Australia, *Royal Commission into Institutional Responses to Child Sexual Abuse*, vol 6, p.325. [↑](#footnote-ref-147)
148. For example, *Regulatory Powers Act 2014* (Cth), *Children and Young People (Safety) Act 2017* (SA), *Children’s Protection Act 1993* (SA), *Occupational Health and Safety Act 2004* (Vic), model Work Health and Safety Act, *Environment Protection 1970* (Vic), *Environment Protection Amendment Act 2018* (Vic). [↑](#footnote-ref-148)
149. *Child Wellbeing and Safety Act 2005* (Vic), Part 6, Division 4; Part 6A. [↑](#footnote-ref-149)
150. This provision also permits disclosure to Ministers and Department Secretaries where relevant. [↑](#footnote-ref-150)
151. Submission 67, Commission for Children and Young People (CCYP). [↑](#footnote-ref-151)
152. *Child Wellbeing and Safety Act 2005* (Vic), Part 6A. [↑](#footnote-ref-152)
153. Submission 67, Commission for Children and Young People. [↑](#footnote-ref-153)
154. *Ibid.* [↑](#footnote-ref-154)
155. [↑](#footnote-ref-155)
156. Child Safe Standards Review Disability-focused Workshop, Geelong, 10 April 2019. [↑](#footnote-ref-156)
157. Participant feedback, Stakeholder Workshops on the Review of the Child Safe Standards held on various dates between 21 March 2019 and 15 April 2019. [↑](#footnote-ref-157)
158. Submission 19, Centre for Excellence in Child and Family Welfare. [↑](#footnote-ref-158)
159. Submission 16, Youth Support and Advocacy Service. [↑](#footnote-ref-159)
160. Submission 24, De-identified Religious organisation. [↑](#footnote-ref-160)
161. Russell, D, et al., *op. cit.* [↑](#footnote-ref-161)
162. Submission 15, de-identified Sports peak; Submission 26, Youth Affairs Council of Victoria (submission based on feedback from approximately 100 people from across the youth support sector); Submission 27, de-identified Religious peak; Submission 66, Victorian Aboriginal Child Care Agency. [↑](#footnote-ref-162)
163. Submission 33, Western Health. [↑](#footnote-ref-163)
164. Participant feedback, Stakeholder Workshops on the Review of the Child Safe Standards held on various dates between 21 March 2019 and 15 April 2019. [↑](#footnote-ref-164)
165. *Ibid.* [↑](#footnote-ref-165)
166. Submission 43, De-identified Multicultural organisation. [↑](#footnote-ref-166)
167. Submission 34, Vicsport. [↑](#footnote-ref-167)
168. Child Safe Standards Review Metro Workshop, 12 April 2019. [↑](#footnote-ref-168)
169. Child Safe Standards Review Geelong Workshop, 10 April 2019. [↑](#footnote-ref-169)
170. Submission 30, Healthcare that Counts, Implementation in Loddon. [↑](#footnote-ref-170)
171. Child Safe Standards Review Metro Workshop, 12 April 2019. [↑](#footnote-ref-171)
172. Participant feedback, Stakeholder Workshops on the Review of the Child Safe Standards held on various dates between 21 March 2019 and 15 April 2019. [↑](#footnote-ref-172)
173. Russell, D, et al., *op. cit.* [↑](#footnote-ref-173)
174. Submission 66, De-identified Out-of-Home Care organisation [↑](#footnote-ref-174)
175. Participant feedback, Stakeholder Workshops on the Review of the Child Safe Standards held on various dates between 21 March 2019 and 15 April 2019. [↑](#footnote-ref-175)
176. Russell, D, et al., *op. cit.* [↑](#footnote-ref-176)
177. Submission 15, De-identified sport peak body. [↑](#footnote-ref-177)
178. Submission 15, De-identified sport peak body. [↑](#footnote-ref-178)
179. Submission 30, Healthcare that Counts, Loddon Implementation. [↑](#footnote-ref-179)
180. Submission 13, Child Wise. [↑](#footnote-ref-180)
181. Submission 19, Centre for Excellence in Child and Family Welfare (including submissions from a round table the Centre conducted with its members and stakeholders). [↑](#footnote-ref-181)
182. Russell, D, et al., *op. cit.,* p. 7. [↑](#footnote-ref-182)
183. Russell, D, et al., *op. cit.,* p.44. [↑](#footnote-ref-183)
184. Russell, D, et al., *op. cit.,* p.44. [↑](#footnote-ref-184)
185. Russell, D, et al., *op. cit.,* p.44. [↑](#footnote-ref-185)
186. Submission 11, Body Safety Australia. [↑](#footnote-ref-186)
187. Submission 16, Youth Affairs Council Australia. [↑](#footnote-ref-187)
188. Child Safe Standards Workshops; Submission 40, Disability Discrimination Legal Service Inc; Submission 66, Victorian Aboriginal Child Care Agency. [↑](#footnote-ref-188)
189. Child Safe Standards Workshops; Submission 16, Youth Support and Advocacy Service. [↑](#footnote-ref-189)
190. Child Safe Standards Sports Workshop, 8 April 2019. [↑](#footnote-ref-190)
191. Commonwealth of Australia, Recommendations, *Royal Commission into Institutional Responses to Child Sexual Abuse*. [↑](#footnote-ref-191)
192. Participant feedback, Stakeholder Workshops on the Review of the Child Safe Standards held on various dates between 21 March 2019 and 15 April 2019. [↑](#footnote-ref-192)
193. Submission 40, Disability Discrimination Legal Service Inc. [↑](#footnote-ref-193)
194. Child Safe Standards Review Workshops; Submission 66, Victorian Aboriginal Child Care Agency; Submission 16, Youth Support and Advocacy Service. [↑](#footnote-ref-194)
195. Submission 66, Victorian Aboriginal Child Care Agency. [↑](#footnote-ref-195)
196. Child Safe Standards Aboriginal community-controlled organisations Workshop, 4 April 2019. [↑](#footnote-ref-196)
197. Note that the survey item asked about diversities beyond the groups identified in the three principles, and asked participants to rate on a scale of ‘strongly agree’ to ‘strongly disagree’ “My organisation actively promotes positive attitudes towards people including children and young people from different ages, genders, abilities, faiths, sexualities, and ethnic or cultural backgrounds.” [↑](#footnote-ref-197)
198. Russell, D, et al., *op. cit.* p.51 – 53. [↑](#footnote-ref-198)
199. Russell, D, et al., *op. cit.* p.51 – 53. [↑](#footnote-ref-199)