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Review of Victorian Child Safe Standards

Submission by Youth Affairs Council Victoria

February 2019

**About Youth Affairs Council Victoria**

YACVic is the leading advocate for young people aged 12–25 in Victoria. As a peak body, we work closely with young Victorians and the sector that supports them to deliver effective advocacy, events, training, resources and support – so that young people can live their best lives.

Our vision is that young Victorians have their rights upheld and are valued as active participants in their communities. As Victoria’s youth peak body, we work across the state in the best interests of young people and the youth sector to:

* lead policy responses to issues affecting young people
* represent the youth sector to government
* resource high quality youth work practice
* research and advocate on youth issues.

We value our members and prioritise their needs.

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**Executive summary**

Youth Affairs Council Victoria (YACVic) is the state peak body for young people aged 12-25 and the sector that supports them. We are a vibrant, member-based organisation, with around 400 members. More than half our members are young people; the others include local governments, community and health services, and research bodies.

We work to the *Code of Ethical Practice for the Victorian Youth Sector*, the guiding principles of which include the safety of young people, respect for young people's human dignity and worth, positive health and wellbeing outcomes for young people, and the empowerment of all young people. Consequently, we welcomed the introduction of Child Safe Standards in Victoria. We have promoted Child Safe Standards to the services that work with young people, and we are dedicated to continuous improvement of our own organisation’s commitment to child safety.

This submission is based on feedback from approximately 100 people from across the youth support sector, as well as a scoping of existing research.

Through our consultation, we heard from youth support professionals that they are mostly strongly in favour of the Child Safe Standards, and have seen improvements as a result of the standards. These have included increased awareness of child safety; more child safety training, policies and protocols; and much increased use of Working With Children Checks.

However, we also heard from youth support professionals that the implementation of Child Safe Standards had been very uneven, and that more work is needed. Key concerns include:

* Many workers remain unclear about their Child Safe obligations.
* Many organisations are hindered by lack of clarity about whose job it is to ‘lead’ Child Safe Standards, and lack of appropriate support from management.
* Workers’ experience of training and professional support is very varied. Many workers want more expert support to work through practical scenarios and understand their obligations.
* Some organisations have particularly struggled. They include some local governments (although local governments can also be leaders in child safety), private businesses, small volunteer-based organisations, and organisations based in refugee and migrant communities.
* Many organisations have focused strongly on Working With Children Checks, and need support to address wider child safety issues.
* Experiences with monitoring and regulatory bodies were very mixed. Workers’ biggest concerns included lack of clarity about how the various regulatory and funding bodies align with each other, confusion about the differences between various forms of reporting, and what should happen when someone reports a child safety concern.

Youth support professionals expressed strong support for Standard 7 (‘Strategies to promote the participation and empowerment of children’), and were adamant that this should not be watered down if we move towards a national model. Some organisations had done impressive work to engage children in the implementation of Child Safe Standards. However, this has been very uneven. Many organisations still struggle to ensure meaningful engagement and empowerment of children, particularly at higher levels of governance and in departments which do not typically provide services to children.

Similarly, youth support professionals generally expressed strong support for the ‘three principles’ around creating safe organisations for Aboriginal children, children with disability, and children from refugee and migrant backgrounds. They were also eager to work better with a range of other vulnerable cohorts. However, meaningful implementation of the three principles has been a challenge for many organisations; once again, more expert and practical support was requested.

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.

In the meantime, it is important to recognise that threats to children’s safety in organisational settings are a real and present issue. Key concerns in recent years have included the safety of children in youth justice centres, the restraint and seclusion of students with disability in schools, bullying of children (including in schools, services and online), and workplace dangers and bullying for children who are employed or doing work experience. Further work is needed to address these concerns.

**Please note:** this submission uses the word ‘children’ to align with the language of the Child Safe Standards and this review, and to keep in the reader’s mind the rights and vulnerabilities of under-18s. However, as a youth peak, we are speaking primarily of 12-18 year olds, and we acknowledge that 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.

**Recommendations**

1. Strengthen resourcing to the Commission for Children and Young People to keep pace with demand. For example, the number of organisations reported to the Commission for possible failure to meet Child Safe Standards increased more than fourfold between 2016-18,[[1]](#endnote-1) and youth support professionals continue to want more support from the Commission than the Commission has capacity to provide.

Given the limited time we had to conduct this consultation, we are wary of making concrete recommendations about the regulatory powers accorded to the Commission for Children and Young People. However, some of our stakeholders expressed a wish for the Commission to have greater capacity to hold organisations to account through audits and reviews – and many wanted the Commission to have more resources to support organisations to become child safe.

1. Devote particular resourcing to addressing serious, identified risks to children’s safety in Victorian organisations. These include the safety of children in youth justice centres, the restraint and seclusion of students with disability in schools, bullying of children in schools and online, and children’s safety in the workplace.
2. Invest in further training, professional support, and communities of practice for youth support professionals and other workers, to meet the level of need. Prioritise the following issues:

* Navigating complex, practical scenarios involving children and families.
* Understanding different legal requirements and reporting processes.
* Incorporating the ‘three principles’ into Child Safe practice.
* Strengthening the safety of other cohorts who may be vulnerable to abuse in organisations, including children with lived experience of family violence, mental illness and/or trauma; children who are LGBTI; and children in the justice system.
* Understanding the factors that make some children especially vulnerable to abuse, learning from research commissioned by the Institute of Child Protection Studies and the Royal Commission into Institutional Responses to Child Sexual Abuse.
* ‘Designing out abuse’ in organisations, including physical spaces and workplace practices. This approach aims to redesign the layout and/or running of organisations to make it harder, riskier, and less acceptable for someone to harm a child.
* Responding to abusive behaviours by children, recognizing the prevalence, seriousness and complexity of this issue.
* Keeping children safe online.
* Working directly with children to co-design and promote child safe policies, practices, communications, and evaluation.
* Learning from existing research about children’s views on safety in organisations.
* Free, accessible online resources to help workers test and refresh their knowledge of Child Safe Standards.

In particular, more action is needed to ensure equitable and relevant professional supports for rural organisations, organisations in refugee and migrant communities, and small, volunteer-based organisations.

1. Work with organisations and training providers to ensure greater quality control, monitoring and evaluation of different child safety training models.
2. Support bodies like the Commission for Children and Young People and the Municipal Association of Victoria to ensure all local governments can access high-quality advice and training about child safety by experts with strong legal knowledge. Targeted work is needed to engage council CEOs, and to engage council staff who do not typically work with children.
3. Support new, targeted initiatives to engage private businesses which have significant contact with children to understand and meet their Child Safe obligations.
4. Consider the Child Safe Standards as part of the review of the L2P driver-mentor program. Some local programs may benefit from stronger, state-wide support and direction in this space.
5. Work with the community – including peak bodies, services, schools and local governments – to design campaigns to promote public awareness and ownership of children’s rights, addressing the attitudes and circumstances which have traditionally made children vulnerable to abuse in organisational settings.
6. Improve communications with workers, parents and other community members about how to raise a child safety concern, whom to approach, and what to expect when you do. Information for workers should continue to clarify distinctions between different reporting and safety requirements. More work is also needed to ensure regulatory bodies communicate appropriately with people who have made a report, so they know their concern has been followed up.
7. Strengthen communications with youth support professionals and other workers about how their sectors are ‘tracking’ in becoming child safe. Useful approaches might include:

* A regular, accessible ‘report card’ about how the Victorian community is tracking on Child Safe Standards, released by the Commissioner for Children and Young People or the Victorian Government.
* De-identified or fictionalized case studies, showing good or problematic practice, based on past investigations of organisations by the Commission for Children and Young People.
* Share more accessible research about the implementation of Child Safe Standards, the impacts of the standards, and how regulatory bodies are using data provided by organisations.

1. Ensure any move towards alignment with the National Principles for Child Safe Organisations does *not* involve any loss or weakening of Child Safe Standard 7 (‘Strategies to promote the participation and empowerment of children’).
2. Taking a long-term view, begin planning a smooth transition towards eventual alignment with the National Principles. There should be a strong focus on ensuring that work done by organisations towards Child Safe Standards is honoured and built upon, not discarded. Strong resourcing and expert professional support must be in place to make this work.

**Background**

Unfortunately, too many children are still vulnerable to physical abuse, sexual abuse, emotional or psychological abuse, and serious neglect. For example:

* More than one in ten Australian adults report having been physically and/or sexually abused before the age of 15.[[2]](#endnote-2)
* 11,300 victim reports were lodged for crimes against the person of Victorian children aged 10 – 19 in the year October 2017 – September 2018.[[3]](#endnote-3)
* Last year, Victoria’s Commission for Children and Young People was notified of over 850 instances of ‘potentially concerning conduct by adults with children’.[[4]](#endnote-4)

Abuse can occur in various settings, notably the family home. For example, according to the Australian Institute of Criminology, the majority of sexual abuse of children is committed by a male relative or a family friend.[[5]](#endnote-5) However, children can also be vulnerable in organisational spaces, as demonstrated by the 2017 Royal Commission into Institutional Responses to Child Sexual Abuse. The Australian Institute of Criminology states that 15.3% of sexual abuse of children is committed by ‘another known person’ and 15.6% is committed by ‘an acquaintance or neighbour’.[[6]](#endnote-6) These categories could presumably include staff or volunteers in services, businesses, clubs, or schools.

There are a number of organisational settings where children’s safety can be at particular risk. For example, our stakeholders have raised concerns about:

* Conditions in youth justice centres. The Department of Justice and Regulation has taken positive steps to implement recommendations of the *Same Four Walls* report (Commission for Children and Young People, 2017). However, the Commission continues to record reports of serious incidents in youth justice centres. In 2017-18, these included 64 physical assaults on young people (some by other young clients, some by staff), and 25 assaults of a sexual nature against young people.[[7]](#endnote-7)
* Use of physical restraint and seclusion of students with disability in Victorian schools. The Victorian Government has spoken out against these practices, and has taken new steps to limit them through the *Principles for Reduction and Elimination of Restraint and Seclusion in Victorian Government Schools* (2019).[[8]](#endnote-8) However, the concerning reports which have emerged over the past few years suggest some schools need ongoing, expert support to develop different responses to behaviours of concern.[[9]](#endnote-9)
* Bullying in schools. Bullying takes various forms, but can include physically and sexually abusive behaviours, and can have a serious impact on a young person’s wellbeing. A recent survey by ReachOut Australia of 229 young people aged 14-25 who had experienced bullying found that in 52% of cases it had happened at school.[[10]](#endnote-10) Nearly 17% of Victorian students reported being bullied most days in 2016, and around a third of students reported having been cyber-bullied. According to the *State of Victoria's Children* report, Aboriginal students and students who speak a language other than English at home are more likely than their peers to be bullied, and female students are more likely to be bullied than males.[[11]](#endnote-11)
* Workplace dangers. The Young Workers Centre calculates that more than 41% of young Victorians aged 15-19 have jobs, which means that workplace health, safety and bullying are also child safety issues.[[12]](#endnote-12) In a 2016 survey of 1,028 young Victorian workers aged 15-30, the Young Workers Centre found that half of these young people had experienced bullying or harassment at work, and 1 in 4 had been asked to do something at work that made them feel unsafe. Young women were especially vulnerable to sexual harassment in the workplace, and most reported that the issue was not taken seriously. 1 in 3 young people who had sustained workplace injuries or illnesses did not report them to management, often for fear of retaliation.[[13]](#endnote-13) These issues may also impact on students undertaking work experience or the Structured Workplace Learning program.

Clearly, there is more to be done to make all organisations that work with children genuinely child safe.

This submission is informed by our conversations with youth support professionals over the past couple of years, as well as:

* A consultation workshop (co-hosted with Victorian Council of Social Services), attended by approximately 40 people. Attendees included representatives from community peak bodies, providers of child and youth services, local governments, disability support bodies, and Local Learning and Employment Networks, as well as several secondary students.
* An online survey, which received 30 responses. 45% of respondents were employed by local governments; 28% worked at community or health services; 14% were teachers; 7% were young adults aged 18-25; 3% were aged 15-17. Other respondents included a student counsellor, and people attached to other not-for-profit and youth-focused bodies. 56% of respondents were from Melbourne; 30% were from rural areas; and 15% were from regional centres. A wide range of postcodes were represented.
* Social media polls, which received 29 responses from a mix of youth support professionals and young people.
* Individual conversations with 10 workers from different services: five local governments, two youth mentoring / leadership organisations, one university, and two bodies that provide sector support and advocacy to organisations that work with young people.
* A review of the existing research.

**Implementing the Child Safe Standards**

We asked our stakeholders about their experiences of implementing the Child Safe Standards, what they had learned, and what could be improved.

Youth support professionals expressed strong support for the Child Safe Standards. They identified a number of positives that had resulted from the introduction of the Standards, including:

* Development of child safety policies in organisations where none had existed before.
* Much greater use of Working with Children Checks.
* Increase in child safety training for staff.
* Stronger commitment to reporting concerns about children’s wellbeing.
* Increased communication with new staff about child safety.
* Positive attitudinal change and new awareness of child abuse in places where workers might not have reflected much on the issue before, such as sporting clubs.
* New leverage for workers to lobby successfully for better physical and administrative security for children in their organisations.

In our survey, we asked respondents whether they agreed that organisations in Victoria were safer places for children as a result of the introduction of Child Safe Standards. The response was fairly positive (if mixed): 43% agreed, 36% somewhat agreed, and 7% strongly agreed. 11% were unsure, and 4% somewhat disagreed. No one disagreed outright.

Similarly, when we asked respondents to our Insta poll whether organisations had become safer places for children since the introduction of Child Safe Standards, eight people voted ‘yes’ and three voted ‘no’. And when we asked respondents to our Twitter poll 'How well do you think services, schools and other places that work with children understand their duties under Victoria's Child Safe Standards?', seven out of our eleven respondents answered 'pretty well', and there were two votes each for 'very well' and 'poorly'. Even in microcosm, this is a complex issue.

When asked for details, our stakeholders identified a number of challenges to the full implementation of the Child Safe Standards.

**Who takes the lead?**

We found that organisations which seemed relatively confident and successful in their implementation of Child Safe Standards tended to have one and/or two elements enabling this success:

* Strong support from their CEO, Board, and/or executive level staff for whole-of-organisation reform.

* Particular staff members (or a whole team) with the resources and authority to lead Child Safe reform across the whole organisation, including training, compliance, and writing child safe commitments. Some organisations have child safety officers, with regular, intensive training.

Additionally, we observed a stronger confidence in implementing Child Safe Standards amongst youth services which were also providers of flexible education programs, with strong relationships with other schools and Department of Education and Training.

However, other organisations have found the process much more difficult. Some workers commented that they did not recall their employers ever speaking to them properly about Child Safe Standards, and in many services, the question of which staff members should champion the standards has become (in the words of one worker) ‘a hot potato’.

Across different organisations, responsibility for ‘owning’ Child Safe Standards has sat with different teams, including child, youth and family services, wellbeing services, Human Resources, ‘quality and safety’ and ‘risk and compliance’ teams. Thus, Child Safe Standards have been led by very diverse staff, some of whom do not have expertise in child welfare, while others do not have strong authority across their organisation. This has been a particular challenge in large organisations with complex structures, such as local governments.

For some workers, gaining meaningful support from management has also been a challenge, particularly in organisations which deliver many other services besides support for children. Some workers described a continued struggle to convey to management the scope and responsibility attached to the Child Safe Standards, and the associated risk and compliance issues.

**Training and support for workers**

High quality training for staff is vital to the meaningful implementation of Child Safe Standards. Some of our stakeholders spoke highly of training and professional support they had received, for example from the Commission for Children and Young People, the Centre for Excellence in Child and Family Welfare, Child Wise, or the Australian Childhood Foundation

However, concerns about professional development were also raised, including:

* Details and specifics – workers want more opportunities to ask questions and workshop how to implement Child Safe Standards, navigate risk and reporting, and understand their legal requirements. Some workers told us that while they had received Child Safe training, they still struggled to understand their obligations and handle intricate situations. Particular problems may arise when a worker does not have a clear understanding of different types of child maltreatment and their legal position, or when abusive behavior occurs *between* children in an organizational setting.
* Inconsistency – different training is delivered in different organisations by different providers. Some workers expressed uncertainty about how quality control and consistency were maintained – for example, whether there was a list of registered providers, audited regularly. While there are excellent training modules out there, we also heard concerning stories. For example, one worker described undertaking training which instructed staff to report all child wellbeing concerns to their manager, with no clear messaging about their legal obligations to report things like sexual abuse to the police.
* Appropriateness – training should be appropriate for different staff, and should empower them to make their programs and spaces safer and feel proud of doing that. For example:
* When delivering training to employees who do not work regularly with children in a professional capacity (e.g. customer service staff at a local government, or volunteers at a sporting club), it is important to provide accessible support materials in ‘plain English’. It is also important to build their confidence and highlight their potential to make a positive difference. We have heard that some staff with no experience of working with children can retreat from the topic in panic, afraid of ‘doing the wrong thing’, if the training they receive is inappropriate to their role or focused solely on reporting all possible child maltreatment. Training should speak to the worker’s experience and start where they are ‘at’.
* When delivering training to youth workers, it is important to engage with the fear some youth workers hold that reporting abuse or neglect will jeopardize their relationship with the young person and is therefore is ‘too risky’. More work is needed to create a culture where Child Safe Standards are about extending care and respect to young people and upholding young people’s right to be safe.
* Rural access – rural workers should have equitable access to training and support, and these things should be relevant to their communities. (When Child Safe Standards were first introduced, some rural professionals complained that they were given advice which seemed unworkable where they lived – e.g. teachers in small towns being advised to have no contact with students or their families outside of school.[[14]](#endnote-14)) Training should address issues of concern to rural communities, particularly the lack of anonymity in small towns, which can make people afraid of reporting child wellbeing concerns and families reluctant to accept professional help.
* Training must be renewed regularly to address staff turnover and keep Child Safe Standards in the front of everyone’s mind.
* Strengthening other sectors. Professionals outside of the youth services sector also need improved support. For example, a study done with 30 Victorian teachers from different schools in 2017 found that their understanding of mandatory reporting obligations was very uneven, and that many teachers had had very little appropriate training.[[15]](#endnote-15)

Workers also want ongoing, situational support. We spoke to some workers who appreciated guidance they’d received from the Commission for Children and Young People and the Centre for Excellence and Child and Family Welfare – but other workers seemed unaware this support was available. Some called for a ‘hotline’ for workers to call for advice on any Child Safe topic, or a single, well-known point of contact to answer all questions and concerns.

We understand the Commission for Children and Young People is planning to put together a ‘Community of Practice’ for workers with responsibility for leading Child Safe implementation in their services. This is a very welcome development, and we hope particular efforts will be made to reach rural and regional workers.

**Some organisations face particular challenges**

Some organisations face particular complexities when implementing the Child Safe Standards, and may need specific supports. They include:

* Local governments – Many local governments have done strong work in relation to Child Safe Standards, and are confidently promoting the standards in their communities. Some have even formed Child Safe networks, to improve their practice.

However, other councils have struggled. Local governments have large and complex structures, and run many services besides support for children. In some local governments, the workers found it very hard to get all business units working together on Child Safe Standards, and to get meaningful engagement from CEOs and executive staff. Concerns were also raised about how to get appropriate engagement in Child Safe Standards from the many staff employed by council who have incidental contact with children or their records – e.g. ICT staff, customer service staff, parks staff, parking inspectors, security guards, caterers. (Some of these staff are employed by other businesses and contracted temporarily by councils.) Councils are also under pressure because they tend to lead local youth service networks and strategic planning; they may be expected to support other services with Child Safe Standards, when they are struggling themselves.

Many local government youth workers want greater access to child safety experts with strong legal knowledge, perhaps based at the Municipal Association of Victoria or the Commission for Children and Young People, who could provide expert advice and different types of training for council staff. They also want more work done to engage CEOs across councils.

* Private businesses which run activities for children or have significant contact with children – e.g. play activities, street festivals, photography, parties, and real estate agents who inspect properties where families live. Most private businesses are not connected to the same supports and networks as community service providers. It is very unclear to us what understanding and commitment (if any) private businesses have shown to Children Safe Standards.
* Small, volunteer-based organisations. These can include sporting clubs, organisations in refugee and migrant communities, and organisations which depend on modest philanthropic funding.
* Organisations based in refugee and migrant communities, more broadly.
* Providers of the L2P driver-mentor program. Some L2P coordinators receive excellent Child Safe guidance from their host organisations and provide in-depth training to their volunteer mentors. However, many L2P programs run on extremely limited resources, and historically they have not received much centralized, state-wide guidance about Child Safe Standards.[[16]](#endnote-16) We understand a review of the L2P program has been underway; perhaps this would be a timely opportunity to provide targeted resourcing and expert guidance for those who may be struggling with Child Safe requirements.

Our stakeholders also told us there were two types of staff who might need particular support to work effectively within the Child Safe Standards:

* Staff who have incidental contact with children, but do not work with children as a formal part of their role.
* Staff and volunteers who are aged under 18 themselves, and are working with younger children.

**Engaging the whole community**

The varied levels of engagement with Child Safe Standards led our stakeholders to debate how best to engage the whole community. Until now, the approach to Child Safe Standards has not been prescriptive; organisations have been encouraged to develop their own tailored approaches to the Child Safe Standards, according to their needs. There are strong benefits to this approach; some of our stakeholders felt it had driven internal cultural change and supported deeper engagement.

However, the non-prescriptive approach also has problems. Many workers felt the implementation of Child Safe Standards had been piecemeal and uneven, without enough communication across different organisations. Some services and workers remain very uncertain of their obligations.

Some of our stakeholders wanted wider campaigns to promote Child Safe Standards to everyone – e.g. through public forums, advertising campaigns, or recognisable logos and messaging. For example, comparisons were made with campaigns to promote WorkSafe. Other workers wanted a broader, national campaign to promote the rights of children and challenge the attitudes which traditionally enabled institutional abuses to occur.

If a national set of principles is introduced to Victoria, this might be an opportune time for such a campaign.

**The ‘three principles’**

Victoria’s Child Safe Standards specify that organisations must promote the cultural safety of Aboriginal children, children from culturally and/or linguistically diverse backgrounds, and children with a disability. This approach was adopted in recognition of the over-representation of Aboriginal children in institutions, the high rates of abuse of children with disability (and the poorer protections extended to them), and the barriers of language, cultural difference and trauma which can make it harder for children from refugee and migrant backgrounds to exercise their rights in organisations.

Many youth support professionals agreed it was appropriate to highlight the needs of these groups of children. They referenced the fact that their organisations had struggled to work well with these children in the past, and that it was important to keep ‘raising awareness’ about children’s diverse needs. They felt Child Safe Standards had been useful in this respect.

While this is positive, we suggest there is more work to be done to address the specific vulnerabilities of these three groups of children to abuse in organisational settings. (There may be a slight risk of this issue being swallowed up in generalised ‘diversity training’.) Many workers felt it was too soon to say exactly how Child Safe Standards had affected their work with the three groups, and some felt their services needed more expert help to incorporate the three principles meaningfully into their Child Safe policies and practices. As with many Child Safe issues, workers wanted more practical advice and tools from experts.

Implementing the three principles has proven especially complex in parts of Victoria where there are multiple different Aboriginal cultures and communities, including families who have moved there from other states.

Workers also mentioned other cohorts of children with whom they wanted to work better. These included children with lived experience of family violence, trauma, and/or mental illness; children who are LGBTI; and children in the justice system.

But how this might translate into changes to the Child Safe Standards was less clear. Workers seemed united in their wish to work better with vulnerable children, to ‘raise awareness’ about diverse cohorts, and make everyone feel welcome. However, there was less clarity about how the structure and requirements of the Child Safe Standards could best support this – e.g. through updating the three principles, incorporating a new ‘diversity standard’, or simply strengthening supports for Child Safe policies and practice in general.

There are further conversations to be had with youth support professionals about putting particular protections around those children most vulnerable to being targeted by abusers. (This concern presumably drove the original ‘three principles’.) The Royal Commission into Institutional Responses to Child Sexual Abuse, and the ACU Institute of Child Protection Studies (amongst others) have commissioned research into the factors that make certain children especially vulnerable to being targeted. These factors include social connectedness or isolation / loneliness; self-esteem or shyness; knowledge about their bodies; previous histories of abuse; and exposure to family violence, neglect, overcrowding and/or homelessness. The Institute of Child Protection Studies also urges professionals to pay attention to the particular vulnerabilities of female children and younger children.[[17]](#endnote-17)

We suggest that many workers would benefit from stronger understanding of these issues, especially if Victoria is to move towards adoption of the National Principles for Child Safe Organisations, which specify that staff and volunteers should be ‘attuned to signs of harm’, and have a good understanding of children’s developmental needs and how children express concerns or distress.

**Child safety issues needing new attention**

When implementing Child Safe Standards, many organisations seem to have focused strongly on ensuring staff have Working With Children Checks. (This was the first topic many of our stakeholders mentioned when asked about their experience of Child Safe Standards.) While this is logical and positive, we hope to see more organisations supported to examine other child safety issues in the future. Working With Children Checks alone are not enough to keep children safe.

We would like to see organisations receive greater support to build their capacity in areas including the following:

* Designing out abuse. We note with interest recent work informed by the field of situational crime prevention, which focuses on identifying and reducing the factors which enable child abuse to happen in organisations. This approach aims to make it more difficult and risky for someone to abuse a child, and to make abuse less rewarding or appealing. This can involve removing or reducing opportunities to abuse a child, making children less vulnerable, and eliminating excuses for harming children. Strong attention is paid to the physical and cultural environment of the organisation. There is also an emphasis on making all adults responsible for identifying and responding to threats. Researchers from the Institute of Child Protection Studies have found that preventative approaches include:
* Supporting staff, carers, and parents to understand child abuse issues and feel confident to respond appropriately.
* Giving children and staff meaningful opportunities to raise concerns about abuse.
* Conducting risk assessments for physical locations and workplace practices, to eliminate ‘hot spots’. Particular attention should be paid to any locations that are isolated or poorly supervised, any facilities which require privacy (e.g. toilets, changing rooms), and any other facilities a service might hire or use (e.g. shopping centres, public pools).
* Designing physical facilities to assist natural surveillance and eliminate 'blind spots', and minimising opportunities for staff to be alone with children.
* Limiting and monitoring staff and volunteers’ online contact with children.
* Clear organisational rules and policies about acceptable standards of staff conduct, and real consequences for breaches of policy.
* End dehumanization of children (e.g. in settings like youth justice centres) which may make it culturally more permissible to harm them.

Researchers point out that we also need prevention strategies in communal spaces, public toilets, shopping malls, swimming pools, parks and playgrounds.[[18]](#endnote-18)

Designing out abuse will be particularly relevant if Victoria moves towards aligning with the National Principles, with their emphasis on providing safe physical environments (Principle 8).

* Responding to abusive behaviours by children. The Royal Commission named this issue as one which must be addressed as part of a national strategy to prevent child sexual abuse. The National Principles specify that staff and volunteers should be supported to recognise indicators of child harm, ‘including harm caused by other children and young people’ (Principle 7). However, this issue remains challenging for organisations to address. The issue is under-reported, and it is hard to arrive at accurate figures. However, the Australian Bureau of Statistics estimated in 2015-16 that 26% of all sexual offences were committed by children and young people aged 10-19. Moreover, police data presented to the Royal Commission suggested that *the* *majority* of recent child sexual abuse allegations in organisational settings involved an alleged perpetrator who was underage. This is a sensitive subject, and both adults and children struggle to know how to respond. Most children who use sexually abusive behaviours are male, and their victims are usually known to them. Their behaviour causes distress and harm to their victims which is comparable to the impacts of being abused by an adult.[[19]](#endnote-19)
* Keeping children safe online. This was identified as a priority area for future action by the Royal Commission (see Recommendations 6.19-6.21), and is specified in the National Principles. In 2018, the Office of the eSafety Commissioner surveyed 3,000 young Australians aged 8-17, and found that 13% had received repeated unwanted online messages from someone, 13% had had lies or rumors spread about them online, and 19% had been called names online. Nearly 6 out of 10 children who’d had a negative experience online reported feeling upset, angry, helpless, left out, or less close to other people (although many also said they built strength through the experience).[[20]](#endnote-20) Meanwhile, a 2016 survey of 600 Australian girls aged 15-19 found high levels of concern about sexually harassing behavior online. 58% of respondents agreed that girls often receive unwanted or uninvited sexually explicit material, and 51% agreed that girls were often pressured to share explicit images of themselves.[[21]](#endnote-21) Concerns have also been raised about the related issue of online pornography, which around two-thirds of children have seen by the age of 16. Online pornography is associated with risks to young people’s wellbeing in relation to consent, body image, relationships, safe sex, addictive behaviours, and beliefs about women’s and men’s roles.[[22]](#endnote-22)

Ideally, we would also like to see youth support professionals better informed about the evidence base behind the development of Child Safe Standards and National Principles for Child Safe Organisations – specifically, the findings of the Royal Commission into Institutional Responses to Child Sexual Abuse (2017) and *Betrayal of Trust: Inquiry into the Handling of Child Abuse by Religious and Other Organisations* (2013). In our experience, knowledge of these historic inquiries is uneven amongst youth support professionals. We would like to see workers supported to understand the original risk factors behind institutional child abuse, and to reflect on what comparable issues might exist in their own communities today. For example, workers might be prompted to reflect on which adults or institutions are implicitly trusted nowadays (for example, due to their popularity or prestige), and which contemporary factors might make a child or adult afraid to raise a concern.

**Children’s participation and empowerment**

In our consultations, we found widespread support for Standard 7 of the Child Safe Standards: ‘Strategies to promote the participation and empowerment of children’. This was no surprise to us; youth support professionals are generally strongly in favour of engaging young people in meaningful roles and decision-making in organisations.

There was a strong message that Victoria should not lose Standard 7 in any move towards a national child safety approach.

However, our stakeholders also reported very mixed experiences of implementing Standard 7. For example, we asked respondents to our survey whether they agreed that children understood their rights better, played a bigger part in decision-making in organisations, and were more likely to know how to seek help for a concern, as a result of the Child Safe Standards. The most common answers were ‘agree somewhat’ (40%) and ‘disagree’ (28%). 12% of respondents agreed, 8% somewhat disagreed, 8% were unsure, and 4% strongly disagreed. No one strongly agreed.

Positive impacts of Standard 7, as identified by our stakeholders, included:

* Standard 7 gives official backing to good practices which were already being modelled by many youth support professionals. Standard 7 strengthens wider cultural change to promote the rights and decision-making of children and young people.
* In some organisations, Standard 7 has helped to encourage conversations about children’s rights, and has increased workers’ confidence in this space.
* Some organisations have involved children in the co-design of communication materials about Child Safe Standards and evaluation tools to measure how the service is tracking in their Child Safe obligations.
* Some organisations have placed clear, prominent, child-friendly messaging about Child Safe Standards in their physical and online spaces.
* There are some great resources out there to help organisations engage children in meaningful ways, for example the *Amplify* student participation resource through DET.

However, there is more work still to be done to make organisations genuinely empowering places for children. For example, our stakeholders identified:

* They doubted many children really knew about Child Safe Standards, even when literature was displayed in organisations’ premises and websites.
* Some organisations struggle to engage children in decision-making in ways that are fair, genuine, accessible and appealing. Tokenism remains a concern.
* Participation and empowerment of children are relatively easy at program levels, and in departments devoted to working with young people (e.g. the child, youth and family units of local councils.) But these approaches can be much harder to implement in other departments, and at higher levels of organisational governance.
* Particular concerns were raised about student participation (or lack thereof) in specialist education settings.

Our stakeholders wanted to see more accessible, youth-friendly communications with children about ‘what you can expect from us’, outlining rights and responsibilities in organisations, and explaining the organisations’ child safety processes and protocols. This information should be shared with children verbally, in writing, and online.

Several workers raised concerns that the new, stronger focus on child safety might weaken the engagement of some young people in organisations. These workers worried that young people would be less likely to form meaningful relationships with workers if they were never permitted to be alone with them. They also worried that mandatory reporting might make young people less likely to disclose abuse, for fear of the repercussions when the perpetrator (often a family member) was reported.

While we would not support any weakening of Child Safe Standards, we acknowledge that these are difficult and complex issues. We would like to see more communities of practice developed to help youth support professionals work through these.

We would also like to see greater support for workers to learn from the excellent research into children’s own views on safety in organisations, conducted through the Institute of Child Protection Studies and Southern Cross University

to inform the Royal Commission. Issues explored by these researchers included:

* Children's own ideas about what it means to feel safe and be safe (not necessarily the same thing).
* Children’s ideas about what constitutes a safe and trustworthy adult.
* Children’s views about whether their schools and services would believe them if they encountered an unsafe person, and who they would ask for help – typically friends or parents, not the institution itself.
* What children want adults to do, to help them feel safe in a school or service, including actively listening and helping them build skills to handle the situation.
* The reasons children don't disclose concerns about safety in organisational settings, and the types of adults they especially mistrust.
* Involving children in preventative safety planning in organisations.
* Children's concerns about confidentiality in organisations.
* The particular vulnerabilities of children with disabilities – partly because they are assumed to have no capacity or opinions in relation to their own safety – and the ways they can be supported to develop safety strategies and express their ideas about being safe.
* The vulnerability of children in residential care settings, and their ideas about what makes a residential care unit safe or unsafe, including the conduct and demeanor of other children and workers.[[23]](#endnote-23)

**Regulation, monitoring and support**

Despite supporting the Child Safe Standards, many of our stakeholders reflected that the introduction of the standards seemed to happen quite quickly, leaving many workers uncertain and worried about their obligations, risks and responsibilities. This lack of clarity can expose an organisation to risk – for example, last year the Commission for Children and Young People took action with respect to 58 organisations which appeared to be failing to comply with their obligations to create an environment to reduce the risk of child abuse.[[24]](#endnote-24)

Some workers have had very positive experiences working with bodies like the Commission for Children and Young People, DHHS, and the Centre for Excellence in Child and Family Welfare. But others remain uncertain about how regulation, monitoring and enforcement actually work in this space.

The mixed experiences of workers became clear when we asked respondents to our survey whether they agreed with the statement ‘Organisations have been well supported to understand their Child Safe obligations. Monitoring and compliance mechanisms are clear and appropriate.’ 32% somewhat agreed, 24% agreed, 16% disagreed, 12% strongly disagreed, 8% strongly agreed, and 8% somewhat disagreed. Some respondents described seeing a positive increase in monitoring and compliance since the standards were introduced. Others said their employers had not spoken to them about it, or that they had taken the initiative to learn about their new obligations themselves, without higher-level support. Some also commented that they would not feel clear about the scope and strength of Child Safe Standards until the standards were ‘tested in court’.

Particular points of uncertainty for workers include:

* The relationship between the Commission for Children and Young People, regulatory bodies, and funding bodies. Many workers are not certain how these relationships or structures work, especially when the funding or regulatory bodies are not child-focused. Some workers worried that funding bodies might experience a conflict of interest if the responsibility for checking an organisation’s Child Safe compliance fell to them. However, other workers felt funding agreements were the clearest and strongest method of ensuring compliance.
* The distinction between Child Safe Standards, the reportable conduct scheme, and other forms of mandated reporting. Some workers still seem very unclear about this.
* How to report child safety concerns, and what happens when you do. This was raised as an issue by various professionals who had had dealings with the Commission for Children and Young People, Child First, DHHS, and/or Victoria Police. In particular, they were concerned that they did not always find out what had happened in response to their reports. Obviously, there are information restrictions due to privacy, but it is important that people who raise concerns feel confident that they have been heard – especially if they may need to refer other children to the service in question in the future.
* What monitoring and accountability should look like. Professionals have very different expectations in this space, according to whether they have been audited by DHHS or IBAC in the past, or whether they have taken part in other processes like Rainbow Tick or Reconciliation Action Plans.

Our stakeholders had a number of suggestions for how this space might be strengthened in the future, which we have attempted to capture in our recommendations. Broadly speaking, they wanted better information and clarity about how the Child Safe Standards are monitored and regulated, and what should happen when someone reports a concern about child safety to a regulatory body.

Some called for new funding for a designated Child Safe ‘lead’ in every organisation.

**Moving towards a national approach**

Amongst the youth support professionals we spoke to, there was a general sense that a move towards a national child safety model was likely and logical at some point.

For the most part, this was seen as a good thing. For example, 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.

However, our stakeholders stressed the need for harmonisation and smooth transition. They saw Victoria’s work on Child Safe Standards as ground-breaking, and did not want organisations to lose the work they had done – particularly where organisations had come to ‘own’ and feel proud of their Child Safe approaches.

In particular, 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.

Benefits to a national approach, identified by our stakeholders, included:

* It would help to address the problem of offenders moving to different parts of the country to escape detection.
* It would make child safety a simpler matter for communities along the Murray River, and particularly Mildura, where residents move across three states. At present, services struggle to manage multiple standards and reporting schemes when supporting young people who live, study, work and access services across different jurisdictions.
* A consistent national approach would probably be welcomed by organisations that work on national programs or across jurisdictions.
* National Principles might lend greater credibility to the issue of child safety, and might encourage better engagement with the wider community.
* National Principle 8’s emphasis on ensuring that organisations’ physical and online spaces are safe for children was welcomed, particularly in light of the growing complexities of young people’s digital lives.
* The adoption of National Principles could be a good opportunity to better engage the wider community, and to engage services in reflecting on progresses and challenges under the Child Safe Standards.

At the same time, several concerns were also raised about a national approach. These included:

* Uncertainty about who would monitor and support organisations, and ensure compliance.
* Smaller organisations, especially, raised concerns about the costs and demands of becoming compliant with yet another new system.
* While workers agreed that it would be positive for professionals to be more ‘attuned to signs of harm’ towards children (Principle 2), there was uncertainty over who would lead this, where the resourcing and expert support would come from, and who would check to ensure it happened.
* Some workers did not agree that the National Principles were a superior document to Victoria’s Child Safe Standards, arguing that the Victorian model was more progressive and easier to align with.
* National Principle 3 (‘Families and communities are informed, and involved in promoting child safety and wellbeing’) was also a source of controversy amongst youth support professionals. Some supported this item, arguing that working within the context of a young person’s family should be part of youth work already. Others were concerned, worrying that some services did not have capacity to take on new work, or arguing that the National Principles did not take into account the family as the most common location of violence towards children. Then again, other workers saw the adoption of National Principles as a good opportunity to better engage families, and bring them on the journey towards building child safe communities.

We would be glad to discuss this submission further with you. For more information, contact Jessie Mitchell on [policy@yacvic.org.au](mailto:policy@yacvic.org.au) or 0418 413 518.

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