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Review of the Child Safe Standards
Department of Health and Human Services
State Government of Victoria

Email: cssreview@dhhs.vic.gov.au.

Review of the Victorian Child Safe Standards

Thank you for the opportunity for the Australian Catholic University's Institute of Child Protection Studies to make a submission to the review process.

The Institute of Child Protection Studies enhances outcomes for children, young people and families through quality research, program evaluation, training and community education, advocacy and policy development. We are nationally recognised for our expertise in child protection, and preventing and responding to the abuse and neglect of children. We promote children's participation, strengthen service systems, inform practice and support child-safe communities.

The key messages which the Institute offers to this Review are that:

- community education and capacity building for child safety require further attention and resources;
- attention should be given to the measurement of the effectiveness of child safety reforms;
- the Victorian Government should replace the Child Safe Standards with the National Principles;
- the current scope of organisations to comply with the Child Safe Standards should be retained;
- a progressive regulatory approach should be taken for smaller and voluntary organisations;
- scope should be reviewed in the future in the light of further evidence and experience;
- the Commission for Children and Young People should be given final responsibility for oversight;
- further reviews should be planned for the monitoring, compliance and enforcement functions; and to promote the participation of children and young people in all aspects of the operation of Child Safe Standards;
- the Victorian Government should take an active and where necessary leadership role in the development and implementation of a national strategy to prevent child sexual abuse and support child safety.

A more detailed explanation of our position is set in the attached paper.

Yours sincerely



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Introduction

The Child Safe Standards were developed as a key response to the Victorian Parliamentary Inquiry into the Handling of Child Abuse by Religious and Other Non-Government Organisations, (*“Betrayal of Trust”*). Betrayal of Trust was tabled in Parliament in November 2013 and found serious incidences of child abuse in a range of institutions and organisations in Victoria over a number of years. The introduction of Child Safe Standards was part of the legislative response set out through a significant expansion of the operation of the *Child Wellbeing & Safety Act 2005* in 2017.

The Standards are intended to create a regulatory framework to support, monitor and enforce the responsibilities of organisations providing services to children in Victoria. The aim is that child safety and protection from abuse will become imbedded in governance, service delivery and practice in organisational cultures and environments for children.

At a national level, the Royal Commission into Institutional Responses to Child Sexual Abuse (*“Royal Commission”*) collected more evidence of the sexual abuse of children in organisational settings. The Royal Commission handed down its report in December 2017. The Royal Commission recommended that across Australia, all organisations working with children should implement child safe standards. The Royal Commission proposed a set of draft standards. Following broad national consultation on the Royal Commission’s proposal, the National Children’s Commissioner produced a further set of standards which are described as the National Statement of Principles for Child Safe Organisations (*“the National Principles”*). The Council of Australian Governments has now endorsed the National Principles.

The spirit and intent of the recommendations of both inquiries are broadly consistent. This review identifies and seeks feedback on the key differences between recommendations in relation to child safe standards. The Victorian Government has accepted in principle that it will fulfil the relevant recommendations of the Royal Commission.

The Institute’s Views and Experience

The Institute of Child Protection Studies enhances outcomes for children, young people and families through quality research, program evaluation, training and community education, advocacy and policy development. We are recognised for our expertise in child protection, and preventing and responding to the abuse and neglect of children. We promote children’s participation, strengthen service systems, inform practice and support child-safe communities.

The Victorian Child Safe Standards have provided a powerful example and initiative which has assisted the development of the National Principles. The Victorian experience has begun the challenging work of strengthening monitoring and regulation of organisational behaviour and the development of sound preventative practice. It has driven the work of creating child safe environments and the culture change necessary to imbed and support reform on an ongoing basis.

The scope and number of organisations that must comply with the Child Safe Standards is daunting. Our experience suggests to us that there are many organisations that have not yet identified nor adequately addressed the requirements of the regulatory framework. We believe that this work will require further resources in awareness raising, education and capacity building. Whilst this work has been led effectively by the Commission for Children and Young People, the responsibility for awareness raising, community education and capacity building should be shared by a broader range of other government and non-government bodies with an appropriate commitment of resources.

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. There are significant practical and ethical difficulties in the use of measures that rely on actual instances of harm in the context of child abuse. We would recommend that measurement is directed towards the use of proximal indicators of the conditions of safety.

The Institute has begun work on the development of measurement of the perceptions of safety held by children and young people and of the capability of adults to implement safeguarding practices and developing effective safeguarding culture within organisations.

The Institute encourages the Victorian Government and the wider community to support the development of effective measurement of compliance with the Child Safe Standards and of effective reform in the prevention of child abuse.

The Child Safe Standards

In the view of the Institute, the design of the Child Safe Standards to date has been useful and appropriate. The consultations for the National Principles have been able to draw on the lessons learnt in Victoria. Although the Child Safe Standards have only been in operation for a relatively short period of time, the opportunity to review them is timely. Further evaluation of progress will be required in years to come and as the recommendations of both inquiries are implemented and their implementation assessed for impact and efficacy.

The Institute supports the work undertaken in developing the National Principles for Child Safe Organisations. We support the focus on outcomes that is incorporated into the National Principles as a sound and practical development.

The addition (in Principle 8) of the focus on the development of child safe environments offers a valuable tool for supporting the development of strategies and practices that are consistent with situational crime prevention approaches. It challenges communities and organisations to think beyond the standard human resources and organisational workplace processes to reflect on how children and young people engage with the world around them.

We believe that the use of the three principles in the Child Safe Standards has given attention to the critical issue of the particular barriers to safety that may be experienced by Aboriginal children, culturally and linguistically diverse children and children with a disability. However we support the integration of the three principles into a dedicated standard as proposed within the National Principles (specifically in Principle 4).

We also note and support the inclusion within the National Principles of reference to those who are unable to live at home, and lesbian, gay, bisexual, transgender and intersex children and young people as groups that may experience particular vulnerability.

We believe that the Victorian Government should take the necessary steps to replace the Child Safe Standards with the more developed, more considered and hopefully more nationally consistent National Principles.

The application of the National Principles across Australia will support shared responsibility for clear and consistent messaging and of the burden of enforcement and compliance. There are a significant number of organisations that provide services to children and young people that operate in more than one state that will benefit from a consistent national regime.

The Scope of Organisations to Comply with Victoria's Child Safe Standards

The Institute supports the current scope of organisations that are required to comply with the Child Safe Standards in Victoria. To the extent that the scope is broader than that recommended by the Royal Commission, we believe that the Victorian scheme should retain its current scope. We support the requirements that government departments should be required to comply (rather than only justice and detention services as recommended by the Royal Commission).

We support the inclusion of local councils; support services for parents and families; family violence or sexual assault services; homelessness services and youth services; and statutory organisations with functions of a public nature as organisations that will be critical in the development of universal child safe practices and environments.

The Institute acknowledges that a proportionate approach is required that recognises the challenges in compliance for smaller and voluntary organisations. However there is a strong argument that these organisations are likely to be at increased risk of exploitation as larger professional organisations and services increase their monitoring and preventative practice. We would support a progressive regulatory approach that offers increased support and guidance (as well as monitoring) to such smaller and voluntary organisations. This approach would be preferable to offering exemptions without review or external scrutiny.

We would also recommend review of the scope in the future – either ongoing or in the medium term – to assess organisational settings that are at ongoing or increased risk of allowing settings for abuse. This review should include examination of data and evidence of abuse occurring in settings where children are found, including any settings excluded from the operation of the *Child Wellbeing and Safety Act 2005* (Vic) and beyond the scope of coverage recommended by the Royal Commission.

Oversight, Monitoring and Enforcement

At this stage in the development of more effective measures for child safety and the prevention of abuse, the Institute support the current monitoring, compliance and enforcement scheme for Child Safe Standards. We would support overall responsibility for oversight and monitoring to rest with the Commission for Children and Young People. It may be appropriate to introduce a more formal mechanism for the Commission to delegate oversight and monitoring to relevant agencies (such as funding or supervisory Government Departments and the Victorian Registration and Qualifications Authority).

As discussed earlier, we would support a more deliberate sharing of responsibility for awareness raising, education, capacity building across government and community agencies.

As the regulatory framework is developed and implemented over time, the Institute would recommend a specific review of the effectiveness of the monitoring and compliance function. It may be worth considering the separation of the functions of education and capacity building from monitoring and compliance; and similarly considering the separation of monitoring and regulatory compliance from prosecution and enforcement given the specialist nature of each function.

In addition, the Institute would recommend consideration of how the participation of children and young people can be integrated more comprehensively into all aspects of the operation of Child Safe Standards including in oversight and monitoring.

Towards A National Approach to Child Safety

As discussed earlier, we believe that the Victorian Government should take the necessary steps to replace the Child Safe Standards with the more developed and more considered National Principles. We believe that the work of both the Betrayal of Trust inquiry and the Royal Commission has identified the issue of child safety as a matter of national significance.

The Royal Commission has made detailed recommendations¹ as to the development and implementation of a comprehensive national strategy to prevent child sexual abuse. This work is to be coordinated by the National Office for Child Safety and included in the proposed National Framework for Child Safety. Such a national strategy would build on and extend the commitments and initiatives of the COAG-endorsed National Framework for Protecting Australia's Children 2009-2020. It would also coordinate with existing (and future) measures developed in implementation of the National Plan to Reduce Violence against Women and their Children 2010-2022 and the National Disability Strategy 2010–2020.

These are important initiatives that accompany the development of Child Safe Standards. In order that this broader national work is effective, we believe that the reforms and initiatives should as much as possible be implemented consistently across the nation. The leadership of Victoria in this area is a critical factor in ensuring all state and territory governments treat the reform process seriously.

In particular we note that the Royal Commission has recommended that the National Framework for Child Safety should encompass social marketing campaigns to raise general community awareness and education programs for children, parents and community members to increase knowledge and build skills around the prevention of child sexual abuse. These are to be built around information and help-seeking services for parents and community members to address concerns around adults, children and young people who may be at risk of perpetrating child sexual abuse.

As noted earlier, the addition of Principle 8 in the National Principles will give greater focus on the development of child safe environments. We anticipate that this will support communities and organisations to reflect and act on safety in ways that will take into account how children and young people engage with the world around them.

¹ Royal Commission into Institutional Responses to Child Sexual Abuse “Final Report – Preface and Executive Summary” (2017) Sydney, Australia and particularly recommendations 6.1 to 6.5

Leadership

This work will complement the work already underway in Victoria through the Child Safe Standards.

Collectively this should assist to develop a consistent focus on improving the culture and practices of families, organisations and communities to create conditions of safety². It will also assist in developing skills and capacity in addressing risks and building prevention practice in the community more broadly. This will include promoting more accurate knowledge and understanding of sexuality and personal safety and listening respectfully to children and their concerns.

These are policy and practice areas that the Victorian Government has already shown considerable national leadership. The development of this work in implementation of the recommendations of the Royal Commission can continue to benefit from the Victorian Government's leadership in this regard.

References

Australian Government, National Disability Strategy 2010–2020.

Australian Government, National Framework for Protecting Australia's Children 2009-2020

Australian Government, National Plan to Reduce Violence against Women and their Children 2010-2022

Child Wellbeing and Safety Act 2005 (Vic) as amended

"How can child welfare and youth-serving organisations keep children safe?" (2016) *Developing Practice: The Child, Youth and Family Work Journal*, Vol. 44 48-64

The Final Report of the Royal Commission into Institutional Responses to Child Sexual Abuse (2017)

The National Statement of Principles for Child Safe Organisations (2018)

The Report of the Victorian Parliamentary Inquiry into the Handling of Child Abuse by Religious and Other Non-Government Organisations (2013)

² Higgins, Kaufman & Erooga "How can child welfare and youth-serving organisations keep children safe?" (2016) *Developing Practice: The Child, Youth and Family Work Journal*, Vol. 44, 48-64