

Commission for Children
and Young People

Annual report

2020–21



COMMISSION FOR CHILDREN
AND YOUNG PEOPLE

The Commission respectfully acknowledges and celebrates the Traditional Owners of the lands throughout Victoria and pays its respects to their Elders, children and young people of past, current and future generations.

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Suggested citation

Commission for Children and Young People, *Annual Report 2020–21*. Commission for Children and Young People, Melbourne 2021.

Ordered to be published

Victorian Government Printer, October 2021

PP No. 253, Session 2018–21

ISBN 978-0-6487163-5-8

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COMMISSION FOR CHILDREN
AND YOUNG PEOPLE

21 October 2021

The Hon. Richard Wynne MP
Minister for Child Protection
Level 16, 8 Nicholson Street
EAST MELBOURNE VIC 3002

Dear Minister

In accordance with the *Financial Management Act 1994*, I am pleased to present the Commission for Children and Young People's Annual Report for the year ending 30 June 2021.

Yours sincerely

Liana Buchanan
Principal Commissioner

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Definitions

Language in this report

The term 'Aboriginal' used in this report refers to both Aboriginal and Torres Strait Islander Peoples.

Case studies and thematic studies

Case studies and thematic studies have been included to illustrate the work of the Commission and key themes. Pseudonyms have been used and details have been altered to protect personal privacy. Stock photographs have also been used to protect children's identities.

Rounding

In tables and figures in this report, rounding may result in percentages not adding up to 100.

Abbreviations and acronyms

ACCO	Aboriginal Community-Controlled Organisation
ACF	Aboriginal Children's Forum
CCYP Act	<i>Commission for Children and Young People Act 2012</i>
CIMS	Client Incident Management System
CRIS	Client Relationship Information System
CSO	Community service organisation
DET	Department of Education and Training
DFFH	Department of Families, Fairness and Housing
DH	Department of Health
DHHS	Department of Health and Human Services
DJCS	Department of Justice and Community Safety
FTE	Full Time Equivalent
IVP	Independent Visitor Program
NDIS	National Disability Insurance Scheme
QARD	Quality Assessment and Regulation Division
SERT	Security Emergency and Response Team
SESG	Security and Emergency Services Group
SIDS	Sudden Infant Death Syndrome
SUDI	Sudden Unexpected Death in Infancy
VRQA	Victorian Registration and Qualifications Authority

From the Principal Commissioner



Liana Buchanan
Principal Commissioner

“ This year, our renamed Commission Youth Council stepped up to play an even greater role... There is no question that our work is stronger as a result of the Youth Council’s input and incredible effort.

This year has been one of the hardest in recent memory. Children and young people have carried the compounding fatigue of multiple lockdowns and had to cope with continued uncertainty that disrupted their schooling, social connection, recreation and access to critical services. Many families, particularly those who are financially disadvantaged or marginalised, have been under considerable stress. Organisations that work with children have had to find new ways to continue to work safely to deliver essential services, often under enormous pressure.

Despite the pandemic having significant impacts on children and young people, a focus on their needs and concerns has come late. This reflects the widespread tendency to overlook or minimise children’s experiences in public policy discussions. At the onset of the pandemic last year, we initiated an engagement process to ask children and young people about their thoughts, fears and experiences around COVID-19. We have continued to hear from children and young people throughout this year, and have continued to use what we hear to inform decision-makers and advocate for greater focus on children and young people’s needs.

This year, our renamed Commission Youth Council stepped up to play an even greater role. We appointed five new members with diverse backgrounds and life experiences, who help us engage effectively with children and young people and contribute to work across the Commission, including policy submissions, systemic inquiries and our work to build child-safe organisations across Victoria. There is no question that our work is stronger as a result of the Youth Council’s input and incredible effort.

Recognising that many organisations want to engage more effectively with children and young people, we launched *Empowerment and participation: A guide for organisations working with children and young people* alongside the NSW Office of the Children’s Guardian and the Australian Centre for Child Protection. Drawing heavily on the views and experiences of children and young people themselves, the guide is filled with achievable and practical strategies to empower children to take an active role in making organisations more child-centred and safe.



The pandemic has exposed profound inequality in our community and the precarious circumstances too many live in. The broader social, physical and psychological impacts of prolonged lockdowns are yet to unfold.

We tabled three significant systemic inquiries in the reporting year and for the first time, we will begin to publish the Government's progress and action against accepted recommendations. Our reports, *Keep caring: Systemic inquiry into services for young people transitioning out of care* and *Out of sight: Systemic inquiry into children and young people who are absent or missing from residential care*, continued our deep examination of the out-of-home care system. Building on our earlier reports, these inquiries highlighted the importance of investing in a new model of care and set out the often devastating consequences of existing systems for children and young people reliant on them.

Significantly, the Commission also tabled *Our youth, our way: Systemic inquiry into the over-representation of Aboriginal children and young people in Victoria's youth justice system*, led by our Commissioner for Aboriginal Children and Young People, Justin Mohamed. This inquiry recommends fundamental changes designed to prevent the criminalisation of Aboriginal children and to reflect that healing and rehabilitation is best designed and delivered by Aboriginal community-controlled organisations.

We also completed 41 child death inquiries, which examine the circumstances surrounding the death of any Victorian child with Child Protection involvement in the preceding 12 months. We continue to use these sobering findings to recommend strengthened safety measures across a range of sectors.

After five years, our regulatory functions designed to keep children safe from abuse and harm within organisations are becoming increasingly embedded. This is reflected in a record number of notifications received this year under the Reportable Conduct Scheme (1,006 in total), which gives the Commission oversight of how complaints and disclosures about inappropriate conduct against children are managed. These reports serve as a confronting reminder that harms within trusted organisations are not problems of the past, and that the ongoing work of building and maintaining child-safe cultures cannot be overlooked.

Child Safe Standards require organisations to adopt a wide range of measures to prevent abuse and harm. Alongside our day-to-day work to support their effective implementation – responding to enquiries and delivering



Every day, I remain in awe of the insights that children and young people bring to complex and seemingly intractable problems.

information sessions, supporting the Community of Practice and undertaking compliance checks – we also started to prepare for changes that will bring Victoria's standards more in line with those adopted nationally, as well as creating a new standalone requirement for all organisations to ensure cultural safety for Aboriginal children.

I am incredibly grateful to all those supporting the work of the Commission – our skilled and dedicated staff, my fellow commissioner, Justin Mohamed, our smart and thoughtful Youth Council members and our committed volunteers. Most crucially, I am thankful for the trust so many children and young people place in the Commission, by sharing some of the most difficult and painful aspects of their lives. Every day, I remain in awe of the insights that children and young people bring to complex and seemingly intractable problems.

It is clear that while the vaccination rollout offers glimmers of hope for weary Victorians, there remain many challenges ahead as we work to settle into a fundamentally changed world. The pandemic has exposed profound inequality in our community and the precarious circumstances too many live in. The broader social, physical and psychological impacts of prolonged lockdowns are yet to unfold. It is my hope that we take every opportunity during this time of profound change to invest in a model of society that honours the future of our children and young people and gives them cause for genuine optimism.

From the

Commissioner for Aboriginal Children and Young People



Justin Mohamed

Commissioner for Aboriginal Children and Young People

“The impact of pandemic-related challenges fell heavily on children and young people and was particularly acute for Aboriginal children and young people already burdened by systems ill-equipped to meet their needs.

This was a transformative year for all of us.

The impact of pandemic-related challenges fell heavily on children and young people and was particularly acute for Aboriginal children and young people already burdened by systems ill-equipped to meet their needs.

Despite these challenges, we witnessed the strength and leadership of Aboriginal communities across the state rising to meet them. The year ushered in a wave of profound developments for Aboriginal children and young people, including the advancement of Treaty negotiations between the State Government and the First Peoples' Assembly of Victoria, momentum created by the national raise the age campaign, and the formation of the Yoorrook Justice Commission to establish a formal truth-telling process recognising historical wrongs and ongoing injustices against Aboriginal people. Together these advances have created an unprecedented opportunity to tackle racial injustice and unfairness and to translate this political goodwill and community desire for change into real, far-reaching reforms.

In pursuit of a better way to secure justice outcomes for Aboriginal children and young people, the Commission

completed and tabled in the Victorian Parliament the *Our youth, our way* inquiry into the over-representation of Aboriginal children and young people in the youth justice system. The report was the culmination of three years' work on the inquiry and associated Koori Youth Justice Taskforce. It proposed a set of foundational principles to improve youth justice outcomes for Aboriginal children and young people and 75 recommendations to achieve it.

The report is about reimagining justice for Aboriginal children and young people in Victoria. It sets out a vision for what could be – a hopeful possibility for a new way to respond to Aboriginal children and young people in contact with the youth justice system. The scale of the findings and the recommendations made reflect the urgency and extent of the change required.

It is a report that does not leave many stones unturned. Together with our partners at the Department of Justice and Community Safety (DJCS) we reviewed hundreds of youth justice case files; met with Aboriginal organisations, service providers, Youth Justice staff and others who work with Aboriginal children and young people around the state; scrutinised legislation, policy, guidelines and past

From the Commissioner for Aboriginal Children and Young People *continued*

reviews; analysed the data; and most importantly, we listened to Aboriginal children and young people themselves, to their families and to their communities. The report drew from direct engagement with close to one hundred children and young people with lived experience of the youth justice system.

The report also addressed the impact of structural racism on over-representation. It found that over-representation in the youth justice system does not reflect the criminality of Aboriginal children and young people. Rather, it is the result of structural racism produced by the structures, policies and practices that underpin our social institutions and determine how they operate. This applies not only to the youth justice system but also to its interrelationship with other systems, including the child protection, health, housing and education systems.

Hearteningly, upon its release, *Our youth, our way* met with a positive early response from government as a substantial, evidence-based report with clear recommendations for addressing over-representation. While a formal response is awaited, the early signs are encouraging that the recommendations will enable much-needed change for Aboriginal children and young people.

Aboriginal children and young people were vital to informing the inquiry, as well as communicating its findings and recommendations to the many communities we consulted. As with so much of the Commission's work this year, the Youth Council made a vital contribution here, demonstrating to communities that we had listened to what they told us, and had reflected their views in the final report and recommendations.

While *Our youth, our way* demonstrated the sheer scale of systemic change needed across the youth justice system, it was an individual inquiry completed this year that showed the particular consequences for an Aboriginal child when systems fail. In a year that enlivened us to the dangers of children being rendered invisible, the inquiry into services provided to 'Jane' showed that failures even

before the pandemic could also result in losing sight of a child, with potentially life-changing results.

In an inquiry report provided directly to government, we revealed a system that failed to find an available alternative to care, that did not adequately engage with the child or supervise her case management, and that in its response showed clear signs of racial biases that compromised her care.

The report showed that racism not only exists in society, but also taints its systems of protection. It reminded us that the endpoint of these systems are individual and often highly vulnerable young lives. It told us that we cannot yet put our hands on our hearts and say that every child is protected.

I was pleased that government accepted the recommendations of the report. However, it is also clear that for young lives like Jane's, the necessary system change cannot come quickly enough. Devastatingly, our child death inquiries, in which Aboriginal children and young people remain over-represented, show that in many tragic cases, change comes too late. While progress continues to be made, we cannot accept that better is good enough – the stakes are just too high.

Through these inquiries and our broader work, common themes continued to emerge. These included that the solutions to the issues facing Aboriginal children and young people must be community-led, reflect self-determination, and reconnect or strengthen the connection for Aboriginal children and young people to community and Country.

That was borne out in our work on over-representation in youth justice with the Aboriginal Justice Forum. It was also demonstrated in our work with the Aboriginal Children's Forum to reduce the even more pronounced over-representation of Aboriginal children and young people in child protection and out-of-home care.

It was pleasing in this regard to see the Victorian Government's support of the National Partnership

“... advances have created an unprecedented opportunity to tackle racial injustice and unfairness and to translate this political goodwill and community desire for change into real, far-reaching reforms.

Agreement to Close the Gap in its goal to reduce over-representation by 45 per cent by 2031.

The Aboriginal-led development process to create a new Child Safe Standard that focuses on cultural safety for Aboriginal children and young people is another way in which the wisdom of the Aboriginal community is being better harnessed to improve lives. From July 2022, there will be obligations on more than 50,000 organisations in Victoria to properly include Aboriginal children, young people and their families and to take action to ensure racism within organisations is identified, confronted and not tolerated. We know that if Aboriginal children and young people feel safe to be themselves in an organisation, this better protects them from child abuse.

Although we ended the year knowing that the burden of the pandemic would continue to fall heavily on children and young people, we also knew that we had made a strong case for change on multiple fronts central to their lives.

The Commission adapted to rolling lockdowns and with face-to-face contact remaining limited and uncertain, found new ways to reach and engage with Aboriginal children and young people. This experience reinforced the need to ‘listen, value, and act’¹ on the voices of Aboriginal children and young people, especially when addressing laws and policies that impact them.

Our engagement with Aboriginal children and young people – supported and strengthened by our Youth Council – showed us the cumulative toll of lockdowns, the

amplifying effect on the challenges they already faced, and, most importantly, new possibilities for lasting solutions.

In my close collaboration this year with our Principal Commissioner, Liana Buchanan, my work with the Commission’s Koori Advisory and Engagement team, and with the broader staff, we have shared the aim of keeping children and young people in sight. Our continuing aim must be to grow their visibility, empower their voices to demand it, and support them to realise their autonomy in writing their own stories.

¹ Koorie Youth Council, *Ngaga-dji (hear me): Young voices creating change for justice*, Koorie Youth Council, Melbourne, 2018.

About the

Commission for Children and Young People

We are an independent statutory body that promotes improvement in policies and practices for the safety and wellbeing of vulnerable children and young people in Victoria.

What we do

At the Commission we:

- provide independent scrutiny and oversight of services for children and young people, particularly those in the out-of-home care, child protection and youth justice systems
- advocate for best-practice policy, program and service responses to meet the needs of children and young people
- promote the rights, safety and wellbeing of children and young people
- promote the views and experience of children and young people to increase the awareness of government and the community
- support and regulate organisations that work with children and young people to prevent abuse and make sure these organisations have child-safe practices.

Our vision

That the rights of all children and young people in Victoria are recognised, respected and defended.

Our values

- We put the rights of children and young people at the centre of everything we do.
- We are strong, fearless and determined.
- We are transparent and accountable.
- We know diversity of people, experiences and perspectives makes our work stronger.
- We accomplish more as we are a united team.

Legislation

Our main functions and powers are set out in the *Commission for Children and Young People Act 2012* (CCYP Act) and the *Child Wellbeing and Safety Act 2005*.

Our priorities

- Advocate to improve the experience of vulnerable children and young people in Victoria
- Strengthen the capability of the Commission and other organisations to act on the voice of children and young people
- Drive safe, rights-based and child-centred out-of-home care, child protection and youth justice systems
- Mature the Commission's regulatory models
- Mobilise organisations and the community to improve child safety
- Continue to build an efficient, healthy, high impact Commission

Highlights: our year in review

Engagement with children and young people

This year, we doubled the membership of our Commission Youth Council (formerly called our Youth Advisory Group) and expanded its responsibilities and influence. The Youth Council has been central to shaping our priorities and helping us ensure our inquiries engage children and young people effectively and reflect their views. A priority for them this year has been to guide the design of our rolling COVID-19 survey, which has helped us hear directly from young people about how they are coping in the pandemic. In addition to this, the Youth Council has helped inform and communicate the findings in our systemic inquiries, talked at public events and forums about the value of youth participation and helped keep our social media accounts vibrant and relevant to young people (see page 21).

Out-of-home care inquiries: *Out of sight and Keep caring*

We continued our deep examination of Victoria's out-of-home care system, tabling two reports that build the case for investment towards a stronger model of care for children and young people in care.

Out of sight explored the reasons why young people are absent or missing from residential care, and described some of the risks they face when they are. It highlighted the need for urgent reform to encourage children to remain in safe placements, requiring strong and trusting relationships with their carers. It showed the importance of coordinated approaches between police and other agencies to protect young people from exploitation, abuse and other harms when in the community.

Keep caring revealed the importance of extending support to care leavers into early adulthood, just as other young people tend to receive from their parents. Our review showed the need for greater support for young people to gain independent living skills, build their support networks and remain in stable work or study to ensure they have

every opportunity to succeed and thrive as they transition out of care (see page 29).

Our youth, our way: Aboriginal over-representation in youth justice

Three years of statewide community consultations, file reviews, data analysis and direct engagement with Aboriginal children and young people culminated in our report *Our youth, our way*, examining the over-representation of Aboriginal children and young people in Victoria's youth justice system. It revealed a criminal justice system that is too often reactive and punitive, damaging the protective connections that Aboriginal children need with their culture and community.

Recognising that more must be done to reduce offending and rehabilitate young people, we recommend Aboriginal communities assume a central role in designing new approaches to keeping young people out of the youth justice system. We also recommend key changes to the Victorian Government, including to raise the age of criminal responsibility to at least 14, in line with international standards (see page 25).

Inquiry into services provided to a child known to Child Protection – 'Jane'

We completed an inquiry into the case of an Aboriginal child in the child protection system – 'Jane' – initiated following a referral from the Minister for Child Protection. Our review found significant failures in Jane's care, with insufficient home visits, failures to engage with her directly about her safety needs and a lack of appropriate senior supervision over the interventions in place for Jane's family. These problems were made worse by poor information sharing and evidence of institutional racism.

While our review acknowledged that demanding workloads and staff vacancies contributed to these failures, we highlighted the need for a range of changes to better support children in Jane's circumstances. All our

recommendations for change have been accepted by DFFH in full or in principle. These recommendations include an Aboriginal-led investigation into systemic racism and an improved process of critical review in cases with significant adverse outcomes (see page 31).

Stronger Child Safe Standards, expanded powers

Victoria's Child Safe Standards have been further strengthened and expanded to ensure children are safe from abuse and harm in organisations that provide care or services to them. Recent changes to the Standards have aligned them more closely to those endorsed nationally, in addition to a new standalone requirement that organisations ensure the cultural safety of Aboriginal children and young people – which was recommended by our Commissioner for Aboriginal Children and Young People, Justin Mohamed.

We continued to support organisations to implement child-safe practices in line with the Standards, launching *Empowerment and participation: A guide for organisations working with children and young people*, developed in partnership with the New South Wales Office of the Children's Guardian and the Australian Centre for Child Protection at the University of South Australia (see page 72).

Reportable Conduct Scheme

We continued to monitor how reported harms to children in organisations are investigated and managed, to better protect children from abuse in trusted institutions. There has been an eight per cent increase in mandatory notifications this year compared to last year, even as physical contact between children and adults in organisations has reduced due to lockdown restrictions.

For the first time, the most common allegation type in all schools has been sexual misconduct. This may reflect growing community awareness and discussion on issues relating to sexual assault and harassment. The proportion

of sexual misconduct reports that have been substantiated after investigation continues to grow, from 21 per cent in 2018–19 to 30 per cent in 2020–21 (see page 74).

Oversight and advocacy

We continue to advocate for the rights and safety of children and young people, particularly for those in youth detention and residential care.

This year, we have advocated for the reduction of the use of force and restraints in detention, and for continued visits and contact (both in-person and online) throughout the pandemic to ensure young people could stay connected with their loved ones. We also recruited and trained new volunteers from diverse backgrounds to join our Independent Visitor Program, to increase monitoring and support for young people in the Parkville and Malmsbury youth justice centres.

We continued our incident monitoring in the out-of-home care system and have raised concerns about an increase in reported medication errors in the past year. Advocacy on the need for appropriate mental health and therapeutic support to young people, particularly those in residential care, has been a focus given the impacts of lockdown restrictions on health and wellbeing (see page 48).

Building the engagement and participation of children and young people



The Convention on the Rights of the Child provides that children have a right to be heard and involved in all decisions that affect them. In 2020–21, the Commission continued to strengthen the various ways in which children and young people participate in and influence the work of the Commission.

Children and young people's experiences of COVID-19



Quote from a young person who participated in the Commission's COVID-19 survey

The Commission has continued its commitment to hear from children and young people about how the COVID-19 pandemic and its associated restrictions has impacted them. Last year we heard from more than 644 children and young people between April and July 2020 through a mixture of online group consultations and an online survey. We analysed the responses, identified key areas of concern and advocated to government to improve responses relating to:

- safety
- education
- mental health

- enforcement of compliance measures
- access to information.

In September 2020, we published a series of snapshots summarising what we heard from young people in relation to safety, mental health and education on our website.

Since then, we have continued to invite responses from Victorian children and young people on their experiences of COVID-19 and have heard from a further 595 children and young people through our ongoing online youth survey.

COVID-19 continues to strongly impact the daily lives of children and young people in Victoria and is having serious and cumulative effects on them. Many children and young people continue to struggle with poor mental health. The multiple transitions between online and in-person learning and the associated changes in learning expectations are causing them significant stress. They feel disconnected from school, their teachers and their peers. Children and young people tell us restrictions are impacting their families, often leading to stress and job loss, and increasing the risk of conflict at home.

As children and young people engaged with us through the survey, we identified several areas of concern that relate to:

- mental health
- education
- safety and security at home
- the future and having a say.

Mental health

While a small number of children and young people identified factors that have positively impacted their mental health during the pandemic, including less stigma attached to accessing support services and an increase in online social connectedness, a significant proportion reported negative impacts on their mental health. They told us they feel isolated, disconnected and burnt out. For many of those with pre-existing mental illness, lockdowns and restrictions have exacerbated their symptoms or contributed to relapse.

Building the engagement and participation of children and young people *continued*

Many feel overwhelmed and hopeless – worrying that lockdowns are now just going to be part of their lives. A small but concerning number made reference to self-harm, suicide and drug abuse.

They told us they need more support, including accessible mental health services, particularly in regional and rural areas. They want the option of face-to-face counselling during lockdowns. They continue to report long wait times to access mental health services.

The Victorian Government has recognised the significant and ongoing impacts of the pandemic on young people's mental health, with additional funding for headspace centres and surge teams in specialist Child and Youth Mental Health Services. The Commission will continue to hear from children and young people about the effects of the pandemic on their mental health and how service responses can better meet their support needs.

Education

Although most children and young people have been required to transition to online learning during multiple periods of lockdown, this transition has not become easier. Some told us they feel disengaged from school. Some are worried about their grades and their future plans for gaining entrance into post-secondary education. Others struggle with motivation and are overwhelmed with the workload. Challenges with technology, including internet instability, were also reported. Many told us that the stress of online learning, lack of understanding and support by their teachers or school, or disconnection from their peers is contributing to or compounding their poor mental health.

Those who reported online learning as a positive experience feel supported by their teachers and have manageable workloads.

Many children and young people want in-person learning to continue, even during lockdowns. They want teachers to be more understanding of the impact of online learning on their mental health and wellbeing, and adapt classes to suit their learning needs.

Safety and security at home

Although most children and young people who responded to the survey indicated they feel safe at home, with some feeling more connected with their families, a small proportion reported increased stress and tension at home. Reasons for this include parents and carers struggling with their own mental health concerns, financial pressures due to job loss or a reduction in work hours, and unstable housing. Increased stress at home sometimes led to increased conflict, and in some cases, relationship breakdowns.

The future and having a say

While some children and young people are feeling optimistic about their future, many told us they feel uncertain about the future and feel that life is never going to return to 'normal'. They are worried that lockdowns and restrictions will become part of life. They are also concerned that with the focus both nationally and internationally on COVID-19, other social issues such as the climate crisis and racial injustice are being ignored. They told us that they want to be listened to, consulted with, and taken seriously, and they want to see real action that prioritises their safety and wellbeing.

Building young people’s involvement in the work of the Commission

Last year, the Commission established a Youth Advisory Group to advise us on our engagement with children and young people through the 2020 COVID–19 lockdowns. In 2020–21, this group doubled in size and was re-named the Commission Youth Council (CYC). The following section was written by Amelia Hunt, one of our CYC members, with input from other members.



Commission Youth Council 2021

From Youth Advisory Group to Commission Youth Council

At the end of 2020, the Commission’s inaugural Youth Advisory Group changed its name to the Commission Youth Council. This was to reflect the fact that we have evolved from providing advice on the Commission’s work, to being directly involved in it.

In May 2021, we recruited five new members, taking the group to a total of eight young people aged between 15 and 24 with diverse backgrounds and life experience. We developed the recruitment and induction processes with Commission staff to make sure the process was as safe and inclusive as possible.

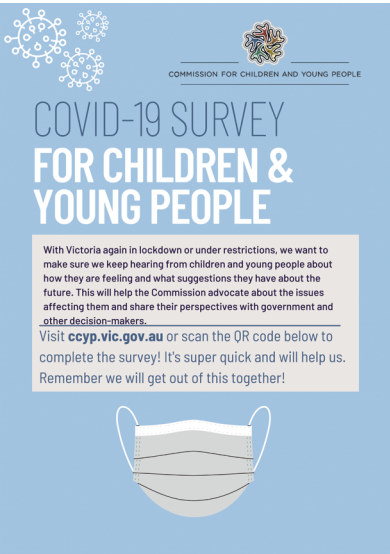
Work undertaken by the CYC this year has included:

- helping to track the impacts of COVID–19 on children and young people
- providing input into the Commission’s youth survey refresh

- providing assistance on Commission projects
- assisting with engagement with young people as part of the Commission’s systemic inquiries
- providing presentations to external organisations on child and youth engagement
- participating in government policy processes
- communicating to young people and the wider community about the Commission’s work.

Impacts of COVID–19 on children and young people

Last year, we helped the Commission to design its youth survey on the impacts of COVID–19, as well as assisting the Commission to run a series of youth forums on the impacts of COVID–19. This year, we continued this work, holding online forums with children and young people around the state to discuss the impacts that COVID–19 was having on them, including their safety, education and mental health. We were involved from the start with the planning, design and facilitation of these forums and the Commissioners also attended. We also provided input into the snapshot summaries that were published by the Commission on education, safety and mental health. Youth-friendly versions of these were also put on our Instagram account.



Instagram post promoting the Commission’s COVID–19 Survey

Building the engagement and participation of children and young people *continued*

Providing input on Commission projects

This year, the Commission progressed or completed a number of projects that involved CYC input and advice, including the development of the Commission's Empowerment and Participation Guide for organisations working with children and young people² and the Commission's residential care monitoring program.

Systemic inquiries

We have continued to provide advice and assistance on the best ways to engage with young people as part of the Commission's systemic inquiries, as well as helping to make inquiry reports more accessible to young people.

Keep caring

The Commission tabled its *Keep caring* inquiry in December 2020.³ The CYC assisted with the design and facilitation of online forums where young people with lived experience shared their perspectives and experiences of leaving care. These forums took place prior to the report being tabled, to ensure that the recommendations were relevant to children and young people's experiences. These forums helped to shape and to validate the key findings and recommendations.

We also assisted the Commission to communicate about the inquiry by:

- participating in media interviews when the report was tabled
- holding online forums with young people and other stakeholders to brief them on the report
- assisting with the preparation of youth-friendly versions of the report
- writing an article that featured in the Council to Homeless Persons 'Parity' magazine
- presenting with the Principal Commissioner at the launch of the Parity magazine on the importance of listening to and involving young people.

At the online launch of the inquiry, one of our CYC members spoke along with her sister about her experiences of the system and what would have made the transition from the care system more supportive.

Out of sight

The Commission's *Out of sight* inquiry was tabled in June 2021.⁴ We assisted with the inquiry by helping to develop consultation questions targeted for young people living in residential care. Members of the CYC also provided guidance as to how best to share draft recommendations from the report with young people in residential care to obtain their thoughts and input. The powerful insights from these conversations were incorporated into the final inquiry report.

Our youth, our way

The Commission tabled its *Our youth, our way* inquiry in June 2021. Two of our Council members were involved throughout this important inquiry, assisting with consultations with young people and working with young people to complete the possum skin cloak that captured the stories the young people told from each region and was a key part of the consultation process. One of our CYC members also participated in the online launch event when the inquiry report was tabled, speaking about his experiences of being involved with the inquiry and the importance of hearing from young Aboriginal people about their experiences.

Presentations to external organisations

The CYC has done a number of presentations on our approach to youth engagement and participation to various stakeholders. These presentations have been in response to requests from organisations who want to know more about how to engage with children and young people in their work. One of the things that we really highlight is our key engagement principles.

² For more information on the Empowerment and Participation Guide see page 72.

³ For more information on systemic inquiries see page 29.

⁴ For more information on the *Out of sight* inquiry see page 29.



Selected youth engagement principles used by Council members in presentations

Some of the groups that we presented to regarding the importance of participation and engagement included:

- VicSport
- Moreland City Council
- The YACVic Youth Participation Practice Network
- The Centre for Excellence in Child and Family Welfare.

We also joined the Principal Commissioner and Professor Tim Moore in a presentation to the Commission's Child Safe Standards Community of Practice, on the Commission's Empowerment and Participation Guide.

Policy consultation processes

Another area of work we have been involved in is consultations as part of government policy and legislative reform. One example of this has been the Victorian Youth Strategy. Throughout November and December 2020, the Victorian Government organised a number of forums to hear from young people about their views on the new Victorian Youth Strategy. We decided that we would open up opportunities for young people who had been involved in Commission forums and engagement, who we thought might not be aware of government process. We held online forums that heard from 25 young people, mostly from regional Victoria, about the issues that were important to them. We provided this information to the Victorian Government for consideration in developing the Strategy.

We were involved in the development of DJCS's youth engagement strategy in early 2021. Two of our Council members joined the team at YACVic to lead the design and facilitation of three consultations with a range of young people to have input into the strategy.

We also participated, alongside the Principal Commissioner, in a roundtable discussion with the Hon. Ros Spence MP, Minister for Youth. This was hosted by the Office for Youth in March 2021 and focused on the Victorian Youth Strategy and how it intersects with family violence.

Communicating with young people and the broader community about the Commission's work

We understand how important it is to make sure that the Commission's work is accessible to children and young people. We also believe that by making the Commission's work and resources more accessible to children and young people, we will make them more accessible to the wider community. We have helped to communicate key information about the Commission's work using the Commission's Instagram account, working with Commission staff to plan and design the content that is released. This is so that we can provide information about our consultation processes, inquiry reports and other publications, including the Commission's youth survey. We are also involved in providing input on the design and content of youth-friendly versions of resources published by the Commission.

Improving outcomes for Aboriginal children



Throughout 2020–21, the Commission has continued to advocate for and promote the rights, needs and best interests of Aboriginal children, young people and families across Victoria.

This work has been led by the Commissioner for Aboriginal Children and Young People and the Koori Advisory and Engagement (KAE) team, and informed by direct engagement with Aboriginal communities, organisations and stakeholders. Most importantly, Aboriginal children and young people themselves have played a direct role through engagements, consultations and a range of opportunities, including membership on the Commission's Youth Council.

A key focus of our work is addressing the over-representation of Aboriginal children and young people involved with Child Protection and in the out-of-home care and youth justice systems.

This is a key priority of the Commission's strategic plan, which also includes advocating for practices that promote self-determination and cultural connection to ensure that 'the experience of Aboriginal children and young people is free of systemic and institutional racism'.

Koori Youth Justice Taskforce and *Our youth, our way* inquiry



In June 2021, the Commission tabled the report *Our youth, our way: Inquiry into the over-representation of Aboriginal children and young people in the Victorian youth justice system* in the Parliament of Victoria.

The report incorporates:

- the findings of the Koori Youth Justice Taskforce, which examined the cases of all Aboriginal children and young people in contact with Youth Justice programs (including those on supervised bail, diversion and community orders, and in custody) during the period 1 October 2018 to 31 March 2019 – a total of 296 children and young people. This included a case file review, case planning sessions for 69 individual children and young people, and 13 regional forums involving youth justice stakeholders throughout Victoria
- the voices of 93 Aboriginal children and young people who spoke to Commission staff as part of the inquiry
- Aboriginal community members' vision for Aboriginal children and young people to be strong in their culture and connected to their families, communities and Country
- insights from Aboriginal organisations, community service organisations, Youth Justice staff and others who work with Aboriginal children and young people
- data obtained from Youth Justice and other relevant agencies, as well as data obtained through the Commission's monitoring work and our Independent Visitor Program
- recommendations from submissions sought through a public consultation process.

The Commission found that there are vast disparities in the rates at which Aboriginal and non-Aboriginal children and young people enter the youth justice system, and in how they are treated once in the system.

Youth justice system reform in Victoria is taking place alongside a strong policy agenda to advance Aboriginal self-determination. In recent years, the Victorian Government has increased investment in initiatives to reduce the over-representation of Aboriginal children and young people in the youth justice system, and the number of Aboriginal children and young people in custody has reduced since 2016–17.

Nevertheless, the report shows that Aboriginal children and young people in Victoria are disproportionately

Improving outcomes for Aboriginal children *continued*

proceeded against by the police, sentenced by the courts, and removed from their families and communities. While the raw numbers are small, the over-representation remains stark. On an average day in 2019–20, Aboriginal children and young people were 10 times more likely than non-Aboriginal children and young people to be subject to community-based supervision, and were nine times more likely than non-Aboriginal children and young people to be in youth justice custody.

The factors contributing to over-representation are numerous, complex and interrelated. For this reason, the inquiry looked at not only the youth justice system, but also the child protection, education, housing, mental health, drug use and wellbeing service systems.

The report makes 41 findings and 75 recommendations.

Key findings include:

- The youth justice system is disproportionately focused on late, crisis-driven, punitive responses to offending behaviour, at the expense of effective community based early interventions and supports that meet the individual needs and reflect the unique experiences of Aboriginal children and young people.
- Government agencies often fail to act in a collaborative, coordinated and integrated way to provide support to Aboriginal children and young people involved in the youth justice system. This limits positive outcomes and compounds disadvantage.
- Aboriginal children and young people in contact with the youth justice system experience a significant level of unmet need. For example, most Aboriginal children and young people in contact with the youth justice system experience substance misuse and most have experienced chronic absenteeism, periods of disengagement from school and low educational attainment. In particular, 65 per cent of Aboriginal children and young people under youth justice supervision on 31 December 2019 had been previously suspended or expelled, and 78 per cent had a highest completed level of education of Year 9 or less.

- The youth justice system often fails to adequately respond to the individual needs of Aboriginal girls and young women, children and young people with disability, and LGBTQI+ young people.
- Connection to culture can be transformative and instrumental in supporting Aboriginal children and young people to avoid contact with the youth justice system. However, the youth justice system does not facilitate meaningful connections to culture for most Aboriginal children and young people.
- Services designed, controlled and delivered by the Aboriginal community have the greatest potential to produce the best outcomes for Aboriginal children and young people. These systems need to work in a child-centred and collaborative way to improve outcomes for Aboriginal children and young people.
- Victoria's low minimum age of criminal responsibility disproportionately harms Aboriginal children.

Our youth, our way shows that it is possible to reimagine the youth justice system to support Aboriginal children and young people to be strong in their culture and connected to their families, communities and Country.

Recommendations toward this new way of doing things include:

- increasing the minimum age of criminal responsibility in Victoria to 14 years, with no exceptions
- amending the *Bail Act 1977* to exclude children and young people from the operation of the 2017 and 2018 amendments, including the requirement to show exceptional circumstances or compelling reasons
- prioritising early intervention and diversionary processes at all points on the youth justice system continuum
- authorising Aboriginal communities to design, administer and supervise elements of the youth justice system
- establishing home-like residences as an alternative to holding Aboriginal children and young people in Victoria's existing youth justice centres.

The Commission is awaiting a formal response to these recommendations from the Victorian Government.

Key forums and strategic partnerships

The Commissioner and members of the KAE team play a key leadership and advocacy role for the Commission in various representative capacities with a view to improving the rights, opportunities and experiences of Aboriginal children and young people in child protection, youth justice, education and health systems, among others. These include representation and participation in a range of key forums, working groups and strategic partnership arrangements.

Youth justice

Our involvement in the Aboriginal Justice Forum has focused on identifying the key drivers of over-representation and adverse outcomes experienced by Aboriginal children and young people, while also advocating for stronger prevention and early intervention through culturally strengthening, community-led alternatives. In recent months we have worked to influence the new Aboriginal Youth Justice Strategy, drawing on our work in the Taskforce and *Our youth, our way* inquiry, in addition to our membership of the Aboriginal Youth Justice Steering Committee/Youth Collaborative Working Group, which oversee the progress of the Aboriginal Youth Justice Strategy under the leadership of the Aboriginal Justice Caucus.

Child protection and out-of-home care

In the last year we have directed efforts to address factors contributing to the over-representation of Aboriginal children in out-of-home care through various channels, including through the Aboriginal Children's Forum and in work to progress actions underpinning the Wungurilwil Gaggapduir: Aboriginal Children and Families Agreement. These efforts include monitoring government progress on implementing the recommendations of two previous inquiries – *Always was, always will be* and *In the child's best interests*.

The Commission also advocated more broadly to improve the quality of cultural plans and increase accessibility and

efficacy of Aboriginal-led processes and partnerships across departments. In 2021, the Commission undertook an audit of all de-identification requests and provided advice to the Department of Families, Fairness and Housing (DFFH) to inform strategies to increase early and respectful identification of Aboriginal children and young people in contact with the child protection system. Concerningly, we found that there were far too many children mis-identified through administrative errors, assumptions made by individual workers and non-compliance with internal policies.

In 2020, the new National Agreement on Closing the Gap set a new target to reduce numbers of Aboriginal children in care by 45 per cent by 2031. Achieving this target will require significant investment in effective early intervention and prevention approaches that are co-designed with the Aboriginal community. The rate of Aboriginal children being admitted to out-of-home care in Victoria is higher than any State and Territory and is increasing. More children are being taken today than during the Stolen Generations period.

Education

As a member of the Marrung Central Governance Committee and in meetings with key stakeholders and departmental representatives, we continue to monitor and advocate for measures that will:

- increase engagement and attendance
- reduce absenteeism, expulsions and suspensions
- tackle racism in schools and foster culturally safe learning environments for Aboriginal children and young people.

Family violence

Our role in the Dhelk Dja Partnership Forum has focused on raising concerns around the impact and experiences of Aboriginal children and young people as victims and survivors of family violence, and advocating for system transformation to address adverse experiences and harm.

Out-of-home care and child protection

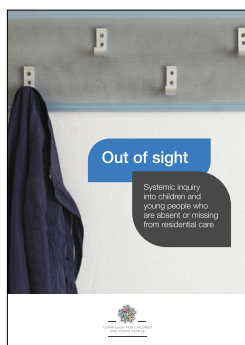


The Commission is responsible for monitoring and oversight of the child protection and out-of-home care systems. We do this by:

- conducting a review for every child who dies and has been involved with Child Protection in the year before they died
- monitoring all serious incidents in out-of-home care
- undertaking on-site inspections of residential care services
- conducting inquiries into service responses to individual children
- initiating inquiries into systemic issues affecting children in child protection and the out-of-home care systems, and monitoring government action on past inquiries.

Inquiries completed in 2020–21

Out of sight



On 24 June 2021, the Commission tabled its inquiry report, *Out of sight: Systemic inquiry into children and young people who are absent or missing from residential care* in the Victorian Parliament. The inquiry looked at how often children and young people are absent or missing from residential care, why they are absent or missing, what happens when they are and what can be done to better respond to the issue.

The findings drew on interviews with children and young people, including those who are frequently reported 'absent', and with a range of workers and other stakeholders. They were also based on a review of client

files and incident reports relating to children and young people who are absent or missing, and analysis of incident report data, out-of-home care data and warrants issued for children and young people when they left residential care.

The inquiry showed that children and young people are absent or missing from residential care at an alarming rate and called for urgent reforms to support children and young people to remain in care, to safeguard them when they are absent or missing, and to support them when they return.

Available data only shows part of the issue. We found that current systems for data collection, reporting and oversight do not provide adequate statewide information to effectively understand or address the issue of children and young people who are absent or missing from out-of-home care.

We found that the current model of residential care is not meeting children and young people's fundamental need for human connection or, in many cases, safety. Consequently, many children and young people leave residential care to find connection elsewhere.

While absent or missing, children and young people suffer a range of significant harms including sexual or criminal exploitation, rape and assaults, substance abuse or accidental injuries. Often the harm a child or young person suffers is not known to others unless they disclose what has happened, or is underestimated due to a perception that they are 'street-wise' and able to look after themselves.

We found that approaches when children and young people are absent or missing vary significantly and, overall, are not working effectively. While we found examples of good practice in preventing and responding to children and young people, these were localised and not used to benefit children and young people across the system.

Based on the findings of our inquiry, we made 18 recommendations that build on those made in previous inquiries, including our 2019 *In our own words* inquiry,

Out-of-home care and child protection *continued*

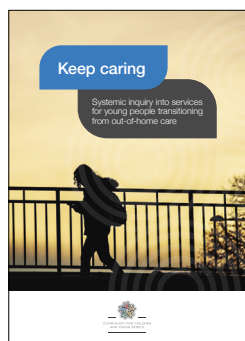
which called for major reform to the model of out-of-home care in Victoria.

In *Out of sight* we recommend systemic change to:

- further reform the residential care model
- drive cultural change in the way children and young people who leave care are perceived and treated
- embed an integrated trauma-informed response across residential care providers, child protection and police
- fund the statewide roll-out of the Child Sexual Exploitation Enhanced Response Model and develop a similar model to combat criminal exploitation
- implement a common, risk-based framework to guide responses to children and young people when they are absent or missing and reduce unnecessary police involvement
- strengthen information collection, monitoring and oversight.

The Commission looks forward to receiving the Victorian Government's response to these recommendations.

Keep caring



Our inquiry, *Keep caring: Systemic inquiry into services for young people transitioning from out-of-home care* was tabled in the Victorian Parliament on 9 December 2020. It examined what happens to young people when they leave care and whether young people in out-of-home care receive enough help to make the transition to adult life.

We spoke to over 100 young people about their experiences leaving care and reviewed Child Protection and service files to determine the quality of leaving care planning and supports they received.

The inquiry found that while some young people in care receive support to thrive in adult life, too many young people miss out due to systemic problems in the out-of-home care system, including high levels of placement and worker instability and inadequate planning for leaving care.

The inquiry found that more than half of young people in the care system aged 15 years or older do not have a leaving care plan as required. Almost two thirds who leave care with poor mental health do not get the help they need, and nearly half lose connections to education and training by the time they leave care. Many Aboriginal young people also leave care without the support they need to stay connected to culture.

We also found that young people in care need more support to prepare for adult life, including help to develop independent living skills, repair relationships with parents and family, or remain engaged or re-engage with learning or training. Our inquiry confirmed that when young people leave care, they lose a lot of the support they relied on in care, leaving many homeless and disconnected from educational, social and mental health supports.

Keep caring also builds on recommendations made in our 2019 *In our own words* inquiry. *Keep caring* makes 15 recommendations to change the out-of-home care system to make sure that all young people in care have the best possible chance to make a positive transition to independence.

The report recommended increased investment in resources for care leavers and that the Government recognise an enforceable right for all young people who have left care to post-care supports, including a stable and safe home, extra help to keep learning or return to study or training, and mental health supports.

Inquiry into services provided to a child known to Child Protection – ‘Jane’

In 2020, the Commission completed an inquiry into services provided to a young Aboriginal child, ‘Jane’, who was known to Child Protection. The inquiry was established following a recommendation to the Commission from the Minister for Child Protection in 2019. The Commission examined Jane’s experience of the service system and the extent to which services successfully identified and managed risks, ensured quality of care and provided child-centred, culturally safe and effective support between the period 22 March 2013 and 13 August 2018.

The Commission found not only a series of extremely concerning failures in the way Jane’s case was managed, but also evidence of systemic racism, which had significant consequences for Jane’s physical and cultural safety and wellbeing.

The Commission found that the departmental region where Jane was in care was under significant stress during the period covered by the inquiry, including high workloads, staff vacancies and inadequate capacity for oversight by senior practitioners. The department has since made changes, including through additional resources that have led to improved caseloads and allocations, reductions in the number of Aboriginal children in out-of-home care and a reported improvement in staff morale.

The Commission found that during an identified period of Jane’s life, Child Protection did not carry out essential tasks to ensure her safety. Tasks not carried out included home visits, direct engagement with Jane, and following up on concerns repeatedly expressed by the local Aboriginal community, including the local ACCO, to Child Protection about Jane’s safety. Based on this, Child Protection failed to meet its statutory obligations to Jane.

The Commission also found other service system failures including that:

- Jane’s case was inappropriately transferred to an ACCO because Child Protection had not completed an

adequate risk assessment and other required Child Protection tasks

- the assigned ACCO could have done more to escalate concerns within Child Protection when they were not acted on
- there were key gaps in communication and information sharing between services.

The inquiry found that Jane’s case revealed the potential impact of structural racism in the child protection system. There were numerous examples where Aboriginal people, both those related to Jane and those seeking to support her, had little power to be heard or to influence critical decision-making.

The Commission made a set of priority recommendations requiring urgent action, including that DFFH:

- build stronger processes and governance between Child Protection and all Aboriginal Child Specialist Advice and Support Service providers to ensure better decision-making about vulnerable Aboriginal children and young people
- implement a process of critical review in cases with adverse outcomes to support continuous learning within Child Protection
- conduct an audit of cases transferred to ACCOs to ensure that they are being transferred at a safe and appropriate point.

The Commission also recommended that the department:

- engage with the Aboriginal community impacted by this case, acknowledge the harm that has occurred, and commit to working together with the community to understand what kinds of changes would be needed to ensure that this kind of case does not happen in the future
- fund an independent Aboriginal-led investigation to identify and work towards the elimination of institutional racism in the area and develop an action plan to address the issues in relation to racism that the investigation identifies.

Of the nine recommendations made to the department, seven were accepted, and two were accepted in principle subject to budget and policy considerations. The Commission has welcomed the urgency with which the department has acted to address the serious concerns raised by the report.

Inquiries underway

Child protection demand management

In March 2021, the Commission initiated an inquiry into the provision of services to children and young people under the *Child Protection: Managing high levels of work while ensuring the safety of children* strategy implemented in the West division in February 2021.

The purpose of the inquiry is to assess the extent to which the department's approach supports the safety and wellbeing of vulnerable children and young people.

The findings of the inquiry will be informed by reviews of the Child Protection records for 120 children whose cases were closed during the first three weeks of the strategy, consultations with stakeholders, and a review of documents relating to various Child Protection demand management strategies developed and implemented between January 2017 and April 2021.

Inquiry into services provided to young people with disability

Also in March 2021, the Commission established an inquiry in accordance with section 37 of the *Commission for Children and Young People Act 2012*. The inquiry relates to services provided to two young people with disability. In both cases, the young people appear to have been the subject of multiple reports to Child Protection over time, but did not have an active case open despite considerable concerns for their safety and wellbeing in their current living circumstances.

The Commission's inquiry is examining both young people's experiences of the service system with a focus on Child Protection's risk assessment regarding children and young people with a disability, and the interaction between

Child Protection, family services, disability support providers, schools and any other relevant services.

Progress against past inquiries

During 2020–21 the Commission monitored implementation of nine systemic inquiries and two individual inquiries.

Starting this year, the Commission seeks to improve public access to information about our inquiries, including government and departmental responses to our recommendations and the Commission's assessment of progress. The Commission has published additional detail about action taken in response to Commission recommendations, and will continue this annually. We have started with three inquiries and the detail can be found at page 117:

1. *Lost, not forgotten: Inquiry into children who died by suicide and were known to Child Protection*, 2019
2. *In our own words: Systemic inquiry into the lived experience of children and young people in the Victorian out-of-home care system*, 2019
3. *Keep caring: Systemic inquiry into services for young people transitioning from out-of-home care*, 2020

Lost, not forgotten

Lost, not forgotten: Inquiry into children who died by suicide and were known to Child Protection reviewed 35 child death inquiries where the children had died by suicide between 1 April 2007 and 1 April 2019. Despite the children and young people being exposed to often serious and multiple harms, the inquiry revealed a pattern of repeated early case closure by Child Protection, and a failure to follow up with disengaged families who were not connected with the help they needed.

The report was tabled in the Victorian Parliament on 30 October 2019 and contained six recommendations to improve service system responses that promote early identification of and intervention for children at risk of

harm, and to better support children and young people involved with Child Protection who are at risk of suicide.

Key reforms the Commission recommended in *Lost, not forgotten* included:

- significant investment in the child and family service system through the development and implementation of an integrated, whole-of-system investment model and strategy focused on early intervention and prevention
- a set of standard analytical data sets for Child FIRST/ The Orange Door and Integrated Family Services to monitor and report on the timeliness and effectiveness of their engagement with children and families
- a review of practice, training and tools to embed children's participation in decision-making
- practice advice in relation to children involved with Child Protection who are identified as at risk of suicide
- a suicide prevention strategy for children known to Child Protection, incorporating any relevant findings and recommendations made by the Royal Commission into Victoria's Mental Health System
- a commitment to proceed with and invest in the Child Link Register.

The Victorian Government accepted three recommendations in full and three in principle.

A table containing the department's actions and the Commission's assessment against each recommendation made in *Lost, not forgotten* is at page 119.

Of the six recommendations, the Commission assessed one where significant progress had been made, one where progress was made but required ongoing systemic effort, three where limited progress had been reported and one that is planned for implementation.

The Commission is pleased to note the significant investment and progress made to implement the Child Link Register. The Commission also welcomes funding for the development of a child and family system demand provisioning model and the start of work to develop a forward investment strategy for the child and family system. This work has just begun, however. Implementing

a whole-of-system investment model will require significant ongoing effort and investment.

Disappointingly, the Commission notes that reported progress on other reforms critical to improving responses to at-risk children has been limited in the 18 months since the inquiry.

The delay in progressing these reforms is of concern, particularly as we continue to see the issues raised in *Lost, not forgotten* in more recent child death inquiries. As discussed at page 40, we continue to see a lack of adequate engagement by Child Protection with children to understand their needs and inform risk assessments, and we continue to see cases of children who have been the subject of multiple, serious reports to Child Protection being closed and their families referred to services without meaningful intervention or follow up.

The Commission will continue to monitor and report on progress made against recommendations in this inquiry.

In our own words

On 27 November 2019, the Commission tabled its inquiry *In our own words: Systemic inquiry into the lived experience of children and young people in the Victorian out-of-home care system* in the Victorian Parliament. This inquiry examined what it is like to be a child or young person in the out-of-home care system.

In our own words made 17 recommendations calling for whole-of-system change. Key recommendations included that:

- The Victorian Government develop and implement an integrated, whole-of-system investment model and strategy for the child protection system.
- DFFH explore measures to lift the quality and implementation of legislated processes to support connection to culture for Aboriginal children and young people in care.
- The department develop tools and resources to embed children and young people's participation in decision-making, including about placement decisions.

Out-of-home care and child protection *continued*

- The department establish mechanisms to ensure that workers have caseloads that allow them regular face-to-face contact with children and young people.
- There be a single point of contact or 'key worker' for all children and young people in care who can access resources to make day-to-day decisions related to the implementation of the child or young person's case plan.
- The Victorian Government create a flexible range of therapeutic options for children and young people with complex trauma to transition over time from residential placements to more family-like care environments.
- The Victorian Government develop mechanisms to track and report on outcomes for children in out-of-home care to ensure that care services, policy and programs are focused on improved outcomes for children and young people in care.

The Commission received the first implementation action plan from the department on 16 June 2021. The Commission understands that this significant delay is due in part to the impact of COVID-19. In the intervening period, the government has announced significant and much needed funding for the out-of-home care and child protection systems, enabling work to commence in relation to a significant number of the inquiry recommendations.

A table containing the department's actions and the Commission's assessment against each recommendation made in *In our own words* is at page 124.

The 17 recommendations capture 42 recommended actions. Of these, some progress has been made in relation to 16, and significant progress in relation to another four. There remain 18 actions which are still in planning phase and four where there has been no reported progress.

The Commission welcomes recent government investment that responds to key areas of reform recommended in *In our own words*, including funding to develop a child and family system demand provisioning model, establish new Victorian and Aboriginal Family Preservation and Reunification programs, provide additional respite

placement for kinship carers, expand the KEYS program, trial a care hub and build new two or three-bedroom residential care homes. Together, this investment should enable some important improvements to the model of care in Victoria although significant ongoing investment and reform will be needed.

Unfortunately, implementation of some of the inquiry recommendations has been slow. The Commission is particularly concerned about the limited progress made in relation to improving children and young people's participation in case planning and every-day decisions, addressing placement instability, reviewing client support funding and ensuring children and young people have access to a consistent, trusted worker.

The Commission is also concerned that children and young people in the care system still do not have access to an independent, specialist body if they wish to raise concerns about their treatment, despite this issue being raised in a previous Commission inquiry in 2015 and a 2020 investigation by the Victorian Ombudsman. The Commission welcomes advice that this will be the subject of further consideration.

The Commission will continue to monitor progress made against recommendations from this inquiry.

Keep caring

As noted above, the Commission tabled its systemic inquiry *Keep caring: Systemic inquiry into services for young people transitioning from out-of-home care* on 9 December 2020.

The government has provided an initial response to the Commission confirming that it accepts six of the inquiry's recommendations in full and nine in principle. The response also details activity which will implement several of the inquiry's key recommendations, including the Victorian State Budget 2020-21 allocation of \$64.7 million to make the Home Stretch program universally available to all young people who have left care until they turn 21, and \$10.3 million to expand the Better Futures program (Recommendations 7 and 11). The Victorian Government has also announced that it will progress legislative

amendments to give certainty to young people that they will be offered a gradual and supported transition to adulthood based on their individual needs and circumstances (Recommendation 15).

The Commission looks forward to receiving an implementation action plan in relation to the inquiry's remaining 12 recommendations, noting the inquiry found crucial changes are needed to improve support for young people while they are in the out-of-home care system, as well as better support after they turn 18.

The Commission welcomes the significant investment allocated to care leavers, as well as the commitment to ensuring a legal entitlement to care supports for young people; these reforms place Victoria as a national leader in supporting care leavers.

A table containing the Victorian Government's initial response and the Commission's assessment against each recommendation made in *Keep caring* is at page 147.

Other inquiries

The Commission continued to monitor action against a number of recommendations made in:

- *Neither seen nor heard*, our 2016 inquiry into issues of family violence in child deaths
- *Always was, always will be*, our 2016 systemic inquiry into services provided to Aboriginal children and young people in out-of-home care in Victoria
- *In the child's best interests*, our 2016 inquiry into compliance with the intent of the Aboriginal Child Placement Principle in Victoria
- *'...safe and wanted...'*, our 2017 inquiry into the implementation of the *Children, Youth and Families Amendment (Permanent Care and Other Matters) Act 2014*.

The Commission also monitored action against recommendations made in another four inquiries that were provided directly to government, namely our:

- 2018 *Inquiry into issues of cumulative harm and suicide in child deaths*
- 2018 *Inquiry into services provided to vulnerable children and young people with complex medical needs and/or disability*
- 2019 *Individual inquiry into services provided to 'Jamie'*, an Aboriginal child living in residential care with a history of child protection involvement
- 2021 *Individual inquiry into services provided to 'Jane'*, a child known to Child Protection who was admitted to hospital suffering severe neglect.

Child death inquiries

Under the *Commission for Children and Young People Act 2012*, we must conduct an inquiry into the services provided to every child who dies and was known to Child Protection in the 12 months before their death. These inquiries aim to identify aspects of the service system that need to be improved to help children in the future. While the death of a child is a trigger for an inquiry, the Commission makes no findings as to the cause of death. Instead, we focus on services provided to a child before they died.

Child deaths reported to the Commission 2020–21

We were notified of the deaths of 45 children in 2020–21, including 13 Aboriginal children. The category of death identified in the following tables is based on information available to the Commission through Child Protection files and is indicative only. Only a Coroner can determine the formal cause of death.

Out-of-home care and child protection continued

Table 1. Child death notifications received by the Commission by Aboriginal status and CCYP category of death 2020–21⁵

CCYP category of death	Aboriginal		Non-Aboriginal		Total	
	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)
Accident	2	15	7	22	9	20
Illness	2	15	7	22	9	20
Non-accidental trauma	0	-	1	3	1	2
SIDS/SUDI ⁶	4	31	4	13	8	18
Suicide	1	8	3	9	4	9
Pending determination/ unascertained/unclear from file ⁷	4	31	10	31	14	31
Total	13	100	32	100	45	100

Table 2. Child death notifications received by the Commission by Aboriginal status and age 2020–21

Age group	Aboriginal		Non-Aboriginal		Total	
	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)
0–5 months	8	62	13	41	21	47
6–11 months	1	8	3	9	4	9
1–3 years	1	8	4	13	5	11
4–12 years	1	8	4	13	5	11
13–17 years	2	15	8	25	10	22
Total	13	100	32	100	45	100

⁵ The category of death is indicative only and is based on information available to the Commission.

⁶ The sudden, unexpected death of a baby where there is no cause of death is called Sudden Unexpected Death in Infancy (SUDI). This category includes Sudden Infant Death Syndrome (SIDS).

⁷ 'Pending determination' refers to deaths where the likely cause of death is not yet clear. This includes cases for which there is an ongoing coronial investigation. 'Unascertained' refers to deaths in which a coroner could not determine the cause of death. This combined category includes matters where the coroner was unable to ascertain the cause of death or where the category of death was unclear at the time the inquiry was closed. 'Unclear from file' refers to cases where the Commission has been unable to determine a category of death from the available file information and there is no coronial process in train.

Table 3. Child death notifications received by the Commission by CCYP category of death 2016–21

CCYP category of death	2016–17	2017–18	2018–19	2019–20	2020–21
Accident	6	2	8	7	9
Drug/substance-related	3	0	0	2	0
Illness	13	11	7	20	9
Non-accidental trauma	3	1	3	5	1
Pending determination/unascertained/unclear from file ⁸	3	4	7	10	14
Sudden Unexpected Death in Infancy (SUDI)	3	7	6	2	8
Suicide/self-harm	5	1	3	5	4
Total	36	26	34	51	45

Increasing numbers of children dying in scope for a child death inquiry

The last two financial years have seen the highest number of deaths of children known to Child Protection since 2011. While the increase in 2019–20 was attributable to a sharp increase in illness-related death (39 per cent of total notifications), particularly among infants, in the last financial year SUDI (18 per cent), accident (20 per cent) and illness⁹ (20 per cent) all featured prominently as categories of death. Over more recent financial years, there has also been a disproportionate increase in the number of deaths involving Aboriginal children. The Commission will continue to monitor these numbers as well as associated practice issues.

Child Protection, with 15 children (37 per cent) having between two and four reports. One child had been the subject of 29 reports to Child Protection. In 28 of the completed child death inquiries, the Child Protection case was still open when the child or young person died.

Child death inquiries completed

In 2020–21, the Commission completed 41 child death inquiries, containing 23 recommendations. These inquiries related to children who died from 2018 to 2021.¹⁰ Six of the inquiries related to Aboriginal children. As in previous years, most children were living at home with their parent or parents at the time of death. The children whose cases we reviewed through our child death inquiries had been the subject of, on average, more than three reports to

⁸ 'Pending determination' refers to deaths where the likely cause of death is not yet clear. This includes cases for which there is an ongoing coronial investigation. 'Unascertained' refers to deaths in which a coroner could not determine the cause of death. This combined category includes matters where the coroner was unable to ascertain the cause of death or where the category of death was unclear at the time the inquiry was closed. 'Unclear from file' refers to cases where the Commission has been unable to determine a category of death from the available file information and there is no coronial process in train.

⁹ Most cases of illness related to infants.

¹⁰ Sometimes the Commission is unable to complete an inquiry for a period due to a police investigation.

Out-of-home care and child protection

continued

Table 4. Child death inquiries completed by the Commission by age, CCYP category of death and Aboriginal status 2020–21

CCYP category of death	Age group	Aboriginal	Non-Aboriginal	Total
Accident	6–11 months	0	2	2
	1–3 years	0	1	1
	4–12 years	1	1	2
	13–17 years	1	2	3
	Subtotal	2	6	8
Illness	0–5 months	0	3	3
	6–11 months	0	3	3
	1–3 years	1	4	5
	4–12 years	1	3	4
	13–17 years	0	2	2
	Subtotal	2	15	17
Non-accidental trauma	0–5 months	1	0	1
	1–3 years	0	1	1
	13–17 years	0	1	1
	Subtotal	1	2	3
SIDS/SUDI	0–5 months	0	2	2
	1–3 years	0	1	1
	Subtotal	0	3	3
Suicide	13–17 years	0	2	2
	Subtotal	0	2	2
Pending determination/unascertained/ unclear from file	0–5 months	1	3	4
	6–11 months	0	1	1
	1–3 years	0	3	3
	Subtotal	1	7	8
Total		6	35	41

Table 5. Child death inquiries completed by the Commission by care arrangements and Aboriginal status at death 2020–21

	Aboriginal	Non-Aboriginal	Total
At home with parent	4	26	30
Hospital	0	2	2
Never left hospital	0	3	3
Foster care	0	2	2
Kinship care	2	2	4
Total	6	35	41

Table 6. Deaths of children known to Child Protection by Aboriginal status 2011–21

Year	Aboriginal		Non-Aboriginal		Total	
	No.	% change	No.	% change	No.	% change
2011–12	1	-	24	-	25	-
2012–13	3	200	23	-4	26	4
2013–14	2	-33	36	57	38	46
2014–15	4	100	20	-44	24	-37
2015–16	4	0	34	70	38	58
2016–17	4	0	32	-6	36	-5
2017–18	6	50	20	-38	26	-28
2018–19	5	-17	29	45	34	31
2019–20	9	80	42	45	51	50
2020–21	13	44	32	-24	45	-12
Average yearly % change	-	47	-	11	-	12

Practice themes and issues of concern

In the child death inquiries we conducted in 2020–21, we identified a number of issues prompting recommendations for improvements to services. Some of these have highlighted emerging issues with service practice and responses, but many of these themes were consistent with those identified in previous years. Themes and issues of concern arising in 2020–21 included:

- lack of engagement with children
- adequacy of risk assessment
- information sharing and interagency collaboration
- COVID–19 impacts
- delayed identification of Aboriginal children
- positive practice in relation to unborn reports.

Some, but not all, of these practice issues arise from service systems under strain. In our 2019 systemic inquiries, *Lost, not forgotten* and *In our own words*, the Commission found that the child protection and out-of-home care systems are overwhelmed and under-resourced. These system pressures impact the capacity of services to respond effectively to the growing level of demand and complex support needs. We recommended that, as well as ensuring specific practice and other changes are made by Child Protection as recommended by the Commission, the Victorian Government implement a new integrated, whole-of-system investment model and strategy that is responsive to the extent and nature of demand.

Lack of engagement with the child

A number of child death inquiries have highlighted a lack of meaningful engagement by Child Protection with children to understand their experiences and inform decisions concerning them. In five cases, for example, the Commission found that children were provided with limited or no opportunity to express their needs to inform Child Protection's assessments. In one inquiry, there was no attempt by Child Protection to engage with a child, described as 'non-verbal', over the course of almost 30 reports.

These findings echo those in the Commission's prior systemic inquiries, *Lost, not forgotten* and *In our own words*. Both inquiries made recommendations for improved guidance, training and tools so that children's participation is embedded in all aspects of Child Protection and out-of-home care practice.

Case study

'Billy' – Lack of meaningful engagement with children

Billy was a young adolescent boy when he died. Throughout his life, Billy was the subject of many Child Protection reports, most raising concerns about family violence perpetrated by Billy's father. There were also allegations that Billy had been sexually abused.

Despite the significant number and seriousness of reports, Child Protection only spoke to Billy on one occasion when he was primary school aged. Later, when Billy was a young teenager, Child Protection developed a case plan that detailed his support system without any input from Billy.

The Commission's inquiry found that Child Protection provided little opportunity for Billy to express his needs and concerns throughout their extensive involvement throughout Billy's life. As a result, Child Protection could not meaningfully understand the impact of family violence and alleged sexual abuse on Billy, and Billy did not get the support or safety response he needed.

Risk assessment

As in previous years, the Commission has made repeated findings concerning the quality and effectiveness of Child Protection risk assessment practices. While a number of these findings related to positive practice, the majority concerned poor risk assessment that prevented Child Protection from effectively determining and implementing actions and supports that were necessary to keep children safe.

In 2020–21, 11 child death inquiries involved examples of positive risk assessment practice. This included Child Protection coordinating effectively with services and key professionals to undertake a comprehensive and trauma-informed risk assessment.

However, 17 inquiry reports completed during 2020–21 made findings about inadequate risk assessment for children and young people. These findings concerned issues about:

- poor information gathering about complex needs
- inadequate assessment of parenting capacity including the impacts of parental alcohol and drug use and cumulative harm
- assessment demonstrating poor understanding of the unique experiences and impacts of family violence on the child
- assessment of risks of family violence and sexual abuse.

These issues contributed to vulnerable children and young people not receiving interventions that responded to their needs and circumstances and leaving them at ongoing risk of significant harm, sometimes over a significant period.

DFFH has advised the Commission that it plans to implement the updated SAFER Children Risk Assessment Framework, which aims to improve the quality of risk assessment practice, in late 2021.

Case study

‘Joe’ – Under-assessment of risk for children with disability and complex medical needs

Joe was a very active toddler who needed high levels of support for non-verbal communication, daily activities, behavioural management and to respond to his health and medical needs. Joe received care from both parents. Joe’s parents had a history of alcohol and drug abuse, engagement with Child Protection and not voluntarily engaging with support services.

Child Protection received a number of reports and undertook section 38 consultations with community-based child and family services. Child Protection closed some of the reports at intake, after making external referrals to family support services. It investigated half of the reports and progressed one case to protective intervention. All reports featured similar concerns about the impact on Joe of his parents’ alcohol and drug use, family violence and mental ill health.

The Commission’s inquiry found that Child Protection did not have an adequate understanding of Joe’s health and medical needs and therefore could not effectively determine the support Joe required or assess his parents’ capacity to care for him.

The inquiry found that Child Protection’s decision to close reports at intake and refer to family support services did not adequately consider the significant protective concerns. These concerns included the capacity of Joe’s parents to care for him and respond to his medical needs, the impact of exposure to family violence on Joe and the cumulative impact of physical, emotional, medical and nutritional neglect. The closures were particularly concerning because records showed that Joe’s parents had a history of not engaging with support services and not keeping his medical appointments. This meant that Joe continued to live in an unsafe environment and remained vulnerable to multiple risks.

Case study

'Ash' – Failure to consider the cumulative impact of family violence and neglect

Ash was a young adolescent who had significant involvement with Child Protection and was the subject of numerous Child Protection reports related to family violence, neglect and disclosure of sexual abuse. In all but two reports, Child Protection closed at intake, often without speaking to Ash about their experiences or wellbeing.

The Commission's inquiry found that Child Protection had a superficial understanding of the dynamics and impact of family violence experienced by Ash. Despite many reports being made from Ash's early childhood and into their adolescence, the cumulative impact of family violence was not considered in Child Protection's risk assessments. At no point was Ash referred to therapeutic support services for family violence nor did Child Protection investigate whether Ash received sexual assault counselling.

The Commission found that this failure meant that Ash did not receive adequate support and was further exposed to family violence and cumulative harm throughout their life.

Information sharing and interagency collaboration

Child death inquiries continue to examine the quality of information sharing and interagency collaboration.

Sixteen child death inquiries identified positive collaboration and information sharing between services, which promoted the safety and wellbeing of the child. This included through use of a range of timely collaborative strategies between agencies including Child Protection, health, disability, and child and family services.

However, 10 child death inquiries found that services did not collaborate effectively, with many working in isolation

without a shared understanding of, or plan to mitigate, the protective risks and unmet development needs of the child and their family. The inquiries identified issues including missed opportunities to convene interagency meetings, poor information sharing and communication between services and failure to engage with specialist services.

Case study

'Kai' – Positive service coordination, collaboration, and information sharing

Kai died soon after his first birthday. Child Protection was involved with the family at the time of Kai's death.

Kai was the subject of a Child Protection report with concerns that his parents were not ensuring access to ongoing medical appointments to manage his complex medical condition. Kai's parents had a history of not engaging with medical services.

The Commission's inquiry identified that Child Protection collaborated with medical services to ensure that Kai's medical needs were met. This included through regular communication between hospital professionals and information sharing about Kai's medical needs and scheduled appointments. Child Protection initiated legal intervention when it determined that Kai's medical needs continued to go unmet.

The Commission found that Child Protection remained well-informed about Kai's medical needs through its communication with the hospital and maintained regular family contact ensuring that Kai's parents accompanied him for his medical appointments. Child Protection's practice contributed to notable improvement in Kai's interaction with his parents.

Case study

'Sarah' – Poor information sharing and collaboration between services

Sarah died when she was a young adolescent. Sarah grew up in a household with a family member who was frequently violent. She attended a number of primary and secondary schools and her behaviour became increasingly challenging in secondary school, such that Sarah's school report indicated poor participation and rare attendance.

A number of services were involved with Sarah and her family, however, the Commission found the services worked in isolation and did not share information about Sarah. The final report to Child Protection about Sarah concerned violence at home and resulted in a referral to family services. Child Protection did not contact Sarah's school to share or gather information about her. The report and subsequent referral to family services occurred during a time when Sarah's attendance at school was decreasing, however, the service did not contact the school about the provision of supports to Sarah to promote her engagement with school.

COVID-19 impacts

Child death inquiries have demonstrated concerns about the impact of COVID-19 on vulnerable children and young people that the Commission reported on in its annual report last year. These concerns included services, including Child Protection, and child and family, health and other support services, drastically reducing face-to-face service delivery. This reduction occurred at a time of increased risks of families experiencing stress and adversity, including risk of family violence, and when children were less visible.

Two inquiries identified services reducing face-to-face contact with the child and their family in response to Victoria's Chief Health Officer's directions. In both cases the Commission found that services individually made the decision not to have direct contact without first consulting with other services involved with the child and their family.

The Commission found that reduced face-to-face contact meant that Child Protection was unable to adequately assess risks faced by children experiencing significant vulnerability. It also meant that the direct supports previously provided by multiple services ceased at a critical time.

Delayed identification of Aboriginal children

The early identification of children as Aboriginal is critical to meeting their cultural rights in the child protection system, including through cultural planning, connecting the child and their family to culturally safe supports and adherence to the Aboriginal Child Placement principle. In two of the six child death inquiries involving Aboriginal children completed during 2020–21, Child Protection did not identify a child as Aboriginal in a timely way. In one case, this was due to Child Protection not recording the child's Aboriginal status on the file despite holding the knowledge that one of the child's parents was Aboriginal.

Case study

'Jessie' – Aboriginality not identified and no cultural support plan

Jessie was Aboriginal and a young adolescent boy when he died. At the time of Jessie's death, he was living in a long-term kinship care placement.

From a young age, Jessie had been the subject of many reports to Child Protection. Jessie's Aboriginality was acknowledged by Child Protection in some reports and specific cultural support services were engaged. However, in one report, although Jessie's Aboriginality was known by Child Protection it was not followed up. This meant that Jessie did not receive culturally appropriate support and his cultural rights were denied. This impacted on Jessie, especially at critical periods when decisions around his long-term care and support were being considered and determined. As a result, Jessie was denied Aboriginal Family Led Decision Making processes that could have involved him, Aboriginal Elders, family and community members in making decisions about how to respond to protective concerns, develop cultural support plans and promote Jessie's wellbeing.

Positive practice in relation to unborn reports

Ten cases reviewed by the Commission displayed positive practice by Child Protection with respect to unborn reports. This included appropriate and effective service collaboration and communication between Child Protection and services involved during the unborn phase, as well as information sharing between Child Protection and relevant services such as the Maternal and Child Health Service to ensure that there was a good understanding of the risk issues for the child and their families in the lead up to the child's birth. For example, in one inquiry, the allocated practitioner chaired two pre-birth consultations and a collaborative working group during the unborn phase, as well as further planning sessions at the hospital and home visits with the mother of the unborn child, maintaining regular communication with relevant professionals.

Adapting inquiries to keep up with the increasing number of notifications

Over the last two financial years, we have seen a significant increase in the number of notifications of child deaths received by the Commission. This has prompted us to think differently about the way we conduct child death inquiries to ensure they maintain relevance and have the most impact. Accordingly, we conducted a review for six individual children and combined the inquiry findings in a group inquiry. This method provided an opportunity to reflect on emerging practice trends for this cohort of children. The inquiry made a total of 16 findings and three recommendations.

The inquiry found, overall, that Child Protection and support services, particularly health services, worked well together to address protective concerns. This was a positive departure from previous inquiries, which have often highlighted poor collaboration and information sharing between services.

All six cases we reviewed involved an experience of family violence. While we found that Child Protection demonstrated good practice in some areas, only one case demonstrated evidence that Child Protection liaised with a specialist family violence practitioner.

The inquiry also found that Child Protection often focused on monitoring compliance, rather than identifying supports to address underlying issues. For example, in response to parental substance use and mental health issues, Child Protection focused on monitoring drug screens rather than understanding how those issues were connected and ensuring that appropriate supports were in place.

Out-of-home care incidents

Section 60A of the *Commission for Children and Young People Act 2012* requires the Secretary, DFFH to provide the Commission with information about all adverse events involving children in out-of-home care.

This year was the second full year of the client incident management system (CIMS) incident reporting framework, allowing comparison of incident trends as shown in Table 7 and Figures 1 and 2. This year's data showed a concerning trend in the increase in medication errors (see page 48 for the Commission's advocacy to DFFH on this issue) and a notable increase in the number and proportion of absent/missing incidents, which made up just under a third of all out-of-home care incidents. This incident trend and the correlative increases in physical abuse incidents (26 per cent), and emotional/psychological abuse incidents (19 per cent), reflect the issues considered in the Commission's systemic inquiry *Out of sight*, tabled in June 2021.

The 32 per cent increase in self-harm/attempted suicide incidents reflects the Commission's ongoing concerns about the adequacy of therapeutic and mental health supports for vulnerable children and young people, particularly those in residential care. The Commission included this issue as a particular matter for attention in our submission to the Royal Commission into Victoria's Mental Health System and has welcomed the Victorian Government's initial investment, in response to the Royal Commission's findings, to significantly expand Child and Adolescent, and Child and Youth Mental Health Services.

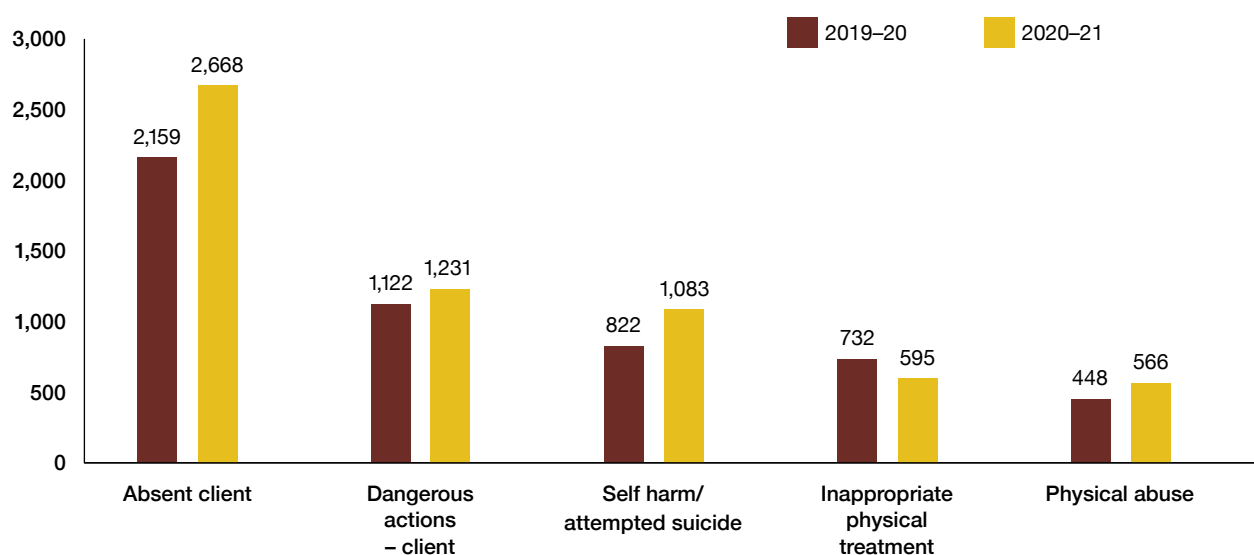
The Commission will continue to monitor and advocate for improved services for children in out-of-home care.

Out-of-home care and child protection continued

Table 7. Out-of-home care incidents (CIMS), by incident type and impact 2019–20 and 2020–21

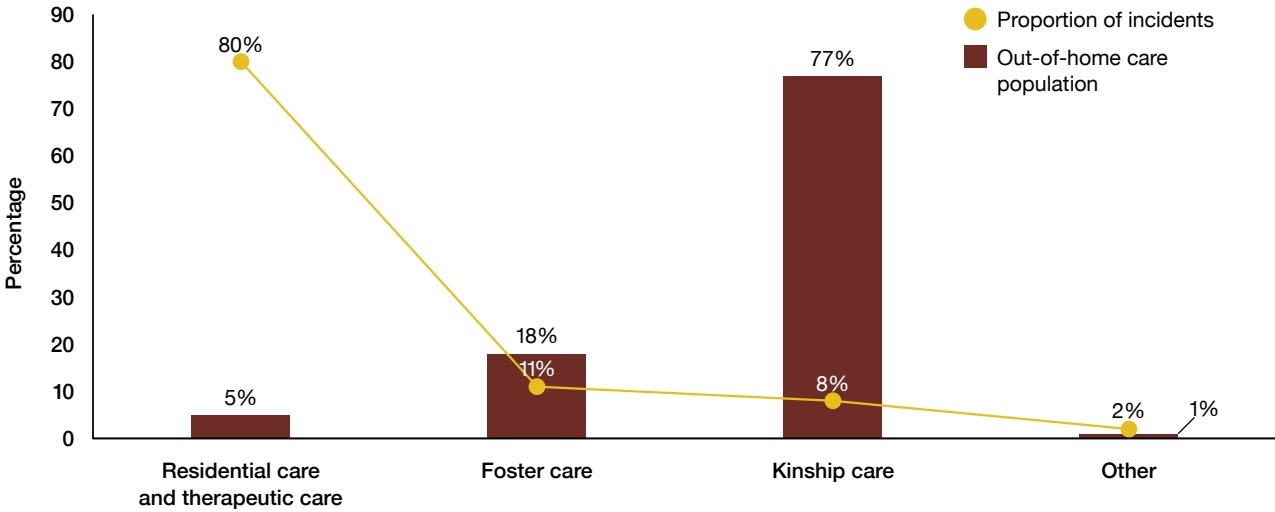
Incident type	2019–20			2020–21			% change
	Major	Non-major	Total	Major	Non-major	Total	
Absent client	179	1,980	2,159	227	2,441	2,668	24
Dangerous actions – client	161	961	1,122	198	1,033	1,231	10
Self-harm/attempted suicide	232	590	822	282	801	1,083	32
Inappropriate physical treatment	1	731	732	1	594	595	-19
Physical abuse	444	4	448	560	6	566	26
Injury	37	424	461	25	484	509	10
Emotional/psychological trauma	59	243	302	46	283	329	9
Medication error	15	102	117	15	497	512	338
Sexual abuse	303	0	303	313	0	313	3
Sexual exploitation	235	2	237	239	0	239	<1
Emotional/psychological abuse	61	155	216	99	157	256	19
Poor quality of care	99	132	231	117	104	221	-4
Inappropriate sexual behaviour	1	150	151	0	153	153	1
Death	18	0	18	16	0	16	-11
Financial abuse	2	9	11	1	6	7	-36
Escape from a secure facility	1	0	1	0	0	0	-100
Total	1,848	5,483	7,331	2,139	6,559	8,698	19

Figure 1. Number of CIMS incidents – top five incident types 2019–20 and 2020–21



The greatest proportion of reported incidents in out-of-home care continue to take place in residential care, as shown in Figure 2 below, despite this group of children and young people making up only five per cent of the out-of-home care population. The Commission continues to closely monitor the government’s response to the significant issues in residential care identified in the Commission’s systemic inquiries *In our own words*, *Keep caring* and *Out of sight*.

Figure 2. CIMS incidents by care type with population 2020–21



Rights-based monitoring of residential care

In April and May 2021, the Commission conducted its second residential care monitoring activity. The program commenced in 2019 and the first activity sought to understand if children considered the physical environments of the units to be home-like, safe, comfortable and welcoming.¹¹ The program was suspended in 2020 due to COVID-19.

For our first monitoring activity of 2021, Commission staff spoke to 10 children and young people at four different residential care homes – one in each Division, two in rural settings and two in metropolitan settings. Using online and telephone interviews, each participating child shared their experiences of two particular rights from the *Charter for children in out-of-home care* (the Charter) – ‘to have a worker who is there for me’ and ‘to be provided with information’.¹²

¹¹ Commission for Children and Young People, *Annual report 2019–20*, Melbourne, 2020, p 39.

¹² Section 16(1)(f) of the *Children, Youth and Families Act 2005* requires that there is a Charter for children and young people in care in Victoria.

Out-of-home care and child protection *continued*

The Commission found:

- most children and young people thought their current experience of having a worker who was there for them was ok and said positive things about residential care workers
- most children and young people said they would like to spend more time with their worker and get to know them better
- it is important that workers check in with children and young people to see if they are ok
- emotional support, trust and having a relationship were things young people thought best described the Charter right to have ‘a worker who is there for me’
- most young people also told us that it is important for them to have information that they need, but their experience of this was quite poor.

In June 2021, the report was provided to the Minister for Child Protection and the Secretary, DFFH. The Minister advised the Commission that the report had been shared with operational staff and would be shared with sector colleagues for ongoing learning and improvement to the care system.

Monitoring out-of-home care incidents

The Commission reviews each incident report to identify significant incidents or particularly vulnerable children and young people in out-of-home care and to identify any systemic issues that require attention by the department.

This year, the Commission asked for further information about 76 incidents, and 89 per cent of these related to children in residential care. Approximately 20 per cent of our incident queries related to children involved in multiple absent/missing incidents, followed by incidents of self-harm/attempted suicide.

Aboriginal children and young people were the focus of 28 per cent of our incident queries, with concerns identified for children involved in incidents such as self-harm, being absent or missing, and experiencing poor quality of care.

This year, the Commission’s incident queries identified a series of themes:

- children involved in self-harming activity with limited access to effective mental health supports
- inadequate child-specific support services for children who experience sexual assault and substance abuse issues
- delays accessing NDIS funding and supports for children in out-of-home care, despite efforts by the department.

Medication errors

Through this year, the Commission identified a concerning increase in the number of reported medication errors in residential care settings. These errors included instances of children being given double the required medication, being provided medication at the incorrect times, or not being provided prescribed medication as required.

The Commission found that the relevant program requirements do not expressly require service providers to have medication policies and processes in place, and the Child Protection Manual does not specify what policies and systems regarding the administration of medication should include.

The Commission wrote to DFFH seeking improvements to systems and processes associated with medication administration in residential care and encouraging the department to develop systems to identify and track medication errors.

The department advised that a statewide medication administration policy is being developed and expectations will be reflected in updates to the program requirements for residential care in Victoria. The department advised that consideration will be given to additional assurance and monitoring mechanisms to support strengthened compliance with the updated requirements.

Approaches from the public

The Commission responds to a wide variety of approaches and complaints from the community, mostly about the safety and wellbeing of children and young people known to Child Protection. Without the legislative authority to investigate these matters, the Commission provides an information and referral response with a focus on the rights of children. The Commission continues to advocate for a specialist, child-focused body that children in the care system can contact when they have concerns that are not being addressed by their agency or worker.

This year the Commission responded to 276 approaches. The most persistent theme of approaches for the past year, as in previous years, has been concern about the safety of children in their current placement. The majority of approaches come from concerned family members.

Aboriginal children were identified in more than one third of approaches, a significant increase from the same period last year. The increase is attributed to improvements made to identify and collect this data, however, the number itself identifies a significant over-representation of Aboriginal children where there is conflict within families or with the child protection system, and unresolved concerns about their safety.

Table 8. Issues raised by complainants in approaches by category 2020–21

Issue	No.
Safety concerns in current placement (or with the other parent/carer)	113
Removal of child/change of placement	44
Support services for child	35
Access/contact with children	29
Carer assessment/suitability	18
Case management decisions	16
Lack of communication	11
Education	10

Oversight and monitoring of youth justice



Children and young people in youth justice are some of our community's most vulnerable members, with disproportionately high rates of poor mental health and experience of abuse and trauma. The Commission monitors the safety and wellbeing of children and young people in Victoria's two youth justice centres by:

- reviewing each serious youth justice incident
- operating a monthly Independent Visitor Program (IVP) at each youth justice centre
- conducting exit interviews with children and young people leaving youth justice centres
- conducting on-site inspections and engaging directly with children and young people
- monitoring population data, incident trends, use of force and restraints data.

Inquiries completed in 2020–21

Our youth, our way

In June this year, the *Our youth, our way* inquiry into the over-representation of Aboriginal children and young people in Victoria's youth justice system was tabled by the Commission in the Parliament of Victoria. The inquiry is considered in detail on pages 25 and 26.

Progress against past inquiries

The same four walls

The Commission has continued to monitor implementation of the 21 recommendations of our 2017 systemic inquiry report *The same four walls* about the use of isolation, rotations and lockdown in youth justice centres.

Acquitted recommendations

Two recommendations were further acquitted during the past year:

- Recommendation 4 – That DJR (now DJCS) establishes immediate measures to ensure that Youth Justice complies with all elements of the current Isolation policy relating to Koori children and young people, and reviews isolation practices at the youth justice centre at Malmsbury to examine the disproportionate application of isolation on Koori children and young people.
- Recommendation 20 – That DJR (now DJCS) publishes annual data about the use of isolation, separation and lockdowns, to acknowledge the importance of these issues and allow interested stakeholders to monitor the use of these restrictive interventions.

The Commission is pleased that Youth Justice has introduced a range of safeguards and process improvements associated with the isolation of Aboriginal children and young people.

The same four walls noted that '[i]nternational evidence shows that facilities that publish their isolation data halved the time that children and young people are isolated.'¹³ DJCS's commencement of, and ongoing, publication of isolation figures is an important step.

¹³ J Howell, M Lipsey and J Wilson, *A handbook for evidence-based juvenile justice systems*, Lexington, London, p 146, as cited in Commission for Children and Young People, *The same four walls: Inquiry into the use of isolation, separation and lockdowns in the Victorian youth justice system*, 2017, p 97.

Recommendations not yet implemented

The implementation of the final four remaining recommendations from *The same four walls* remains in progress. DJCS is currently progressing work to acquit two of these recommendations through the development of a dedicated Youth Justice Act.

Recommendation 19 called for the Youth Justice Custodial Practice Manual to be published, to make its operations and policies (excluding security-related matters) visible to the community. DJCS has advised that Youth Justice is refreshing the Custodial Manual and considering how it might publish the manual.

The Commission remains concerned that sufficient action has not been taken to acquit Recommendation 11 of the inquiry – ‘that DJR ensures that designated accommodation options for vulnerable children and young people are established in youth justice custodial settings, both in the proposed new facility and in existing centres.’

While the Commission acknowledges that over recent years, Youth Justice has implemented a new Classification and Placement Unit, a new intelligence function and a new case management function, through our oversight function and Independent Visitors Program, we see ongoing issues and incidents relating to the placement of vulnerable children and young people. The Commission will continue to encourage Youth Justice to explore alternative strategies to ensure vulnerable children and young people are suitably identified, carefully placed and closely monitored.

Monitoring the impact of COVID-19 in youth justice

This year, the impacts of the COVID-19 pandemic continued to create challenges in the operations of youth justice centres. The Commission monitored the conditions and treatment of young people in youth justice centres through close engagement with the department, two on-site inspection visits and our Independent Visitor Program (see page 57).

For most of the year, in-person visits with family and/or significant others and professionals were unable to occur due to COVID-19 restrictions. Although Youth Justice established regular access to visits through online platforms, many children and young people found it difficult not to be able to see family and friends in person. The need for newly admitted children and young people to be ‘quarantined’ for up to 14 days during the year was also difficult for many, particularly those with mental health or cognitive/developmental issues.

The restrictions associated with COVID-19 limited children’s access to education, participation in sporting activities and involvement in programs provided by external providers.

Systemic advocacy – youth justice monitoring

In addition to monitoring the impact of COVID-19 in youth justice, this year the Commission identified and raised concern about the following issues:

- excessive use of force
- the use and impacts of isolations, lockdowns and COVID-19-related quarantines
- growing over-representation of children and young people of African background in custody.

Use of force in youth justice facilities

Since 2017, staff from Corrections Victoria's Security and Emergency Services Group (SESG) have been deployed on a full-time basis in youth justice facilities to assist in tactical responses, with Youth Justice's Security and Emergency Response Team (SERT). The Commission has raised a series of concerns about the deployment of SESG in youth justice and in June 2020 asked government to reconsider the role of SESG in the youth justice system.¹⁴

The Commission welcomed the withdrawal of SESG from youth justice from July 2021 and will continue to monitor Youth Justice's development of the revised approach to the use of force, and the deployment of a new SERT model that became operational this year. The new two-tiered model provides a tier of SERT staff on each shift to focus on building and sustaining respectful and positive relationships with young people. In addition, Youth Justice is progressing a number of other initiatives to reduce the use of force in its facilities, including new restorative justice processes, the introduction of behaviour support specialists, and the development of new, age-appropriate restraint technique options.

This year, the Commission identified several concerning incidents involving use of force in youth justice including a non-violent young person with a pre-existing injury dragged across the floor by staff,¹⁵ and the deployment of oleoresin capsicum (OC) spray at a young person after they had indicated compliance. Several incidents were formally raised with the department and the Commission will continue to monitor Youth Justice's efforts to improve restraint techniques and use of force in youth justice.

The Commission also raised concerns with senior Youth Justice staff about the timely activation of body worn cameras and photographing of alleged injuries. Youth Justice implemented appropriate improvements in response to these issues.

Isolations, COVID-19 quarantine and lockdowns

This year, there were three legislative provisions contained in the *Children, Youth and Families Act 2005* for holding a child or young person in their rooms, or in isolation cells:

- section 488(2) – when all other reasonable steps have been taken to prevent the person from harming himself or herself or any other person, or from damaging property; and the person's behaviour presents an immediate threat to his or her safety or the safety of any other person or to property
- section 488(7) – the officer in charge of a remand centre, youth residential centre or youth justice centre may cause a person detained in the centre to be isolated in the interests of the security of the centre
- section 600M – introduced in 2020, this provision relates to isolation for detection, prevention or mitigation of transmission of COVID-19 or other infectious disease.

The Commission was pleased with the overall reduction in the number of children and young people locked down due to staff shortages, as shown in Figure 3. The 7,462 instances of COVID-19 quarantine-related isolations during the financial year, as shown in Figure 4, had a significant impact on many children and young people.

The Commission is pleased that the number of isolations due to a child or young person's behaviour (under section 488(2) of the *Children, Youth and Families Act 2005*) has also decreased in the last year, as shown in Figure 5.

¹⁴ Commission for Children and Young People, *Annual report 2017–18*, p 22; *Annual report 2018–19*, p 48; *Annual report 2019–20*, p 44.

¹⁵ DJCS has advised that the department's Employee Investigations Unit considered the incident closely and the matter will not proceed to further investigation.

Oversight and monitoring of youth justice

continued

Figure 3. Lockdowns under section 488(7) of the *Children, Youth and Families Act 2005* by youth justice facility 2017–21

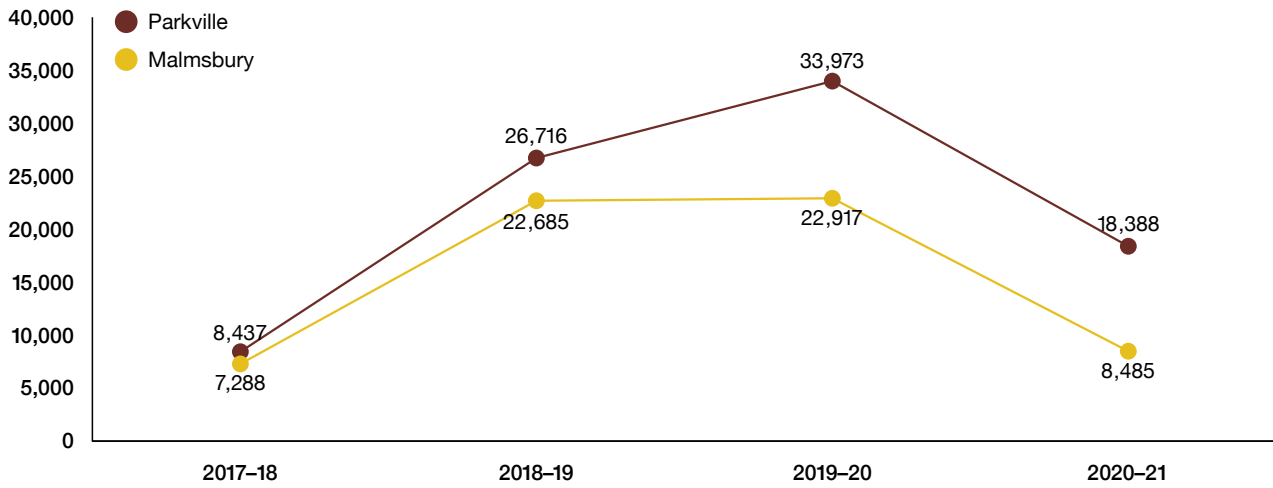


Figure 4. COVID–19–related isolations under section 600M of the *Children, Youth and Families Act 2005* in youth justice locations 2020–21

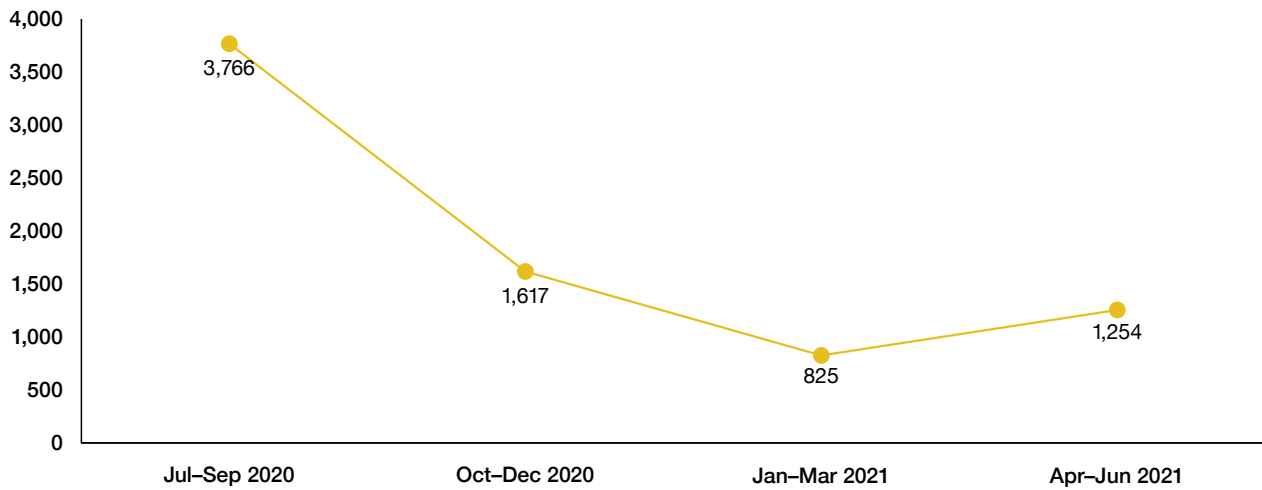
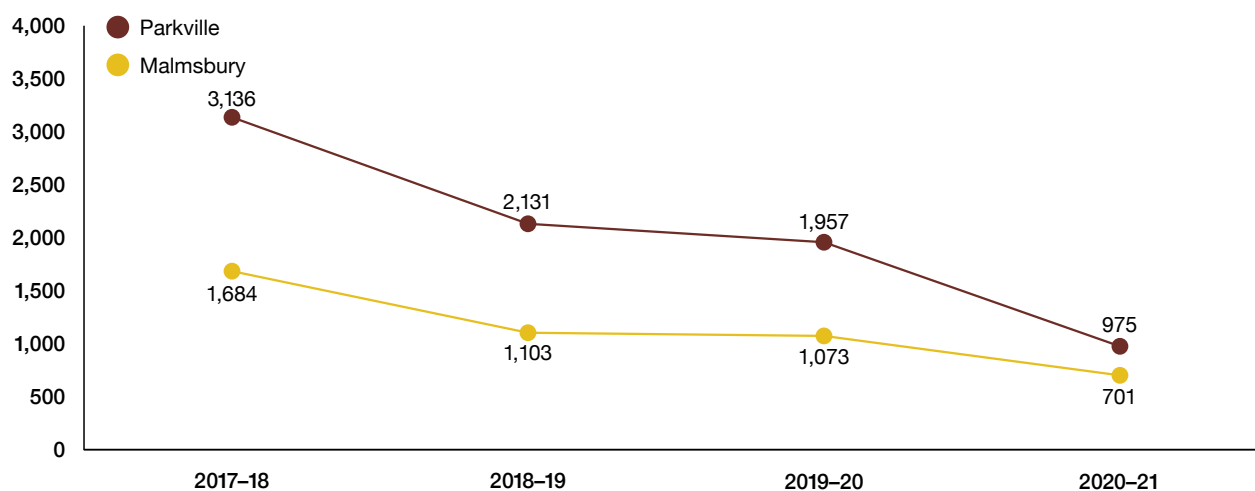


Figure 5. Isolations under section 488(2) of the *Children, Youth and Families Act 2005* by youth justice facility 2017–21



The Commission urges the department to continue to reduce the incidence of lockdowns and isolations over the next year.

Over-representation of children and young people of African backgrounds

The Commission continues to be concerned about the high number of children and young people of African background in youth justice centres. In 2020–21 the proportion of young people in youth justice custody who are of African background increased again, amounting to 38 per cent of the population.

In September 2020, the Commission and the Victorian Multicultural Commission wrote a joint letter urging the State Government to adopt a whole-of-government approach to address the social and systemic drivers of contact between young people of African background and the youth justice system. The Commission continues to work with government on these issues.

Table 9. Average monthly population in youth justice custodial facilities by cultural and ethnic group 2018–21¹⁶

Ethnic/cultural group	2018–19		2019–20		2020–21	
	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)
African	55	29	65	35	60	38
Australian (non-Aboriginal)	70	37	61	33	44	28
Other cultural and ethnic groups	19	10	19	10	21	13
Aboriginal	27	14	22	12	16	10
Polynesian (incl. Maori)	17	9	15	8	15	9
Not stated/inadequately described	2	1	1	<1	3	2
Total	190	100	183	100	159	100

¹⁶ Average monthly population has been derived from the average number of young people in custody on the last day of each month.

Monitoring youth justice incidents

This year, Youth Justice recorded 43 per cent fewer ‘assault’ incidents and 50 per cent fewer ‘behaviour’ related incidents, as shown in Table 10. There was a 95 per cent increase in ‘other’ incidents, largely relating to incidents involving children and young people entering Youth Justice with, or suspected to have, COVID-19.

Table 10. Category one incidents in youth justice 2018–21

Incident type	Number of incidents			% change 2019–20 to 2020–21
	2018–19	2019–20	2020–21	
Assault	71	51	29	-43
Physical assault – client > staff	15	24	12	-50
Physical assault – client > client	12	8	6	-25
Sexual assault – rape – other > client	0	0	4	-
Physical assault – staff > client	27	10	3	-70
Sexual assault – indecent – client > client	5	1	2	100
Physical assault – other > client	3	5	1	-80
Sexual assault – indecent – other > client	1	0	1	-
Sexual assault – indecent – staff > client	6	1	0	-100
Sexual assault – indecent – client > staff	2	1	0	-100
Physical assault – client > other	0	1	0	-100
Behaviour	14	4	2	-50
Behaviour – dangerous	9	3	2	-33
Behaviour – sexual	3	1	0	-100
Behaviour – disruptive	1	0	0	-
Behaviour – sexual exploitation	1	0	0	-
Other	40	21	41	95
Illness	2	1	20	1900
Poor quality of care	24	9	6	-33
Breach of privacy/confidentiality matters	0	1	5	400
Suicide attempted	5	3	3	-
Community concern	1	1	3	200
Medical condition (known) – deterioration	1	1	2	100
Injury	1	0	2	-
Self-harm	3	0	0	-
Property damage/disruption	1	2	0	-100
Possession	0	2	0	-100

Table 10. Category one incidents in youth justice 2018–21 (continued)

Incident type	Number of incidents			% change
	2018–19	2019–20	2020–21	2019–20 to 2020–21
Escape – from centre	0	1	0	-100
Medication error – pharmacy	1	0	0	-
Escape – from temporary leave	1	0	0	-
Total	125	76	72	-5

Section 60A of the *Commission for Children and Young People Act 2012* requires the Secretary, DJCS to provide the Commission with information about all adverse incidents in youth justice centres. The Commission reviews each incident report to identify significant incidents or particularly vulnerable children and young people in youth justice and to identify any systemic issues that require attention by the department.

This year, the Commission asked for further information about 67 youth justice incidents. Approximately 35 per cent of our incident queries in youth justice related to ‘client on client assault incidents’, reflecting our ongoing concerns about the placement and management of vulnerable children and young people in youth justice custody. See page 52 for the Commission’s ongoing advocacy on the placement of vulnerable children and young people in youth justice.

Independent Visitor Program

Our IVP conducts monthly visits to Victoria’s youth justice centres at Parkville and Malmsbury. Our volunteer visitors observe conditions at the centres, talk to children and young people about services and issues, and report on their observations to the Commissioners after each visit. The Commission seeks to resolve issues either at unit level or by raising them with senior Youth Justice managers. Serious issues are escalated when required. The IVP also conducts exit interviews with children and young people as they leave custody, and shares the themes from these interviews with Youth Justice.

Impact of COVID–19 on Independent Visitor Program delivery

While COVID–19 affected the IVP’s ability to physically visit centres, we maintained regular online engagement each month, and in some instances, were able to undertake additional online meetings with children and young people at their request.

In April 2021, the program’s volunteers conducted onsite visits to both centres and introduced separate visits by an Aboriginal visitor to meet and listen to Aboriginal children and young people in custody, and engage with Youth Justice’s senior management and Aboriginal Liaison team on specific issues involving Aboriginal children and young people.

Oversight and monitoring of youth justice *continued*

Our volunteers

New independent visitors

This year the IVP recruited an additional 13 volunteer visitors to the program. All visitors participated in online induction training with half having participated in either online or onsite visits. When COVID-19 restrictions ease, all volunteers will have the opportunity to promote and protect the rights and interests of young people while in custody.



Some new volunteers meet current volunteers and the Commissioners (May 2021)

Thank you to visitors finishing their time with the IVP

This year, some visitors concluded their participation in the program. We would like to acknowledge each volunteer's contribution to improving the conditions and experiences for children and young people in youth justice custody.

- **Rose Chapple** had been a keen member of the IVP team since its inception in 2012. During her nine years of involvement, Rose made strong connections with both young people and her fellow volunteers.
- **Anne Halbert** was also a member of the IVP team since its inception in 2012. Anne brought a collegial approach to her role as an independent visitor and was a strong advocate for improved health service responses to children and young people.
- **Lindsay Armstrong** commenced with the program in October 2014 and, as a retired school principal, advocated passionately for improved educational outcomes for young people in youth justice.

- **Rita Stewart** started with the program in November 2017. Rita provided tremendous cultural support to Aboriginal young people in custody and was highly regarded by the young people she met.
- **Gai Thok Chuatwea** joined the program in May 2019, and his positivity, drive and cultural perspective added further depth to the program. Gai connected quickly and easily with young people and volunteers and was a highly valued member of the team.

The Commission values the contribution made by each of these volunteers and takes this opportunity to wish them well in their future endeavours.

Issues raised during 2020–21

Despite the pandemic's restrictions, children and young people in youth justice raised 474 issues this year. Sixteen per cent of issues (75 matters) were raised by Aboriginal children and young people, reflecting the proportion of Aboriginal children and young people in youth justice overall.

The most commonly raised issues this year were about health services, access to leisure activities and access to family. These issues were raised with Youth Justice staff, and in some cases, escalated to other areas of DJCS for resolution.

This year the program had an increase in the number of young people contacting the Commission and asking to meet with Commission staff and volunteers to raise issues outside of scheduled visits.

Youth Justice dental services

After receiving numerous complaints about access to dental services for children and young people in youth justice custody, this year the Commission met with representatives of Youth Justice and Justice Health. The Commission shared the experiences raised by children and young people who had told IVP volunteers about not being able to access dental services or being unsure about the services they were entitled to. Some, but not all, of these concerns related to COVID-19 impacts on service delivery.

The department has advised that dental services in youth justice are being reviewed; the Commission will continue to advocate on behalf of children and young people in custody on this important health issue.

Infrastructure issues

Over a four-month period in 2020, young people raised a series of concerns about the condition of a unit at Malmsbury Youth Justice Centre. They described leaking bedrooms, electrical issues, insufficient heating and ongoing problems with telephone connectivity.

The IVP raised these issues with Youth Justice managers over a series of visits, and in October 2020 all young people were moved out of the unit. The unit is now only being used to house young people in exceptional circumstances for the shortest period of time possible.

Monitoring of other confined environments

Monitoring children in adult prison and transfer processes to adult prison

The Commission also monitors the safety and wellbeing of any child (under the age of 18) sentenced to a term of adult imprisonment or transferred from youth justice to adult corrections. This year, the Commission monitored two children in these circumstances.

In one matter, the Commission was pleased to see careful planning associated with the reception of a child sentenced to a term of adult imprisonment, with comprehensive supports placed around him. There were, however, opportunities to improve the subsequent processes associated with the child not being told about the process for a possible transfer to youth justice in a timely way. The Commission raised these concerns on behalf of the child. In the second matter, the Commission formally raised concerns about a Youth Justice application

to the Youth Parole Board to transfer a young person under 18 years of age to adult corrections. The Commission raised particular concern that the child was not notified about the application with enough time to obtain legal or other advice.¹⁷

Preventative detention

In 2018, the Commission received powers to monitor the safety and wellbeing of children held in preventative detention in Victoria pursuant to a police detention decision or preventative detention order under the *Terrorism (Community Protection) Act 2003*. The Commission's powers include monitoring the treatment of a child detained in the above circumstances, promoting the interests of the child, accessing any document or information relating to the child's treatment while in detention and providing advice to the Attorney-General, other relevant ministers or the Chief Commissioner of Victoria Police about the child's treatment while in detention.

The Commission's legislation¹⁸ requires that we report the number of times the Commission has performed its monitoring function as per the *Terrorism (Community Protection) Act 2003* in the relevant financial year and any general observations or conclusions the Commission may want to include in the report in relation to performance of its function. In the 2020–21 financial year, the Commission did not exercise its preventative detention function.

¹⁷ In response to the issues raised by the Commission in this latter instance, DJCS stated that '[t]o the extent it is safe to do so, Youth Justice provides young people with as much notice as possible before the Youth Parole Board hears an application to transfer them to prison. This is carefully considered by operational management and in the context of any risk posed to staff and other young people, noting that for some young people, an application can trigger further violent or threatening behaviours.'

¹⁸ *Commission for Children and Young People Act 2012*, section 23A.

Influencing policy, services and the law



The Commission's legislated roles include providing advice to government on necessary improvements to policy, services and the law.¹⁹

This year, the Commission made formal submissions to government, statutory bodies, parliamentary inquiries and other public inquiries. Our Commissioners provided advice to government via direct engagement with Ministers and senior departmental staff, and participation in advisory bodies across a range of policy areas central to children and young people's lives.

Our advocacy this year covered a range of issues impacting on the rights of children and young people including:

- the impact of COVID-19 on children and young people
- promoting children and young people's voices and experiences
- the impact of family violence on children and young people
- mental health reform for children and young people
- safety and wellbeing of children and young people with disability
- youth justice and criminal justice policy, including criminal justice responses to sexual offences and children and young people's experiences with Victoria Police.

The impact of COVID-19 on children and young people

The Commission made a submission to the Inquiry into the Victorian Government's response to the COVID-19 pandemic by the Victorian Parliament's Public Accounts and Estimates Committee. We shared with the Committee what children, young people and services who work with them told us about the impact of Victoria's response to COVID-19. We provided the 'snapshots' on the topics most raised in our consultations: safety, mental health and education.

The Committee referred to the mental health snapshot in its final report, in its consideration of student mental health and wellbeing. The Committee highlighted that, in consultations with the Commission, children and young people reported mixed views about changes in mental health service delivery.

The lives of children and young people have been, and will continue to be, seriously affected by the pandemic. It will be important for the Victorian Government and community agencies to continue to explore and understand children and young people's experiences and perspectives.

The COVID-19 pandemic dominated the Commission's media coverage this year (16 reports, 21 per cent), as we advocated on issues affecting children and young people – including education, mental health and the heightened risk to vulnerable children and young people during lockdown.

With the pandemic again necessitating periods of restrictions and lockdown, both Commissioners represented the concerns of children and young people and advocated for improved responses in a host of public engagements across the year.

This included August presentations to the YACVic COVID-19 Recovery Priorities forum and the Victorian Children's Council. The Principal Commissioner contributed to international perspectives on a panel with representatives from around Australia and the world at the New Zealand Oranga Tamariki roundtable on responses to children during COVID-19.

With mental health a key impact of the restrictions and lockdowns, in April, the Principal Commissioner delivered a keynote address to the Child and Adolescent Mental Health Conference on the Gold Coast focusing on what the experiences, challenges and hopes of Victoria's children would mean for their recovery.

The Commissioner for Aboriginal Children and Young People's engagements highlighted particular issues for Aboriginal children and young people through the

¹⁹ *Commission for Children and Young People Act 2012*, section 8.

pandemic, in November hosting the Commission's forum for Aboriginal Community-Controlled Organisations presenting on and hearing from CEOs about the impacts of COVID-19 on vulnerable children in child protection and youth justice.

In April, the IPAA Public Sector Awards provided welcome acknowledgment of the Commission and our Youth Council as a finalist for our work engaging children and young people to capture their views and experiences through the pandemic.



Principal Commissioner Liana Buchanan and Commissioner for Aboriginal Children and Young People Justin Mohamed with Youth Council members Amelia Hunt and Keeden Graham at the 2020 IPAA Leadership in the Public Sector Awards ceremony

Promoting children and young people's voices and experiences

The Commission promoted children and young people's voices and experiences in multiple submissions during 2020–21.

Our submission to the Department of Premier and Cabinet (DPC) on the Victorian Youth Strategy collated the views of 25 young people gathered by the Commission's then Youth Advisory Group (YAG). The YAG (see page 21) developed and facilitated three forums and a smaller conversation with young people. A diverse group of young people participated, including young people living in rural

and regional areas, young people for whom English was not their first language, young people who identified as coming to Australia as refugees and young people who identified as living with disability.

The key issues the young people raised included:

- feelings of isolation and lack of opportunities for social activities in rural and regional areas
- limited access to support services, particularly mental health supports
- equal access to education and employment
- lack of opportunity to have a say in decisions that affect them.

During the year, the Commission also shared the experiences and views of young people with the Victorian Parliament's Inquiry into homelessness in Victoria, making sure the inquiry heard from young people with lived experience of out-of-home care and the challenges of trying to secure stable and appropriate accommodation when leaving care.

The impact of family violence on children and young people

The Commission continued its strong focus on ensuring the impact of family violence on children and young people is recognised and addressed in the family violence reforms following the 2016 Royal Commission into Family Violence. The Commission continued to be involved in advisory groups guiding aspects of the reforms.

The Commission informed the Family Violence Reform Implementation Monitor's fourth report to Parliament on the implementation of the reforms recommended by the Royal Commission into Family Violence. We welcomed the Monitor's final report and her close attention to issues for children and young people as primary victims of family violence and for adolescents who use violence in the home.

The Monitor's conclusion reflects that of the Commission, that more needs to be done to achieve 'the systemic shift

required to ensure widespread understanding of children's experiences as victims of family violence and tailored responses to meet their unique needs'.²⁰

The Commission also welcomed the opportunity to discuss the Victorian Government's second *Family Violence Reform Rolling Action Plan, 2020–2023* with DPC and advocate for greater recognition of children and young people and their distinct needs.

The Commission recognises the welcome investment in services for children and young people announced during the year, including State Budget announcements to boost therapeutic services to support children who have experienced sexual violence and expand adolescent family violence responses statewide – areas the Commission has been calling for improvement in. The Commission will monitor implementation of the service improvements, as we keep working to ensure all Victorian children and young people receive the support they need.

Family violence and its impact on children continued to feature strongly in the media, with coverage of filicide, and on progress with regard to children and young people as victims in their own right since the Royal Commission into Family Violence.

Key public engagements also focused on family violence. In September, the Principal Commissioner spoke to all staff at Family Safety Victoria on the need to broaden the focus of family violence reform to fully deliver change for child victims of violence. In November, the Principal Commissioner presented and took part in a panel at a conference on child-centred approaches to ending family violence that considered shared accountability by services for child victims of family violence. Both Commissioners presented jointly at the ANROWS family violence conference on interventions with young people who use violence in the home, held in March.

The pandemic also heightened the risk of family violence for children and young people, and the Principal Commissioner considered these issues as a presenter and

panellist at the November Monash Centre for Gender and Family Violence Prevention conference.

Victoria Police's ongoing improvements to responses to family violence involving children and young people

The Commission was pleased to participate in consultations by Victoria Police relating to:

- Victoria Police's mid-point review and two-year action plan for its strategy for family violence, sexual offences and child abuse (2018–23)
- Victoria Police resources about responses to family violence.

Across this work, the Commission welcomed Victoria Police's recognition of children as victims of family violence in their own right and suggested additional ways as to how this recognition could be strengthened. The Commission also encouraged Victoria Police to develop family violence resources tailored specifically for children and young people.

Mental health reform for children and young people

The Commission made further contributions to the Royal Commission into Victoria's Mental Health System in 2020–21. We participated in a roundtable on mental health services for children and young people in the youth justice system and met representatives of the Royal Commission to share and discuss the impacts of COVID–19 on vulnerable children and young people.

We welcomed the Royal Commission's final report, released in March 2021, which included the voices and experiences of young people we engaged with, and referred to a case study we shared with the Royal Commission and our COVID–19 snapshots produced in 2020.

²⁰ Family Violence Reform Implementation Monitor, *Report of the Family Violence Reform Implementation Monitor, as at 1 November 2020*, p 64.

The Commission notes that the Department of Health (DH) plans to implement a range of reforms in response to the Royal Commission that support infant, child and youth mental health and wellbeing, as well as a range of other mental health initiatives. The Commission will monitor the progress of these key reforms with interest and continue to promote the engagement of child and young people in system response design and implementation.

Safety and wellbeing of children and young people with disability

During 2020–21, the Commission made further contributions to the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability. Our engagement focused on the experiences of children and young people involved with Child Protection and living in out-of-home care.

We met with the Royal Commission to share insights into issues affecting Aboriginal children and families involved with the child protection system and made a submission to the Royal Commission's issues paper about violence and abuse of people with disability at home.

Our submission highlighted that child death inquiries continue to identify service system issues that create an unacceptable risk of violence, abuse and neglect of vulnerable children and young people with disability in the home.

We reiterated concerns relating to children and young people with disability in out-of-home care, including poor data quality and significant safety risks in residential care and contingency placements. We highlighted recommendations in the Commission's *In our own words* inquiry, which would improve safeguards for children and young people with disability in out-of-home care, and the recommendations of the 2020 inquiry, *Keep caring*, to increase accommodation options for young people with disabilities leaving out-of-home care.

The submission also informed the Royal Commission about the significant impact of COVID–19 restrictions on children and young people with disability in Victoria.

Youth justice and criminal justice policy

The Commission engaged with the Victorian Government on a range of youth justice and criminal justice issues during 2020–21.

The development of Victoria's Youth Justice legislation

The Commission continued to advocate for the rights of children and young people during the development of new youth justice legislation – the most significant youth justice reform in Victoria in many years. We welcomed DJCS's continued close and responsive consultation on this important piece of reform.

Advocating to raise the minimum age of criminal responsibility

We continued to make the case for raising the age of criminal responsibility from 10 to 14 years to the Victorian Government, in speeches and media appearances by the Commissioners, and the issue was a strong area of focus in the Commission's *Our youth, our way* inquiry, tabled in June 2021.

The Principal Commissioner contributed to public engagements on this issue as a panellist at The Royal Children's Hospital Grand Round considering how children can be sent to prison in Australia at just 10 years of age. The Principal Commissioner also presented at the Centre for Innovative Justice: Raise the Age webinar in October 2020. In May 2021, both Commissioners presented to a World Congress online session focusing on the age of criminal responsibility.

Need for improvements to bail laws for children and young people

The Commission has also advocated for the need for reform of Victoria's bail and remand system for children and young people, to prevent their unnecessary remand. This issue was comprehensively examined in the Sentencing Advisory Council's *Children Held on Remand in Victoria* report, published in September 2020. The impacts and risks of the current bail system were also addressed in detail in the Commission's *Our youth, our way* inquiry report.

Any time a child or young person is held on remand can be very damaging, particularly for young children, and increases the risk of entrenchment in the youth justice system, and further offending. Improving the bail system for children and young people and raising the age of criminal responsibility will continue to be a focus for the Commission.

Need for reforms to internal police policy in relation to searches

The Commissioner for Aboriginal Children and Young People also engaged and worked directly with Victoria Police to address community concerns of an increased trend in routine strip searching of Aboriginal children and young people in police custody in certain regions. Building on individual reports and communications directly from key stakeholders and Aboriginal community members, the Commissioner advocated for appropriate reforms to internal policy and guidance materials. This included amendments to embed human rights and clarify legal considerations to help guide members in the exercise of their discretion, particularly in relation to vulnerable children and young people, with emphasis to properly consider and act compatibly with a person's rights as articulated in the *Charter of Human Rights and Responsibilities Act 2006*. The Commission has welcomed Victoria Police efforts to review and amend the policy on searches, especially as it relates to children aged between 10 and 15 years.

Other submissions and consultations

The Commission also contributed to important reviews of legislation during 2020–21:

- the review of Victoria's criminal organisation laws led by the Hon. Margaret White AO and Andrew Cappie-Wood
- a submission to the review of Victoria's counter-terrorism legislation
- the *Judicial Proceedings Reports Act 1958*.

All Commission submissions that are permitted to be published are available on our website.

Responses to sexual offences

This year, the Commission contributed to the Victorian Law Reform Commission's review into Improving the Response of the Justice System to Sexual Offences, sharing information and insights from our inquiries, oversight of out-of-home care and work administering the Reportable Conduct Scheme.

The Commissioner for Aboriginal Children and Young People met with the Victorian Law Reform Commission (VLRC) to discuss how the system can be improved for Aboriginal children and young people, and other Commission staff also participated in a VLRC roundtable.

We highlighted that the Commission's functions indicate that child sexual abuse is more prevalent than is commonly understood. We also highlighted that many of the myths identified by the Royal Commission into Institutional Responses to Child Sexual Abuse as contributing to poor justice responses to child sexual abuse still prevail, and that across our work we see inadequate responses from Child Protection, out-of-home care services and other organisations to children and young people who disclose or report sexual harm.

Our submission, which included feedback of a young person with lived experience of sexual abuse and the justice system, covered the need for many improvements, including:

- improved data collection to better understand the prevalence of sexual harm experienced by children and

young people and the support they receive to seek a justice response

- better community understanding of the nature and impacts of sexual harm on children and young people, and how to support and promote the rights of children and young people who have been sexually harmed
- improved identification, investigation, service collaboration and support responses, including specialist therapeutic support, to child sexual abuse in the child protection and the broader child and family service systems
- improved, differentiated, trauma-informed responses to sexual harm in out-of-home care
- improved Victoria Police responses, including specialised responses, to children in out-of-home care
- creation of a free support service for children and young people who have experienced sexual harm, to help them navigate the service network and justice system.

Media



Commissioner for Aboriginal Children and Young People Justin Mohamed on *The Drum* on 9 March 2021

This year, our Commissioners continued their active engagement in the media, with around 80 engagements across print/online (71 per cent), television (14 per cent) and radio (14 per cent).

In addition to the coverage highlighted earlier in this chapter, the Commission also achieved strong coverage of three inquiry reports tabled in the Parliament of Victoria this year – the *Keep caring* inquiry, the *Our youth, our way* inquiry, and the *Out of sight* inquiry.

The reports of these inquiries featured in 24 media reports, including a special on ABC's *The Drum* on *Our youth, our way*.

The Commission also engaged in a range of media on broader justice issues relating to children and young people, including the 30th anniversary of the Royal Commission into Aboriginal Deaths in Custody.

Media around sexual misconduct in schools and support for organisations building a child-safe culture was also undertaken, including national media related to a new empowerment guide for the Child Safe Standards.

Public appearances

Despite the impact of the COVID-19 pandemic in the later stages of 2020-21, our Commissioners completed an extensive program of public engagements together and independently to advocate for reform and promote the Commission's work. In all, the Commissioners took part in around 71 engagements, complementing a busy year of media.

Aboriginal children and young people

Throughout the year, the Commissioner for Aboriginal Children and Young People led advocacy for Aboriginal children and young people in his broader engagements, including his regular participation in the Aboriginal Justice Forum and the Aboriginal Children's Forum.

In December, he attended the National Forum for Protecting Australia's Children. He also presented at the May Family Matters online event calling for dedicated, independent Aboriginal children and young people's commissioners in every state and territory and at a national level.

Addressing the over-representation of Aboriginal children and young people among the homeless was a focus of the National Youth Homelessness Conference in June, in which the Commissioner for Aboriginal Children and Young People participated as a panellist.

ANZCCG

Both Commissioners engaged in the national – and now international – forum provided by the Australian and New Zealand Children’s Commissioners and Guardians. Issues for consideration included family violence reforms (October 2020), the successor to the National Framework for Protecting Australia’s Children (December 2020), and the links between early abuse and poor life outcomes (March 2021).

Supporting and regulating child-safe organisations



The Commission as regulator

The Commission's Regulatory Principles are to be outcomes focused, collaborative, supportive, efficient and effective, risk-based, fair and reflective. Being a reflective regulator means we have committed to reviewing and refining our approach over time. We recognise that, as a relatively new regulator with a new regulatory framework, our approach should adapt as the regulatory environment matures.

We now have a number of years to reflect upon. The end of this financial year marked four full years of operation for the Reportable Conduct Scheme (the Scheme) in Victoria. The Child Safe Standards (the Standards) have been in operation for five and a half years, with the Commission having a regulatory role for the Standards for four and a half years.

This financial year, the COVID-19 pandemic impacted the organisations we regulate and has changed risks of child abuse. This year has also seen an eight per cent increase in mandatory notifications under the Scheme; managing the volume of notifications is a growing challenge. At the same time, changes for the Standards have progressed significantly with legislation passing the Victorian Parliament to reform our enforcement powers and co-regulatory arrangements.

Statement of Expectations

Work progressed this year to meet the Minister for Child Protection's Statement of Expectations for the 2019-21 period.

The Commission continued to play a key role in leading and facilitating regular meetings between child safety regulators this year. Key achievements include:

- setting up a working group of Standards co-regulators that meets regularly to plan and coordinate the implementation of changes to the Standards and the *Child Wellbeing and Safety (Child Safe Standards Compliance and Enforcement) Amendment Act 2021*

- supporting the Standards Community of Practice for departments and Standards co-regulators that has been meeting regularly for some years
- chairing the Reportable Conduct Scheme Community of Practice for departments that provides a regular forum to exchange knowledge, build capacity and share ideas.

The Commission continued its implementation and refinement of risk-based regulatory practices. This year the Commission commenced a reassessment of its risk-based approach to the Reportable Conduct Scheme and increased its use of risk to guide decisions about taking compliance action in Child Safe Standards.

The Commission has set a target of 80 per cent of phone and email queries regarding the Scheme or the Standards being resolved within three business days. This year, the target was exceeded with 89 per cent being resolved within three business days.

Work has progressed this year on the development of further key performance indicators including making changes to enable performance to be measured. In future years the Commission intends to publish additional performance data.

New stronger Standards

In 2019, the Department of Health and Human Services (DHHS) undertook a review of the Standards to ensure they were as strong as possible and to consider how they could better align with the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse.

The DHHS Review recommended a number of changes to better align the Standards with the National Principles for Child Safe Organisations, and made other recommendations to strengthen administration of the Standards. The Victorian Government adopted these recommendations. This year, the Commission continued to work with DFFH on the Review's recommendations, including the development of the *Child Wellbeing and Safety (Child Safe Standards Compliance and Enforcement) Amendment Act 2021* (Amendment Act).

Supporting and regulating child-safe organisations *continued*

The Amendment Act, which has since passed the Victorian Parliament, implements recommendations from the DHHS Review and is due to come into effect on 1 January 2023.

The Amendment Act provides Standards regulators with a much broader range of information sharing, monitoring and enforcement powers to promote compliance with the Standards. The Commission will have a more clearly defined statewide leadership role to promote consistent child safety outcomes across sectors.

During this year, the Commissioner for Aboriginal Children and Young People led work at the request of DFFH to design and recommend a new Child Safe Standard on cultural safety for Aboriginal children and young people. The Commissioner undertook an Aboriginal-led process drawing on the Commission's expertise in relation to Aboriginal children and young people and expertise in the regulation of child safety. Following a consultation process involving 35 individuals from 26 organisations, and a review of relevant standards in other sectors, the Commissioner provided DFFH with a new recommended standard and action areas for inclusion in the new Standards, which were announced by the Government on 1 July 2021.

Supporting compliance

The Commission aims to assist individual organisations and sectors to understand and meet compliance requirements, and to keep children safe. In many instances, we can bring about compliance through education and support, with more significant enforcement powers and sanctions being used for organisations that are uncooperative, that have repeated or serious failings in compliance or where significant risk of harm to children has been identified.

Capacity building, information sessions and webinars

The Commission continued to run free information sessions on the Child Safe Standards and Reportable Conduct Scheme in 2020–21. All have occurred online due to the impact of COVID-19.

In total, 2,049 participants attended 33 information sessions delivered by the Commission during the past year. Of these, 52 per cent of participants identified as being from metropolitan Melbourne and 23 per cent from regional Victoria. Nineteen webinars related to the Standards, and 14 related to the Scheme. We delivered some information sessions for particular sectors or groups within organisations including in the religious, early childhood education, local council and sporting sectors.

There was an increase in the proportion of participants from the early childhood education and education sectors for information sessions for both the Standards and the Scheme.

Table 11. Attendees to Commission information session webinars by sector 2020–21

Child Safe Standards	Percentage of attendees	Reportable Conduct Scheme	Percentage of attendees
Early childhood education	36	Early childhood education	39
Education	21	Education	19
Not-for-profit organisation	8	Not-for-profit organisation	6
Government or statutory service	4	Religious body/Faith community	6
Religious body/Faith community	3	Government or statutory service	4
Other ²¹	27	Other ²²	25
Total	100	Total	100

The Commission also has nearly 16,000 individuals who subscribe for Commission updates and receive emails advising of the release of new guidance material, news items, events and reports.

Child Safe Standards Community of Practice

The Child Safe Standards Community of Practice brings together people leading or participating in their organisation's work to meet the Child Safe Standards. Membership of the Community of Practice grew this year to over 1,500 individuals from more than 900 organisations. This is a significant increase compared to the previous year when there were over 370 individuals from more than 170 organisations.

Three Community of Practice sessions were held this year on the topics of eSafety, organisational culture change and the empowerment and participation of children and young people.

Resources and guidance

The Commission uses a range of resources to educate and guide organisations about the Child Safe Standards and the Reportable Conduct Scheme, including videos, information sheets, detailed guides and web content.

This year, Commission videos were viewed 20,897 times and our information sheets and guides were downloaded 10,531 times.

In 2021, the Commission's video resource to support Reportable Conduct Scheme investigations, *How to be a Good Questioner of Children*, developed by Griffith University and published on the Commission's website, won the award for the 'Best Instructional/Training Video or Website (Tertiary/General)' at the ATOM awards, which recognise excellence in Australian and New Zealand screen content from the education sector and screen industry professionals. The video has been viewed over 12,000 times.

²¹ 'Other' includes disability, health, local council, cultural, sporting or recreational services, youth services, support services for parents and families, housing and homelessness services, family violence or sexual assault services, entity of a public nature, counselling or support service, child protection service, youth organisation, organisation or workplace required to hold a permit to employ children, charity, accommodation, gym or play facilities, entertainment and party services, tuition services or academic coaching, and babysitting.

²² 'Other' includes disability, youth service, support services for parents and families, housing and homelessness service, health, family violence or sexual assault service, counselling or support service, entity of a public nature, cultural, sporting or recreational services, child protection service, accommodation, youth organisation, charity, organisations or workplaces required to hold a permit to employ children, and transport service.

Supporting and regulating child-safe organisations *continued*

Guidance to support organisations during COVID-19

COVID-19 has required organisations to think differently about how to engage children and young people and ensure their safety. Even during a pandemic, Reportable Conduct Scheme investigations need to be conducted, and children and young people need to be included in interviews unless there is good reason not to. In response to requests from organisations, in February 2021 the Commission published a companion resource to our suite of interviewing children resources. The *Guide for including children and young people in reportable conduct investigations during COVID-19* was developed in consultation with expert stakeholders and provides advice to organisations to help them plan and conduct interviews with children and young people including using video technology.

Empowerment and participation

In March 2021, the Commission launched *Empowerment and participation: A guide for organisations working with children and young people*, developed in partnership with the New South Wales Office of the Children's Guardian and the Australian Centre for Child Protection at the University of South Australia. The Guide supports organisations to comply with the requirements of Child Safe Standard 7. Using a strong research evidence base, practice wisdom and the views and insights of children and young people, it explains why the empowerment and participation of children and young people is a critical element of a child-safe organisation and how this helps keep children and young people safe from abuse. The inclusion of tools delivers a practical resource, enhancing understanding and providing a starting point for organisations to act.

Contact to the Commission by organisations or members of the public

This year saw at least 2,320²³ enquiries made to the Commission for information and advice made up of 1,313 telephone calls and 1,003 emails.²⁴ Of these, 802 enquiries related to the Reportable Conduct Scheme, 130 were regarding Child Safe Standards and 446 enquiries related to information sessions and building organisations' child-safe capacity.²⁵

²³ The Commission's data systems have not enabled all enquiries to be counted in 2020-21. This figure is an underestimate of the number of enquiries.

²⁴ Four enquiries were made through other means.

²⁵ The remaining enquires related to other matters.

Reportable Conduct Scheme



Overview²⁶

- From 1 July 2020 to 30 June 2021, the Commission received 1,006 notifications²⁷ of reportable allegations, an eight per cent increase on the number of notifications received in 2019–20. This was a record number of notifications, despite COVID–19 restrictions causing a major drop during lockdown periods.
- In 2020–21, like previous years, the highest number of allegations received (40 per cent) related to physical violence.
- In government, non-government Catholic and non-government independent schools, however, sexual misconduct was the most common allegation type in 2020–21 (39 per cent, 40 per cent and 47 per cent respectively).
- Ten per cent of unique alleged victims were identified as Aboriginal and/or Torres Strait Islander since the start of the Scheme. This represents a significant over-representation of Aboriginal and Torres Strait Islander children and young people, who only make up two per cent of the Victorian population under 18 years of age.²⁸
- Consistent with previous years, 29 per cent of reportable allegations were substantiated in 2020–21.
- The substantiation rate for sexual misconduct allegations across all sectors has increased in the last three years from 21 per cent in 2018–19 to 28 per cent in 2019–20 and to 30 per cent in 2020–21. The proportion of all substantiated allegations that involve sexual misconduct has also been steadily increasing over the last three years, rising from 12 per cent in 2018–19 to 22 per cent in 2020–21.

Notifications of reportable allegations

The Reportable Conduct Scheme (the Scheme) requires heads of organisations to notify the Commission of allegations of reportable conduct. Since the commencement of the Scheme on 1 July 2017, the Commission has received 3,537 mandatory notifications from organisations, 1,006 of which were received between 1 July 2020 and 30 June 2021. This was an eight per cent increase on the number of notifications received in 2019–20, and a 25 per cent increase on the first year of the Scheme in 2017–18, despite children’s contact with organisations being significantly reduced by the pandemic.

The *Child Wellbeing and Safety Act 2005* also allows any person – for example, young people, parents or other members of the public – to disclose allegations to the Commission.

²⁶ Data presented in this chapter was extracted on 1 July 2021 from a live database and is subject to change.

²⁷ Each mandatory notification can contain multiple reportable allegations and multiple alleged victims.

²⁸ Australian Bureau of Statistics, *Estimates and Projections, Aboriginal and Torres Strait Islander Australians*, 2019.

Table 12. Reportable conduct matters received by notification type 2017–21²⁹

Type	2017–18	2018–19	2019–20	2020–21	Since the start of Scheme ³⁰
Mandatory notification	802	801	928	1,006	3,537
Public notification ³¹	73	121	164	173	531

Mandatory notifications

The following sections contain information about notifications of reportable allegations received by the Commission from heads of organisations. This data details allegations only; for many of these, findings have not yet been made about whether the alleged conduct occurred.

For the period 1 July 2020 to 30 June 2021, the Commission received 1,006 notifications of reportable allegations.

Notifications received

Since the Scheme commenced, the Commission has received an average of 74 notifications per month.

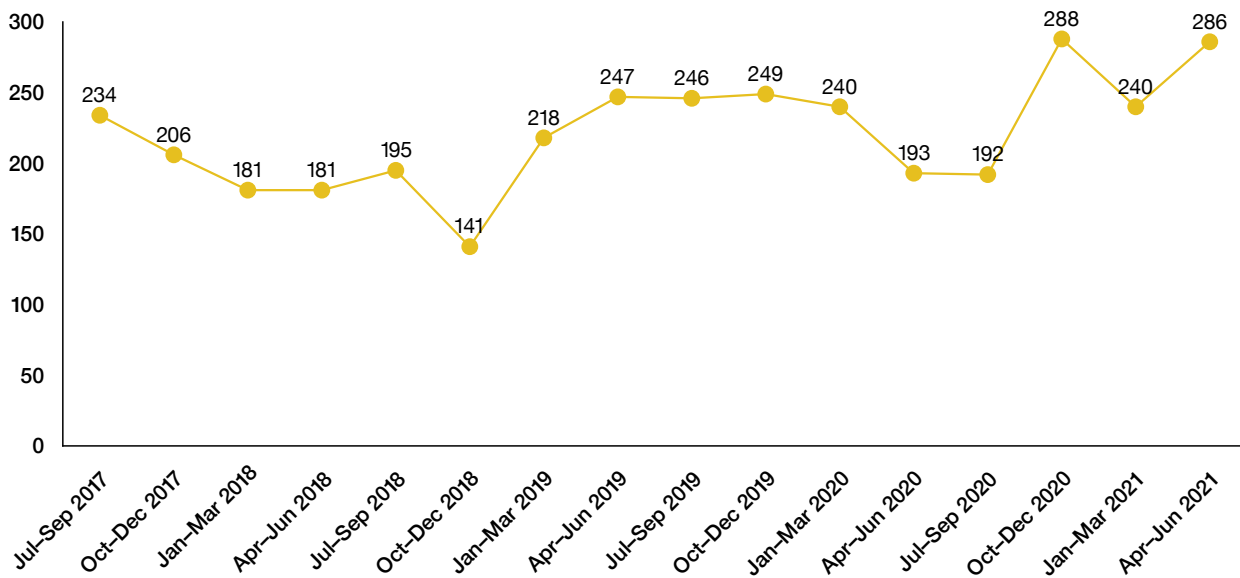
The Commission expects the number of notifications will continue to increase in future years as organisations strengthen their processes to ensure all reportable allegations are appropriately notified to the Commission and awareness of the Scheme's requirements grows.

²⁹ In some cases, data from previous financial years expressed in this report is different from that published in previous Commission annual reports. Variations are due to the fact that Scheme data is live and includes open matters, causing some movement of data over time. New information can come to light as a matter progresses that alters previous classifications or results in matters being excluded because they are subsequently determined to be out of the scope of the Scheme. In some cases, data is also consolidated where it is identified that multiple notifications have been made for the same matter and are reclassified accordingly.

³⁰ This refers to the period 1 July 2017 to 30 June 2021.

³¹ Public notifications will often result in the head of an organisation submitting a mandatory notification to the Commission. Others will be assessed as being outside the jurisdiction of the Scheme due to not meeting the relevant legislative requirements.

Figure 6. Number of mandatory notifications received by the Commission by quarter 2017–21



Mandatory notifications by sector

In 2020–21, the out-of-home care, education and early childhood education sectors contributed the majority of notifications (32 per cent, 27 per cent and 26 per cent respectively). These proportions are broadly consistent with the size of the sectors and the nature of their contact with children.

The eight per cent increase in total notifications in 2020–21 was contributed to by a 25 per cent increase in notifications in the education sector and a 13 per cent increase in the out-of-home care sector.

Table 13. Notifications of reportable allegations received by sector 2017–21^{32 33}

Sector	2017–18		2018–19		2019–20		2020–21		% change 2019–20 to 2020–21	Since the start of Scheme	
	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)		No.	Prop. (%)
Out-of-home care³⁴	360	45	285	36	284	31	320	32	13▲	1,249	35
Residential care	124		89		93		112		20▲	418	
Foster care	112		90		95		107		13▲	404	
Kinship care	107		92		83		90		8▲	372	
Employee – other/admin	6		4		7		6		-14▼	23	
Respite and contingency care	5		7		3		4		33▲	19	
Lead tenant	5		3		2		1		-50▼	11	
Permanent care	1		0		1		0		-100▼	2	
Education	258	32	184	23	216	23	271	27	25▲	929	26
Non-government school – Catholic ³⁵	84		63		100		81		-19▼	328	
Government school ³⁶	90		47		52		108		108▲	297	
Non-government school – Independent ³⁷	80		65		57		76		33▲	278	
Senior secondary course/ qualification ³⁸	1		6		5		5		0	17	
International-student course	2		0		2		1		-50▼	5	
Student exchange program	1		1		0		0		-	2	
Employee – other/admin	0		2		0		0		-	2	

³² In some cases, data from previous financial years expressed in this report is different from that published in previous Commission annual reports. Variations are due to the fact that Scheme data is live and includes open matters, causing some movement of data over time. New information can come to light as a matter progresses that alters previous classifications or results in matters being excluded because they are subsequently determined to be out of the scope of the Scheme. In some cases, data is also consolidated where it is identified that multiple notifications have been made for the same matter and are reclassified accordingly.

³³ This table breaks up notifications received by the Commission by sector and service type. The Commission notes that different sectors and service types have different types of engagement with children and young people. The number of organisations in sectors and service types is also different. Some sectors including out-of-home care and education have been subject to the Scheme since its commencement on 1 July 2017, whereas other sectors have been subject to the Scheme for less time. Religious bodies and disability services have been covered since 1 January 2018 and early childhood education have been covered since 1 January 2019. The Commission is concerned there may be under-reporting of notifications in some sectors and service types.

³⁴ Includes services provided by DFFH, community service organisations and other organisation types.

³⁵ Includes primary and secondary school.

³⁶ Includes primary and secondary school.

³⁷ Includes primary and secondary school.

³⁸ These are courses and qualifications not delivered by registered schools.

Reportable Conduct Scheme

continued

Table 13. Notifications of reportable allegations received by sector 2017–21 (continued)

Sector	2017–18		2018–19		2019–20		2020–21		% change 2019–20 to 2020–21	Since the start of Scheme	
	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)		No.	Prop. (%)
Early childhood education³⁹	22	3	153	19	265	29	266	26	<1▼	706	20
Long day care	12		94		208		213		2▲	527	
Preschool / kindergarten	6		27		30		28		-7▼	91	
Outside school hours care	4		21		23		20		-13▼	68	
Family day care	0		11		4		4		0	19	
Unknown service type	0		0		0		1		-	1	
Religious body⁴⁰	19	2	70	9	66	7	52	5	-21▼	207	6
Youth justice⁴¹	47	6	51	6	33	4	18	2	-45▼	149	4
Disability⁴²	41	5	26	3	25	3	20	2	-20▼	112	3
Health⁴³	5	<1	8	<1	11	1	12	1	9▲	36	1
Child protection⁴⁴	16	2	2	<1	8	1	9	<1	13▲	35	1
Victorian Government Departments⁴⁵	4	<1	2	<1	4	<1	6	<1	50▲	16	<1
Accommodation⁴⁶	3	<1	1	<1	2	<1	4	<1	100▲	10	<1
Other⁴⁷	27	3	19	2	14	2	28	3	100▲	88	2
Total	802	100	801	100	928	100	1,006	100	8▲	3,537	100

³⁹ Includes preschool, kindergarten, long day care and other childcare. While early childhood education providers were required to comply with the Scheme from 1 January 2019, some were covered in 2017–18. This was due to other functions within the organisation being covered, meaning the organisation as a whole was required to comply, including where early childhood education services are provided.

⁴⁰ Excludes notifications in relation to services provided by religious bodies in other sectors.

⁴¹ Youth justice functions provided by DJCS including custodial and community-based.

⁴² Includes registered and non-registered disability service providers, residential services for children with a disability and DFFH disability support services.

⁴³ Includes hospitals (public and private), mental health services with inpatient beds and inpatient drug and alcohol services.

⁴⁴ Includes child protection services provided by DFFH, child protection services provided by organisations pursuant to a DFFH contract and DFFH secure welfare.

⁴⁵ Excludes notifications in relation to state government workers or volunteers contained in other sectors.

⁴⁶ Includes overnight camps and homelessness service providers with overnight beds.

⁴⁷ In this category, some notifications are included from organisations subsequently deemed outside the scope of the Scheme and some relate to organisations not yet identified. Of those notifications within the scope of the Scheme, these relate to employees not otherwise captured in other sectors – for example, youth services, aquatic and leisure centre workers, and council workers.

Reportable allegations by type of reportable conduct

Each mandatory notification can contain multiple reportable allegations and multiple alleged victims. The 3,537 notifications received since the Scheme began have contained 7,125 allegations.

There are five types of 'reportable conduct'⁴⁸ listed in the *Child Wellbeing and Safety Act 2005*:

- sexual offences (against, with or in the presence of a child)
- sexual misconduct (against, with or in the presence of a child)
- physical violence (against, with or in the presence of a child)⁴⁹
- behaviour that causes significant emotional or psychological harm
- significant neglect of a child.

In 2020–21, like previous years, the highest number of allegations (40 per cent) related to physical violence.

Table 14. Reportable allegations from mandatory notifications received 2017–21⁵⁰

Conduct type	2017–18		2018–19		2019–20		2020–21		Since the start of Scheme	
	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)
Physical violence ⁵¹	696	45	805	50	910	43	746	40	3,157	44
Sexual misconduct ⁵²	309	20	256	16	420	20	396	21	1,381	19
Behaviour that causes significant emotional or psychological harm to a child	298	19	253	16	372	18	336	18	1,259	18
Significant neglect of a child	158	10	137	9	244	12	262	14	801	11
Sexual offences ⁵³	96	6	144	9	150	7	137	7	527	7
Total	1,557	100	1,595	100	2,096	100	1,877	100	7,125	100

⁴⁸ The Commission's website has information sheets that provide a detailed explanation about the different types of reportable conduct.

⁴⁹ This covers a range of conduct including actual and threatened physical violence. Where physical contact is made with a child, it will be considered 'physical violence' if the contact was capable of causing injury or harm to the child. It is not, however, necessary for injury or harm to have occurred.

⁵⁰ In some cases, data from previous financial years expressed throughout this report is different from that published in previous Commission annual reports. Variations are due to the fact that Scheme data is live and includes open matters, causing some movement of data over time. New information can come to light as a matter progresses that alters previous classifications or results in matters being excluded because they are subsequently determined to be out of the scope of the Scheme.

⁵¹ Includes physical violence against, with or in the presence of a child.

⁵² Includes sexual misconduct against, with or in the presence of a child.

⁵³ Includes sexual offences against, with or in the presence of a child.

Reportable Conduct Scheme

continued

Reportable allegations by sector and type of reportable conduct

Different types of allegations appear more prevalent in some sectors. For example, there is a higher proportion of sexual offence allegations in religious bodies than any other sector and the most common allegation type in the out-of-home care and early childhood education sectors is physical violence.

In the first two years of the Scheme, physical violence was the most common allegation type in the education sector. However, in 2019–20 and 2020–21, the highest number of allegations were received for sexual misconduct.

Table 15. Reportable allegations by sector and type of reportable conduct 2017–21^{54 55 56}

Sector	2017–18		2018–19		2019–20		2020–21		Since the start of Scheme	
	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)
Out-of-home care	676	100	607	100	622	100	641	100	2,546	100
Physical violence	344	51	331	55	303	49	297	46	1,275	50
Significant neglect of a child	136	20	98	16	125	20	144	22	503	20
Behaviour that causes significant emotional or psychological harm to a child	124	18	93	15	106	17	119	19	442	17
Sexual misconduct	38	6	48	8	56	9	49	8	191	8
Sexual offences	34	5	37	6	32	5	32	5	135	5
Education	641	100	508	100	747	100	579	100	2,475	100
Sexual misconduct	209	33	160	31	279	37	239	41	887	36
Physical violence	236	37	191	38	219	29	129	22	775	31
Behaviour that causes significant emotional or psychological harm to a child	150	23	116	23	173	23	126	22	565	23
Sexual offences	36	6	37	7	42	6	34	6	149	6
Significant neglect of a child	10	2	4	<1	34	5	51	9	99	4

⁵⁴ Some sectors including out-of-home care and education have been subject to the Scheme since its commencement on 1 July 2017, whereas other sectors have been subject to the Scheme for less time. Religious bodies and disability services have been covered since 1 January 2018 and early childhood education have been covered since 1 January 2019. Additionally, this analysis is of reportable allegations, not substantiated incidents of reportable conduct.

⁵⁵ If a reportable conduct type does not appear under a sector, this is because no allegations of that reportable conduct type have been received for that sector. Reportable conduct types have been grouped in this table. Physical violence, sexual misconduct and sexual offences includes against, with, or in the presence of a child.

⁵⁶ In some cases, data from previous financial years expressed throughout this report is different from that published in previous Commission annual reports. Variations are due to the fact that Scheme data is live and includes open matters, causing some movement of data over time. New information can come to light as a matter progresses that alters previous classifications or results in matters being excluded because they are subsequently determined to be out of the scope of the Scheme.

Table 15. Reportable allegations by sector and type of reportable conduct 2017–21 (continued)

Sector	2017–18		2018–19		2019–20		2020–21		Since the start of Scheme	
	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)
Early childhood education	24	100	218	100	424	100	416	100	1,082	100
Physical violence	18	75	164	75	276	65	259	62	717	66
Behaviour that causes significant emotional or psychological harm to a child	5	21	30	14	65	15	64	15	164	15
Significant neglect of a child	1	4	16	7	53	13	35	8	105	10
Sexual misconduct	0	-	4	2	25	6	51	12	80	7
Sexual offences	0	-	4	2	5	1	7	2	16	1
Religious body	44	100	112	100	126	100	85	100	367	100
Sexual offences	8	18	57	51	47	37	38	45	150	41
Sexual misconduct	24	55	24	21	30	24	24	28	102	28
Physical violence	7	16	13	12	28	22	8	9	56	15
Behaviour that causes significant emotional or psychological harm to a child	5	11	7	6	12	10	9	11	33	9
Significant neglect of a child	0	-	11	10	9	7	6	7	26	7
Youth justice	58	100	77	100	49	100	30	100	214	100
Physical violence	36	62	72	94	31	63	12	40	151	71
Sexual misconduct	12	21	0	-	8	16	6	20	26	12
Significant neglect of a child	5	9	3	4	9	18	8	27	25	12
Sexual offences	4	7	1	1	0	-	2	7	7	3
Behaviour that causes significant emotional or psychological harm to a child	1	2	1	1	1	2	2	7	5	2
Disability	52	100	32	100	51	100	26	100	161	100
Physical violence	33	63	21	66	31	61	17	65	102	63
Sexual misconduct	10	19	7	22	4	8	4	15	25	16
Significant neglect of a child	5	10	1	3	3	6	3	12	12	7
Sexual offences	3	6	3	9	4	8	2	8	12	7
Behaviour that causes significant emotional or psychological harm to a child	1	2	0	-	9	18	0	-	10	6

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continued

Table 15. Reportable allegations by sector and type of reportable conduct 2017–21 (continued)

Sector	2017–18		2018–19		2019–20		2020–21		Since the start of Scheme	
	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)
Health	6	100	16	100	34	100	14	100	70	100
Sexual offences	2	33	2	13	9	26	4	29	17	24
Behaviour that causes significant emotional or psychological harm to a child	4	67	3	19	5	15	3	21	15	22
Physical violence	0	-	2	13	10	29	1	7	13	19
Sexual misconduct	0	-	9	56	1	3	3	21	13	19
Significant neglect of a child	0	-	0	-	9	27	3	21	12	17
Child protection	26	100	3	100	10	100	17	100	56	100
Physical violence	12	46	0	-	7	70	9	53	28	50
Significant neglect of a child	1	4	1	33	2	20	7	41	11	20
Sexual misconduct	5	19	1	33	1	10	1	6	8	14
Sexual offences	6	23	1	33	0	-	0	-	7	13
Behaviour that causes significant emotional or psychological harm to a child	2	8	0	-	0	-	0	-	2	4
Victorian Government Departments	6	100	2	100	10	100	17	100	35	100
Sexual offences	0	-	0	-	7	70	11	65	18	51
Physical violence	4	67	2	100	1	10	2	12	9	26
Behaviour that causes significant emotional or psychological harm to a child	1	17	0	-	0	-	3	18	4	11
Sexual misconduct	1	17	0	-	2	20	1	6	4	11
Accommodation	3	100	0	-	2	100	5	100	10	100
Sexual offences	2	67	0	-	2	100	2	40	6	60
Physical violence	0	-	0	-	0	-	2	40	2	20
Behaviour that causes significant emotional or psychological harm to a child	1	33	0	-	0	-	0	-	1	10
Sexual misconduct	0	-	0	-	0	-	1	20	1	10

Table 15. Reportable allegations by sector and type of reportable conduct 2017–21 (continued)

Sector	2017–18		2018–19		2019–20		2020–21		Since the start of Scheme	
	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)
Other	21	100	20	100	21	100	47	100	109	100
Sexual misconduct	10	48	3	15	14	67	17	36	44	40
Physical violence	6	29	9	45	4	19	10	21	29	27
Behaviour that causes significant emotional or psychological harm to a child	4	19	3	15	1	5	10	21	18	17
Sexual offences	1	5	2	10	2	10	5	11	10	9
Significant neglect of a child	0	-	3	15	0	-	5	11	8	7
Total	1,557	100	1,595	100	2,096	100	1,877	100	7,125	100

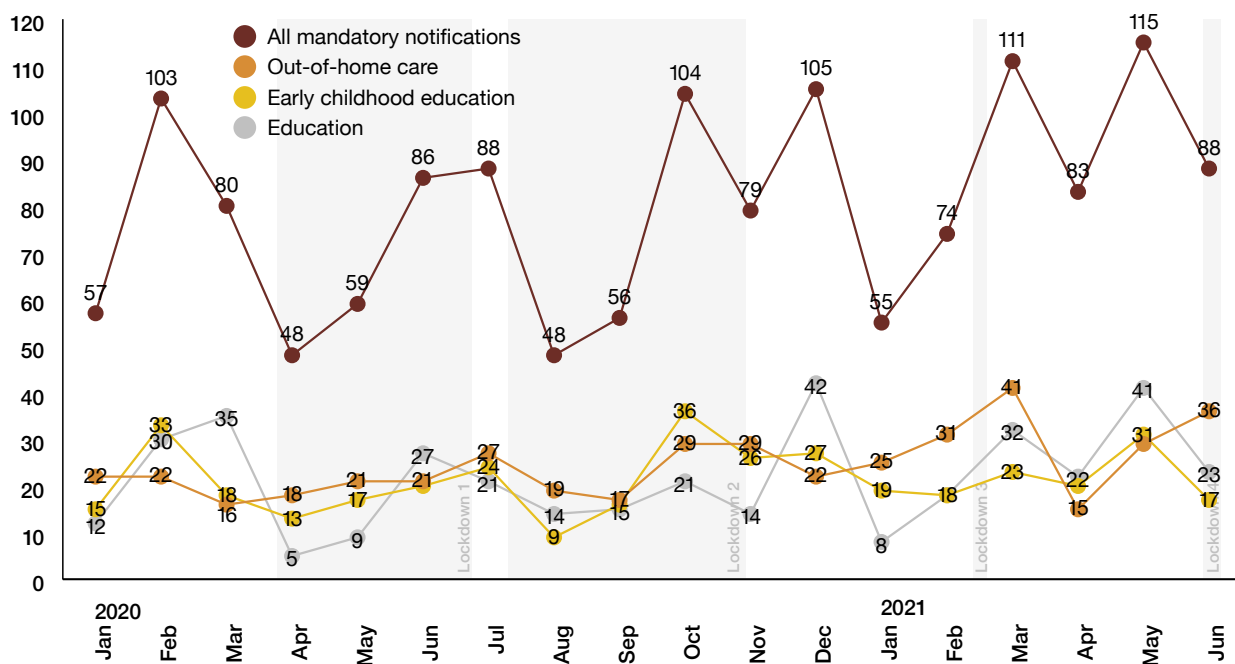
COVID-19

As the figure below shows, periods of lockdown (indicated by the grey shading) have impacted on the number of mandatory notifications received each month with notifications received for the education and early childhood sectors dropping significantly at the beginning of a lockdown and notifications in out-of-home care rising during lockdowns.

Increases in notifications were often quite significant in the intervening periods when direct contact between children and organisations resumed in many sectors.

It is clear that periods of lockdown have impacted the volume of notifications received and where they have been received from.

Figure 7. Number of mandatory notifications received by month by selected sector and COVID-19 lockdown periods January 2020 to June 2021⁵⁷



Education sector⁵⁸

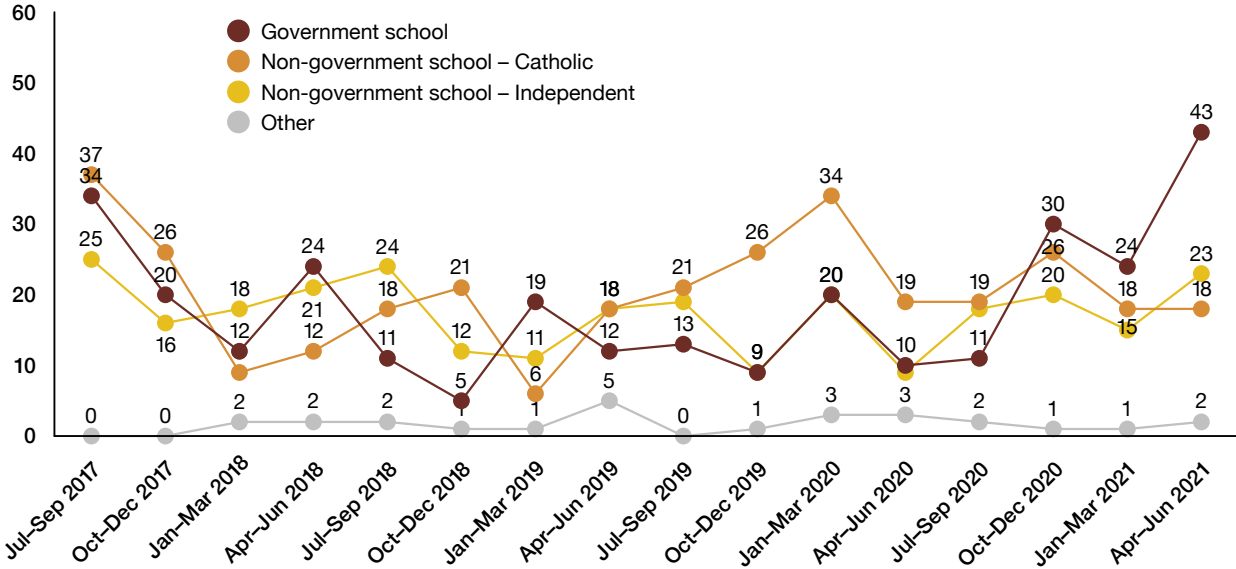
In 2020–21 there was a 25 per cent increase in mandatory notifications received from the education sector when compared with 2019–20. This increase was driven by a 108 per cent increase in notifications from government schools and a 33 per cent increase in notifications from non-government independent schools.

⁵⁷ Grey indicates periods of COVID-19 lockdown in Victoria. On 31 March 2020, Victoria entered its first lockdown throughout the state which was eased by 21 June 2020. On 7 July 2020, lockdown restrictions were reimposed on Melbourne and Mitchell Shire and this was lifted on 28 October 2020. On 13 February 2021, Victoria entered its third lockdown which ended on 17 February 2021. On 28 May 2021, Victoria entered its fourth lockdown with restrictions easing for regional Victoria on 3 June 2021 and easing for Melbourne on 10 June 2021.

⁵⁸ Some information about the education sector can be found at: www.education.vic.gov.au/Documents/about/department/summarystatssnapshot.pdf

The number of notifications received from government schools in the April to June 2021 quarter was almost double the number received in the January to March 2021 quarter.

Figure 8. Number of mandatory notifications received in the education sector by service type 2017–21



Quarter	Government school	Non-government school - Catholic	Non-government school - Independent	Other
Jul-Sep 2017	34	37	25	0
Oct-Dec 2017	20	26	16	0
Jan-Mar 2018	12	9	18	2
Apr-Jun 2018	24	12	21	2
Jul-Sep 2018	11	18	24	2
Oct-Dec 2018	5	21	12	1
Jan-Mar 2019	19	6	11	1
Apr-Jun 2019	12	18	18	5
Jul-Sep 2019	13	21	19	0
Oct-Dec 2019	9	26	9	1
Jan-Mar 2020	20	34	20	3
Apr-Jun 2020	10	19	9	3
Jul-Sep 2020	11	19	18	2
Oct-Dec 2020	30	26	20	1
Jan-Mar 2021	24	18	15	1
Apr-Jun 2021	43	18	23	2

Reportable Conduct Scheme

continued

The majority of notifications within the education sector were made against registered teachers. However, over a quarter of education-related notifications in 2020–21 were made against subjects of allegation who are not registered teachers.⁵⁹

Table 16. Mandatory notifications in the education sector by employee type for subject of allegation and Victorian Institute of Teaching (VIT) registration 2017–21

Sector	2017–18		2018–19		2019–20		2020–21		Since the start of Scheme	
	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)
VIT registered	190	74	121	66	164	76	198	73	673	73
Not registered with VIT	68	26	63	34	52	24	73	27	256	27
Total	258	100	184	100	216	100	271	100	929	100

In government, non-government Catholic and non-government independent schools, sexual misconduct was the most common allegation type in 2020–21 (39 per cent, 40 per cent and 47 per cent respectively). This represented a change for government schools, in which physical violence was the most common allegation type in the first three years of the Scheme.

Table 17. Reportable allegations by education service type and type of reportable conduct 2017–21

Sector	2017–18		2018–19		2019–20		2020–21		Since the start of Scheme	
	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)
Non-government school – Catholic	269	100	186	100	384	100	231	100	1,070	100
Sexual misconduct	99	37	67	36	128	33	92	40	386	36
Physical violence	69	26	59	32	120	31	42	18	290	27
Behaviour that causes significant emotional or psychological harm to a child	88	33	42	23	92	24	61	26	283	26
Significant neglect of a child	5	2	3	2	27	7	25	11	60	6
Sexual offences	8	3	15	8	17	4	11	5	51	5
Government school	243	100	161	100	178	100	161	100	743	100
Physical violence	131	54	68	42	61	34	54	34	314	42
Sexual misconduct	51	21	33	20	55	31	62	39	201	27
Behaviour that causes significant emotional or psychological harm to a child	41	17	44	27	51	29	27	17	163	22
Sexual offences	18	7	16	10	10	6	13	8	57	8
Significant neglect of a child	2	<1	0	-	1	<1	5	3	8	1

⁵⁹ Many roles in schools do not require a person to be a registered teacher.

Table 17. Reportable allegations by education service type and type of reportable conduct 2017–21 (continued)

Sector	2017–18		2018–19		2019–20		2020–21		Since the start of Scheme	
	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)
Non-government school – Independent	125	100	133	100	169	100	167	100	594	100
Sexual misconduct	57	46	53	40	85	50	78	47	273	46
Physical violence	36	29	52	39	36	21	33	20	157	26
Behaviour that causes significant emotional or psychological harm to a child	21	17	23	17	30	18	35	21	109	18
Sexual offences	8	6	5	4	12	7	10	6	35	6
Significant neglect of a child	3	2	0	-	6	4	11	7	20	3
Senior secondary course/ qualification⁶⁰	1	100	23	100	8	100	19	100	51	100
Sexual misconduct	0	-	6	26	4	50	6	32	16	31
Physical violence	0	-	11	48	2	25	0	-	13	25
Significant neglect of a child	0	-	0	-	0	-	10	53	10	20
Behaviour that causes significant emotional or psychological harm to a child	0	-	6	26	0	-	3	16	9	18
Sexual offences	1	100	0	-	2	25	0	-	3	6
International student course	2	100	0	-	8	100	1	100	11	100
Sexual misconduct	2	100	0	-	7	88	1	100	10	91
Sexual offences	0	-	0	-	1	13	0	-	1	9
Student exchange program	1	100	3	100	0	-	0	-	4	100
Behaviour that causes significant emotional or psychological harm to a child	0	-	1	33	0	-	0	-	1	25
Significant neglect of a child	0	-	1	33	0	-	0	-	1	25
Physical violence	0	-	1	33	0	-	0	-	1	25
Sexual offences	1	100	0	-	0	-	0	-	1	25
Employee – other/admin	0	-	2	100	0	-	0	-	2	100
Sexual misconduct	0	-	1	50	0	-	0	-	1	50
Sexual offences	0	-	1	50	0	-	0	-	1	50
Total	641	100	508	100	747	100	579	100	2,475	100

⁶⁰ These are courses and qualifications not delivered by registered schools.

Alleged victims

This analysis relates to notifications of reportable allegations, not substantiated incidents of reportable conduct. The term alleged victim⁶¹ is used in this section to reflect this.

Unique alleged victim⁶² refers to where an alleged victim is known.⁶³ There have been 3,523 unique alleged victims of reportable allegations identified since the commencement of the Scheme. Since the start of the Scheme, 56 per cent of unique alleged victims have been male and 44 per cent have been female.⁶⁴

This year, there were 1,027 unique alleged victims identified related to 892 notifications received between July 2020 and June 2021. Fifty-two per cent of these unique alleged victims were male and 47 per cent were female.

The majority of unique alleged victims in 2020–21 were involved in one notification (90 per cent), however, a small proportion were involved in up to nine different notifications. In 2020–21, 20 per cent of mandatory notifications involved more than one known alleged victim.

As in previous years, alleged victims of sexual misconduct were more likely to be female.⁶⁵ This year 74 per cent of sexual misconduct allegations involved a female alleged victim. Sexual misconduct accounted for 32 per cent of all allegations involving a female alleged victim in 2020–21 and only 10 per cent of all allegations involving a male alleged victim.

Over half of sexual offence allegations involved a female alleged victim (58 per cent) in 2020–21.⁶⁶

Sixty-three per cent of allegations of physical violence involved a male alleged victim. This type of conduct accounted for 51 per cent of all allegations involving a male alleged victim in 2020–21, and 29 per cent of all allegations involving a female alleged victim.⁶⁷

⁶¹ Alleged victims must be aged under 18 years at the time of the alleged conduct to be covered under the Scheme.

⁶² Unique alleged victims refer to an individual child or young person who has been the victim of a reportable allegation at least once during the Scheme. Where the unique alleged victims are referred to in terms of the financial year, then this refers to the number of individuals who were the victim of a reportable allegation within the financial year referenced. Where a child or young person has been the victim of multiple allegations over multiple years, they will be counted once for each financial year. As a result of this, financial year totals will not add up to the whole of Scheme totals as they are based on different counting methodologies.

⁶³ In some notifications the identity of the alleged victim may be unknown.

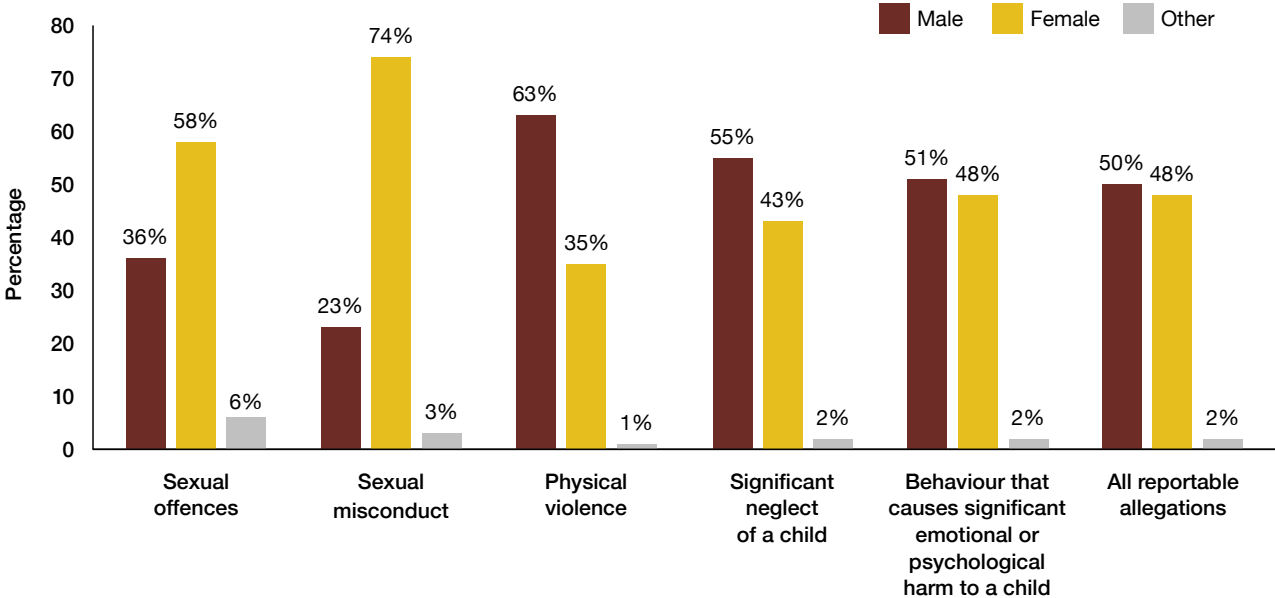
⁶⁴ There have been 10 unique alleged victims with a recorded gender of 'other' that account for less than one per cent of unique alleged victims.

⁶⁵ This paragraph is based on an analysis of reportable allegations and not unique alleged victims.

⁶⁶ This paragraph is based on an analysis of reportable allegations and not unique alleged victims.

⁶⁷ This paragraph is based on an analysis of reportable allegations and not unique alleged victims.

Figure 9. Reportable allegations by type of reportable conduct and gender of alleged victims 2020–21⁶⁸



Aboriginal and/or Torres Strait Islander, cultural background and disability characteristics of alleged victims

In 2020–21, organisations subject to the Scheme identified:⁶⁹

- 10 per cent of unique alleged victims identified as being Aboriginal and/or Torres Strait Islander. This was consistent with the 10 per cent of unique alleged victims who were identified as Aboriginal and/or Torres Strait Islander since the start of the Scheme. This represents a significant over-representation of Aboriginal and Torres Strait Islander children and young people who only make up two per cent of the Victorian population under 18 years of age.⁷⁰
- 15 per cent of unique alleged victims identified as being from a culturally and/or linguistically diverse (CALD) background. This was slightly more than the 13 per cent of unique victims who were identified as from a CALD background since the start of the Scheme.
- 13 per cent of unique alleged victims as having a disability. This was a slight increase on the 11 per cent of unique alleged victims who were identified as having a disability since the start of the Scheme.

⁶⁸ This figure is based on an analysis of reportable allegations and not unique alleged victims.

⁶⁹ The Commission was not provided with details of characteristics of the alleged victim in a high number of matters. In the next financial year, the Commission will further increase efforts to require organisations to turn their minds to these characteristics.

⁷⁰ Australian Bureau of Statistics, *Estimates and Projections, Aboriginal and Torres Strait Islander Australians*, 2019.

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continued

Age of alleged victim and alleged reportable conduct type

Across almost all age groups, physical violence was consistently the most likely type of reportable conduct an alleged victim would be exposed to.⁷¹

In 2020–21, almost two thirds of all allegations reported with respect to children aged zero to four years (59 per cent) were for physical violence. Just over half of all allegations for children aged five to nine years (53 per cent) and over a third of allegations relating to children aged 10 to 14 years (34 per cent) were for physical violence.⁷²

In contrast, the largest category of allegation conduct type for young people aged 15 to 17 years was sexual misconduct (31 per cent).⁷³ Sexual misconduct made up nine per cent of allegations for children aged zero to four years and also for those aged five to nine years, and 26 per cent of allegations for children aged 10 to 14 years.

The average age of unique alleged victims at the time of the first reportable allegation in 2020–21 was nine years of age, and the average age of unique alleged victims since the start of the Scheme is 10 years. The largest proportion of unique alleged victims in 2020–21 were in the 10 to 14 year age group (29 per cent), followed by those aged zero to four years (25 per cent) and those aged 15 to 17 years (20 per cent).

Table 18. Age of unique alleged victim⁷⁴ at date of first alleged reportable conduct 2017–21

Age ⁷⁵	2017–18		2018–19		2019–20		2020–21		Since the start of Scheme	
	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)
0–4 years	75	9	161	20	270	25	260	25	756	21
5–9 years	139	17	173	21	219	20	174	17	657	19
10–14 years	247	31	227	28	258	23	301	29	946	27
15–17 years	190	24	186	23	221	20	203	20	718	20
18 years ⁷⁶	3	<1	0	-	1	<1	1	<1	5	<1
Not identified	149	19	74	9	132	12	88	9	441	13
Total	803	100	821	100	1,101	100	1,027	100	3,523	100

⁷¹ This paragraph is based on an analysis of reportable allegations and not unique alleged victims.

⁷² This paragraph is based on an analysis of reportable allegations and not unique alleged victims.

⁷³ This paragraph is based on an analysis of reportable allegations and not unique alleged victims.

⁷⁴ Unique alleged victims refer to an individual child or young person who has been the victim of a reportable allegation at least once during the Scheme. Where the unique alleged victims are referred to in terms of the financial year, then this refers to the number of individuals who were the victim of a reportable allegation within the financial year referenced. Where a child or young person has been the victim of multiple allegations over multiple years, they will be counted once for each financial year. As a result of this, financial year totals will not add up to the whole of Scheme totals as they are based on different counting methodologies.

⁷⁵ Where a child or young person has been the victim of multiple reportable allegations, the age they were at the earliest reportable allegation is taken.

⁷⁶ These allegations were determined to be out of jurisdiction of the Scheme, or remain under review.

Subjects of allegation

A worker or volunteer who is alleged to have committed reportable conduct is known as the subject of allegation. A person can be the subject of allegation for more than one notification with multiple reportable allegations involving more than one alleged victim. The following analysis relates to the characteristics of the subjects of reportable allegations, not substantiated incidents of reportable conduct.

There were 928 unique subjects of allegations⁷⁷ in 2020–21. Almost all of these individuals were involved in one notification within the year (97 per cent), however, a small proportion were involved in up to three notifications (three per cent).

Gender of subject of allegation and type of reportable conduct

Of the 928 individuals who were the subject of the 1,877 reportable allegations made in 2020–21, just over half were male (52 per cent) and the remaining 48 per cent were female.

Physical violence was the largest category of reportable allegations for females (52 per cent).⁷⁸

For males, the combined categories of sexual misconduct and sexual offences accounted for 46 per cent of all reportable allegations.⁷⁹

In 2020–21, 84 per cent of all sexual offence and 83 per cent of all sexual misconduct reportable allegations were made against male subjects of allegation.⁸⁰ Female subjects of allegation are more likely to be the subject of a reportable allegation of significant neglect of a child or physical violence (both 64 per cent) compared to males (both 36 per cent).

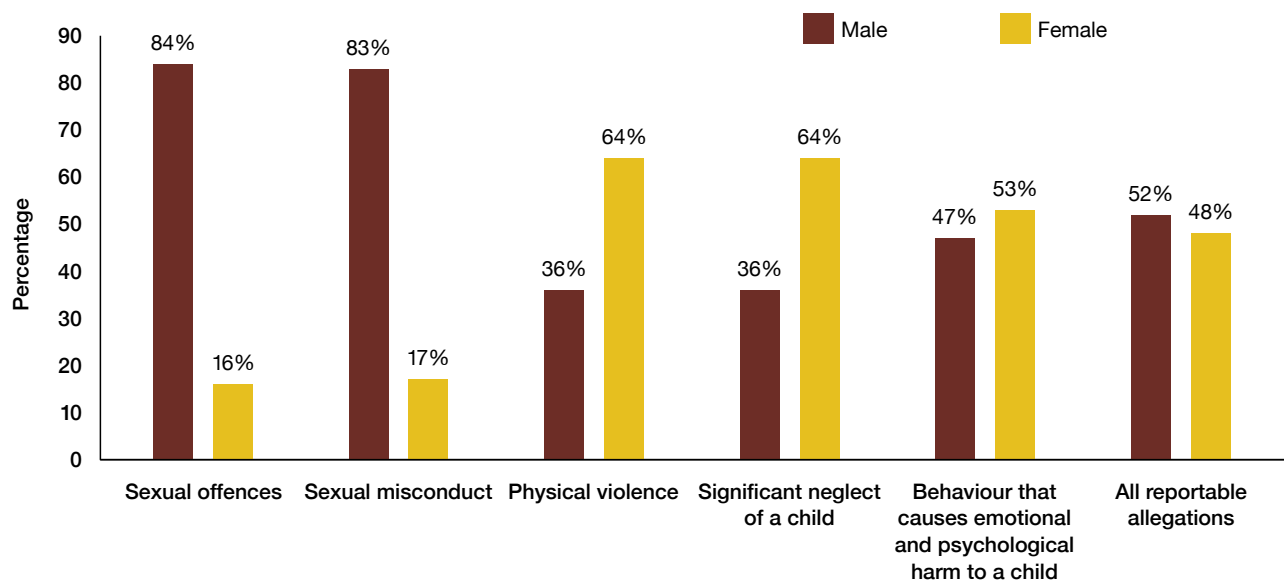
⁷⁷ Unique subjects of allegations refer to an individual who has been the subject of a reportable allegation at least once during the Scheme. Where the unique subjects of allegations are referred to in terms of the financial year, then this refers to the number of individuals who were the subject of a reportable allegation within the financial year referenced. Where an individual has been the subject of multiple allegations over multiple years, they will be counted once for each financial year. As a result of this, financial year totals will not add up to the whole of Scheme totals as they are based on different counting methodologies.

⁷⁸ This paragraph is based on an analysis of reportable allegations and not unique subjects of allegation.

⁷⁹ This paragraph is based on an analysis of reportable allegations and not unique subjects of allegation.

⁸⁰ This paragraph is based on an analysis of reportable allegations and not unique subjects of allegation.

Figure 10. Reportable allegations by type of conduct and gender of subject of allegation 2020–21⁸¹



Employment status of subject of allegation

The Commission records the employment status of subjects of allegation in one of five categories. These are based on their relationship to the organisation that is subject to the Scheme and has submitted the mandatory notification about their alleged conduct. In 2020–21, three quarters of unique subjects of allegation⁸² were identified as employees of an organisation (75 per cent) and 20 per cent were identified as foster or kinship carers. Only two per cent were other types of volunteers and three per cent were ministers of religion or religious leaders.

⁸¹ This figure is based on an analysis of reportable allegations and not unique subjects of allegation.

⁸² This figure is based on an analysis of unique subjects of allegation.

Table 19. Unique subjects of allegation⁸³ by employment type 2017–21⁸⁴

Employment type	2017–18		2018–19		2019–20		2020–21		Since the start of Scheme	
	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)
Employee	472	69	489	68	646	75	695	75	2,208	73
Foster or kinship carer	194	28	163	23	165	19	183	20	648	21
Minister of religion or religious leader	5	1	36	5	31	4	29	3	95	3
Volunteer	16	2	27	4	24	3	20	2	87	3
Other ⁸⁵	2	<1	0	-	1	<1	1	<1	4	<1
Total	689	100	715	100	867	100	928	100	3,042	100

⁸³ Unique subjects of allegations refer to an individual who has been the subject of a reportable allegation at least once during the Scheme. Where the unique subjects of allegations are referred to in terms of the financial year, then this refers to the number of individuals who were the subject of a reportable allegation within the financial year referenced. Where an individual has been the subject of multiple allegations over multiple years, they will be counted once for each financial year. As a result of this, financial year totals will not add up to the whole of Scheme totals as they are based on different counting methodologies.

⁸⁴ An individual can be the subject of allegation in more than one notification and may have different roles in different organisations. Where this has occurred, the employment type referenced in the individual's earliest reportable conduct has been taken.

⁸⁵ 'Other' includes contractors.

Findings from investigations into reportable allegations

The head of an organisation must investigate a reportable allegation and provide findings to the Commission.

Finalised mandatory notifications

Of the 3,537 mandatory notifications received by the Commission since the start of the Scheme, 2,664 (75 per cent) had been finalised and 208 (six per cent) were assessed as being outside the Scheme's jurisdiction at 30 June 2021.

There were 871 open mandatory notifications at 30 June 2021, a 25 per cent increase on the same time last year.

A total of 826 notifications of reportable allegations were finalised by the Commission in 2020–21.⁸⁶ The finalisation rate⁸⁷ for 2020–21 was 82 per cent. One of the notifications was finalised following an own motion investigation of the allegations by the Commission.

There were 169 mandatory notifications finalised in 2017–18, 645 finalised in 2018–19, 1,024 finalised in 2019–20 and 826 finalised in 2020–21.

Reportable conduct findings

The 2,437 notifications⁸⁸ finalised since the Scheme commenced involved the investigation of 5,447 reportable allegations.

Twenty-nine per cent of reportable allegations were substantiated in 2020–21, which is consistent with the substantiation rate of 29 per cent since the start of the Scheme.

Table 20. Findings per allegation by year of finalisation by the Commission 2017–21

Finding type	2017–18		2018–19		2019–20		2020–21		Since the start of Scheme	
	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)
Substantiated	77	31	385	32	573	28	554	29	1,589	29
Unsubstantiated – insufficient evidence	53	21	312	26	566	28	569	29	1,500	28
Unsubstantiated – lack of evidence of weight	34	14	250	20	471	23	396	20	1,151	21
Unfounded	13	5	86	7	195	10	213	11	507	9
Conduct outside the Scheme	71	29	187	15	234	11	208	11	700	13
Total	248	100	1,220	100	2,039	100	1,940	100	5,447	100

⁸⁶ Of these, 46 (six per cent) were assessed by the Commission as being outside the jurisdiction of the Scheme, and three were closed as the subject of allegation was deceased.

⁸⁷ This is the rate of finalisation of notifications compared with new notifications being received.

⁸⁸ Excludes mandatory notifications determined to be outside the scope of the Scheme or where the subject of allegation was deceased at the date of finalisation.

Significant neglect of a child had the highest substantiation rate of any conduct category in 2020–21, with more than a third of these allegations resulting in a substantiated finding (37 per cent). Just under a third of physical violence allegations were found to be substantiated in 2020–21 (32 per cent).

The substantiation rate for sexual misconduct allegations has increased in the last three years from 21 per cent in 2018–19 to 28 per cent in 2019–20 and 30 per cent in 2020–21. The proportion of all substantiated allegations that involve sexual misconduct has also been steadily increasing over the last three years, rising from 21 per cent in 2018–19 to 22 per cent in 2020–21.

Table 21. Findings per reportable conduct type 2017–21

Reportable conduct category and finding	2017–18		2018–19		2019–20		2020–21		Since the start of Scheme	
	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)
Behaviour that causes emotional or psychological harm to a child	74	100	192	100	324	100	380	100	970	100
Substantiated	16	22	42	22	61	19	60	16	179	18
Unsubstantiated – insufficient evidence	13	18	58	30	125	39	127	33	323	33
Unsubstantiated – lack of evidence of weight	10	14	46	24	77	24	101	27	234	24
Unfounded	1	1	5	3	35	11	50	13	91	9
Conduct outside scheme	34	46	41	21	26	8	42	11	143	15
Physical violence	79	100	626	100	1,077	100	771	100	2,553	100
Substantiated	27	34	223	36	318	30	243	32	811	32
Unsubstantiated – insufficient evidence	22	28	151	24	276	26	213	28	662	26
Unsubstantiated – lack of evidence of weight	10	13	136	22	276	26	162	21	584	23
Unfounded	3	4	43	7	88	8	79	10	213	8
Conduct outside scheme	17	22	73	12	119	11	74	10	283	11
Sexual misconduct	61	100	214	100	342	100	415	100	1,032	100
Substantiated	20	33	45	21	97	28	124	30	286	28
Unsubstantiated – insufficient evidence	12	20	58	27	97	28	113	27	280	27
Unsubstantiated – lack of evidence of weight	9	15	38	18	54	16	69	17	170	16
Unfounded	5	8	15	7	31	9	50	12	101	10
Conduct outside scheme	15	25	58	27	63	18	59	14	195	19

Reportable Conduct Scheme

continued

Table 21. Findings per reportable conduct type 2017–21 (continued)

Reportable conduct category and finding	2017–18		2018–19		2019–20		2020–21		Since the start of Scheme	
	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)
Significant neglect of a child	24	100	140	100	193	100	238	100	595	100
Substantiated	14	58	68	49	73	38	87	37	242	41
Unsubstantiated – insufficient evidence	4	17	31	22	50	26	63	26	148	25
Unsubstantiated – lack of evidence of weight	1	4	17	12	28	15	37	15	83	14
Unfounded	0	-	12	9	20	10	25	10	57	10
Conduct outside scheme	5	21	12	9	22	11	26	11	65	11
Sexual offences	10	100	48	100	103	100	136	100	297	100
Substantiated	0	-	7	15	24	23	40	29	71	24
Unsubstantiated – insufficient evidence	2	20	14	29	18	17	53	39	87	29
Unsubstantiated – lack of evidence of weight	4	40	13	27	36	35	27	20	80	27
Unfounded	4	40	11	23	21	20	9	7	45	15
Conduct outside scheme	0	-	3	6	4	4	7	5	14	5
Total	248	100	1,220	100	2,039	100	1,940	100	5,447	100

Substantiated reportable conduct

Eighty-five per cent of substantiated reportable conduct incidents in 2020–21 occurred in three sectors, being the education sector (38 per cent), the out-of-home-care sector (33 per cent) and the early childhood education sector (14 per cent).

Table 22. Substantiation rate⁸⁹ of reportable conduct incidents by sector by year of finalisation by the Commission 2017–21

Sector	2017–18		2018–19		2019–20		2020–21		Since the start of Scheme	
	No.	Sub. rate (%)	No.	Sub. rate (%)	No.	Sub. rate (%)	No.	Sub. rate (%)	No.	Sub. rate (%)
Out-of-home care	39	38	216	35	179	27	182	28	616	30
Education	28	23	134	33	246	36	209	31	617	33
Early childhood education	0	0	19	22	96	22	77	20	192	22
Religious body	3	38	3	43	21	31	23	37	50	34
Disability	4	33	6	19	13	18	3	12	26	18
Youth justice	0	0	0	0	10	14	30	56	40	27
Child protection	0	0	2	13	4	27	8	53	14	30
Victorian Government Departments	1	100	2	50	1	100	4	33	8	44
Accommodation	0	0	0	0	1	100	1	33	2	33
Health	0	0	0	0	0	0	7	18	7	11
Other	2	67	3	15	2	11	10	32	17	23
Total	77	31	385	32	573	28	554	29	1,589	29

The category of conduct that made up the largest proportion of substantiated findings in 2020–21 was physical violence (44 per cent). Physical violence has also made up the largest proportion of substantiated reportable conduct since the start of the Scheme (51 per cent).

The proportion of substantiated findings that involved sexual misconduct increased in the last year, rising from 17 per cent in 2019–20 to 22 per cent in 2020–21.

Victims of substantiated findings

Since the start of the Scheme, there have been 991 individual unique victims⁹⁰ involved in 1,589 allegations.⁹¹

Of the 991 unique victims, over half (56 per cent) were males and 44 per cent were female.

⁸⁹ Substantiation rate is the percentage of all findings in the sector that were substantiated by the organisations conducting investigations.

⁹⁰ Unique victims refer to an individual child or young person who has been the victim of a substantiated allegation of reportable conduct at least once during the Scheme. Where the unique victims are referred to in terms of the financial year, then this refers to the number of individuals who were the victim of reportable conduct within the financial year referenced. Where a child or young person has been the victim of multiple incidents of reportable conduct over multiple years, they will be counted once for each financial year. As a result of this, financial year totals will not add up to the whole of Scheme totals as they are based on different counting methodologies.

⁹¹ There were no substantiated reportable conduct incidents where the details of the victims were not known.

Table 23. Substantiated reportable conduct incidents by unique victim gender 2017–21⁹²

Gender	2017–18		2018–19		2019–20		2020–21		Since the start of Scheme	
	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)
Female	23	45	107	41	154	42	161	47	434	44
Male	28	55	154	59	210	58	184	53	555	56
Other or not identified	0	-	0	-	1	<1	1	<1	2	<1
Total	51	100	261	100	365	100	346	100	991	100

The majority had one substantiated reportable conduct incident (70 per cent) in 2020–21. Just under a fifth had two substantiated incidents (19 per cent) and eight per cent had between three and four substantiated incidents. The remaining three per cent had over five substantiated incidents.

Of the substantiated incidents in 2020–21, the largest proportion of victims were aged 10 to 14 years at the time of the reportable conduct (27 per cent), followed closely by those aged 15 to 17 years (26 per cent).

Table 24. Number of victims of substantiated reportable conduct incidents by age⁹³ group 2017–21

Age group of victims	2017–18		2018–19		2019–20		2020–21		Since the start of Scheme	
	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)
0–4 years	7	14	34	13	75	21	68	20	182	18
5–9 years	6	12	65	25	67	18	56	16	186	19
10–14 years	20	39	79	30	95	26	95	27	279	28
15–17 years	13	25	44	17	86	24	89	26	220	22
Not identified	5	10	39	15	42	12	38	11	124	13
Total	51	100	261	100	365	100	346	100	991	100

⁹² By year of finalisation by the Commission.

⁹³ Where a child or young person has been the victim of reportable conduct incidents, the age they were at the earliest reportable conduct incident is taken.

Persons found to have engaged in substantiated reportable conduct

Since the start of the Scheme, there have been 739 individuals found to have engaged in reportable conduct.⁹⁴

Of the 739 persons found to have engaged in substantiated reportable conduct, over half (52 per cent) were female and 47 per cent were male. In 2020–21, however, the majority of the 255 persons found to have engaged in substantiated reportable conduct were male (52 per cent) and 48 per cent were female.

Over two thirds of all individuals who were found to have engaged in substantiated reportable conduct since the start of the Scheme were classified as employees of an organisation (68 per cent). A further 28 per cent were foster or kinship carers and the remaining four per cent were spread across ministers of religion or religious leaders, volunteers and other employment types. Given 21 per cent of allegations were made about foster or kinship carers, this means there is a slightly higher substantiation rate for this group.

Table 25. Gender of person found to have engaged in substantiated reportable conduct 2017–21⁹⁵

Gender	2017–18		2018–19		2019–20		2020–21		Since the start of Scheme	
	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)
Female	19	56	102	54	152	54	122	48	388	52
Male	15	44	88	46	125	46	133	52	351	47
Total	34	100	190	100	277	100	255	100	739	100

The majority of persons found to have engaged in substantiated reportable conduct had one substantiated allegation (49 per cent) in 2020–21. Twenty-seven per cent had two substantiated allegations, 24 per cent had between three and nine substantiated allegations, and the remaining one per cent had more than 10 substantiated allegations.

Of the substantiated incidents since the start of the Scheme, almost half of individuals involved were aged between 40 and 59 years of age at the time of the reportable conduct (47 per cent) and just over a third were aged between 20 and 39 years.

⁹⁴ Persons found to have engaged in substantiated reportable conduct refer to an individual who has been the subject of at least one substantiated reportable allegation during the Scheme. Where the unique persons are referred to in terms of the financial year, then this refers to the number of individuals who had at least one substantiated allegation within the financial year referenced. Where an individual has been found to have multiple substantiated allegations over multiple years, they will be counted once for each financial year. As a result of this, financial year totals will not add up to the whole of Scheme totals as they are based on different counting methodologies.

⁹⁵ By year of finalisation by the Commission.

Table 26. Persons found to have engaged in substantiated reportable conduct by age group 2017–21⁹⁶

Age group	2017–18		2018–19		2019–20		2020–21		Since the start of Scheme	
	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)
Under 20 years	0	-	1	<1	4	1	5	2	10	1
20–29 years	6	18	16	8	43	16	51	20	114	15
30–39 years	4	12	28	15	51	18	60	24	139	19
40–49 years	14	41	39	21	66	24	49	19	167	23
50–59 years	4	12	56	29	65	23	53	21	174	24
60–69 years	5	15	41	22	44	16	30	12	116	16
70–79 years	1	3	5	3	3	1	7	3	14	2
80 years and over	0	-	0	-	1	<1	0	-	1	<1
Unknown age	0	-	4	2	0	-	0	-	4	<1
Total	34	100	190	100	277	100	255	100	739	100

Historical allegations

A historical allegation is an allegation of reportable conduct where the alleged conduct occurred prior to the organisation that engaged the subject of allegation coming into the Scheme.⁹⁷

The Scheme requires certain allegations of past or historical reportable conduct to be reported to the Commission and investigated by organisations. Some historical matters can proceed through an investigation without undue challenge, while others can be significantly impacted by the passage of time.

Since the commencement of the Scheme, 10 per cent of all mandatory notifications (354) have involved alleged conduct which is historical, involving 827 allegations. Forty-one per cent of these historical notifications relate to alleged conduct that occurred in the three years prior to

the commencement of the Scheme. However, 13 per cent of these historical notifications refer to alleged conduct that occurred prior to 1980.

Allegations associated with subjects of allegation engaged by religious bodies make up 32 per cent of all historical notifications and 27 per cent of allegations. This is significantly higher than the overall proportion of reportable allegations where those in religious bodies make up only five per cent.

Over half of reportable allegations involving conduct before 1980 involved sexual offences (57 per cent). For the period of 1980 to 2014, over one third of the historical allegations were for sexual offences (36 per cent).

However, for the three years prior to the Scheme commencing (2015 to 2017), just under a third of all allegations related to sexual misconduct (32 per cent), while sexual offences accounted for 14 per cent.

⁹⁶ By year of finalisation by the Commission.

⁹⁷ For example, religious bodies were brought into the Scheme on 1 January 2018. A historical allegation in relation to a religious body concerns conduct alleged to have occurred before 1 January 2018. These allegations will be covered by the Scheme where the allegation was raised after that date, and the subject of allegation was employed or engaged by an organisation covered by the Scheme after that date. For the purposes of this analysis, allegations have been classified as historical if they relate to conduct prior to the start of the Scheme (1 July 2017). This means there will be an underestimation of historical allegations.

Historical substantiated allegations

To date, the Commission has received 354 notifications relating to 827 allegations of historical reportable conduct. Of these, 137 allegations have been found to be substantiated, relating to 55 notifications. This has resulted in a substantiation rate of 27 per cent for historical allegations, which is slightly lower than the substantiation rate for the entire Scheme (29 per cent).

Of these 137 substantiated historical allegations, over a third were in each of the education and out-of-home care sectors (38 per cent and 36 per cent respectively). Twenty per cent were in religious bodies.

Within the education sector, over half of the substantiated historical allegations related to sexual misconduct (54 per cent), while almost two thirds in the out-of-home care sector related to physical violence (61 per cent).

Sharing information

The Scheme enables the sharing of information about allegations, findings and other information to assist organisations to take action to support children's safety. The information sharing provisions in the *Child Wellbeing and Safety Act 2005* are supplemented by the Family Violence Information Sharing Scheme and the Child Information Sharing Scheme in Victoria.

Notifications to Victoria Police

Organisations and the Commission are required to notify Victoria Police of reportable allegations that may involve conduct that is criminal in nature.⁹⁸

Of the 1,006 notifications of reportable allegations made to the Commission in 2020–21, 58 per cent were reported to

Victoria Police by either the organisation or the Commission due to possible criminal conduct.⁹⁹

For the period 1 July 2017 to 30 June 2021, Victoria Police conducted an investigation in 53 per cent of notifications reported to them – 50 per cent have been completed and the remaining three per cent are in progress.

For the period 1 July 2017 to 30 June 2021, the Commission referred 60¹⁰⁰ matters that involved conduct that may be criminal in nature that were not within the jurisdiction of the Scheme.

Where a notification has been investigated and charges laid, outcomes since the start of the Scheme have included:

- terms of imprisonment, including suspended sentences
- good behaviour bonds
- intervention orders, including family violence intervention orders granted
- community correction orders
- diversion
- adjournment without conviction.

⁹⁸ This section is based on the Commission's analysis of data provided by Victoria Police and its own data. There is a variance of less than one per cent between the figures published in the 2019–20 annual report and this report as the data comes from live databases that are subject to change as new information is received.

⁹⁹ Of all the mandatory notifications received by the Commission since the commencement of the Scheme, 55 per cent were reported to Victoria Police due to possible criminal conduct.

¹⁰⁰ There were an additional 28 notifications that were referred to Victoria Police as the conduct may be criminal in nature. At the end of the financial year, these 28 notifications were under review by the Commission to determine whether they are within the scope of the Scheme, and, if so, whether a mandatory notification is required to be submitted by an organisation.

Table 27. Status of notifications of reportable allegations reported to Victoria Police 2017–21

Victoria Police status of notifications	No.	Prop. (%)
Awaiting update from police ¹⁰¹	13	<1
Investigation complete (no further police action) ¹⁰²	836	43
Investigation complete (criminal charges laid/pending charges)	130	7
No further police action ¹⁰³	898	46
Under investigation	55	3
Total	1,932	100

Referrals to Working with Children Check Victoria

One of the important ways the Commission contributes to children’s safety is by referring substantiated allegations of reportable conduct to the Secretary, DJCS. This enables DJCS to assess whether the person should retain a Working with Children Check under the *Worker Screening Act 2020*.

In 2020–21, 251 unique individuals found to have committed substantiated reportable conduct were referred to DJCS in relation to 565 substantiated allegations of reportable conduct.

Since the start of the Scheme, a total of 722 unique individuals found to have committed reportable conduct have been referred to DJCS in relation to 1,593¹⁰⁴ substantiated allegations of reportable conduct.¹⁰⁵

Current legislative restrictions on information sharing prevent DJCS from notifying the Commission of the outcome of Working with Children Check assessments following a substantiated finding of reportable conduct. In the Commission’s review of the administration of the *Working with Children Act 2005*, the Commission recommended the Victorian Government amend the Act to enable DJCS to share information with the Commission on the outcomes of these assessments.

¹⁰¹ This reflects where the Commission has disclosed a notification that may be criminal in nature to Victoria Police and has not yet received an update on the outcome of that disclosure.

¹⁰² The term ‘investigation’ is applied broadly. This includes where Victoria Police commence an investigation and subsequently conclude no further action is required. It also includes matters where the subject of allegation was exonerated, or no criminal offence was detected; the alleged victim withdrew their complaint; family violence was identified with no criminal offence; the subject of allegation was deceased, or the subject of allegation was interviewed but there was insufficient evidence to prosecute.

¹⁰³ This includes where Victoria Police consider a notification and determine no investigation and/or further police action is required.

¹⁰⁴ There was a reduction of the total number of substantiated allegations of reportable conduct reported in 2019–20, following the withdrawal of nine substantiated allegations where revised findings were made by the organisation and submitted to the Commission. An additional substantiated allegation has been excluded due to a data entry error in the 2019–20 annual report.

¹⁰⁵ There is a variance of less than one per cent between the figures published in the 2019–20 annual report and this report that were not able to be resolved at the time of publishing this report.

Referrals to Victorian Institute of Teaching (VIT)

On becoming aware that a registered teacher is the subject of a reportable allegation, the Commission must notify VIT pursuant to the *Education and Training Reform Act 2006*. The Commission must also refer any findings of substantiated reportable conduct to VIT at the completion of an investigation. In practice, the Commission referred all findings from completed reportable conduct investigations to VIT in 2020–21. In 2020–21, the Commission advised VIT of 245¹⁰⁶ notifications of reportable allegations in relation to registered teachers.

Since the start of the Scheme, the Commission has advised VIT of 768¹⁰⁷ notifications relating to 776 unique registered teachers.

In 2020–21, the Commission shared information with VIT about the findings in 164 finalised notifications, with information about 528¹⁰⁸ finalised notifications being shared with VIT since the start of the Scheme.

Public notifications

The Commission can be notified of allegations by any person. Persons making a public notification can remain anonymous and have protection under the *Child Wellbeing and Safety Act 2005* if disclosures are made in good faith.

In 2020–21, public notifications came from a range of sources including workers in organisations subject to the Scheme, parents and carers, Victoria Police, other regulators and members of the general public.

The Commission received 173 disclosures of potential reportable allegations from persons other than the head of an organisation for the period 1 July 2020 to June 2021. These related to 123 unique organisations.¹⁰⁹ Mandatory notifications were subsequently submitted by organisations in relation to 36 per cent of public notifications¹¹⁰.

In the life of the Scheme there has been a steady increase in the number of public notifications each year, with 531 received since the start of the Scheme. The number of public notifications in 2020–21 is more than double the number received in the first year of the Scheme.

Public notifications can be highly variable between quarters due to their comparatively smaller numbers. However, from April 2018 to June 2021, the Commission received an average of 38 public notifications a quarter.

¹⁰⁶ This refers to notifications of reportable allegations, not individual teachers. Individual teachers could have more than one notification of reportable allegations made against them.

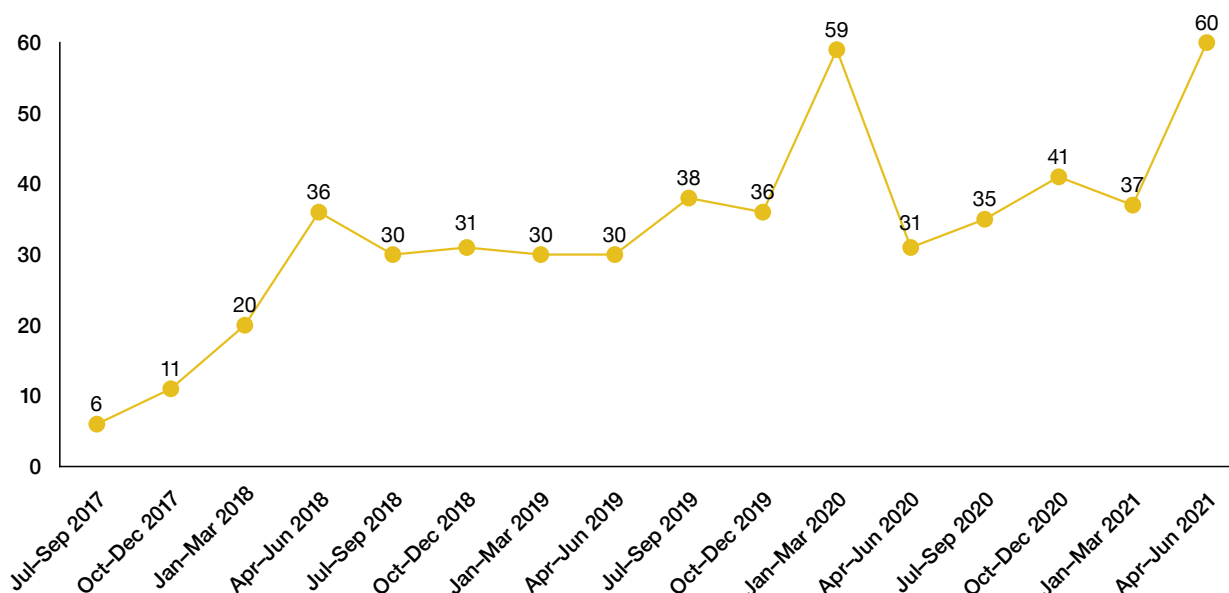
¹⁰⁷ There is a variance of less than one per cent between the figures published in the 2019–20 annual report and this report that were not able to be resolved at the time of publishing this report.

¹⁰⁸ There is a variance of less than one per cent between the figures published in the 2019–20 annual report and this report that were not able to be resolved at the time of publishing this report.

¹⁰⁹ Public notifications are recorded based on the subject of allegation and the organisation they are employed or engaged by.

¹¹⁰ In some cases, multiple public notifications may be made about the same conduct and will result in one mandatory notification being made.

Figure 11. Public notifications by quarter received 2017–21



The majority of public notifications received in 2020–21 relate to the education sector (42 per cent) and out-of-home care (23 per cent), which is consistent with the Scheme to date (46 per cent and 18 per cent respectively).

Table 28. Public notifications received by sector 2017–21

Sector	2017–18		2018–19		2019–20		2020–21		Since the start of Scheme	
	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)
Education	40	55	53	44	77	47	73	42	243	46
Out-of-home care	7	10	24	20	27	16	40	23	98	18
Other	10	14	12	10	19	12	12	7	53	10
Religious body	4	5	13	11	18	11	7	4	42	8
Early childhood education	1	1	7	6	12	7	15	9	35	7
Disability	4	5	6	5	6	4	12	7	28	5
Victorian Government Departments	4	5	2	2	0	-	7	4	13	2
Child protection	0	-	2	2	3	2	2	1	7	1
Health	2	3	1	<1	2	1	1	<1	6	1
Accommodation	1	1	0	-	0	-	4	2	5	<1
Youth justice	0	-	1	<1	0	-	0	-	1	<1
Total	73	100	121	100	164	100	173	100	531	100

Public enquiries

A critical component of the Commission's approach to supporting organisations to comply with the Reportable Conduct Scheme, and to also drive thorough and robust reportable conduct investigations, is providing advice and guidance in response to contact made by individuals and organisations. The Commission responded to 546 enquiries about the Reportable Conduct Scheme in 2020–21.¹¹¹ This was 21 per cent less than the 695 public enquiries responded to in 2019–20 and reflects some of the impacts of the pandemic and lockdown periods.

Own motion investigations and other compliance actions

In limited circumstances, the Commission may, on its own motion, investigate an allegation of reportable conduct by a worker or volunteer who is or was engaged by an organisation subject to the Scheme. The Commission may also conduct an investigation concerning any inappropriate handling of, or response to, a reportable allegation.

In 2020–21, the Commission completed two own motion investigations, progressed one current own motion investigation started the previous year, and commenced three new own motion investigations.

Sectors involved in the own motion investigations are education, out-of-home care and religious bodies.

Table 29. Reportable Conduct Scheme compliance actions 2020–21

Action type	Number
Section 16K – recommendation for action regarding reportable conduct systems	0
Section 16O – own motion investigation concerning a reportable allegation	6 ¹¹²
Section 16ZG – notice to produce	0

Table 30. Reportable Conduct Scheme enforcement action 2020–21

Action type	Number
Section 16ZF – prosecution for providing false or misleading information	0
Section 16ZH – application for civil penalty – failure to comply with a notice to produce	0

Table 31. Reportable Conduct Scheme decisions reviewed 2020–21

Action type	Number
Section 16ZI – internal review	0
Section 16ZJ – review by VCAT	0

¹¹¹ Data capture issues this year mean some enquiries were not recorded in a form enabling analysis in 2020–21.

¹¹² This counts own motion investigations that were active during 2020–21.

Child Safe Standards



Overview

- In 2020–21, the Commission initiated compliance action in relation to 43 organisations over potential non-compliance with the Child Safe Standards (the Standards) and completed compliance activity with 55 organisations.
- The Commission issued the first notice to comply for non-compliance with the requirements of the Standards.
- This year our co-regulators, the Victorian Registration and Qualifications Authority (VRQA) and government departments, engaged in a growing range of activities to promote and enforce the Standards among the organisations they regulate or fund.

Action by the Commission about non-compliance

The Child Safe Standards are a set of mandatory requirements that must be implemented by certain organisations that provide services or facilities for children, or that engage children. They promote children’s safety by requiring organisations to implement policies and practices to prevent, respond to and report allegations of child abuse.

The Commission is alerted to potential non-compliance with the Standards in a range of ways. This includes contact by members of the public and information gathered under the Reportable Conduct Scheme, as well as issues raised in media reports or other government investigations.

Applying the Commission’s regulatory approach, we assess concerns about non-compliance, taking into account the seriousness of the concern, the risk profile of the organisation and the strategic significance of engaging the organisation in compliance action.

In 2020–21, the Commission started compliance action in relation to 43 organisations. Five of these were referred to relevant authorities for action, with the remaining 38 matters (88 per cent) initiated directly by the Commission.

The Commission continues to pursue compliance action with a number of larger, complex organisations, many of which have diffuse networks. These include religious organisations, sporting and recreation bodies, statutory bodies and government departments.

Table 32. Organisations where the Commission started action about concerns of non-compliance with the Standards by sector 2020–21

Sector ¹¹³	Number of organisations ¹¹⁴
Sporting and recreation ¹¹⁵	25
Education and training ¹¹⁶	3 ¹¹⁷
Disability	3
Out-of-home care	2
Early childhood education	2
Charity	2
Entertainment	2
Government	1
Religious organisations	1
Babysitting services	1
Tourism and events	1
Total	43

Compliance action was concluded by the Commission in respect of 55 organisations in 2020–21.¹¹⁹ As at 30 June 2021, there were 70 open matters where the Commission had commenced action in relation to an organisation due to concerns about an organisation’s non-compliance with the Standards.¹²⁰ In 17 of these open matters, a relevant authority was taking the lead in the compliance action.

Since the Commission started administering the Standards on 1 January 2017, it has commenced action about concerns of non-compliance with the Standards in respect of 217 organisations.¹¹⁸

¹¹³ Organisations have been grouped into sectors to assist with de-identification given low numbers for some organisation types.

¹¹⁴ This captures action commenced in 2020–21 in respect of organisations not already the subject of Commission action commenced in previous years.

¹¹⁵ Includes sporting clubs, sporting peak bodies and other recreational clubs and associations.

¹¹⁶ Includes Victorian Government, independent and Catholic primary and secondary schools, and training organisations such as Group Training Organisations and Registered Training Organisations.

¹¹⁷ Increasingly, the Commission refers only higher-risk matters to co-regulators seeking a compliance assessment, and instead shares information on lower-risk matters enabling co-regulators to determine appropriate action. This has reduced the number of organisations the Commission has started action about in the education and training sector in 2020–21.

¹¹⁸ In some cases, data expressed in this report is different from data reported in previous Commission annual reports. New information can come to light as a matter progresses that alters previous classifications.

¹¹⁹ Compliance action may have commenced in previous financial years. Compliance action is concluded when no further Commission action is required. The Commission may continue monitoring an organisation after action has been taken to assess whether cultural change or improved practices have been properly embedded. These cases will be counted as concluded, and should additional action be required, a new compliance action will be commenced.

¹²⁰ Compliance action may have been commenced in previous financial years.

Table 33. Organisations by sector where the Commission has open action as at 30 June 2021 regarding concerns of non-compliance with the Standards

Sector ¹²¹	Number of organisations
Sporting and recreation ¹²²	27
Education and training ¹²³	11
Government	6
Religious organisations	6
Disability	5
Early childhood education	5
Out-of-home care	3
Tourism and events	2
Charity	1
Entertainment	1
Other	3
Total	70

This year, the Commission tackled concerns about non-compliance with the Standards in a range of ways. Action taken included:

- providing guidance on specific issues such as screening, managing risks of child abuse and strategies to support participation and empowerment of children and young people
- engaging in joint compliance action with co-regulators
- meeting with senior leaders and key personnel in organisations to prompt action to address gaps in implementing the Standards
- sharing information and consulting with co-regulators to identify the most appropriate methods for supporting compliance with the Standards in particular organisations

- escalating compliance action through issuing a notice to comply
- issuing reminders to comply for organisations in lower-risk situations
- focused compliance assessments that examine implementation of key Standards that would address identified child safety issues that have come to the attention of the Commission
- presentations on compliance with the Standards through peak bodies.

Some planned onsite inspections as part of compliance action could not proceed in 2020–21 due to the organisation’s premises being closed under COVID–19 restrictions. Inspections will be re-scheduled when permitted.

This year, the Commission issued its first notice to comply to an organisation where escalated compliance action was appropriate. The notice was issued to a religious organisation. The Commission may give an organisation a notice to comply if the Commission believes on reasonable grounds that the organisation is not complying with the Standards.

Notices require an organisation to take specified actions to address non-compliance with the Standards. If an organisation fails to comply with a notice to comply, the Commission can apply to court for an order requiring the organisation to pay a pecuniary penalty and a declaration that the organisation has failed to comply with a notice to comply.

¹²¹ Organisations have been grouped into sectors, or included in the ‘other’ category, to assist with de-identification given low numbers for some organisation types.

¹²² Includes sporting clubs, sporting peak bodies and other recreational clubs and associations.

¹²³ Includes Victorian Government, independent and Catholic primary and secondary schools, and training organisations such as Group Training Organisations and Registered Training Organisations.

Table 34. Commission's enforcement activities concerning the Standards 2020–21

Enforcement action	Number
Section 30 – notice to produce issued by the Commission	0
Section 33 – court declaration that a relevant entity has failed to comply with a notice to produce	0
Section 33 – civil penalty for failure to comply with notice to produce	0
Section 31 – notices to comply issued by the Commission	1
Section 33 – court declaration that a relevant entity has failed to comply with a notice to comply	0
Section 33 – civil penalty for failure to comply with notice to comply	0

Common areas of non-compliance

Common themes identified by the Commission in 2020–21 when addressing concerns about potential non-compliance include:

- organisations failing to meet obligations to report allegations of child abuse to appropriate authorities due to flawed organisational policies and processes. In some cases, organisations had policies and processes that did not cover all reporting obligations, leaving staff ill-equipped to properly respond to incidents when they arose
- over-reliance on Working with Children Checks as a way to ensure existing staff or volunteers remain appropriate to engage with children and young people, even where other concerning behaviour is identified
- organisations failing to appropriately manage the risks of child abuse posed by staff or volunteers under investigation
- a lack of appropriate guidance and training for staff and volunteers on working with children with a disability, leading to inappropriate use of restraint and seclusion

- an absence of strategies to create culturally safe environments and a failure to take effective action to address racism.

The Commission has also observed organisations where leaders and senior managers have not prioritised child safety, leaving implementation of the Standards to a small number of junior officers and making it impossible to achieve a child-safe culture or fully implement the Standards.

The Commission continues to be concerned that some organisations are not taking sufficient action to identify and manage risks of child abuse in accordance with Standard 6. This became an area of focus for a number of compliance actions in 2020–21, with the Commission requesting detailed risk assessments after providing workshops and presentations to support organisations to comply and better understand child abuse risk management. Organisations have been challenged by issues such as the risks of child abuse posed by online service delivery and how to manage risk to children while individual staff or volunteers are under investigation for inappropriate conduct.

Case study

Developing capacity in managing the risks of child abuse

The Commission commenced compliance action against an organisation providing services to vulnerable children with many locations over a large geographic area. The organisation had focused significant effort on developing and communicating its new child-safe policy and reporting procedures. However, they were struggling to generate a consistent culture of child safety among their staff across all their locations, and complaints from children were high. The Commission also identified that the organisation had not implemented strategies for identifying and managing the risks of child abuse in their service. The corporate risk register focused only on legal and financial risks.

Supported by advice from the Commission, a workshop on identifying and managing child abuse risk was conducted with the organisation's chief executive officer and senior management team. During the workshop, the chief operating officer expressed frustration about a lack of staff engagement in risk management. Some managers expressed concern that their staff weren't being trusted and that all staff were being held under suspicion. Other managers expressed alarm that staff didn't have clear guidance from the organisation on what was expected

when children and young people approached them for help with taking medication, dressing, going to the toilet and showering. It was identified that staff were nervous about doing the wrong thing and sometimes didn't feel confident they knew what to do. At the workshop, Commission staff explained the different drivers of child abuse risk identified in research prepared for the Royal Commission into Institutional Responses to Child Sexual Abuse.

Later, the organisation's chief executive officer shared with the Commission a new risk identification and management plan. It identified key risks in each location of the organisation and listed the actions being taken to manage the risks. The corporate risk register had been updated to include the risk of child abuse. They also shared that, as a result of the workshop, the organisation recognised staff hadn't been given enough guidance and training on how to approach high-risk activities with children, like helping them get dressed. New policies and training developed in response had improved staff morale and staff retention rates had improved. The organisation had also seen a reduction in complaints from children.

Relevant authorities and co-regulation

The Commission shares responsibility for supporting compliance with the Standards with Victorian Government departments and VRQA. These co-regulators, or 'relevant authorities', have a role in promoting compliance with the Standards for organisations they fund or regulate.

Both the Commission and a relevant authority have power to respond to concerns of non-compliance by an organisation with the Standards. Where a relevant authority is identified, the Commission must consult with that relevant authority about action to address non-compliance. Sometimes the Commission will refer potential non-compliance to the relevant authority for action. In 2020–21, the Commission consulted with

relevant authorities on concerns of non-compliance for 10 organisations. Five of these matters were referred to relevant authorities for action.

There may be multiple relevant authorities and the Commission has an obligation to consult with each relevant authority. In many instances the Commission may take the lead as the regulator for the Standards, even when a relevant authority has been identified. This occurred for five cases in the 2020–21 financial year.

Table 35. Relevant authorities where the Commission referred a concern of non-compliance with the Standards or consulted on compliance action as at 30 June 2021¹²⁴

Relevant authority	Number of referrals made by the Commission ¹²⁵
Victorian Registration and Qualifications Authority	2 ¹²⁶
Department of Education and Training	1
Department of Families, Fairness and Housing	2
Total	5

Action by relevant authorities about non-compliance concerns

Relevant authorities also take their own action to address concerns about non-compliance without a referral from the Commission.

This year, relevant authorities advised the Commission of a range of activities they have undertaken to proactively educate about, raise awareness of and promote compliance with the Standards in 2020–21.

Like many other organisations, relevant authorities have been impacted by COVID–19 restrictions. Even so, this year there have been increased levels of compliance

action by two relevant authorities and significant activity promoting and requiring compliance with the Standards in a broad range of sectors including education and childcare, community organisations accessing grants, custodial services, emergency services and transport.

Table 36. Actions by relevant authorities (excluding VRQA) to assess and address concerns of potential non-compliance with the Standards as at 30 June 2021¹²⁷

Relevant authority	Number of organisations
Department of Families, Fairness and Housing/Department of Health ¹²⁸	31 ¹²⁹
Department of Education and Training	43 ¹³⁰
Total	74

DFFH, in addition to acting on non-compliance concerns under the Standards, is responsible for administering Part 3.4 of the *Children, Youth and Families Act 2005* and ensuring that in-scope organisations comply with the Human Services Standards. Both portfolios have a safety screening component, which relates to compliance with Child Safe Standard 4. This Standard requires organisations to have suitable screening, supervision and training, and other human resource practices that reduce the risks of child abuse posed by new and existing personnel.

¹²⁴ Differing counting rules between organisations may result in small variances.

¹²⁵ An organisation may have more than one relevant authority. If this is the case, a referral will be counted against each relevant authority.

¹²⁶ Increasingly, the Commission refers only higher-risk matters to co-regulators seeking a compliance assessment, and instead shares information on lower-risk matters enabling co-regulators to determine appropriate action. This has reduced the number of matters the Commission has formally referred to VRQA in 2020–21.

¹²⁷ This table incorporates all actions taken by the departments, including those referred by the Commission and those commenced by the departments on the basis of other information.

¹²⁸ During 2020–21, DHHS was split and became DFFH and DH. Activities have been counted together in 2020–21 and will be split in future years.

¹²⁹ This includes compliance assessments or activities specifically under the Standards, as well as activities under the *Children, Youth and Families Act 2005* and Human Services Standards that overlap with the scope of the Standards. Sectors include housing and homelessness, out-of-home care and disability.

¹³⁰ This excludes organisations where VRQA is the relevant authority such as primary and secondary schools. It includes early childhood education, community language schools and other organisations that DET funds or regulates.

In relation to early childhood education and care (ECEC) services, the Department of Education and Training (DET), through the work of the Quality Assessment and Regulation Division (QARD), identified 31¹³¹ ECEC services that required some action in relation to the Standards. This included issuing six formal sanctions. Issues were identified by QARD through evaluations of applications for new provider approvals, assessment and ratings, and compliance visits. A range of actions were taken in relation to these issues, with the most common requiring a review of policies and procedures, and the provision of professional development. The Standards are also discussed and assessed as part of every new application for ECEC provider approval, and at each assessment and rating visit. QARD assesses and identifies the ECEC providers' progress in meeting the Standards and further actions required for compliance. The Standards are also discussed at the majority of compliance visits. In 2020–21, QARD completed 481 assessment and rating visits and 2,588 compliance visits.

DET, through an external audit firm, conducted annual compliance audits of a selection of community language schools, which included an assessment of compliance with the Standards. In the 2020–21 period, 12 community language schools were audited, and rectifications completed to DET's satisfaction.

Table 37. Victorian Registration and Qualifications Authority action to assess and address concerns about potential non-compliance with the Standards as at 30 June 2021

Activity type	Number of activities ¹³²
School reviews	300
Registration activity including assessment of compliance against the Standards	31
Complaints investigations	21
Sanctions relating to the Child Safe Standards	2

¹³¹ In addition to one referral from the Commission.

¹³² This includes referrals made by the Commission.

VRQA undertakes a large number of relevant compliance activities annually, consistent with its role as the key regulator of schools and other educational institutions. These activities range from general reviews and registrations that assess compliance with minimum standards, to specific reviews that focus on compliance with Ministerial Order 870, which sets out Child Safe Standards requirements in schools. VRQA also conducts investigation of complaints related to child safety concerns. VRQA noted the significant impact of the COVID–19 pandemic on the number of reviews conducted, with numbers being less than half those conducted in the previous year. Further information about VRQA's activities, including its considerable activity to support the Standards in schools, can be found in its annual report.

During 2020–21 VRQA became the Child Safe Standards regulator for school boarding premises under the regulatory scheme, which commenced on 18 June 2021.

Action by relevant authorities to educate and promote compliance

Relevant authorities advised the Commission of a range of activities they have undertaken to proactively educate about, raise awareness of and promote compliance with the Standards in 2020–21.

Victorian Registration and Qualifications Authority

VRQA has continued to promote the Standards, particularly regarding the impacts of the COVID–19 pandemic, with a heightened focus on student wellbeing and online safety. This has included briefings to Independent Schools Victoria, Independent School registration briefings, new Principal induction forums, school review briefings and other stakeholder forums.

Department of Education and Training

In 2020–21, DET continued to refine its PROTECT website resource and its Policy and Advisory Library to ensure schools have the information they need to support child safety and be child-safe organisations, including:

- updating Ministerial order 870 to include school boarding premises in its application
- updating information on child protection, privacy and information sharing, reporting and legal obligations on the PROTECT website
- updating information on family violence and information sharing schemes
- supporting schools to comply with the Standards in relation to international student programs
- updating the Sexuality and Consent Education Policy, strengthening teaching resources and professional development on consent education, and developing factsheets on sexual consent and school obligations.

In addition, DET updated and provided to schools, training materials including e-learning modules on mandatory reporting, other obligations and school governance.

The International Education Division at DET commissioned a risk-based audit of child-safe arrangements in a selection of accredited Victorian government schools and worked with these schools to improve understanding and address areas for improvement. The Division also undertook desktop reviews of homestay oversight arrangements identifying key risks for international students.

ECEC services are supported by QARD to implement the Standards through QARD's regular communications to the sector, including a sector newsletter, and advice and resources on the DET website.

All accredited community language schools are required to comply with the Standards as a condition of their accreditation and funding. DET funds Community Language Victoria, the peak body for community language schools in Victoria, to support compliance in this sector.

Community Languages Victoria provides regular child-safe training to all community language schools.

DET funds 10 Tech Schools across Victoria to deliver science, technology, engineering and mathematics programs to secondary students. Guidelines and funding agreements for these organisations include requirements to comply with the Standards.

In addition, during the year DET provided advice to contracted bus companies to support the development of appropriate child safety provisions when transporting students to and from school.

During the year DET worked to improve its own compliance with the Standards as a corporate entity (non-school related). This involved developing a new suite of child safety policies and procedures to support areas of DET providing services directly to children and young people, such as School Sports Victoria and the International Education Division, in complying with the Standards.

During 2020–21, DET responded to queries about child safety from ECEC providers, schools, higher education and training providers, and families, including through the DET dedicated COVID–19 advice hotline. It also published:

- guidance for staff on child safety, reportable conduct and duty of care in remote online learning environments
- a student-facing web page, which included information on staying safe online and raising concerns at school
- the #ihaveyourback campaign in partnership with Melbourne Football Club, promoting upstander behaviour and sharing ways to address cyberbullying
- updated Cybersafety and Responsible Use of Digital Technologies Policy for schools
- advice to schools on using technologies to support flexible or remote teaching and learning – schools were advised to use only DET-provided technologies, particularly those with video-conferencing functions, due to significant challenges associated with appropriately managing privacy, security and safety
- a new social media policy that includes measures addressing child safety risks.

Department of Justice and Community Safety

In 2020–21, DJCS supported two emergency service organisations with implementation of the Standards through its Child Safety Officer.

Implementation of a long-term approach to compliance was also commenced across the department.

DJCS conducted three six-hour Child Safe Champion training sessions in collaboration with the Centre for Excellence in Child and Family Welfare. Twenty-seven staff completed these sessions and 59 DJCS staff, overall, have now completed this training.

A Child Safe Standards and Reportable Conduct Foundation training session was delivered to Youth Justice Community Services staff in the second half of 2020.

Department of Families, Fairness and Housing and Department of Health¹³³

In 2020–21, DFFH and DH provided targeted communications about specific Standards and targeted stakeholder engagement through a quarterly e-news bulletin and liaison with organisations. Communications promoted the requirements of the Standards and the Reportable Conduct Scheme.

Throughout the year, the departments updated their websites to ensure the currency of information on the Standards and to make them more user-friendly.

DFFH and DH consulted with organisations in 2020 to determine how best to engage with them as a sector and to raise awareness of legislative responsibilities.

During 2020–21, DFFH and DH promoted the Commission's work on the impact of the COVID-19 pandemic on children and young people in Victoria through its quarterly bulletin. Organisations were encouraged to make sure that children and young people had support to raise concerns about their safety and wellbeing.

Department of Transport

During 2020–21, the Department of Transport informed all the agencies within the transport portfolio about their obligation to comply with the Standards.

The department commenced a review to update its child safety policies, procedures and practices relevant to compliance with the Child Safe Standards and the Reportable Conduct Scheme.

Department of Treasury and Finance

In 2020–21, the Department of Treasury and Finance updated its Reportable Conduct Scheme Policy and reviewed the application of the Standards to its portfolio.

Department of Environment, Land, Water and Planning

During 2020–21, the Department of Environment, Land, Water and Planning (DELWP) managed a range of community grants programs, including Victorian Junior Landcare Grants, Port Phillip Bay Fund, Community and Volunteer Action, and the Victorian Landcare Grants. The Standards are included in the respective Program Guidelines and funding agreements as part of the program/project contract.

DELWP published information and promotional materials via its On Board website, with a focus on agencies newly covered by the Scheme from 1 January 2019.

DELWP continued to engage with organisations required to comply with the Standards to ensure awareness of child safety requirements and the resources available. This included ongoing work to address identified deficiencies in wildlife licensee compliance with the Standards.

DELWP continued work on its role evaluation to establish the nature and frequency of contact with children across roles within the department. This data will be used to identify roles that warrant additional measures to enhance compliance with the Standards and the Scheme.

¹³³ During 2020–21, DHHS was split and became DFFH and DH. Activities have been counted together in 2020–21 and will be split in future years.

Department of Premier and Cabinet

Through Wage Inspectorate Victoria, DPC promoted the Standards by incorporating information about their requirements into communications with employers of children. Information about the Standards was provided with all 5,800 child employment permits issued during 2020–21. The Standards were also discussed during proactive child employment permit audits conducted in 50 dance schools and with peak bodies and entertainment industry representatives through the industry working party chaired by Wage Inspectorate Victoria. Wage Inspectorate Victoria also provided guidance and assistance to employers of children dealing with the application of COVID–19 health advice, restrictions and COVIDSafe plans to maintain a safe workplace for children.

Prior to its responsibilities being transitioned to the Office for Youth at DFFH on 1 February 2021, the Equality and Youth branch of DPC continued to require compliance with the Standards through clauses in Funding and Service Agreements.

During 2020–21, the Equality and Youth Branch of DPC and the Office for Youth supported the Victorian Youth Congress, a youth advisory group to the Minister for Youth. This year the Congress, among other activities, provided advice and feedback to DHHS on how the concept of child empowerment could be reflected in the updated Victorian Child Safe Standards.

This year DPC updated its Child Safe Guidelines. The guidelines provide advice to all DPC employees, contractors and volunteers on DPC's child-safe framework and requirements.

Department of Jobs, Precincts and Regions

Activities undertaken by the Department of Jobs, Precincts and Regions (DJPR) during 2020–21 include:

- updating all funding agreements and procurement process templates to ensure child safety is considered in all procurements and grants
- developing a centralised governance framework to monitor and oversee child safety obligations and risks when providing services or funding organisations that deliver services to children
- developing a central reporting framework for operational child-safe obligation issues
- raising awareness of online child safety risks by providing training to selected DJPR staff
- including child safety obligations as part of the new starter and annual refresher Integrity training packages and committing to linking training to all employees' performance review cycles to demonstrate management commitment to a zero-tolerance of child abuse.

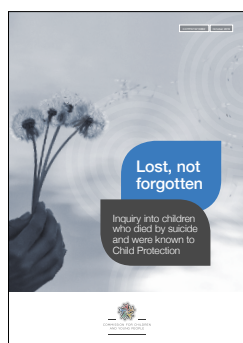
Progress against past inquiries



Progress against past inquiries *continued*

This chapter provides information on government and department responses to our recommendations and the Commission's assessment of progress. The Commission will continue this process annually. For 2020–21, the Commission has reported detailed responses for:

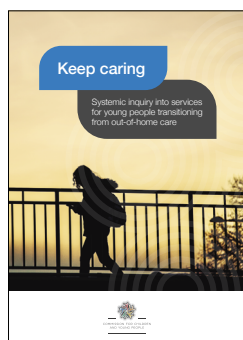
1. *Lost, not forgotten:
Inquiry into children who died by suicide and were known to Child Protection, 2019*



2. *In our own words:
Systemic inquiry into the lived experience of children and young people in the Victorian out-of-home care system, 2019*



3. *Keep caring:
Systemic inquiry into services for young people transitioning from out-of-home care, 2020.*



Lost, not forgotten

Rec #	Recommendation	Accepted by Government	Department update on actions	Commission assessment	Commission comment
1	<p>That, in line with Roadmap to Reform, the Victorian Government develop, resource and implement an integrated and whole-of-system investment model and strategy for the child and family system, focused on:</p> <ul style="list-style-type: none"> • earlier intervention and prevention services to reduce risks to children and build child and family wellbeing • reducing the rate of entry into care • meeting the distinct needs of children who need to live away from the family home. <p>The investment model should recognise the drivers of demand and the need for coordinated service responses. It should use client data, analytics and service evidence to identify the:</p> <ul style="list-style-type: none"> • resource levels needed to meet demand for safe, quality services for vulnerable children and their families • most efficient and effective investment options to achieve maximum impact. <p>The investment strategy should increase and improve safe, quality services in line with demand, by targeting early intervention and prevention, prioritising the most vulnerable cohorts, including families with chronic and complex issues and children exposed to cumulative harm.</p>	Accepted in principle	<p>The 2021–22 Victorian State Budget provided funding for DFFH to develop a Child and Family system demand provisioning model commencing in 2021–22 and planned for completion in 2023–24. This model will form one part of a suite of models in development over the coming years that will provide enhanced understanding of system, program, community and client demand – a key reform priority outlined in the department’s Priority Setting Plan 2021–24 (PSP) endorsed June 2021. This process will include engagement with sector representatives in preparation for the 2022–23 budget process and sequencing of reform initiatives, including policy, program, legislative and investment reforms. Building on the work to date on the Child Protection demand provisioning model and the multivariate demand drivers’ model, DFFH will develop an integrated, whole-of-system model that forecasts demand for the child and family system – including care services, as the basis for investment strategy for the child and family system with central agencies and government. This will shift the demand approach from a univariate to a multivariate demand model. The model is currently being reviewed and validated by the Melbourne Institute. System level indicators in view for this piece of work are: to reduce the number of entries to care and the number of children in care; increase the rate of transition from residential to home-based care; reduce the rate of re-reports to child protection; and reduce early disengagement from child and family services. The needs of Aboriginal children and young people are paramount in this piece of work in order to reverse current trends.</p>	Progress made – ongoing systemic effort required	The Commission welcomes the funding to develop a child and family system demand provisioning model and the commencement of a forward investment strategy for the child and family service system. We note that significant ongoing systemic effort is required, and planned by the department, and that completion of this recommendation is dependent on ongoing government investment.

Progress against past inquiries

continued

Lost, not forgotten

Rec #	Recommendation	Accepted by Government	Department update on actions	Commission assessment	Commission comment
2	<p>That DHS develop, resource and implement a set of standard analytical data sets for Child FIRST/ The Orange Door and IFS to monitor and report on the timeliness and effectiveness of their engagement with children and families, including:</p> <ul style="list-style-type: none"> • time between initial assessment and commencement of case management • rates of unsuccessful engagement • referral outcomes • re-referrals • re-reports. 	Accepted in principle	A new standard analytical data set, aligned to the elements described in the recommendations, is being scoped through a cross departmental working group between DFFH, Family Safety Victoria and DH's Evidence and Investment Branch.	Planned for implementation	The Commission notes that work on this recommendation has not progressed significantly in the 18 months since the inquiry, meaning the department is still unable to effectively track whether referrals to ChildFIRST, Orange Door and IFS result in families engaging with these services. The Commission will continue to monitor progress.
3	<p>That DHS review and revise all foundational practice guidance, training and tools to embed children's participation in decision-making during the investigation, protective intervention and protection order phases of Child Protection intervention.</p>	Accepted	<p>The department has commenced its review of foundational practice advice aligned with the elements described in the recommendations. This includes reviewing the current case planning processes which provide practitioners with an overarching framework to record children's voices across the various child protection phases. The principles in the framework set out the considerations Child Protection make when determining whether a decision or action is in the child's best interests and requires Child Protection to actively and effectively engage children (in age-appropriate ways) in the decision-making process.</p> <p>The department has developed the SAFER Children Risk Assessment Framework (SAFER). SAFER will provide practitioners with new tools and resources to guide effective and evidence informed assessment and the management of risk, safety and needs of children involved with the Victorian Child Protection Program.</p> <p>The Family Violence Multi-Agency Risk Assessment and Management Framework (MARAM) has been designed to increase the safety and wellbeing of Victorians by supporting prescribed services to identify, assess and manage family violence risk effectively. The MARAM practice advice views and acknowledges children and young people as victim survivors in their own right and supports them to contribute to risk assessment, management and safety planning.</p>	Limited progress made – action required	The Commission welcomes the commencement of the review of foundational practice advice, noting that reported progress on this piece of work has been limited in the 18 months since the inquiry. The Commission will continue to monitor this recommendation and continues to encourage DFFH to engage children and young people in the review. The Commission also notes the development of the SAFER and MARAM frameworks.

Lost, not forgotten

Rec #	Recommendation	Accepted by Government	Department update on actions	Commission assessment	Commission comment
4	<p>That DHHS develop practice advice in relation to children involved with Child Protection who are identified as at risk of suicide. Practice advice should confirm the importance of information gathering, information sharing and service coordination, and include requirements to gather and consider:</p> <ul style="list-style-type: none"> • information regarding the child's involvement with different mental health services • a child's mental health diagnosis • any known history of exposure to abuse, harm or trauma • a child's treatment plan and (where relevant) any actions taken or planned to address any history of exposure to abuse, harm or trauma • the existence of any parent-related issues that may be impacting a child's ability to successfully engage in therapeutic intervention • the existence of any placement-related issues that may be impacting a child's ability to successfully engage in therapeutic intervention • identifying which service or agency involved is able to co-ordinate a child's access to mental health and other relevant services. 	Accepted	<p>The department has commenced a review of the current practice advice in relation to children and young people involved with Child Protection who are identified as at risk of suicide. The advice provides a framework that addresses self-harm and suicide risk management and provides information about reducing the risks of injury or death and ensuring the safety and wellbeing of clients. Furthermore, the review will consider alignment to the Victorian Suicide Prevention Framework 2016–25, regarding identification and responding to children at risk of suicide including appropriate referrals pathways. The Mental Health Branch will provide advice to Child Protection Policy to support alignment of policy development in this area for the respective workforces. Online training modules are available for Child Protection Practitioners to help identify clients at risk of suicide and how to provide psychological first aid.</p>	Limited progress made – action required	<p>The Commission welcomes the commencement of the review of practice advice, but notes that reported progress on this piece of work has been limited in the 18 months since the inquiry. The Commission notes further work is required and planned by the department and will continue to monitor this recommendation.</p>

Progress against past inquiries

continued

Lost, not forgotten

Rec #	Recommendation	Accepted by Government	Department update on actions	Commission assessment	Commission comment
5	That the Victorian Government commit to proceeding with, and investing in, the Child Link Register, with a view to ensuring commencement of its operation by 31 December 2021.	Accepted in principle	<p>DET confirms that in the 2020–21 State Budget, the Victorian Government allocated \$35.2 million to enable the Pilot Phase of Child Link for the 2020–21 financial year. This included \$13.8 million for operational expenditure and \$21.4 million for capital expenditure to support key activities enabling the development of Child Link.</p> <p>The 2021–22 State Budget includes funding for Child Link of \$86.1 million over five years to finalise the implementation of Child Link and establish the ongoing operation as the new State administrative function. The budget includes an allocation of \$5.5 million in asset funding in 2021–22 to finalise the build of the Child Link system.</p> <p>The Department is on track to deliver on the Child Link Register by 31 December 2021, including operationalising the information technology system, relevant policies and processes and business functions. In 2022, Child Link will be implemented through a phased and scaled approach to user and service access, that will support local networks of services from across maternal and child health, early childhood, schools and child protection settings to adopt and use Child Link. The initial implementation period is anticipated to provide the Department with critical insights that will inform the long-term approach to implementing Child Link and achieving its intended objectives in support of child wellbeing and safety.</p>	Significant progress made	The Commission welcomes the significant investment and progress made to implement the Child Link Register and notes DET is on track to deliver on the initiative by 31 December 2021. The Commission will continue to monitor this recommendation.

Lost, not forgotten

Rec #	Recommendation	Accepted by Government	Department update on actions	Commission assessment	Commission comment
6	That DHHS develop and implement a suicide prevention strategy for children known to Child Protection that incorporates any relevant findings and recommendations made by the Royal Commission into the Victorian Mental Health System.	Accepted	<p>DFFH has commenced work on a suicide prevention strategy for children and young people involved with Child Protection by engaging Mental Health, in DH to provide advice and support alignment of policy development in this area for the respective workforces. Work regarding recommendations of the Royal Commission into the Victorian Mental Health System sit within DH.</p> <p>In response to the Royal Commission into Victoria's Mental Health System, DH (Mental Health) is leading a whole of government mental health strategy which will include a suicide prevention strategy. The Strategy is planned for release in December 2022. This strategy will be used as the foundation for responding to children and young people involved with Child Protection who may be vulnerable to suicide risk. As such, DFFH will work alongside DH in supporting the development of the Strategy.</p> <p>DH advised the Commission that it had been awaiting the Final Report from the Royal Commission into Victoria's Mental Health System, which outlined a new system design for suicide prevention in Victoria. As part of that new system design, the Royal Commission recommended that the Victorian Government develop a new suicide prevention and response strategy. The strategy will be co-produced with people with lived experience of suicidal behaviour, family members and carers, and people with lived experience of bereavement by suicide.</p> <p>Planning for the new strategy has commenced and a system-based response to children and young people, including those known to Child Protection, will be considered as part of the co-production process. Child and youth HOPE will be a part of these new services that will support children and young people, including those known to Child Protection, who have self-harmed or experience suicidality.</p> <p>[Note. As of 1 February 2021 DHHS separated into two new departments: DFFH and DH. The Royal Commission into Victoria's Mental Health System delivered its final report on 3 February 2021.]</p>	Limited progress made – action required	The Commission welcomes the commencement of a suicide prevention strategy for children involved in child protection, but notes that reported progress on this piece of work has been limited in the 18 months since the inquiry. The Commission notes further work is required and planned by the department and will continue to monitor this recommendation.

Progress against past inquiries

continued

In our own words

Rec #	Action	Recommendation	Accepted by government	Department update on actions	Commission assessment	Commission comment
1	a	<p>That, in line with Roadmap for reform: strong families, safe children, the Victorian Government develop, resource and implement an integrated, whole-of-system investment model and strategy for the child and family system.</p> <p>The investment model should identify the resourcing levels needed for a safe and quality out-of-home care system by taking into account:</p> <ul style="list-style-type: none"> • drivers of demand • key data and analysis relating to children and young people in the out-of-home care system • the need to reverse the increasing numbers of Aboriginal children and young people entering out-of-home care. 	Accepted in principle	<p>The Roadmap Implementation Ministerial Advisory Group (RIMAG) met in June 2021 where it considered and endorsed the Roadmap for Reform Priority Setting Plan 2021–24, and the Priority Setting Plan, Action Plan 2021–22. Members also endorsed the Strong carers, stronger children 2019–2024; Carers Strategy Action Plan 2021–22, developed in partnership with carers, community and sector, which is publicly available on the DFFH website. Both plans go to deeply considering information sharing between the sector, community and government to develop and inform shared strategies to respond to demand.</p> <p>The 2021–22 Victorian State Budget provided funding for DFFH to commence the development of a Child and Family system demand provisioning model from 2021–22 and planned for completion in 2023–24. This model will form one part of a suite of models in development over the coming years that will provide enhanced understanding of system, program, community and client demand.</p>	Planned for implementation	The Commission will continue to monitor development and implementation of a child and family system demand provisioning model.
1	b	<p>The investment strategy should focus on maintaining safe and quality services in line with demand while also investing to reduce the number of children and young people entering care and improve outcomes. Strategies to reduce demand should include:</p> <ul style="list-style-type: none"> • targeted earlier intervention and prevention, prioritising the most vulnerable cohorts, including those with chronic and complex issues and children exposed to cumulative harm 	Accepted in principle	<p>Implement the expansion of the Family Preservation and Reunification Response, Aboriginal Family Preservation and Reunification Response and Intensive Family Services from 1 August 2021, focused on maintaining children safely with their families and preventing repeat or progressive involvement with Child Protection and Care Services, including support so that children in care can safely return home.</p> <p>Recommendation 1b is linked to response for recommendations 1d and 16d.</p>	Progress made – ongoing systemic effort required	The Commission welcomes the Government's significant investment in a new family preservation and reunification response, noting ongoing and additional investment in early intervention and prevention services will be needed.

In our own words

Rec #	Action	Recommendation	Accepted by government	Department update on actions	Commission assessment	Commission comment
1	c	<ul style="list-style-type: none"> a focus on Aboriginal children and young people 	Accepted in principle	<p>Implement the expansion of the Aboriginal Family Preservation and Reunification Response from 1 August 2021, allowing for an Aboriginal-led model to be incrementally established in each of the department's 17 areas.</p> <p>As at May 2021, 51 per cent of Aboriginal children across kinship, foster and residential care are either subject to authorisation or contracted case management to an ACCO. Investment allows for around 70 per cent of Aboriginal children to be managed by an ACCO.</p> <p>Since 2018, this government has invested over \$150 million of new money to implement Wungurilwil Gappapduir. Much of this funding is ongoing funding.</p>	Progress made – ongoing systemic effort required	The Commission welcomes the progress made and will continue to monitor this recommendation including how the measures impact over-representation of Aboriginal children in the care system over time.
1	d	<ul style="list-style-type: none"> resources to work with children and young people in care and their families where reunification is in the child's best interests. 	Accepted in principle	<p>Linked to the response for Rec 1b and 16d, implement the expansion of the Family Preservation and Reunification Response, Aboriginal Family Preservation and Reunification Response and Intensive Family Services from 1 August 2021, focused on maintaining children safely with their families and preventing repeat or progressive involvement with Child Protection and Care Services, including support so that children in care can safely return home.</p>	Progress made – ongoing systemic effort required	The Commission welcomes the Government's significant investment in a new family preservation and reunification response. The Commission will continue to monitor this recommendation, noting the intent of this recommendation is to better equip all workers to support safe reunification.

Progress against past inquiries

continued

In our own words

Rec #	Action	Recommendation	Accepted by government	Department update on actions	Commission assessment	Commission comment
1	e	<p>Strategies to improve outcomes for children and young people in out-of-home care should include:</p> <ul style="list-style-type: none"> • more suitable care placement options that are tailored to meet the needs of children and young people in care 	Accepted in principle	<p>Work is progressing to provide more suitable placement options for children and young people in care including:</p> <ul style="list-style-type: none"> • Trialling a Care Hub approach to provide intensive support for children and young people who are first entrants to care. The Care Hub will provide wrap-around support for children entering care for the first time as well as sibling groups – giving children a greater sense of security and reuniting families earlier. • Establishing 19 additional 2–3 bed residential care homes in a new model providing specialist supports to young people in care. • Progressing essential capital works to build new residential care properties. • Expanding the KEYS model state-wide. <p>Community Services Quality and Safety Office</p> <ul style="list-style-type: none"> • Quality, Improvement and System Reform are testing an approach, which applies improvement methodology used for health services to improve children and young people's experience of quality and safety while in residential care. The methodology is strongly focused on evidence, systems-thinking and building a learning culture that can be upscaled and spread. Children and young people with lived experience of residential services will be engaged as partners at all stages and levels of the initiative. 	Significant progress made – ongoing systemic effort required	The Commission welcomes progress and will continue to monitor this recommendation.

In our own words

Rec #	Action	Recommendation	Accepted by government	Department update on actions	Commission assessment	Commission comment
1	f	<ul style="list-style-type: none"> more focused placement planning to minimise placement changes 	Accepted in principle	<p>The department is committed to improving the experience of care services for children and young people and is currently reviewing the Placement Coordination and Placement Planning Framework and Placement Coordination and Placement Planning Manual. The planned updates to these documents include strengthening placement planning to support placement stability for children and young people.</p>	Planned for implementation	The Commission notes the review of the framework and manual and will continue to monitor progress.
1	g	<ul style="list-style-type: none"> additional service supports to assist sibling groups to stay together or help them reunify while still in care, especially for larger groups of siblings in kinship care 	Accepted in principle	<p>The department will trial a new Care Hub approach to provide intensive support to children and young people who are first entrants to care. Care Hubs provide wrap-around support for children entering care for the first time as well as sibling groups – giving children a greater sense of security and reuniting families earlier.</p>	Planned for implementation	The Commission notes the planned trial and will continue to monitor progress against the recommendation.
1	h	<ul style="list-style-type: none"> supports to help carers maintain placements, including during times of crisis or difficulty 	Accepted in principle	<p>Strong carers, stronger children 2019-24: Carers Strategy Action Plan 2021-22, developed in partnership with carers, community and sector, is now publicly available on the DFFH website.</p>	Planned for implementation	The Commission notes the Action Plan and will continue to monitor progress.
1	i	<ul style="list-style-type: none"> measures to ensure children and young people are provided with appropriate and supported opportunities to participate in decision-making processes that impact on them 	Accepted in principle	<p>The Child Protection Policy unit will undertake work in 2021 to identify, prioritise and review foundational advice, guides and tools to capture the voice of the child and will utilise the Child and Youth Participation Model and associated resources to assist with this. This recommendation aligns with Recommendation 3 from the Inquiry <i>Lost, not forgotten</i>.</p> <p>The department has accepted in principle a recommendation from the Victorian Ombudsman to explore options to establish an independent advocate for children in residential care. This is a long-term strategy that requires resource allocation.</p>	Limited progress made – action required	The Commission notes work is planned by the department and will continue to monitor this recommendation.

Progress against past inquiries

continued

In our own words

Rec #	Action	Recommendation	Accepted by government	Department update on actions	Commission assessment	Commission comment
1	j	<ul style="list-style-type: none"> funding for ACCOs to grow the transfer of Aboriginal children to be managed by an ACCO 	Accepted in principle	<p>As at 31 May 2021, 51 per cent of Aboriginal children are managed by an ACCO. Current investment allows this to grow to around 70 per cent. Local areas have individual plans to continue monitoring progress of all eligible children to transfer. Solutions to barriers for individual cases have been developed and local areas work with local ACCOs to continue to transfer children. All available funding has been provided to ACCOs to accept transfers. Identified barriers include ACCO readiness and pending court decisions on orders.</p>	Significant progress made – ongoing systemic effort required	The Commission welcomes the investment and progress made in transferring management of the care of Aboriginal children to ACCOs.
1	k	<ul style="list-style-type: none"> significant ongoing training and development for Child Protection staff including in therapeutic and trauma-informed approaches to children and young people. 	Accepted in principle	<p>In relation to training, DFFH currently offers significant ongoing training including:</p> <ul style="list-style-type: none"> The equivalent of a two-day face-to-face training program online, an essential program for all Child Protection staff, and a pre-requisite for Child Protection staff completing the Working with Children and Families affected by Sexual Abuse learning program. Inclusion of development, attachment and trauma content in the Beginning Practice program for new Child Protection staff. 	Significant progress made – ongoing systemic effort required	The Commission welcomes the work completed in relation to ongoing training and development for Child Protection staff and will await further updates regarding the completion of this work.

In our own words

Rec #	Action	Recommendation	Accepted by government	Department update on actions	Commission assessment	Commission comment
2		That the department explore how accountability and governance measures can be strengthened at a regional and local level to lift the quality and implementation of legislated processes to support connection to culture for Aboriginal children and young people in care.	Accepted	<p>DFFH has commenced work to progress this recommendation including:</p> <ul style="list-style-type: none"> Reviewing and developing, as required, the recording of measures to support the tracking of practices that align with the Aboriginal Child Placement Principle (ACPP) measures at an area level. Reporting on these and other system improvements to the Aboriginal Children's Forum (ACF) as the governance structure. <p>The long-term goal is to meet the agreed Aboriginal Children's Forum target that 100 per cent of Aboriginal children in care are managed by an ACCO.</p>	Progress made – ongoing systemic effort required	The Commission notes the work being progressed in relation to this recommendation.

Progress against past inquiries

continued

In our own words

Rec #	Action	Recommendation	Accepted by government	Department update on actions	Commission assessment	Commission comment
3		That the Victorian Government continue to support Aboriginal people's right to self-determination including through increased investment in community-led early intervention services and the gradual transfer of responsibility for the case management and case planning of Aboriginal children and young people in care to ACCOs.	Accepted in principle	<p>DFH has commenced work to progress this recommendation including:</p> <ul style="list-style-type: none"> Supporting Aboriginal Children in Aboriginal Care as a long-term solution by transitioning management of Aboriginal children subject to child protection involvement to the management of Aboriginal Community Controlled Organisations (ACCOs). As at May 2021, 51 per cent of Aboriginal children are managed by an ACCO across kinship, foster and residential care. Current investment allows for around 70 per cent of Aboriginal children managed by an ACCO. Supporting ACCOs to undertake a response to child protection reports trial which aims to deliver culturally informed investigations of child protection reports and offer culturally appropriate support for families, with the aim of strengthening Aboriginal self-determination and addressing the over-representation of Aboriginal children in child protection and care. Roll-out of the Aboriginal Family Preservation and Reunification Response, delivered by the Victorian Aboriginal Child Care Agency (VACCA) and Bendigo and District Aboriginal Co-operative (BDAC) across the four department divisions and the Victorian Response, delivered by community service organisations in partnership with local Aboriginal Community Controlled Organisations (ACCOs) in 17 department areas. This model is designed to rapidly mobilise intensive, evidence-informed, culturally safe and flexible supports to prevent entry or re-entry to care and to reunify Aboriginal children safely with their families. The goal is to meet the agreed Aboriginal Children's Forum target that 100 per cent of Aboriginal children in care are managed by an ACCO. <p>Since 2018, this government has invested over \$150 million of new money to implement Wungurilwil Gappagaduir. Much of this funding is ongoing.</p>	Progress made – ongoing systemic effort required	The Commission welcomes the work commenced in relation to supporting self-determination as well as the ongoing allocation of funding to ACCOs. The Commission will continue to monitor progress against this recommendation.

In our own words

Rec #	Action	Recommendation	Accepted by government	Department update on actions	Commission assessment	Commission comment
4	a	<p>That the department review and revise all foundational guidance, training and tools to embed children's participation in decision-making. This review should apply to existing guidance relating to all staff working with children and young people in care, including contracted agency staff. The development of tools should:</p> <ul style="list-style-type: none"> include paper-based and digital resources that can be used by practitioners during home visits to promote the inclusion of children and young people's views in decision-making 	Accepted in principle	<p>DFFH is committed to ensuring this recommendation is achieved through several initiatives, including:</p> <ul style="list-style-type: none"> The Quality Safety and Experience Branch, CSOD has developed 'Your Voice,' an interactive application to enable children and young people in residential care to share their experiences as part of the annual performance audit process. 'Your Voice' aims to capture information on key areas of support and care for young people in care. 'Your Voice' commenced in November 2020 with several residential care providers engaged to participate. The Quality Safety and Experience Branch has commenced interim Virtual Residential Care Audits and is considering how best to engage the young people participating in 'Your Voice'. The Community Services Quality and Safety Office, CFCD is improving how we engage with children and young people in the design, implementation and evaluation of policy and services that impact them. In 2019, draft tools and resources were developed to support department staff to partner with children and young people to better hear their voices. Due to COVID-19 this work did not progress in 2020. In January 2021 the Community Services Quality and Safety Office resumed work to lead the development of the Young Voices platform to promote child and youth participation and assist teams and individuals to plan for how they engage meaningfully with children and young people in designing and improving policies and services that affect them. Young Voices will provide guidance and tools to help teams and individuals build an approach that works for them and for the children and young people they engage with. This recommendation aligns with recommendation 3 from the Inquiry <i>Lost, not forgotten</i>. 	Significant progress made – ongoing systemic effort required	The Commission welcomes the initiatives outlined and the work done in relation to hearing from young people in policy and service design. The Commission will continue to monitor progress against this recommendation, noting that its intention is to ensure that children and young people are participating on a day-to-day basis in relation to decisions impacting their individual lives and this work appears to be focused on more strategic policy input from children and young people.

Progress against past inquiries

continued

In our own words

Rec #	Action	Recommendation	Accepted by government	Department update on actions	Commission assessment	Commission comment
4	b	<p>Extended from 4a) that the department:</p> <ul style="list-style-type: none"> include ways to record views effectively and include them in practitioners' assessment of planning decisions. 	Accepted in principle	<p>In reviewing existing guidance and tools the department is exploring opportunities to strengthen the recording of children and young people's views effectively and include them in the practitioner's assessment of planning decisions</p> <p>Note: This recommendation aligns with recommendation 3 from the Inquiry <i>Lost, not forgotten</i>.</p>	Planned for implementation	<p>The Commission notes the department's consideration of this recommendation and looks forward to hearing further updates as to how the views of children and young people will not only be recorded but also taken into account by practitioners in planning decisions.</p>
4	c	<p>That the department establish mechanisms to ensure that workers are allocated caseloads which allow them regular face-to-face contact with children and young people in order to build trust and rapport and to facilitate genuine opportunities for children and young people to participate in decision-making about them.</p>	Accepted in principle	<p>The following ongoing mechanisms are in place to monitor workers' caseloads:</p> <ul style="list-style-type: none"> The Strategic Investment Unit has established a demand provisioning model for the child protection workforce which is used to determine new FTE requirements based on forecasted demand and maintaining appropriate allocation rates and caseloads. This model informs budget submissions. Department executives and senior managers monitor data reports to review and respond to demand. This includes open cases across phases, case allocation rates, median caseloads, workforce capacity and supervision compliance. Areas experiencing demand pressures develop and implement action plans to focus on the most at risk children. Workload review panels, which include child protection practitioners, operate in each area to identify, and respond to area and practitioner workload issues. Mix and complexity of child protection practitioners' caseloads are monitored by team managers to prioritise and manage risk of harm to children, promoting their best interests. Cases are allocated in accordance with policy guidance in consideration of individual practitioner and team experience, skill and capability and workforce capacity. Child protection practitioners are provided with supervision which includes discussions regarding cases and caseloads. Recent enhancements to CRIS enable increased monitoring of client visits. 	Not yet progressed	<p>The Commission notes that the mechanisms listed predate the <i>In our own words</i> recommendation and would welcome clarification from the department regarding whether there will be additional mechanisms established to address the content of the recommendation.</p>

In our own words

Rec #	Action	Recommendation	Accepted by government	Department update on actions	Commission assessment	Commission comment
4	d	<p>That the department amend relevant program requirements and guidelines relating to the placement of children and young people in care to ensure that, unless exceptional circumstances exist, children and young people are:</p> <ul style="list-style-type: none"> • informed about the proposed placement prior to the placement • where possible, provided with the reason for any decision made by Child Protection or contracted agencies to place them in or remove them from a placement against their expressed wishes. 	Accepted in principle	<p>In March 2021, the department updated the Placement Referral Form which included the addition of a dedicated space to record the child or young person's voice, strengths and interests to be included in decision-making regarding their placement and shared with their new placement provider.</p> <p>In addition, an update of the Placement Coordination and Placement Planning Framework and the Placement Coordination and Placement Planning Manual is underway which will include strengthening that, as far as possible:</p> <ul style="list-style-type: none"> • information on the home and carers should be given to children and young people prior to moving in • children and young people's views about where they live should be sought and considered in decision-making and, if their wishes are not able to be met, the reasons for this should be discussed with them. 	Progress made – ongoing systemic effort required	The Commission welcomes the update to the Placement Referral Form, the Framework and the Manual.

Progress against past inquiries

continued

In our own words

Rec #	Action	Recommendation	Accepted by government	Department update on actions	Commission assessment	Commission comment
5	a	That the department ensure that there is a single point of contact or 'key worker' for all children and young people in care, with authority and access to resources to make day-to-day decisions related to implementing the child or young person's case plan and helping to navigate the system.	Accepted in principle	<p>Further actions required to successfully implement Recommendation 5 will need to be reviewed following the system enhancements made through:</p> <ul style="list-style-type: none"> Recommendation 1: a new investment approach Recommendation 4: The development of tools to include paper-based and digital resources that can be used by practitioners during home visits to promote the inclusion of children and young people's views in decision-making, including ways to record views effectively and include them in practitioners' assessment of planning decisions. Recommendation 10: Improving face-to-face contact between workers and children and young people in care. <p>Children and young people are currently case-managed by Child Protection or case management is contracted to the care provider; a case manager provides a single point of contact of someone with the authority and access to make day-to-day decisions. Mechanisms in place to monitor child protection workers' caseloads, outlined in Recommendation 4, are designed to address current issues with workload, affecting the capacity of Child Protection to undertake face-to-face contact with children and young people in order to build trust and rapport.</p>	Not yet progressed	The Commission notes the need for resourcing in order for this recommendation to be progressed and will continue to monitor.
5	b	That the department consider whether funding packages can be administered to 'follow' the child or young person as they move through different placements and be available regardless of where they live.	Accepted in principle	The Victorian Government has committed to undertaking a consolidated care services review during 2021–22. This work will inform future directions regarding care services pricing, and care allowances.	Planned for implementation	The Commission will continue to monitor this recommendation.

In our own words

Rec #	Action	Recommendation	Accepted by government	Department update on actions	Commission assessment	Commission comment
6		That the Victorian Government establish an independent, specialised child and young person-centred complaints function to receive complaints from children and young people in care, including concerns about their immediate safety or ongoing concerns about their wellbeing while in care.	Accepted in principle	<p>The department notes that Recommendation 6 was for a specialised child and youth friendly complaints function to be established (rather than a specialised complaints body). The department has accepted in principle this recommendation. Previous updates provided to the CCYP about this recommendation have consistently identified the interim work being undertaken by the department to strengthen complaints management processes for children and young people.</p> <p>The department will work to develop policy options to ensure all Victorians, including children and youth, have access to safe, quality social services. We will strengthen protections for children and youth accessing social services through proposed Social Services Regulation Reforms that interface with Recommendation 6. We will develop and progress options to improve social services complaints functions. Proposals will seek to provide users of social services with a specialist complaints function, including people who do not currently have access, for example, children and youth living in out of home care.</p> <p>Acknowledging that vulnerable cohorts of service users may benefit from trusted support to progress complaints about the services they receive, work to improve social services complaints may be complemented by strengthening advocacy functions to elevate the client voice and human rights.</p>	Limited progress made	<p>The Commission notes the department's plans, including consideration of a complaints function for users of social services. The Commission reiterates that children and young people we spoke to for the inquiry told us they would not access or use a generic complaints mechanism and that children in the out-of-home care system need access to a specialised, independent body if they have unresolved concerns about their treatment.</p> <p>In light of this strong feedback from children and young people in care, the Commission welcomes the department's plans to consider a strengthened individual advocacy function for children and young people in the care system.</p> <p>The Commission will continue to monitor this recommendation.</p>

Progress against past inquiries

continued

In our own words

Rec #	Action	Recommendation	Accepted by government	Department update on actions	Commission assessment	Commission comment
7	a	<p>That the department:</p> <ul style="list-style-type: none"> in consultation with children and young people with a lived experience of care, design good practice guidelines and training on how to support children and young people to participate in decision-making about contact with parents, siblings, extended family and friends. Guidance should include how best to incorporate children and young people's views about contact into their case plan 	Accepted in principle	<p>The Roadmap Implementation Ministerial Advisory Group (RIMAG) met in June 2021 where it considered and endorsed the Roadmap for Reform Priority Setting Plan 2021–24, and the Priority Setting Plan, Action Plan 2021–22. Members also endorsed the Strong carers, stronger children 2019–24: Carers Strategy Action Plan 2021–22, developed in partnership with carers, community and sector, which is publicly available on the DFFH website. Both action plans seek to ensure that the voices and perspectives of children and young people are included, heard and amplified as part of future reform activity – including participation in governance.</p>	Planned for implementation	<p>The Commission will continue to monitor specific work planned and undertaken in relation to this recommendation, noting the various plans referred to do not specifically address the design of guidance referred to in the recommendation.</p>
7	b	<ul style="list-style-type: none"> revise the case planning template and advice to include the requirement for planned activity towards reuniting separated sibling groups in care or clearly state the rationale as to why this should not occur 	Accepted in principle	<p>Child Protection Policy and Care Services to undertake a review within the next 12 months of current case and care planning guidelines regarding the needs of sibling groups and to emphasise the need to plan for and support children and young people in care to develop and sustain safe, appropriate and positive friendships and review the adequacy of contact supports for children and young people in care with a disability.</p>	Planned for implementation	<p>The Commission looks forward to the completion of this review and implementation of necessary revisions.</p>
7	c	<ul style="list-style-type: none"> review the adequacy of contact supports for children and young people in care with a disability, including a developmental delay or intellectual disability 	Accepted in principle	As per above	Planned for implementation	<p>The Commission will continue to monitor this recommendation.</p>

In our own words

Rec #	Action	Recommendation	Accepted by government	Department update on actions	Commission assessment	Commission comment
7	d	<ul style="list-style-type: none"> amend current case planning guidelines to improve planning and support for children and young people in care to develop and sustain safe, appropriate and positive friendships 	Accepted in principle	As per above	Planned for implementation	The Commission will continue to monitor this recommendation.
7	e	<ul style="list-style-type: none"> review the effectiveness of the current carer authorisation policy to maximise the participation of children and young people in care in activities in their community 	Accepted in principle	As noted in page 216 of the report, the department has standardised the authorisation for foster carers. However, the process for kinship carers is more complicated. The department will explore reviewing the guidelines for kinship carers.	Progress made	The Commission welcomes the changes implemented for children in foster care and looks forward to similar changes in relation to children in kinship care.
7	f	<ul style="list-style-type: none"> review the adequacy of the current budget allocation to support children and young people in all forms of care to engage in activities both inside and outside of their homes. 	Accepted in principle	As part of the Strong carers, stronger children carer strategy, a review of client support funding has been identified.	Planned for implementation	The Commission will continue to monitor this recommendation, noting no timeframe has been identified for the review of client support funding.

Progress against past inquiries

continued

In our own words

Rec #	Action	Recommendation	Accepted by government	Department update on actions	Commission assessment	Commission comment
8		<p>Consistent with the Strong carers, stronger children strategy, that the department ensure that foster and kinship carers can readily access respite and other supports when required, with a particular focus on supports required to maintain placement stability.</p> <p>That, in addition to First Supports, provided to families in the first 12 months of the placement, the department develop measures as part of the Strong carers, stronger children strategy to ensure that:</p> <ul style="list-style-type: none"> all kinship placements continue to receive supports after the first 12 months where required the risk of placement breakdown is identified early so that resources can be allocated appropriately. 	Accepted in principle	<p>The Victorian State Budget in 2021–22 delivers \$2.228 million over four years to expand respite placements for kinship carers. In 2021–22, the department will review respite supports for kinship care in consultation with key stakeholders to enable the expansion of respite supports that promote placement stability and enhance children's safety and permanency needs.</p> <p>The Roadmap Implementation Ministerial Advisory Group (RIMAG) has established the Carer's Strategy Working Group for the Strong Carers, Stronger Children 2020–21 Action Plan. A refreshed action plan for 2021–22 has been developed in partnership with carers, community and sector and is now publicly available on the DFFH website.</p>	Progress made – ongoing systemic effort required	The Commission welcomes additional funding for respite placements for children in kinship care and will monitor progress of the further work planned.
9		<p>That the department provide clear guidance to Child Protection, CSO and ACCO workers with case management responsibility that when they have face-to-face contact with children and young people in care, they:</p> <ul style="list-style-type: none"> ask about their safety not in the presence of their carers provide them with a clear way of contacting their worker if they do have concerns about their safety. 	Accepted in principle	<p>The Roadmap Implementation Ministerial Advisory Group (RIMAG) has established the Carer's Strategy Working Group for the Strong Carers, Stronger Children 2020–21 Action Plan. A refreshed action plan for 2021–22 has been developed in partnership with carers, community and sector and is now publicly available on the DFFH website.</p>	Planned for implementation	The Commission will continue to monitor this recommendation.
10		<p>That the department provide clear guidance to Child Protection, CSO and ACCO workers with case management responsibility that when they have face-to-face contact with children and young people in care, they:</p> <ul style="list-style-type: none"> ask about their safety not in the presence of their carers provide them with a clear way of contacting their worker if they do have concerns about their safety. 	Accepted	<p>DFFH is committed to improving face-to-face contact between workers and children and young people in care.</p> <p>The department will review and update the program requirements for home-based care and residential care and the child protection manual to strengthen face-to-face visit outcomes including:</p> <ul style="list-style-type: none"> asking children about their safety not in the presence of their carers providing children with a clear way of contacting their worker if they do have concerns about their safety. 	Planned for implementation	The Commission will continue to monitor this recommendation.

In our own words

Rec #	Action	Recommendation	Accepted by government	Department update on actions	Commission assessment	Commission comment
11		<p>That the department, as part of its work to improve placement matching, develop and implement guidelines which:</p> <ul style="list-style-type: none"> prohibit the placement of children under 12 years with older children or young people unless the older child is a sibling and it is in the best interests of the child provide guidance to improve decisions about the co-placement of children and young people with complex needs. 	Accepted in principle	<p>The department is committed to improving outcomes for children and young people, including through strengthening placement coordination and planning guidance to support placement matching. The updates to the Placement Coordination and Placement Planning Framework and Placement Coordination and Placement Planning Manual will include strengthening placement matching guidelines and specifying that children under 12 years should not be placed with older unrelated children or young people except in exceptional circumstances. The department is also working to improve variety in placement types and supports to better meet the individual needs of children and young people, including when placed with others. This includes through increasing the number of two and three-bed residential care homes to provide additional capacity and improve placement matching, trialling a Care Hub approach which will provide intensive support to children and young people, including sibling groups, who are entering care, and expanding the successful Keep Embracing Your Success (KEYS) program which supports children with mental health and complex needs to transition back home.</p> <p>It is recognised that there may be circumstances where the department is required to place a child under 12 with older unrelated children or young people, for even a short period, noting that this should be in exceptional circumstances. The update will include strengthened approval processes and ongoing oversight of these placements to ensure appropriate planning is in place for their transition from residential care to an alternative placement that better meets the child's needs as soon as possible.</p>	Planned for implementation	<p>The Commission welcomes the updates to strengthen placement matching guidelines, and the investment in new two and three-bedroom residential care homes and the expansion of KEYS. The Commission remains of the view that placing children under 12 with older unrelated children should not be permitted.</p>

Progress against past inquiries continued

In our own words

Rec #	Action	Recommendation	Accepted by government	Department update on actions	Commission assessment	Commission comment
12		<p>That the department ensure that any interagency protocol to reduce the contact of children and young people in residential care with police and the criminal justice system is developed and monitored in consultation with:</p> <ul style="list-style-type: none"> • children and young people with an experience of residential care • a representative Aboriginal Community-Controlled Organisation • the Commission. <p>The implementation of this protocol should be supported by additional training and support for residential care workers in responding to and working with children and young people affected by trauma. This training and support should emphasise the need for consistency and predictability.</p>	Accepted	<p>The Framework to reduce criminalisation of young people in residential care was released in February 2020. An 18-month Action Plan is under development to support implementation of the Framework. The Action Plan is anticipated to be completed within the next four months with additional work to support monitoring to be completed within the next six months.</p> <p>Trauma informed training and support is embedded as part of accredited training in mandatory units of competency in residential care. All residential care workers must complete this training. This training is available through the Residential Care Learning and Development Strategy (RCLDS) and through mainstream training providers (TAFE).</p>	Progress made – ongoing systemic effort required	The Commission welcomes the Framework to reduce criminalisation of young people in residential care, released in February 2020, and looks forward to an action plan being implemented to ensure practical change occurs.

In our own words

Rec #	Action	Recommendation	Accepted by government	Department update on actions	Commission assessment	Commission comment
13		<p>That the department, in consultation with children and young people with an experience of residential care:</p> <ul style="list-style-type: none"> develop guidelines about what a home-like residential care environment looks and feels like conduct rigorous assessments of residential care drawing on these guidelines ensure these assessments include speaking to children and young people within these units about their views on the extent to which the physical living environment feels like a 'home'. 	Accepted in principle	<p>DFFH has commenced development of property design guidelines, informed by children and young people and service providers, to promote consistency in providing residential care properties which are safe, homely and in good repair.</p> <p>The department is considering monitoring adherence to these guidelines as part of the existing audit process of residential care homes undertaken by the department</p> <p>The views of young people on their physical environment will also be captured through the 'Your Voice' project which will target young people whose residential care home has had an audit conducted.</p>	Progress made – ongoing systemic effort required	The Commission welcomes progress and will continue to monitor this recommendation.
14		<p>That the department:</p> <ul style="list-style-type: none"> develop guidelines for contracted agencies to help them determine when it is in the best interests of a child or young person in care to have access to a companion animal support programs or initiatives which utilise a companion or therapy animal. 	Accepted	<p>DFFH will update the Residential Care Program Requirements to include reference to the importance of pets and guidance to support Community Service Organisations (CSOs) in considering this option.</p>	Planned for implementation	The Commission welcomes the inclusion of guidance and encouragement for Community Service Organisations to provide pets for children and young people in care.

Progress against past inquiries

continued

In our own words

Rec #	Action	Recommendation	Accepted by government	Department update on actions	Commission assessment	Commission comment
15	a	<p>That the Victorian Government ensure that appropriate supports are provided to deal with trauma, including:</p> <ul style="list-style-type: none"> • Kinship and foster carers should be supported and encouraged to learn about effective responses to trauma. 	Accepted	<p>The completion and implementation of the Framework for Trauma Informed Practice. Finalisation and publication of the Framework has been delayed due to COVID and staffing capacity. It is anticipated that this will be published, and an implementation approach developed by end 2021.</p>	Planned for implementation	<p>The Commission will continue to monitor this recommendation, noting the recommendation also requires further supports and guidance for kinship and foster carers.</p>
15	b	<ul style="list-style-type: none"> • All contracted agency staff should be required to undertake training in regard to trauma informed care 	Accepted	<p>The department will review the program requirements for home based care and the Child Protection Manual to provide contemporary guidance for DFFH and DFFH Funded Services agencies and staff to deliver safe, quality and effective services for children and young people in care.</p>	Not yet progressed	<p>The Commission welcomes the review and will continue to monitor this recommendation.</p>
15	c	<ul style="list-style-type: none"> • Learning and development for Child Protection staff that provides regular updates on evidence-based approaches to children and young people living with trauma. 	Accepted	<p>Our learning and development programs for the Child Protection workforce include evidence-based approaches to trauma-informed practice with children and young people.</p>	Not yet progressed	<p>The Commission requires additional information about the department's plans to implement this recommendation.</p>

In our own words

Rec #	Action	Recommendation	Accepted by government	Department update on actions	Commission assessment	Commission comment
16	a	That the Victorian Government to transition over time to more family-like care environments including: <ul style="list-style-type: none"> a model of care, support and accommodation tailored to the child or young person's individual needs with continued transition support to facilitate them moving into home-based care 	Accepted in principle	The 2021–22 State Budget provided ongoing funding for the continuation of the evidence-based Therapeutic Foster Care Oregon (TFCO) program for children aged 7–11 years in residential care or at risk of entering residential care because of serious emotional and/or behavioural difficulties. The department will continue to implement TFCO to improve outcomes for children who require this type of care as an alternative to residential care placements.	Progress made – ongoing systemic effort required	The Commission welcomes work underway to provide more flexible and tailored placement options.
16	b	<ul style="list-style-type: none"> more flexible placement options, including two bed or single bed placements with tailored and appropriately skilled staff (not through current contingency arrangements) 	Accepted in principle	<p>Work is underway to provide more flexible and tailored placement options, including:</p> <ul style="list-style-type: none"> Trialling a Care Hub approach to provide intensive support to children and young people who are first entrants to care. Care Hubs provide wrap-around support for children entering care for the first time as well as sibling groups – giving children a greater sense of security and reuniting families earlier. Establishing 19 additional two to three bed residential care homes providing more placement options for young people in or entering residential care. Expanding the KEYS residential care model to a total of six homes state-wide. Undertaking capital works to build new residential care homes. 	Progress made – ongoing systemic effort required	The Commission commends the Government for investing in these much needed improvements and additional placement options, and will monitor ongoing progress against this recommendation.
16	c	<ul style="list-style-type: none"> a form of professionalised foster care. 	Accepted in principle	As per the department's response to recommendation 16a, the department will continue to implement the TFCO for children and young people aged seven to 11 years in residential care or at risk of entering residential care because of very serious emotional and/or behavioural difficulties. TFCO supports a professionalised funding model for carers.	Progress made – ongoing systemic effort required	The Commission notes and welcomes the ongoing funding in relation to the Therapeutic Foster Care Oregon. The Commission notes that the TFCO program has not yet been funded beyond the pilot program supporting 28 children per year in the South Division.

Progress against past inquiries

continued

In our own words

Rec #	Action	Recommendation	Accepted by government	Department update on actions	Commission assessment	Commission comment
16	d	That the Victorian Government increase funding and availability of therapeutic placement prevention and reunification supports for children and young people in or at risk of entering out-of-home care.	Accepted in principle	<p>The department will implement the expansion of the Family Preservation and Reunification Response, Aboriginal Family Preservation and Reunification Response and Intensive Family Services from 1 August 2021, focused on maintaining children safely with their families and preventing repeat or progressive involvement with Child Protection and Care Services, including support so that children in care can safely return home.</p> <p>The department will also trial a new Care Hub approach, delivering intensive multidisciplinary supports to children who are first entrants to care, including sibling groups. The Care Hub will work with children and young people and their families to return children home where possible.</p>	Planned for implementation	The Commission welcomes the Government's significant investment in a new family preservation and reunification response. The Commission will continue to monitor this recommendation.
16	e	That the department develop the expertise, focus and capacity of Child Protection workers to assist families to achieve reunification, including through case planning.	Accepted in principle	Child Protection Policy and Care Services to undertake a review within the next 12 months of current case and care planning guidelines as outlined in recommendation 7.	Planned for implementation	The Commission will continue to monitor this recommendation.

In our own words

Rec #	Action	Recommendation	Accepted by government	Department update on actions	Commission assessment	Commission comment
17		<p>That the Victorian Government develop mechanisms to track and report on outcomes for children in out-of-home care to ensure that care services, policy and programs are focused on improved outcomes for children and young people in care. This should include the development of key indicators, including but not limited to:</p> <ul style="list-style-type: none"> • number of placement changes children and young people experience • drivers and characteristics of placement breakdown • frequency of contact with siblings and family members • number of siblings living separately from one or more of their siblings in care • successful reunification of children with their family • timeliness of kinship care assessments • funded agency workforce capacity and training • contact between children and young people and their workers • number of complaints received from children and young people in care is improved disaggregated by age and care type. <p>An appropriate internal governance body should be established to monitor and track these indicators and ensure that the data collected can inform implementation and sequencing of reform initiatives. The internal governance body should provide regular updates to the Commission on these indicators and on the impact of reform initiatives on the indicators.</p>	Accepted	<p>Performance measures are routinely reported to and reviewed by a number of governance bodies, including the Community Service Operations Division (CSOD), Executive Committee (weekly), the Finance, Performance and Risk Subcommittee of the CSOD Executive Committee (monthly), and by the respective Executive Committees of each Division and Area (monthly). These committees review performance and consider where action is required to remediate underperformance.</p> <p>The department will review the specified measures, including data availability to improve monitoring.</p> <p>New functionality in CRIS has been established and regular monitoring is now in place for:</p> <ul style="list-style-type: none"> • contact between children and young people and their workers. <p>It is anticipated that the following measures could be revised or expanded:</p> <ul style="list-style-type: none"> • number of placement changes children and young people experience: Placement changes data is captured via the Client Risk & Vulnerability Indicator (CRVI) QlikView application. Training for Operational Divisions/Areas on the CRVI app facilitates self-access to placement change data for High Risk Youth Panel meetings, care team meetings and general care services monitoring. • number of siblings living separately from one or more of their siblings in care: Number of siblings living separately from some or all of their siblings is captured in the quarterly Aboriginal Children's Forums (ACF) data pack that is shared with Operations Divisions and the sector ahead of ACF. This data is also included in a monthly Combined Care Services report that is available via the OPQ Hub (Operational Performance & Quality SharePoint site), for Operations Divisions to monitor compliance and quality in care services. <p style="text-align: right;"><i>continued next page</i></p>	Progress made – ongoing systemic effort required	The Commission welcomes the introduction of the new CRIS functionality and will continue to monitor progress against this recommendation, in particular in relation to how the department intends to identify, monitor and track departmental data to ensure improved outcomes for children and young people in care.

Progress against past inquiries

continued

In our own words

Rec #	Action	Recommendation	Accepted by government	Department update on actions	Commission assessment	Commission comment
17				<p><i>continued from previous page</i></p> <ul style="list-style-type: none"> • successful reunification of children with their family: A Child Protection Navigator tool has been implemented to capture CP Navigator work on the family reunification and preservation response program. A monthly report is produced that documents referrals and throughput. Reporting on outcomes will shortly be introduced. <p>The department will review how complaints from children and young people in care are monitored:</p> <ul style="list-style-type: none"> • number of complaints received from children and young people in care is improved disaggregated by age and care type. <p>The following measures are not able to be monitored at this time:</p> <ul style="list-style-type: none"> • frequency of contact with siblings and family members: the department does not have a data source for this measure • funded agency workforce capacity and training: the department provides funding to providers to deliver output-based activities, and does not specify or monitor agency workforce matters. <p>Consideration will be given to whether adequate quality of data can be sourced for:</p> <ul style="list-style-type: none"> • drivers and characteristics of placement breakdown • timeliness of kinship care assessments. <p>In addition, the new DFFH will establish a cross divisional Quality, safety, outcomes and experience committee that includes responsibility for monitoring and tracking outcomes indicators for out-of-home care. This will consider how the data collected can inform implementation and sequencing of reform initiatives.</p>		

Keep caring

Rec #	Recommendation	Accepted by government	Commission Assessment	Commission Comment
1	<p>A new model of care: That the Victorian Government, in its implementation of the recommendations of the <i>In our own words</i> inquiry, develop and resource a model of care that embeds a young person's life aspirations, talents and goals into everyday case management and their time in placement.</p> <p>This model, founded on a continuum of supports which begins early, should include a focus on supporting young people to:</p> <ul style="list-style-type: none"> • be active participants in future-focused planning and preparing for their own future, with the support of a key worker (this lead worker should play a key role in facilitating leaving care planning and supports in partnership with the young person) • develop their independent living skills according to their developmental needs • remain engaged or re-engage with education or vocational pathways • build or heal positive connections with family and with the wider community • develop enduring connections with the services they may need to address mental health, trauma or substance use. <p>For Aboriginal young people, this new model of care should have a strong focus on supports to build an enduring connection to culture and community during and after care.</p> <p>The Commission notes that the success of this model of care is contingent on the implementation of the recommendations contained in the Commission's <i>In our own words</i> inquiry, which called for the out-of-home care system to be redesigned to be safe, stable and caring where young people are empowered to have a voice in decisions about them.</p>	Accepted in principle The focus of a new model of care is accepted.	Not yet progressed	The Commission welcomes the government response and will monitor implementation of the model.

Progress against past inquiries

continued

Keep caring

Rec #	Recommendation	Accepted by government	Commission Assessment	Commission Comment
2.1	<p>Improved guidelines and training: That the department develop simplified and youth-friendly assessment tools and guidelines for Child Protection and funded agencies, to support recommendation 1 of this inquiry. Implementation of the new guidance should be supported by training of the Child Protection and funded agency workforce.</p> <p>The guidance and training should have a strong focus on:</p> <ul style="list-style-type: none"> • building the independent living skills of all young people in care in a way that responds to their unique needs and developmental stage • young people's right to participate in leaving care planning • providing young people with information about available leaving care supports • providing young people with clarity about decisions they can and cannot have control over as they mature in care • ensuring young people's aspirations and talents inform leaving care planning (and helping young people in care to form aspirations for their future post-care and an understanding of how to achieve those goals) • supporting Aboriginal young people to develop an enduring connection to community and family while in care as a foundation for life after care • empowering young people with a disability to plan for their future and maximise their independent living skills • best practice for leaving care planning for young people with complex needs • roles and responsibilities in the care team to plan for young people's transition to independence • collaborative practice between services to develop leaving care plans including with Better Futures and NDIS • ensuring there is a plan and supports to safely re-connect or maintain positive connections with family if the young person wishes to do so • early planning for post-care accommodation to secure an option tailored to the developmental needs and aspirations of the young person • support for young people from culturally and linguistically diverse communities. 	Accepted in principle	Not yet progressed	The Commission notes the acceptance of the model and will monitor implementation against the recommendation.
2.2	<p>Combine cultural support and leaving care planning for Aboriginal young people transitioning from care: That the department in consultation with ACCOs create a combined cultural support and leaving care plan for Aboriginal young people to ensure that planning for their transition from care is informed by Aboriginal young people's right to build and maintain a connection to culture, community and culturally safe services.</p>	Accepted in principle	Not yet progressed	The Commission looks forward to receiving the implementation action plan in relation to this recommendation.
2.3	<p>Monitoring and oversight of leaving care planning: That the department monitor the extent to which leaving care planning is upholding the right of Aboriginal young people in care to continue to build a connection to culture and community.</p>	Accepted in principle	Not yet progressed	The Commission looks forward to receiving the implementation action plan in relation to this recommendation.

Keep caring

Rec #	Recommendation	Accepted by government	Commission Assessment	Commission Comment
2.4	Assessment of children and young people coming into care: That the department develop a disability screening and assessment process for children and young people entering out-of-home care, where there are indications that a child or young person may have a disability, to ensure early identification and timely provision of supports.	Accepted in principle	Not yet progressed	The Commission looks forward to receiving the implementation action plan in relation to this recommendation.
2.5	Integrate transition planning: That the department record transition planning in a way that is accessible to Child Protection practitioners and funded agency staff. This could include incorporating related tasks and goals into the young person's case plan and actions table.	Accepted in principle	Not yet progressed	The Commission looks forward to receiving the implementation action plan in relation to this recommendation.
2.6	Monitoring and oversight of leaving care planning: That the department, in implementing recommendation 17 of the <i>In our own words</i> inquiry: <ul style="list-style-type: none"> • monitor and audit whether transition planning for young people in care is occurring and its quality • monitor the implementation of its own guidance related to how the out-of-home care system should be cooperating with NDIA with regards to young people transitioning from care • publicly report on its compliance with key leaving care departmental policy and guidance. 	Accepted in principle	Not yet progressed	The Commission looks forward to receiving the implementation action plan in relation to this recommendation.
3.1	Additional disability advisers: That the Victorian Government resource additional advisers with disability and NDIS subject matter expertise within local Child Protection offices to train, assist and mentor case managers in supporting young people with a disability transitioning from care and navigating the disability service system and NDIS.	Accepted in principle	Not yet progressed	The Commission looks forward to receiving the implementation action plan in relation to this recommendation.
3.2	Case manager consults with disability advisers: That the department require that case managers who are supporting a young person with a disability consult regularly with disability and NDIS subject matter experts, in the years leading up to the young person's transition from care.	Accepted	Not yet progressed	The Commission looks forward to receiving the implementation action plan in relation to this recommendation.

Progress against past inquiries

continued

Keep caring

Rec #	Recommendation	Accepted by government	Commission Assessment	Commission Comment
4	<p>Dedicated brokerage for family therapy: That the Victorian Government:</p> <ul style="list-style-type: none"> invest in strengthening existing responses and specialist interventions to support young people to repair connections with their family members prior to leaving care make available brokerage to support young people's priority access to the above responses and interventions when required. 	Accepted in principle	Not yet progressed	The Commission looks forward to receiving the implementation action plan in relation to this recommendation.
5	<p>Tracking the life outcomes of care leavers: That the Victorian Government:</p> <ul style="list-style-type: none"> develop a mechanism to track the life outcomes (at a population level) of people who have left care between the ages of 16 to 18 and publish this data every two years advocate to the Commonwealth Government that it provide access to Commonwealth data sets relevant to the life outcomes of care leavers related to education, employment and social security benefits report on these outcomes through the governance mechanism proposed in recommendation 17 of the Commission's <i>In our own words</i> inquiry. 	Accepted in principle	Not yet progressed	The Commission looks forward to receiving the implementation action plan in relation to this recommendation.
6	Recording where young people go when they leave care: That the department accurately record where young people are transitioning to, at the point they leave care.	Accepted	Not yet progressed	The Commission looks forward to receiving the implementation action plan in relation to this recommendation.
7	<p>Increase funding for Better Futures: That the Victorian Government increase the funding of Better Futures to ensure the program:</p> <ul style="list-style-type: none"> can adequately meet its current level of demand, as well as the year-on-year increase in young people eligible for this service can offer intensive supports to care leavers who need it, including to learn independent living skills, re-engage with education or vocational pathways and address mental health and/or substance abuse issues has the capacity to offer all young people support via the Better Futures Community Connections service can directly support and engage with young people from 16 years of age in preparation for leaving care. 	Accepted The \$10.3 million investment in Better Futures in the Victorian State Budget 2020-21, coupled with the \$64.7 million investment in the landmark Home Stretch program will go a long way towards acquitting this recommendation.	Significant progress made – ongoing systemic effort required	As stated in the <i>Keep caring</i> inquiry report, the Commission welcomes the significant investment in Better Futures and Home Stretch and will continue to monitor the application of funding towards the intent of the recommendation.

Keep caring

Rec #	Recommendation	Accepted by government	Commission Assessment	Commission Comment
8	<p>Provision of culturally safe leaving care supports through ACCO-run and designed Better Futures: That the Victorian Government ensure that all Aboriginal young people have the opportunity to access culturally safe supports based on their level of need as they transition from care, by:</p> <ul style="list-style-type: none"> at a minimum, allocating a proportion of funding to ACCOs to deliver Better Futures proportionate to Aboriginal young people's representation in the leaving care cohort working with ACCOs and Aboriginal young people with a lived experience of care to design a culturally safe Better Futures model reporting annually on the proportion of Better Futures funding which is allocated to ACCOs giving ACCOs direct access to and control over Better Futures flexible funding funding ACCOs, who are delivering Better Futures, to also deliver the Community Connections service. 	<p>Accepted in principle</p> <p>The \$10.3 million investment in Better Futures in the Victorian State Budget 2020–21, coupled with the \$64.7 million investment in the landmark Home Stretch program go a long way towards acquitting this recommendation.</p>	<p>Significant progress made – ongoing systemic effort required</p>	<p>As stated in the <i>Keep caring</i> inquiry report, the Commission welcomes the significant investment in Better Futures and Home Stretch and will continue to monitor the application of funding towards the intent of the recommendation.</p>
9	<p>Clarify the role of Better Futures to work with young people with a disability: That the department clarify the role and required capabilities of Better Futures to work with young people with a disability.</p>	<p>Accepted</p>	<p>Not yet progressed</p>	<p>The Commission looks forward to receiving the implementation action plan in relation to this recommendation.</p>
10	<p>Scope of Better Futures and Home Stretch evaluation: That the longitudinal evaluation of Better Futures and Home Stretch should consider:</p> <ul style="list-style-type: none"> the effectiveness of Better Futures' secondary consultation role in the care team prior to a young person's exit from care, including the extent to which it contributes to improved leaving care planning and activity the extent to which the Better Futures model enables care leavers to develop a positive and productive working relationship with their worker before they leave care whether young people with complex needs are receiving the level of support they require to engage successfully with education, training and employment and/or mental health and drug rehabilitation services after they leave care. 	<p>Accepted</p>	<p>Not yet progressed</p>	<p>The Commission looks forward to receiving the implementation action plan in relation to this recommendation.</p>
11	<p>Expanding the Home Stretch program: That the Victorian Government increase investment in the Home Stretch program to ensure that all care leavers have the option of remaining in their kinship or foster care placements, or transitioning to independent living, with support, until 21 years.</p>	<p>Accepted</p> <p>Fully acquitted against recent investment.</p>	<p>Completed</p>	<p>As stated in the <i>Keep caring</i> inquiry report, the Commission welcomes the significant additional investment in and expansion of this important program.</p>

Keep caring

Rec #	Recommendation	Accepted by government	Commission Assessment	Commission Comment
12	<p>Increased investment in post-care housing: That the Victorian Government:</p> <ul style="list-style-type: none"> increase investment in post-care housing options for care leavers to a level sufficient to guarantee a secure, stable and safe home for all young people upon leaving care ensure housing investment for Aboriginal care leavers is proportionate to their over-representation among young people leaving care report annually through the Aboriginal Children's Forum on housing investment for Aboriginal care leavers as a proportion of funding allocated to all care leavers develop and implement an integrated and demand-driven suite of housing options – which includes housing stock and support services – tailored to the diverse needs of young people leaving care. <p>The suite of options should include:</p> <ul style="list-style-type: none"> social and public housing stock a range of supported and step-down accommodation options for young people up to the age of 21 years, who are not yet ready to live independently a range of culturally safe housing for Aboriginal young people leaving care, including tailored supports. 	<p>Accepted in principle</p> <p>The Big Housing Build provides Homes Victoria with the opportunity to explore a range of housing and support options for young people exiting care including social housing, step-down housing, and private rental.</p>	<p>Not yet progressed</p>	<p>The Commission looks forward to receiving the implementation action plan in relation to this recommendation.</p>
13	<p>Increased accommodation options for care leavers with a disability: That the Victorian Government:</p> <ul style="list-style-type: none"> advocate to the Commonwealth to take measures to ensure that the NDIS market offers a diverse and flexible range of Specialist Disability Accommodation (SDA) options for all care leavers with a disability who require them advocate to the Commonwealth that the NDIA adopt processes to ensure a seamless continuity of supports to young people with a disability and their carers so these young people can remain with their carers where appropriate, following their exit from care in circumstances where a seamless continuity of supports is not achieved, make available flexible brokerage, including via the Home Stretch program, to assist carers to continue caring for young people with a disability until appropriate NDIS supports are in place increase the number and range of supported accommodation options with appropriate levels of support (including those funded by the NDIS) for care leavers with a disability. <p>Work to fulfil this recommendation should include working with the NDIA to collect and analyse data on the number of care leavers with disability who are unlikely to be eligible for SDA.</p>	<p>Accepted in principle</p>	<p>Not yet progressed</p>	<p>The Commission looks forward to receiving the implementation action plan in relation to this recommendation.</p>

Keep caring

Rec #	Recommendation	Accepted by government	Commission Assessment	Commission Comment
14	<p>Flexible mental health and substance use support for young people who have left care: That the Victorian Government ensure young people who have left care have access to:</p> <ul style="list-style-type: none"> flexible and assertive mental health outreach and substance use support programs brokerage to support timely access to services to respond to their ongoing and unmet mental health and substance use needs. 	<p>Accepted in principle</p> <p>The 2021–22 State Budget provides \$266 million over four years to establish new Youth Local Mental Health and Wellbeing Services in which young people have access to different levels of treatment, care and support depending on the intensity of their needs, including support for general wellbeing and alcohol and other drug treatment.</p> <p>\$40.4 million over four years will be provided for supported housing for adults and young people living with mental illness.</p>	<p>Planned for implementation</p>	<p>The Commission welcomes the significant and much needed additional funding and plans in relation to youth mental health and wellbeing services and will monitor its application in relation to acquittal of this recommendation.</p>
15	<p>Recognise an enforceable right to post-care supports: That the Victorian Government:</p> <ul style="list-style-type: none"> amend the CYFA 2005 to include an enforceable right for young people who leave care between the age of 16 and 18 to receive services and supports to transition to independence until at least the age of 21 invest in post-care supports in a manner which meets this right and is responsive to current and growing future demand for post-care services and supports. 	<p>Accepted</p> <p>Proposed amendments to the CYFA 2005 will acquit the intent of this recommendation, along with recent investment.</p>	<p>Planned for implementation</p>	<p>The Commission welcomes the progress on amendments to the CYFA and towards including an enforceable right to post-care supports and will monitor the progress in relation to the appropriate investment to enable the right to be accessed by young people leaving care in Victoria.</p>

Corporate services and financial summary



Under section 53 of the *Financial Management Act 1994*, on 20 July 2016, the Minister for Finance approved Commission financials to be included in the accounts of the former DHHS (now DFFH) in its annual report.

Table 38 provides a summary of the Commission's expenditure for 2020–21.

Table 38. Commission expenditure 2020–21

Expenditure	2020–21 (\$)	2019–20 (\$)	2018–19 (\$)
Salaries and on costs	10,592,544	10,127,896	9,063,503
Grants and other transfers	-	-	-
Operating expenses	2,109,868	2,544,170	3,514,349
Depreciation	-	-	-
Total	12,702,412	12,672,066	12,577,852

Over 2018–19 and 2019–20 years, the Commission received \$1,729,087 in external funding for a number of significant inquiries and projects including *Our youth, our way: Inquiry into the over-representation of Aboriginal children and young people in the Victorian youth justice system*. \$786,259 of that funding was carried forward to 2020–21 to meet committed project costs including the completion of the *Our youth, our way* inquiry and report.

Asset Management Accountability Framework (AMAF) maturity assessment [FRD 22I]

The Commission does not have any assets for the purposes of the Asset Management and Accountability Framework.

Appendices



Appendix 1.

Disclosure index

Commission for Children and Young People financial statements are now included in the accounts of DFFH and, therefore, disclosures under 'Financial statements required under Part 7 of the *Financial Management Act 1994*', 'Other requirements under Standing Direction 5.2', and 'Other disclosures are required by FRDs in notes to the financial statements' are referenced in the DFFH report of operations and disclosure index.

Table 39. Commission disclosures

Legislation	Requirement	Page
<i>Standing Directions and Financial Reporting Directions</i>		
<i>Report of operations</i>		
Charter and purpose		
FRD22H	Manner of establishment and the relevant ministers	8,14
FRD 22H	Purpose, functions, powers and duties	14
FRD 22H	Key initiatives and projects	16
FRD 22H	Nature and range of services provided	14–17
Management and structure		
FRD 22H	Organisational structure	160
Financial and other information		
FRD 10A	Disclosure index	157
FRD 12B	Disclosure of major contracts	169
FRD 15E	Executive officer disclosures	166
FRD 22H	Employment and conduct principles	161
FRD 22H	Occupational health and safety policy	161
FRD 22H	Summary of the financial results for the year	155
FRD 22H	Significant changes in financial position during the year	N/A
FRD 22H	Major changes or factors affecting performance	N/A
FRD 22H	Subsequent events	N/A
FRD 22H	Application and operation of <i>Freedom of Information Act 1982</i>	169
FRD 22H	Compliance with building and maintenance provisions of the <i>Building Act 1993</i>	170
FRD 22H	Statement on National Competition Policy	N/A
FRD 22H	Application and operation of the <i>Public Interest Disclosures Act 2012</i>	170
FRD 22H	Application and operation of the <i>Carers Recognition Act 2012</i>	170
FRD 22H	Details of consultancies over \$10,000	167
FRD 22H	Details of consultancies under \$10,000	168
FRD 22H	Disclosure of government advertising expenditure	167
FRD 22H	Disclosure of ICT expenditure	168
FRD 22H	Statement of availability of other information	170

Table 39. Commission disclosures (continued)

Legislation	Requirement	Page
<i>Standing Directions and Financial Reporting Directions</i>		
FRD 24D	Reporting of office-based environmental impacts	171
FRD 25D	Local jobs first	167
FRD 29C	Workforce data disclosures	163
SD 5.2	Specific requirements under Standing Direction 5.2	1–172
Compliance attestation and declaration		
SD 5.4.1	Attestation for compliance with Ministerial Standing Direction	172
SD 5.2.3	Declaration in report of operations	1
<i>Freedom of Information Act 1982</i>		169
<i>Building Act 1993</i>		170
<i>Public Interest Disclosures Act 2012</i>		170
<i>Carers Recognition Act 2012</i>		170
<i>Disability Act 2006</i>		171
<i>Local Jobs First Act 2003</i>		167
<i>Financial Management Act 1994</i>		1, 155, 157, 172

Appendix 2.

Governance and organisational structure

The Commissioners

Principal Commissioner

Liana Buchanan was appointed Principal Commissioner for Children and Young People in April 2016 and was re-appointed for an additional five-year term in April 2021. The Principal Commissioner has all the functions and powers of the Commission and any other powers or functions conferred on her by the *Commission for Children and Young People Act 2012* or any other Act.

Commissioner for Aboriginal Children and Young People

In May 2018, Justin Mohamed was appointed to the role of Commissioner for Aboriginal Children and Young People for a five-year term. The Commissioner for Aboriginal Children and Young People is responsible for leading the functions of the Commission relating to Aboriginal children and young people.

Executive officers

Annie Tinney

In September 2018, Annie Tinney commenced as the Chief Executive Officer of the Commission. Ms Tinney provides operational leadership to the Commission and ensures its effective and efficient management.

Emily Sanders

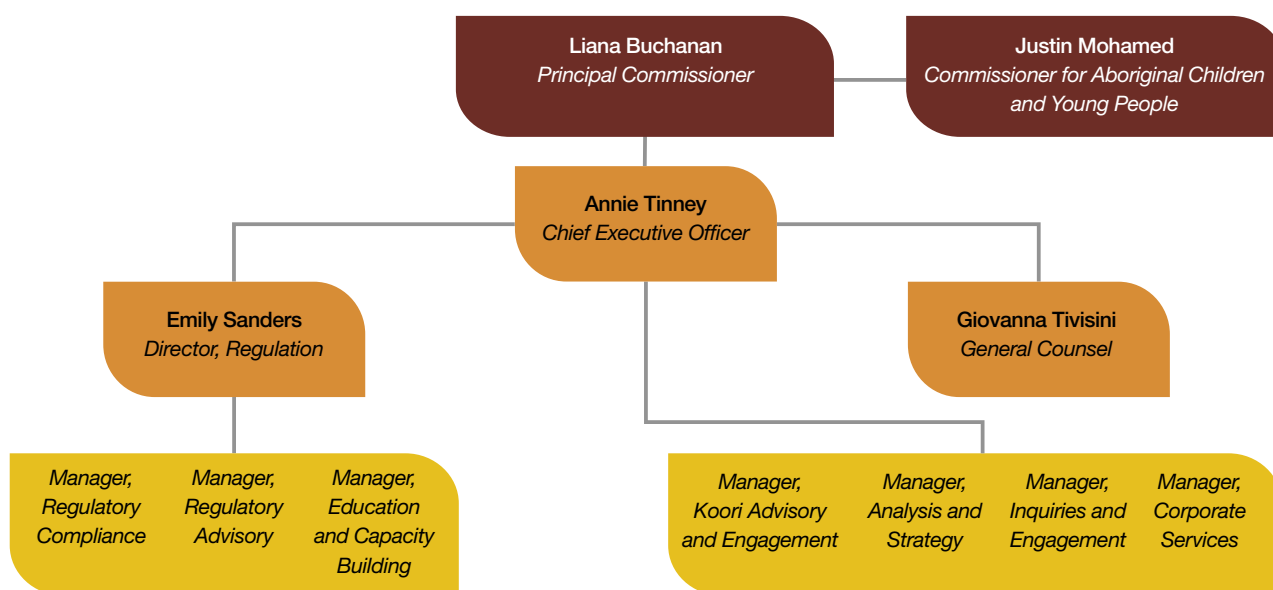
Emily Sanders was appointed Director, Regulation in February 2018 and was recently re-appointed to the role until February 2026. Ms Sanders is responsible for managing the operational components and regulatory functions of the Reportable Conduct Scheme and Child Safe Standards.

Giovanna Tivisini

Giovanna Tivisini is the Commission's General Counsel and was promoted from VPS staff to an Executive Officer in September 2019 for a five-year term after an independent review of the position by the Victorian Public Sector Commission. Ms Tivisini ensures the delivery of legal services across the Commission's portfolios.

Organisational structure as at 30 June 2021

Figure 12. Commission organisational chart



Audit and Risk Committee membership and roles

The Audit and Risk Committee consists of the following members:

- Fiona Green, Chairperson
- Tony Nippard, Independent Member
- Mary Polis, Independent Member.

Previous Chairperson, David Gibbs completed his term in November 2020. The Commission thanks Mr Gibbs for his commitment to this role.

The primary role of the Audit and Risk Committee is to review and advise the executive of the Commission on matters of financial accountability, internal financial and non-financial controls, and risk management.

The Audit and Risk Committee provides oversight and advice to the executive of the Commission in relation to:

- the Commission's financial performance
- the Commission's financial reporting processes
- the effective operation of the Commission's risk management framework
- the charter, scope of work, performance and independence of the Commission's internal audit function
- recommendations made by the internal auditor and the implementation of actions to resolve issues raised
- matters of accountability and internal control affecting the financial operations of the Commission
- the effectiveness of management information systems and other systems of internal financial and non-financial control
- the acceptability, disclosure of, and correct accounting treatment for, significant transactions that are not part of the Commission's normal course of business.

Occupational health and safety

The Commission is committed to ensuring all staff remain safe and healthy at work in accordance with its obligations under the *Occupational Health and Safety Act 2004* and the Occupational Health and Safety Regulations 2007.

In 2020–21, the Commission continued its ongoing internal safety reporting process, ergonomic assessments for staff and an employee assistance program. Due to the COVID–19 pandemic and requirement for staff to predominantly work from home during the period, many of these processes and programs were tailored to support staff while working remotely. All staff working from home were required to complete a mandatory ergonomic self-assessment of their workstation set up. Any issues raised in these self-assessments were then addressed with the staff member's manager.

For the fifth consecutive year, the Commission also continued its engagement with Medibank Health Solutions to deliver expert wellbeing support to all staff at the Commission. The Wellbeing Check program consists of bi-monthly telephone-based counselling for staff to discuss any issues they may be experiencing, either as a result of the subject matter they deal with at work, other work-related issues, or any personal concerns. The frequency of counselling sessions can be increased if required.

Due largely to the global pandemic, and its impact on both work and the personal lives of staff, uptake in the Wellbeing Check program has increased from previous years.

Occupational Health and Safety Committee meetings

The Commission also has an Occupational Health and Safety Committee. The committee consists of elected management and staff representatives, the Commission's Health and Safety Representatives and Secretariat. The committee is chaired by the Commission's Manager, Corporate Services.

During 2020–21, four Occupational Health and Safety Committee meetings were held.

Injuries and incident management

During 2020–21 there was one reported minor injury. Comparatively, in 2019–20 there were 11 reported minor injuries.

The injury was classified as an Incident (rather than a Hazard).

The reported incident related to an interaction between two Commission staff members and external visitors to the Commission's floor. The interaction was deemed to be inappropriate by the two Commission staff members.

The significant decrease in reported incidents or injuries since 2019–20 can largely be attributed to the fact that staff have predominantly worked from home during 2020–21 due to the COVID–19 pandemic, and not in an office environment. However, staff have been reminded regularly that any injuries incurred at home while working for the Commission are reportable injuries.

In 2020–21 there were no recorded major incidents.

In addition, no matters resulted in WorkCover claims in 2020–21.

Employment and conduct principles

The Commission is committed to applying merit and equity principles when appointing staff. The Commission's selection processes ensure that applicants are assessed and evaluated fairly and equitably based on the key selection criteria and other accountabilities without discrimination.

Employees have been correctly classified in workforce data collections.

Governance and organisational structure

continued

Our commitment to child safety

The Commission is committed to providing a child-safe and child-friendly environment, where children and young people with whom the Commission has contact are safe, feel safe and are able to participate in decisions that affect their lives.

The Commission's Child Safe Policy and Child Safe Code of Conduct apply to the Commissioners, staff, contractors, volunteers and authorised persons engaged by the Commission.

Appendix 3.

Workforce data

Public sector values and employment principles

The Code of Conduct for Victorian Public Sector Employees of Special Bodies applies within the Commission.

Comparative workforce data

The Commission employed 70 people as at 30 June 2021, which is a decrease of nine people at the same time last year (Tables 40a and 40b).

There has been a significant decrease in fixed term employees (decrease of 15 employees) as at 30 June 2021 compared to the previous financial year.

Table 40a. Workforce data as at 30 June 2021

	30 June 2021		All employees			Ongoing			Fixed term and casual	
	Number (headcount)	FTE	Full-time (headcount)	Part-time (headcount)	FTE	Number (headcount)	FTE			
Demographic data	Gender									
	Men	17	16.8	15	1	15.8	1	1		
	Women	53	48	31	12	38.9	10	9.1		
	Self-described	n	n	n	n	n	n	n	n	
	Age									
	15–24	1	1	1	0	1	0	0		
	25–34	19	18	14	2	15.1	3	2.9		
	35–44	20	17.6	11	5	14.4	4	3.2		
	45–54	15	14.7	10	2	11.7	3	3		
	55–64	12	10.9	8	3	9.9	1	1		
65+	3	2.6	2	1	2.6	0	0			
Classification data	VPS 1–6 grades	67	61.8	46	13	54.7	8	7.1		
	VPS 2	1	1	1	0	1	0	0		
	VPS 3	2	1.6	1	1	1.6	0	0		
	VPS 4	13	12.2	10	0	10	3	2.2		
	VPS 5	29	26.3	19	7	23.4	3	2.9		
	VPS 6	22	20.7	15	5	18.7	2	2		
	Senior employees	3	3	0	0	0	3	3		
	Executives	3	3	0	0	0	3	3		
Other	0	0	0	0	0	0	0			
Total employees	70	64.8	46	13	54.7	11	10.1			

*n=nil

Table 40b. Workforce data as at 30 June 2020

30 June 2020	All employees		Ongoing			Fixed term and casual	
	Number (headcount)	FTE	Full-time (headcount)	Part-time (headcount)	FTE	Number (headcount)	FTE
Gender							
Men	21	21	13	0	13	8	8
Women	58	51.9	27	13	35.1	18	16.8
Self-described	n	n	n	n	n	n	n
Age							
15–24	1	1	0	0	0	1	1
25–34	24	22.8	12	0	12	12	10.8
35–44	27	24.6	12	5	14.6	10	10
45–54	13	12.2	6	5	10.2	2	2
55–64	12	10.7	9	2	9.7	1	1
65+	2	1.6	1	1	1.6	0	0
VPS 1–6 grades							
VPS 2	76	69.9	40	13	48.1	23	21.8
VPS 3	2	2	0	0	0	2	2
VPS 4	5	4.6	2	1	2.6	2	2
VPS 5	19	18	9	1	9	9	9
VPS 6	30	26.4	15	7	19.6	8	6.8
VPS 6	20	18.9	14	4	16.9	2	2
Senior employees							
Executives	3	3	0	0	0	3	3
Other	3	3	0	0	0	3	3
Other	0	0	0	0	0	0	0
Total employees	79	72.9	40	13	48.1	26	24.8

*n=nil

The figures in Tables 40a and 40b exclude those on leave without pay or absent on secondment, external contractors/consultants, temporary staff employed by employment agencies, and a small number of people who are not employees but are appointees to a statutory office, as defined in the *Public Administration Act 2004*.

All figures reflect employment levels during the last full pay period of each year.

'Ongoing' employees means people engaged on an open-ended contract of employment and executives engaged on a standard executive contract who are active in the last full pay period of June.

Workforce inclusion

Equal opportunity and diversity are valued highly at the Commission. In late 2020–21, the Commission commenced a review for the purposes of the *Gender Equality Act 2020*, and in 2021–22, the Commission will develop a specific Gender Equality Action Plan to address any inequities identifiable in the Commission’s workforce data.

Executives and other non-executive senior staff

Table 41 discloses the annualised total salary for senior employees of the Commission, categorised by classification.

Table 41. Annualised total salary by \$40,000 bands for executives and other senior non-executive staff as at 30 June 2021

Income band (salary)	Executives	Other
\$160,000 – \$199,999	1	0
\$200,000 – \$239,999	1	0
\$240,000 – \$279,999	1	1
\$280,000 – \$319,999	0	1
Total	3	2

The salary amount is reported as the full-time annualised salary.

Executive officer data

The number of executive officers employed by the Commission is provided in Table 42, and Table 43 provides a reconciliation of executive and non-executive senior staff numbers in 2020–21 and 2019–20.

Table 42. Total number of executive officers (non-Commissioners) for the Commission by gender as at 30 June 2021

Class	Total		Men		Women		Self-described	
	No.	Var.	No.	Var.	No.	Var.	No.	Var.
SES-1	2	0	0	0	2	0	n	n
SES-2	1	0	0	0	1	0	n	n
Total	3	0	0	0	3	0	n	n

*n=nil

Table 43. Reconciliation of executive and non-executive senior staff numbers

	2020–21	2019–20
Executives	3	3
Non-executive senior staff	1	1
Accountable Officer	1	1
Less Separations	(0)	(0)
Total executive numbers at 30 June	5	5

Table 43 above lists the actual number of executive officers, non-executive senior staff (Commissioner for Aboriginal Children and Young People) and Accountable Officers (Principal Commissioner) over the reporting period. Separations are those that have left the Commission during the reporting period.

Appendix 4.

Other disclosures

Local jobs first

The *Local Jobs First Act 2003* introduced in August 2018 brings together the Victorian Industry Participation Policy and Major Project Skills Guarantee (MPSG) policy, which were previously administered separately.

Departments and public sector bodies (which include special bodies such as the Commission) are required to apply the Local Jobs First policy in all projects valued at \$3 million or more in Metropolitan Melbourne or for statewide projects, \$1 million or more for projects in regional Victoria.

MPSG applies to all construction projects valued at \$20 million or more.

The Commission did not engage in any applicable tenders or projects during the reporting period.

Advertising expenditure

In 2020–21 the Commission did not commission any advertising campaigns.

Consultancy expenditure

Consultancies \$10,000 or greater

In 2020–21 the Commission engaged 10 consultancies with individual costs greater than \$10,000. The total value of those consultancies was \$557,000 (Table 44).

Other disclosures

continued

Table 44. Consultancies valued at \$10,000 or greater

Consultant	Purpose of consultancy	Total approved project fee (excl. GST)	Expenditure 2020–21 (excl. GST)	Future expenditure (excl. GST)
Allens Linklaters	Advice	\$10,500	\$10,500	-
Catherine Zissermann	Consultancy services for the <i>Our youth, our way</i> report – Koori Youth Justice Taskforce	\$122,870	\$122,870	-
Foley's List	Advice	\$77,495	\$77,495	-
Jenny Dwyer Associates	Inquiry into Government services	\$12,000	\$12,000	-
K Murray Consulting	<i>Out of sight: Systemic inquiry into children and young people who are absent or missing from care</i>	\$161,500	\$119,000	-
Lauren Hodes	Consultancy services for the <i>Our youth, our way</i> report – Koori Youth Justice Taskforce	\$56,640	\$56,640	-
Minter Ellison	Advice	\$38,866	\$38,866	-
Nicole Cassar	Consultancy services for the 'Cultural Safety for Aboriginal Children and Young People' project	\$31,806	\$31,806	-
Price Waterhouse Coopers Indigenous Consulting Ltd	Consultancy services for the 'Cultural Safety for Aboriginal Children and Young People' project	\$26,906	\$26,906	-
University of South Australia	Child Safe Standards – Empowering Children Guidance	\$60,917	\$60,917	-
Total		\$599,500	\$557,000	-

Consultancies less than \$10,000

In 2020–21, the Commission engaged eight consultancies in this category, for a value of \$55,485.

Information and communication technology expenditure

For the 2020–21 reporting period, the Commission had a total ICT expenditure of \$155,183, the details of which are shown in Table 45.

In 2020–21, the Commission did not have any non-business as usual ICT expenditure. Business as usual expenditure predominantly related to system licenses and hosting fees.

Table 45. Commission ICT expenditure

Business as usual	Non-business as usual	Operational expenditure	Capital expenditure
(Total)	(Total = Operational expenditure and capital expenditure)		
\$155,183	\$0	\$0	\$0

Disclosure of major contracts

The Commission did not enter into any contracts greater than \$10 million in value.

Freedom of information

The *Freedom of Information Act 1982* (the FOI Act) enables the public to apply to access documents held by public sector agencies including the Commission. The purpose of the FOI Act is to extend, as far as possible, the right of the community to access information held by government departments, local councils, Ministers and other bodies subject to the FOI Act.

An applicant has a right to apply for access to documents held by the Commission. This comprises documents either created by the Commission or supplied to the Commission by an external organisation or individual, and may also include maps, films, microfiche, photographs, computer printouts, computer discs, tape recordings and videotapes.

The FOI Act allows the Commission to refuse access, either fully or partially, to certain documents or information. Examples of documents that may not be accessed include Cabinet documents, some internal working documents, law enforcement documents, documents covered by legal professional privilege (such as legal advice), personal information about other people, information provided to the Commission in-confidence and information acquired by the Commission through its functions protected by statutory secrecy obligations.

If an applicant is not satisfied by a decision made by the Commission, under section 49A of the FOI Act, they have the right to seek a review by the Office of the Victorian Information Commissioner within 28 days of receiving a decision letter.

Making a freedom of information request

Freedom of Information requests can be made using the options available on the Commission's website. An application fee of \$29.60 applied in 2020–21. Access charges may also be payable if the document pool is large, and the search for material time-consuming.

Access to documents can also be obtained through a written request to the Commission, as detailed in section 17 of the FOI Act.

When making a Freedom of Information request, applicants should ensure requests are in writing, and clearly identify the documents sought.

Requests for documents in the possession of the Commission should be addressed to:

Chief Executive Officer
Commission for Children and Young People
Level 18, 570 Bourke St
Melbourne Victoria 3000

Alternatively, email contact@ccyp.vic.gov.au and attention it to the Commission's Chief Executive Officer.

Freedom of information statistics

During 2020–21, the Commission received six applications from members of the public. All decisions were made within the statutory 30-day time period.

One decision was reviewed by the Office of the Victorian Information Commissioner and one decision was also referred to the Victorian Civil and Administrative Tribunal during 2020–21.

Further information

Further information regarding the operation and scope of Freedom of Information can be obtained from the FOI Act; regulations made under the Act; and www.foi.vic.gov.au.

Compliance with the *Building Act 1993*

The Commission does not own or control any government buildings and is exempt from notifying its compliance with the building and maintenance provisions of the *Building Act 1993*.

Compliance with the *Public Interest Disclosures Act 2012*

The *Public Interest Disclosures Act 2012* (PDA Act) encourages and assists people in making disclosures of improper conduct by public officers and public bodies. The PDA Act provides protection to people who make disclosures in accordance with the PDA Act and establishes a system for the matters disclosed to be investigated and rectifying action to be taken.

The Commission does not tolerate improper conduct by employees, nor the taking of reprisal action against those who come forward to disclose such conduct. It is committed to ensuring transparency and accountability in its administrative and management practices, and supports the making of disclosures that reveal corrupt conduct, conduct involving a substantial mismanagement of public resources, or conduct involving a substantial risk to public health and safety or the environment.

The Commission will take all reasonable steps to protect people who make such disclosures from any detrimental action in reprisal for making the disclosure. It will also afford natural justice to the person who is the subject of the disclosure to the extent it is legally possible.

Reporting procedures

Disclosures of improper conduct or detrimental action by the Commission or any of its employees may be made to the Independent Broad-based Anti-corruption Commission:

Level 1, North Tower 459 Collins Street
Melbourne VIC 3000
Phone: 1300 735 135
Website: www.ibac.vic.gov.au

Public Interest disclosure statistics

During 2020–21, no disclosures were made to the Independent Broad-based Anti-corruption Commission by individuals regarding the Commission and/or its staff that the Commission is aware of.

Compliance with the *Carers Recognition Act 2012*

The Commission supports the principles of the *Carers Recognition Act 2012* and demonstrates this through a commitment of providing flexible working arrangements for staff to support their roles as carers.

Additional flexibility was awarded to staff during 2020–21 due to the COVID–19 pandemic and requirement for staff to predominantly work from home.

Additional Commission information available on request

In compliance with the requirements of the Standing Directions of the Minister for Finance, details in respect of the items listed below have been retained by the Commission and are available on request, subject to the provisions of the FOI Act and any other relevant laws and Commission policies.

- a) A statement that declarations of pecuniary interests have been duly completed by all relevant officers.
- b) Details of shares held by a senior officer as nominee or held beneficially in a statutory authority or subsidiary.
- c) Details of publications produced by the entity about itself, and how these can be obtained.
- d) Details of changes in prices, fees, charges, rates and levies charged by the entity.
- e) Details of any major external reviews carried out on the entity.
- f) Details of major research and development activities undertaken by the entity.
- g) Details of overseas visits undertaken including a summary of the objectives and outcomes of each visit.

- h) Details of major promotional, public relations and marketing activities undertaken by the entity to develop community awareness of the entity and its services.
- i) Details of assessments and measures undertaken to improve the occupational health and safety of employees.
- j) A general statement on industrial relations within the entity and details of time lost through industrial accidents and disputes.
- k) A list of major committees sponsored by the entity, the purposes of each committee and the extent to which the purposes have been achieved.
- l) Details of all consultancies and contractors including:
 - i) consultants/contractors engaged
 - ii) services provided
 - iii) expenditure committed to for each engagement.

The information is available on request from:

Chief Executive Officer
 Commission for Children and Young People
 Level 18, 570 Bourke Street
 Melbourne VIC 3000

Compliance with the *Disability Act 2006*

The Commission acknowledges the importance of strengthening the rights of people with a disability and is committed to creating and maintaining an accessible and inclusive environment for all people with a disability. This includes Commission employees, stakeholders or members of the public.

DHHS developed a *Disability Action Plan 2018–2020* to outline the former department's commitment to enhance the health and wellbeing of people with a disability.

The Commission supports the former department's approach to complying with the *Disability Act 2006* and through the corporate services arrangement with the department (now DFFH), looks forward to continuing to

implement relevant action items and recommendations that arise from the plan.

Despite the necessary focus on the COVID–19 pandemic in 2020–21, actions identified in this plan continue to be implemented.

Reporting of office-based environmental impacts

The Commission minimises the use of electricity and water by using efficient appliances and office equipment, including energy-efficient lighting. The Commission uses 100 per cent recycled paper, creates and stores records electronically and when printing documents, encourages double-sided printing.

The Commission also separates waste systems into recycled, landfill and compost, and bins are cleared periodically. Takeaway coffee cups are also separated and recycled through a dedicated coffee cup recycling system.

For most of 2020–21, staff worked from home and the office was unattended due to the COVID–19 pandemic. During this time, plug-in electrical appliances were turned off at the power point. This included kitchen appliances (microwaves, dishwashers, toasters), televisions, desktop computers and monitors, and printers and photocopiers.

As a benefit of staff working from home for the majority of 2020–21, the Commission has also minimised the use of air-conditioning, turned off the lights during the day, and minimised the creation of waste.

Finally, the Commission does not have any assigned government vehicles and staff are encouraged to use public transport in undertaking business activities.

Other disclosures

continued

Attestation for financial management compliance with Standing Direction 5.1.4

Commission for Children and Young People Financial Management Compliance Attestation Statement

I, Liana Buchanan, certify that the Commission for Children and Young People has no Material Compliance Deficiency with respect to the applicable Standing Directions under the *Financial Management Act 1994* and Instructions.



Liana Buchanan

Principal Commissioner

Commission for Children and Young People

Commission for Children and Young People

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COMMISSION FOR CHILDREN
AND YOUNG PEOPLE