



Commission for Children
and Young People

Annual report

2021-22



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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COMMISSION FOR CHILDREN
AND YOUNG PEOPLE

15 September 2022

The Hon. Colin Brooks MP
Minister for Child Protection and Family Services
Level 22, 50 Lonsdale Street
MELBOURNE VIC 3000

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 2022.

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
ACSASS	Aboriginal Child Specialist Advice and Support Service
CCYP Act	<i>Commission for Children and Young People Act 2012</i>
CIMS	Client Incident Management System
CRIS	Client Relationship Information System
CSO	Community sector organisation
CYC	Commission Youth Council
CWSA	<i>Child Wellbeing and Safety Act 2005</i>
CYFA	<i>Children, Youth and Families Act 2005</i>
DET	Department of Education and Training
DHHS	Department of Health and Human Services
DFFH	Department of Families, Fairness and Housing
DH	Department of Health
DJCS	Department of Justice and Community Safety
FTE	Full Time Equivalent
IVP	Independent Visitor Program
MARAM	Multi-Agency Risk Assessment and Management Framework
NDIA	National Disability Insurance Agency
NDIS	National Disability Insurance Scheme
OOHC	Out-of-home care
QARD	Quality Assessment and Regulation Division in the Department of Education and Training
SERT	Safety Emergency and Response Team
SESG	Security and Emergency Services Group
SIDS	Sudden Infant Death Syndrome
SUDI	Sudden Unexpected Death in Infancy
VEOHRC	Victorian Equal Opportunity and Human Rights Commission
VRQA	Victorian Registration and Qualifications Authority

From the Principal Commissioner



Liana Buchanan
Principal Commissioner

“Ultimately, our work would also not be possible without the children and young people who share their ideas, experiences and concerns with us.

With the disruption of COVID-19 receding, if not over, the Commission has this year focused on consolidating and refocusing for the challenges ahead. We know that for children and young people particularly, the longer-term impacts of COVID-19, including of extended lockdowns, will continue to unfold. Advocating to ensure long-term needs are met and addressed, and that governments more consistently consider the implications for children in any future emergencies, will continue as a focus for the Commission for some time.

Meanwhile we continue the more adaptable ways of working as we maintain our core business – monitoring government systems that most impact children, regulating organisations to prevent institutional child abuse, and advocating to ensure the rights of children and young people are respected and realised.

This year we made a record number of submissions on diverse areas of law and policy affecting children and young people, in many cases driving direct change.

We commenced two systemic inquiries: one into access to education for children and young people in out-of-home care, and another into the adequacy of services for

children under the acute phases of the pandemic. We completed 41 child death inquiries, as well as two other inquiries prompted by concerns for children brought to our attention by persons outside the Commission.

The first of these examined demand management in Child Protection, after an individual anonymously shared concerns that a proposed ‘blitz’ of case closures was compromising children’s safety. Ultimately, we came to the same view and made recommendations accordingly.

A second inquiry followed when the Public Advocate raised concerns about the safety of two young people with disability. They had been the subject of multiple reports to Child Protection detailing use of restraints, mis-characterisation of their disabilities and inadequate access to services and school. Our review found failures in both Child Protection and the National Disability Insurance Scheme, resulting in unacceptable harm and neglect.

We continued to monitor the Victorian Government’s progress against recommendations from our completed inquiries, recognising good progress and significant investment in some areas, but advocating for more urgent effort in others.



We continued to monitor the Victorian Government’s progress against recommendations from our completed inquiries, recognising good progress and significant investment in some areas, but advocating for more urgent effort in others.

The year saw further strengthening of our systems for upholding children’s right to safety in organisations. With our legislated Child Safe Standards and Reportable Conduct Scheme now in operation for a number of years, we can more reliably observe trends, understand impacts over time, and use data analysis to target future compliance activity.

Updated Child Safe Standards commenced on 1 July 2022 giving us – and the 50,000-plus organisations covered by them – an opportunity to refine the focus of our efforts to prevent abuse of children. Further important changes will take effect in January 2023, when we will receive a broader range of regulatory powers to enforce the Standards.

Record notifications under the Reportable Conduct Scheme made clear that the abuse of children in organisations remains a threat, albeit one increasingly coupled with a greater willingness to report complaints and concerns and take action to address them.

Our new Commissioner for Aboriginal Children and Young People, Meena Singh, also commenced this year, following Justin Mohamed’s move to the Department of Justice and Community Safety. I am indebted to Justin for his skilled and thoughtful leadership and look forward to years of working alongside Meena, whose skills will be invaluable in improving the rights, safety and wellbeing of Aboriginal children.

We also farewelled Annie Tinney as our CEO. Annie did an exceptional job supporting staff through the pandemic, bringing warmth and nous to our leadership group. Incoming CEO, Leanne Barnes, brings extensive strategic experience and fresh eyes to inform our strategic planning and priorities. As always, I am profoundly grateful to our staff, who are steadfast in their commitment to child rights and safety and do their jobs with skill, care and professionalism.

Ultimately, our work would also not be possible without the children and young people who share their ideas, experiences and concerns with us. To this end, we have been greatly assisted by the Commission Youth Council, which brings lived experience and expertise to our planning, inquiries and advocacy.

As we reflect on difficult years, and reach the end of our *Strategic Plan 2019–22*, we pause to consider where we can have greatest impact going forward. In addition to new powers to enforce the Child Safe Standards, we also look forward to resolving concerns for children in the care system through new laws that, if passed, will empower us to meet the glaring need for advocacy on behalf of individual children.

The expansion of our powers and functions reflects a growing recognition of the importance of child safety. As we work to develop our forthcoming strategic plan, we are certain of one thing: the health, happiness and safety of all Victoria’s children and young people will sit at its centre.

From the

Commissioner for Aboriginal Children and Young People



Meena Singh

Commissioner for Aboriginal Children and Young People

“The prevailing notion that to be an Aboriginal person is to be disadvantaged is untrue. We are rich in culture, connection and knowledge.”

This has been a year of change and growth – for the Commission, the Victorian community, and for me personally. I was appointed to the role of Commissioner for Aboriginal Children and Young People in April this year. In my time at the Commission so far, I have found it is a privilege being able to amplify the voice of children and young people, and those in the community who surround them.

I must acknowledge my predecessors in this role, Justin Mohamed and Andrew Jackomos. Their tireless advocacy in their time as Commissioner for Aboriginal Children and Young People has shown that, working with community and government, we can achieve better outcomes for Aboriginal children.

But there is so much more we need to do.

The challenges facing Aboriginal children, and our community, can seem overwhelming. There are so many targets, indicators and recommendations that we must work towards and respond to. What is often missing in this picture is the strength and resilience of our people. The prevailing notion that to be an Aboriginal person is to

be disadvantaged is untrue. We are rich in culture, connection and knowledge. It is when these things are taken away from us that we suffer.

The Commission has a unique bird's-eye view of the systems that work to support children and young people. I have been lucky enough to be a part of our latest inquiry, looking into the educational experiences of children and young people in out-of-home care, and how they can be better supported. These consultations with Aboriginal children and young people, parents, carers and services have strengthened my commitment to prioritising working on the ground, as much as we prioritise boardrooms and government forums. The answers we look for to improve the lives of our people can be found in community, and in advocating for the programs and practices already working to keep Aboriginal children safe and strong.

It has been a privilege to join early consultations, and to contribute my perspectives in shaping this vital work. It has also been energising to see how our own Commission staff work to centre the voices of children and young people. Like so many aspects of the Commission's work, this inquiry has an especially pronounced resonance for

“...the Commission has a great opportunity, through its direct engagement with children, young people and their communities, to take the stories of that experience and amplify them into a force for systemic change.

Aboriginal children and young people. Where Aboriginal children and young people are in care, we must ensure the systems connect in ways that support rather than undermine them. We must also ensure that their engagement in education does not fall away when they are placed in the out-of-home care system.

The solutions will be sooner achieved by viewing the issues that lead to children being placed in out-of-home care as interconnected. Addressing this requires whole-of-government approaches that not only encompass child protection, out-of-home care and youth justice, but also go beyond them.

The Commission's most recent systemic inquiry, *Our youth, our way: Inquiry into the over-representation of children and young people in the Victorian youth justice system* was tabled in Parliament last year. This far-reaching inquiry was led by Justin Mohamed and presented a picture of a reimagined youth justice system with culture and early intervention at its heart. I am committed to seeing the systemic reform needed to achieve this vision realised.

The formal response to *Our youth, our way* we received earlier this year showed that the Victorian Government is committed to many of the reforms that will see Aboriginal children and young people diverted completely from the youth justice system. Yet, some of those recommendations central to this vision – including the need to raise the age of criminal responsibility to at least 14 – are yet to see any movement, despite signs of progress in other states and territories.

The decades of work done by the Aboriginal community in the pursuit of justice and equality that underpinned *Our youth, our way* provide a path for the Victorian Government to end the over-representation of our children in the youth justice system.

While there has been a delay in the unveiling of new youth justice legislation, I am hopeful that the work of the Commission will be a foundation for reform. The concerns in youth justice systems in Victoria and around the country have never demonstrated more urgent need for this change.

The year has also seen a landmark shift to include a new emphasis on cultural safety within Child Safe Standards that came into force on 1 July 2022. The new Standard 1 for cultural safety recognises the fundamental link between cultural safety and child wellbeing for Aboriginal children and those for whom cultural identity is significant. It, along with other Child Safe Standards, will make the organisations working with children in Victoria not only safer, but more inclusive. This is a benefit to every child and young person.

The challenges presented to us can seem overwhelming, and there are countervailing forces working against us. Yet the Commission has a great opportunity, through its direct engagement with children, young people and their communities, to take the stories of that experience and amplify them into a force for systemic change.

About the

Commission for Children and Young People

We are an independent statutory body that promotes improvements 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* (CWSA).

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

New, stronger Child Safe Standards

Following six years of operation and a Victorian Government review, new, stronger Child Safe Standards came into force on 1 July 2022. Closely aligning with the National Principles for Child Safe Organisations, the 11 new Standards include a dedicated focus on Aboriginal cultural safety, as well as safety in online environments, participation of families and communities in child safety, and empowering children.

To help prepare for the new Standards, the Commission this year presented at 11 forums and held two communities of practice, as well as producing a range of resources to support organisations to understand the requirements of the new Standards.

In addition to the development of guidance and support on the new Standards, the Commission also ran a media, social media and advertising campaign over May and June to raise awareness in the community, and among the more than 50,000 organisations required to comply (see page 113).

Reportable Conduct Scheme sees sharp rise in notifications

The Commission this year received 1,238 notifications of alleged reportable conduct potentially harming children and young people – the highest annual number of notifications in the five years of the Scheme’s operation in Victoria, despite the impact of COVID-19.

For the year, the highest proportion of allegations related to physical violence at 41 per cent, with a 62 per cent rise in significant neglect allegations compared to 2020–21. The vast majority of sexual misconduct allegations in the five years of the Scheme have been in the education sector, at 69 per cent of all sexual misconduct allegations. Substantiations of sexual misconduct allegations rose each of the last four years, with a substantiation rate of 31 per cent for allegations finalised in 2021–22.

Concerningly, 12 per cent of unique alleged victims of reportable conduct this year were Aboriginal children and young people, marking a significant over-representation of this group.

In May, the Commission’s expertise and experience in implementing the Reportable Conduct Scheme and the Child Safe Standards was recognised by the Commission of Inquiry into the Tasmanian Government’s Responses to Child Sexual Abuse in Institutional Settings, when our Principal Commissioner, Liana Buchanan and Director of Regulation, Emily Sanders, were called to give evidence on the schemes (see page 79).

Advocating for action to improve young lives

This year, the Commission made a record number of formal submissions to public reviews and parliamentary inquiries bearing on policies, practices and services affecting Victoria’s children and young people. The Commission raised policy issues with government and engaged in consultations across a range of government departments. Cited in multiple public reports, our submissions influenced legislation across youth justice and the broader justice system, child protection, and mental health and wellbeing. Key themes of our submissions included involving children and young people in decision-making, strengthening the child protection and out-of-home care systems, addressing the impact of COVID-19, advocating to reduce the impact of family violence, improving responses to sexual violence, as well as reforming youth justice and criminal justice policy with respect to children and young people (see page 60).

Respecting the voices of children and young people

Through our Youth Council, the Commission this year built on and broadened the engagement of children and young people in all facets of our work. Modelling a youth-led, adult-supported approach, this included engaging two young people as members to lead the Commission's engagement work. Children and young people were directly involved in co-designing our ongoing education inquiry, contributing to policy and monitoring activities, highlighting the value of lived experience, consulting on the new Child Safe Standards, presenting to stakeholders on the Commission's work, and strengthening engagement with children and young people.

The Commission's work to directly engage children and young people reflects the Convention on the Rights of the Child, which provides that children have a right to be heard and involved in decisions that affect them. It also reflects the new Child Safe Standard 3: Children and young people are empowered about their rights, participate in decisions affecting them and are taken seriously.

See pages 18–19 for first-hand accounts of this work from Council members.

Inquiries to improve the system for children and young people

Inquiries into Child Protection demand management, and into the services provided to two young people living with disability and known to child protection were completed this year. The *Inquiry into the 2021 'Child Protection: Managing high levels of work while ensuring the safety of children' strategy* was initiated following receipt of an anonymous report about what was described as a 'blitz' of case closures. It led to the review of 120 cases that were closed as part of a Child Protection strategy to manage high demand.

The Commission found the strategy undermined the safety of children and young people, and exacerbated the risks of poor practice, discerning similar themes to the Commission's child death inquiries, including inadequate risk assessment and poor communication with the community services sector.

The inquiry into services provided to two young people living with disability who were known to Child Protection shed light on the ongoing systemic failure of Child Protection and the National Disability Insurance Scheme (NDIS) to keep children and young people with disability safe. The inquiry found shortcomings both in Child Protection's responses to children and young people with disability and in the operation of the NDIS, which placed both the young people subject to this inquiry at increased risk of abuse and neglect (see page 23).

Tracking progress on past inquiries

For the second year running, the Commission has published detailed assessments of progress against the recommendations of its past systemic inquiries – this year expanded to include *Lost, not forgotten* (2019), *In our own words* (2019), *Keep caring* (2020), and *Out of sight* (2021). These assessments provide improved transparency and accountability, gauging where action has been taken and where progress has been achieved, or not. Progress on some recommendations has been accompanied by slow progress on others. In particular, there has been slow progress on the recommendations of *Out of sight*, our inquiry into children and young people who are absent or missing from residential care, though engagement on implementation improved towards the end of the reporting period. The Commission looks forward to the department and other agencies including Victoria Police acting with urgency on these recommendations in 2022–23 (see page 122).

Maintaining scrutiny of child deaths

The Commission this year continued its child death inquiries for children and young people who died within 12 months of their last involvement with Child Protection. In 2021–22, we received 37 notifications of deaths, including two Aboriginal children, and completed inquiries in 41 cases of deaths that occurred from 2018–22, including seven Aboriginal children.

While these inquiries do not determine the cause of death, they identify themes in the delivery or denial of services to these children that can lead to improvements and the prevention of deaths in similar circumstances. This year, themes in our child death inquiries included a lack of collaboration and information-sharing, failure to provide timely supports, premature closure of Child Protection cases, and poor responses to family violence (see page 31).

New Commissioner for Aboriginal Children and Young People

This year, the Victorian Government appointed the State's first female Commissioner for Aboriginal Children and Young People, Meena Singh. A Yorta Yorta woman, Commissioner Singh – Victoria's third dedicated Commissioner for Aboriginal Children and Young People – brings skills and experience critical to the role – including individual client and systemic advocacy in multiple roles with Victoria Legal Aid, the Victorian Aboriginal Legal Service, Human Rights Law Centre, and Aboriginal family violence support service, Djirra. This year, Commissioner Singh continued the Commission's work with Aboriginal Community Controlled Organisations, the Aboriginal Justice Forum, and the Aboriginal Children's Forum, and advocating for the adoption of the recommendations of the *Our youth, our way* report on the over-representation of Aboriginal children and young people in youth justice. Commissioner Singh also took part in early consultations for the Commission's ongoing education inquiry (see page 68)

Strengthening the engagement and participation of children and young people

Strengthening 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 decisions that affect them. In 2021–22, the Commission continued to build on our past engagement with children and young people and strengthen the various ways in which they participate in and influence our work.

The increasing involvement of young people in the work of the Commission

This year, we continued to embed youth engagement throughout the Commission’s work, driven by the Commission Youth Council (CYC). This included engaging two CYC members to lead our youth participation and engagement work, while our Senior Engagement Officer was on extended leave.

My experience stepping into the Senior Engagement Officer role

Kirra¹ Youth Council member 2020

At the end of 2021, Amelia and I had an amazing opportunity to develop the youth engagement work including the Youth Council for four months. It was such a great experience to have one full day a week each at the Commission. I was super nervous to take on the responsibility because the Youth Council and network means so much to me. Amelia and I have been in the Council from the very beginning when it was formed during the COVID–19 lockdowns, and I didn’t want to let anyone in the team down. After a couple of weeks meeting with the engagement team, support from staff and from our amazing team of young people in the Council and network we soon settled in. We were able to support the Youth Council and network,² attend meetings, work on improving engagement practice at the Commission and advise external organisations about how to do this work. The Commission having young people with a lived experience in a role like this, is really setting an example of what ‘youth-led and adult-supported’ looks like.

¹ Kirra joined the Commission in early 2020 to assist with conducting wide spread consultations with young people over the COVID–19 lockdowns. The group of young people who assisted with these consults became the Commission’s first Youth Council and have continued to assist with different work across the Commission since that time.

² The Youth Network is a broader group of young people engaged on specific project work with the Commission.

From youth network to Youth Council

Aly's experience – 2021

I've been part of the Youth Council for just under a year now and every opportunity that has come up has been amazing! From not knowing what the Commission was a year ago to being involved in such a wide range of special areas has been incredible. The freedom to explore the different teams and their projects, whether it's Child Safe Standards, advocating for those experiencing disadvantage/vulnerability, or just the chance to connect directly with other young people to hear their experiences has truly been a memorable and integral part of my experience thus far. The Council has given me the opportunity to learn from a wide range of people, who have all helped me develop new skills, interests and knowledge in such a wide scope of specialities.

I've really enjoyed my time so far and am super excited for what's coming in the future!

The CYC advised on a range of projects, facilitated meetings and discussions, developed content and material and much more. Each young person brought their varied lived experience and the knowledge and wisdom gained from being a young person in today's world.

The CYC's work this year included:

- co-designing our *Systemic inquiry into the educational experiences of children and young people living in out-of-home care*
- influencing our policy and monitoring work
- promoting the importance of lived experience and advocating on issues impacting children
- facilitating consultations about the new Child Safe Standards

- presentations to stakeholders on the work of the Commission
- strengthening our communication and engagement with children and young people.

Co-designing our *Systemic inquiry into the educational experiences of children and young people living in out-of-home care*

CYC members played an integral role in the early stages of our *Systemic inquiry into the educational experiences of children and young people living in out-of-home care*. The CYC sat in the project team and have been pivotal in:

- developing methodologies to hear from children and young people
- developing questions to ask children and young people
- trialling and refining questions and methodologies with groups of young people
- developing communication material
- consulting with stakeholders and children and young people alongside Commission staff.

Influencing our policy and monitoring work

The CYC increased their involvement and influence in our policy work this year. This included contributing to policy submissions on a range of issues and participating in a policy project focusing on assessing the impacts of key decisions on children and young people's rights in Victoria.

CYC members also worked with us on our residential care monitoring program. Young people informed our approach to hearing from young people in residential care about their rights, and communicating what the Commission does and the outcomes of our monitoring program.

Promoting the importance of lived experience and advocating on issues impacting children

The CYC wrote a joint reflective article published in the July 2021 issue of the Council to Homeless Persons' *Parity magazine*. The article was a collaboration between all members of the CYC, the Principal Commissioner and the Commissioner for Aboriginal Children and Young People, titled *The power dynamic: Lived experiences bringing us together*.

Strengthening the engagement and participation of children and young people

continued

The CYC were also invited by a range of government and non-government organisations to provide input into issues affecting children and young people. This included participating in consultations about:

- children and young people's creative and innovative responses during and after the pandemic
- digital rights
- youth engagement strategies and methodologies.

Facilitating consultations to develop the new Child Safe Standards guides

The CYC assisted in facilitating conversations with young people to inform the development of resources about the new Child Safe Standards. The consultations helped to ensure the resources responded to audience needs, included examples that were relevant and relatable, and included the voices and experiences of children and young people.

Presentations to stakeholders on the Commission's work

Members of the CYC joined the Commissioner for Aboriginal Children and Young People at various stakeholder forums and meetings to present on the findings and recommendations from *Our youth, our way*.

CYC members have also presented at our Child Safe Standards Community of Practice. Feedback from the Youth Council's involvement in these presentations has reflected the importance of involving young people's voices and expertise in the work that directly impacts them.

Strengthening our communication and engagement with children and young people

The CYC continued to build on our communications with young people through our Instagram account. The CYC developed and posted updates about the Commission's work and engagement opportunities, broadening our follower base and ensuring our communications were accessible and relevant to young people. CYC members also helped develop draft templates to share information about the Commission and the Child Safe Standards with children and young people.

CYC members have also sought opportunities to partner with organisations working with children and young people by attending meetings and presenting ideas about how partnerships might work and how young people can benefit from engaging with the Commission.

Youth survey – Lockdowns 5 and 6

The Commission continued its commitment to hear from children and young people about how the COVID-19 pandemic and its associated lockdowns and restrictions have impacted them. The Commission released a snapshot covering the final two lockdown periods in Victoria between July and October 2021.

The snapshot summarised 798 survey responses from children and young people between the ages of 10 and 25 years. We heard that:

- many children and young people continued to struggle with poor mental health as a result of COVID-19
- children and young people were particularly concerned about the impacts of COVID-19 and multiple lockdowns on their education, particularly those doing VCE
- some children and young people did not feel safe at home due to family violence, and others felt unsafe out in the community due to the virus and sometimes due to bullying and harassment
- children and young people are very concerned about their future, because of the impact of the pandemic and climate change
- children and young people want to be involved in decisions and processes around recovery from the pandemic
- they wanted better and more youth relevant information about COVID-19 and more activities for young people to do.

The snapshot marks the sixth published by the Commission since early 2020. The Commission will continue to capture views and experiences of children and young people as the pandemic progresses, and to share themes with relevant policy-makers.

Out-of-home care and child protection

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:

- reviewing the death of every child who was involved with Child Protection in the year before they died
- monitoring all serious incidents in out-of-home care
- new 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 2021–22

This year, the Commission completed two inquiries concerning services provided to children and young people. One related to the implementation of a strategy to manage high levels of work in Child Protection, which was brought to the Commission's attention through an anonymous notification. The other related to significant shortcomings in the services provided to two young people living with disability, brought to the Commission's attention by the Public Advocate.

Inquiry into the 2021 'Child Protection: Managing high levels of work while ensuring the safety of children' strategy

This inquiry was initiated after the Principal Commissioner for Children and Young People received an anonymous report about what was described as a 'blitz' on case closures in one of the Child Protection divisions.³ The anonymous report referenced serious concerns for children's safety as a result of the approach being taken. The Commission had not been advised of this approach before receiving the anonymous report.

The inquiry examined the 2021 *'Child Protection: Managing high levels of work while ensuring the safety of children'* strategy (the strategy) implemented between

23 February and 16 March 2021. It focused on understanding how decisions were made in relation to case closure under the strategy and what safeguards were in place to minimise the impact of the strategy on children's safety. It also sought to understand how the strategy related to other operational strategies implemented by the department over the past five years to respond to demand pressures in Child Protection.

In undertaking this inquiry, the Commission acknowledged that in the context of staffing pressures, significant demand and the challenges brought about by the COVID-19 pandemic, Child Protection had to consider and apply measures to manage demand. In doing so, however, the Commission considered that appropriate safeguards must be in place to protect children's right to safety. The Commission also considered the need for these safeguards was particularly high given the strategy was implemented at the same time children's situations were becoming visible again after extended periods of lockdown, heightened risks in the home, and reduced oversight.

The strategy involved issuing guidance to child protection workers to review and make decisions about open cases to enable prioritisation of children most at risk. The strategy outlined a range of criteria for cases to be reviewed and included guidance to prompt child protection workers to consider closure of cases in the absence of new concerns of significance. For example, the strategy removed some investigation requirements, such as direct contact with the child where cases had not been allocated for 45 days or more and where no first visit had occurred, and no new concerns of significance had been identified.⁴

The Commission reviewed child protection records for 120 children whose cases were closed during the first three weeks of the strategy, conducted consultations with stakeholders, and analysed documents relating to Child Protection demand management strategies developed and implemented between January 2017 and April 2021.

³ The Commission established the inquiry in accordance with Part 5, section 39 of the *Commission for Children and Young People Act 2012*.

⁴ The strategy was subsequently amended (on 11 March 2021) to ensure all first visits were required.

The Commission identified cases that Child Protection reviewed and closed under the strategy without:

- addressing safety concerns
- ensuring adequate supports were in place for the child and family despite ongoing risk issues being evident
- a current risk assessment and with poor historical information
- adequate assessment of cumulative harm.

These findings mirror issues the Commission often identifies in child death and systemic inquiries. However, this inquiry found evidence that the strategy exacerbated poor practice by creating an authorising environment to not conduct important tasks normally required as part of child protection practice.

The Commission also found that there was little or no communication, coordination or collaboration between Child Protection and child and family services before the strategy was implemented. This impeded effective responses to vulnerable children and young people. Further, there were inadequate monitoring mechanisms to measure the impact of the strategy on children's safety.

Drawing on these findings, the Commission made three recommendations to inform the department's current and future approaches to responding to demand so that they address and prevent the issues raised in this inquiry and so they are child-centred, coordinated and evidence-based:

- Recommendation 1 – Elevate children's right to safety by ensuring that any strategy to address demand establishes principles and guidance that do not compromise children's safety.
- Recommendation 2 – Strengthen strategies to support coordination and collaboration between Child Protection and the broader child and family service system.
- Recommendation 3 – Measure impacts on children's safety and wellbeing by developing performance indicators that can be used to evaluate service adaptations or interventions like the strategy. The

department should also provide regular reports to the Commission on future strategies and their impacts.

Inquiry into services provided to two young people with disability – 'Sarah' and 'Ben'

On 22 March 2021, the Commission established an inquiry⁵ as a result of concerns raised by the Public Advocate about the situations of two young people with disability, 'Sarah' and 'Ben'.

Sarah and Ben lived in separate parts of Victoria. They were both aged 17 at the time they first came to our attention and were not receiving assistance due to their age. Sarah and Ben had been the subject of multiple reports to Child Protection over 10 and 15 years respectively raising significant concerns about their treatment and basic rights. These concerns included the overuse of restraint by parents, including serious physical and chemical restraint, the mis-characterisation of each young person's medical or disability-related needs and both young people being isolated from professionals, education and the wider community. The Commission examined Child Protection's risk assessments during their involvement with both young people and the interaction between Child Protection and the service system.

The inquiry has shed light on the ongoing systemic failure of Child Protection and the National Disability Insurance Scheme (NDIS) to keep children and young people with disability safe.

The inquiry found significant shortcomings in Child Protection's responses to children and young people with disability. In particular, the inquiry found that Child Protection:

- did not, in most instances, adequately consider the impact of social isolation or parental mental health
- demonstrated poor information gathering practices
- closed reports prematurely
- did not adequately investigate concerns of restrictive practices used by parents.

⁵ The Commission established the inquiry in accordance with section 37 of the *Commission for Children and Young People Act 2012*.

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

The inquiry further found that the operation of the NDIS placed both young people at increased risk of abuse and neglect. This was due to the principle of 'individual choice and control' being exercised by Sarah's and Ben's parents without adequate safeguards. The inquiry also found that the disability sector was less likely to speak up about concerns for the wellbeing or safety of either young person.

The Commission found that both the department and the National Disability Insurance Agency (NDIA) had limited direct engagement with Sarah and Ben.

The Commission made six recommendations to the department. These recommendations included that the department:

- increase the number of Principal Disability Practice Advisors available for child protection practitioners to enable a mandatory consult between a practitioner and an advisor for each child or young person with a disability who comes to the attention of Child Protection
- update the Child Protection Manual to provide guidance on the use of restraint by parents and to better inform practice where a child is isolated from education
- provide targeted training workshops to practitioners on the use of restraint by parents and review existing learning packages which aim to develop practitioner skills in working with children and young people with disability.

The department's response to the draft version of the inquiry report indicated that four and a half recommendations will be accepted in principle and one and a half recommendations will be accepted.

In response to the recommendations, the department:

- agreed to increase the number of Disability Practice Advisor roles between 2022 and 2024, which may enable mandatory consults to be undertaken for each child or young person with disability who comes to the attention of Child Protection
- will consider changes to the Child Protection Manual regarding the use of restraint by parents, and will update the Child Protection Manual advice to include key questions around home schooling

- will consider the most appropriate mechanism to provide practitioners with learning and practice development for the use of restraint by parents.

The Commission also made a recommendation to the Victorian Government to improve the interface between the NDIS and Child Protection and made three recommendations to the NDIA, including that the NDIA:

- consider reviewing the threshold for undertaking an NDIA-initiated review where there is unreasonable risk to a child being represented by a parent or carer
- ensure there are mechanisms in place to monitor the NDIS supports being delivered to a child participant, including assessments or plan usage
- review its guidelines concerning the mandatory reporting of suspected child abuse.

The Commission received a response to its draft inquiry report from the NDIA. The NDIA noted the recommendations, suggested that one should be referred to the NDIS Quality and Safeguard Commission, and outlined the ways in which the NDIA currently works with systems providing child protection and family support. The Commission's inquiry indicated current approaches are not sufficient to safeguard vulnerable children and will therefore seek further engagement with the NDIA to promote action on the issues raised in this inquiry.

Inquiries underway

Systemic inquiry into the educational experiences of children and young people living in out-of-home care

In March, the Commission established its *Systemic inquiry into the educational experiences of children and young people living in out-of-home care*. This inquiry builds on our previous inquiry, *In our own words*, which explored the lived experience of children and young people in Victoria's care system, including the challenges they face to stay at school and do well. We established the education inquiry in recognition of the importance of quality education for these young people and its influence on their futures.

In this inquiry, the Commission is exploring children and young people's experiences of education, including in kindergarten, primary and secondary school, and in specialist schools. We are examining the enablers and barriers to engagement in education, the impact of COVID-19 and associated lockdowns, and the effectiveness of policies and programs that aim to support children and young people who live in care to stay engaged in education.

In May, we commenced statewide consultations with children and young people with lived experience of care to hear about their time at school and what improvements can be made to help them and others in the future. We also consulted with stakeholders who provide educational support to children and young people, including carers, school principals and teachers, community service organisations, Aboriginal Community-Controlled Organisations and departmental staff. These consultations will continue to take place throughout Victoria in 2022, and are complemented by written submissions from stakeholders and survey responses from children and young people.

The final report, scheduled for tabling in early 2023, will include recommendations to better support children and young people who live in care to get the most out of their education and to address the systemic barriers that currently prevent this from occurring. The report will be informed by the evidence received in consultations, data from the Department of Education and Training regarding the experience of children in schools and kindergarten, as well as reviewing school and child protection case files.

Inquiry into the provision of services to children and young people during the COVID-19 pandemic

On 7 March 2022, the Commission established an inquiry in relation to the provision of child protection and child and family services to at-risk and vulnerable children and young people in Victoria during the COVID-19 pandemic.⁶ The inquiry was established due to a number of individual child death inquiries that highlighted concerns related to

children's heightened risk of violence, abuse and neglect without visibility of Child Protection and other services as a result of COVID-19 related service changes. The inquiry is examining:

- the delivery of child protection and child and family services to vulnerable and at-risk children during the COVID-19 pandemic in Victoria
- the formulation, implementation and impact of policy and guidelines relating to the delivery of child protection and child and family services during the COVID-19 pandemic in Victoria.

This inquiry is in the early stages of data collection, file review and analysis.

Progress against past inquiries

In 2020–21, the Commission began to publish additional detail about action taken in response to Commission recommendations and committed to continuing this on an annual basis.

For publication in this year's Annual Report, the Commission requested an update from the Department of Families, Fairness and Housing (DFFH) in relation to the following inquiries as at 30 June 2022:

1. *Lost, not forgotten: Inquiry into children who died by suicide and were known to Child Protection (Lost, not forgotten)*, 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 (In our own words)*, 2019
3. *Keep caring: Systemic inquiry into services for young people transitioning from out-of-home care (Keep caring)*, 2020
4. *Out of sight: Systemic inquiry into children and young people who are absent or missing from residential care (Out of sight)*, 2021.

⁶ The Commission established the inquiry in accordance with Part 5, section 39 of the *Commission for Children and Young People Act 2012*.

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

The department noted that some work was put on hold due to a redirection of department resources to support responding to the COVID-19 pandemic but that it remains committed to progressing initiatives when resources are available. The Commission acknowledges this and considered the long-term impacts of COVID-19 both on children and young people and on service system capacity in its assessment of the department's progress updates.

Lost, not forgotten

Lost, not forgotten 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 risks, the inquiry revealed a pattern of early and repeated 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 and intervention of children at risk of harm.

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

- significant investment in the child and family service system
- 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.

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

A table containing an update on the department's actions and the Commission's assessment against each recommendation made in *Lost, not forgotten* is at page 124. This is the second update for *Lost, not forgotten* provided by the department for publication.

Of the six recommendations, the department considers one to be complete and five on track. The Commission agreed that one recommendation was complete. Of the remaining five, the Commission assessed three where progress was made but required ongoing systemic effort, one where limited progress had been reported and one that was planned for implementation.

The Commission is pleased to note that Child Link became operational on 31 December 2021, in line with the Commission's recommendation. The Commission also welcomes the work to further embed children's participation in decision-making during the different phases of child protection intervention through updated frameworks and guidance, recognising ongoing systemic effort will be required to improve practice.

We remain concerned that progress has been too slow in relation to updating child protection practice advice on suicide prevention (recommendation 4) and developing a suicide prevention strategy for children known to Child Protection (recommendation 6). We are encouraged by the work that DFFH and DH have recently commenced focusing on suicide prevention for children involved in the child protection system. Sadly, however, we note that another 10 children known to Child Protection appear to have died by suicide since the inquiry was tabled in October 2019. The urgency of this work cannot be understated.

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

In our own words

On 27 November 2019, the Commission tabled *In our own words* 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 by hearing directly from those with a lived experience of care, as well as reviewing data, available research and children and young people's files.

The report found a pressured, poorly resourced system which repeatedly failed to take the views of children and young people into account when deciding where they should live, what they needed from their workers and carers, what was happening to them in care and the contact they had with friends, family and community.

In our own words made 17 recommendations calling for whole-of-system change as well as sufficient resourcing to achieve important reforms including:

- an integrated, whole-of-system investment model and strategy for the child protection system
- measures to support connection to culture for Aboriginal children and young people in care
- tools and resources to embed children and young people's participation in decision-making
- mechanisms to ensure that workers are able to have regular face-to-face contact with children and young people in care
- therapeutic options for children and young people with complex trauma to transition over time from residential placements to more family-like care environments
- mechanisms to track and report on outcomes for children in out-of-home care.

The Victorian Government accepted six recommendations in full and 11 in principle. A table containing the department's actions and the Commission's assessment against each recommendation made in *In our own words* is at page 131. This is the second update for *In our own words* provided by the department for publication.

The 17 recommendations cover 42 proposed actions. Of these, the department considers eight to be complete, 32 on track and two not commenced. The Commission's assessment identified one as complete, 10 where significant progress has been made, and 15 where some progress has been made, noting that ongoing systemic efforts are required across most areas under reform. There remain 14 actions which are still in the planning phase, one where limited progress had been made and one where there had been no reported progress.

The Commission welcomes the significant investment and work to progress new and expanded models of care including the Care Hub trial, 19 new two- and three-bed therapeutic residential care homes and six KEYS houses. These models, along with the investment and implementation of the family preservation and reunification programs are important components of a safe and quality out-of-home care system. However, we are concerned that the benefits of these important pieces of work are available to only a small proportion of children and young people. Substantial additional investment and reform are needed to achieve the outcomes for children and young people envisioned in *In our own words*.

The Commission notes that the project to develop a child and family system demand provisioning model is in establishment and design phase but is concerned that this work commenced two-and-a-half years after the recommendation was tabled.

Unfortunately, implementation of other inquiry recommendations has also been slow. We are particularly concerned about the limited progress made in relation to managing caseloads to facilitate more frequent face-to-face contact between case workers and children and young people, implementing the framework to reduce criminalisation of young people in residential care, providing supports to deal with trauma, and developing the expertise and capacity of child protection workers to assist families to achieve reunification.

As at June 2022, children and young people in the care system still do not have access to an independent,

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

specialist body if they wish to raise concerns about their treatment. However, we are encouraged by the proposed legislative amendments to enable the Commission to advocate for and provide advice, information and support for children and young people in care, and the department's commitment to strengthen complaints options for children and young people in care.

We are also encouraged by reported actions to improve operational measures to ensure that children and young people are provided with appropriate and supported opportunities to participate in decision-making processes that impact them.

The Commission will continue to monitor progress made in relation to the implementation of this inquiry and engage in discussions with the department about key areas of reform.

Keep caring

Our *Keep caring* inquiry – tabled in Parliament on 9 December 2020 – considered what happens to young people when they leave care and whether young people in out-of-home care get enough help to make the transition to adult life.

The inquiry highlighted poorer outcomes for young people leaving care compared with other young people, including higher levels of homelessness, involvement with youth justice and admission to hospitals and mental health services. We found that the out-of-home care system is not doing enough to help young people in care to plan and prepare for their lives after care.

The report made 15 recommendations that build on the recommendations we made in the *In our own words* inquiry. This includes implementing a new model of care that embeds a young person's life aspirations, talents, and goals into everyday case management, planning and their day-to-day care. It also recommended a significant increase in the availability of post-care supports, an enforceable right for all young people who have left care to post-care supports, and the universal extension of the Home Stretch program.

The department's initial response to the Commission in 2020–21 indicated acceptance of six of the inquiry's recommendations in full and nine in principle. The Commission welcomed the universal extension of the Home Stretch program, significant investment allocated to care leavers and the commitment to ensuring a legal entitlement to care supports for young people.

For this year's annual report, the department provided its first action plan outlining 21 actions in response to the inquiry's 15 recommendations. The department reported on 17 actions for recommendations now accepted in full and four actions for recommendations accepted in principle. The department noted that the full acceptance of recommendations that were previously accepted in principle acknowledges the significant investment from consecutive Victorian state budgets contributing to progress towards implementing recommendations.

A table containing the Victorian Government's first action plan and update and the Commission's assessment against each recommendation made in *Keep caring* is at page 152.

Of the 21 actions, the department considers two to be complete, and 19 in progress. The Commission reviewed the department's update and assessed one to be complete, three where significant progress has been made, and eight where some progress has been made, noting that ongoing systemic efforts are required across a number of areas under reform. We assessed nine actions as still in planning phase.

The Commission welcomes the Victorian Government's update to implement more recommendations in full. This is an important commitment to making much-needed improvements to service responses for young people transitioning from care.

We welcome progress made on recommendations and the investment in new models of care. However, we note that ongoing systemic reform is needed so that all young people in care, wherever they are in Victoria, have access to a safe and quality model of care that supports them to develop independent living skills and provides the social,

cultural and service supports necessary to make the best possible transition into adult life.

We will continue to promote and monitor progress against recommendations made in this inquiry, including those where progress has been slow or limited in the 18 months since the inquiry was tabled. This includes action to address barriers to planning for young people's transition to independence, build capacity to better meet the needs of care leavers with a disability, strengthening supports for young people to repair connections with family, track the life outcomes of care leavers and provide flexible mental health and substance use support for young people who have left care.

Out of sight

On 24 June 2021, the Commission tabled *Out of sight* in the Victorian Parliament. The inquiry examined 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 Commission found reporting of children going missing from care is inconsistent and that, as a result, no-one knows the full extent of the problem. Despite under-reporting, the Commission noted there were 7,431 warrant applications over an 18-month period. During that 18 months, 955 children spent time in residential care.

When away from care, children and young people experience a range of serious harms. The Commission found that sexual exploitation of children is a serious concern and that some efforts previously in place to protect children from this abuse had ceased. Overall, the inquiry found that the current model of residential care is not meeting children and young people's need for human connection or, in many cases, safety. Consequently, many children and young people leave care to find connection elsewhere, with family, friends or through sexually or criminally exploitative relationships.

The report made 18 recommendations 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. The recommendations build on our previous inquiries and include:

- driving cultural change to tackle stigma and criminalisation
- implementing a relationships-based, trauma-informed residential care model
- developing training, tools and guidance to support frontline workers across all relevant agencies, including Victoria Police, to deliver a trauma-informed approach.

We also recommended urgent reforms to better protect children and young people including:

- the roll-out of statewide responses to child sexual and criminal exploitation
- reduced reliance on police and other measures that are experienced as punitive or stigmatising by children and young people
- improvements in information collection, monitoring and oversight.

The 18 recommendations captured 34 proposed actions. The Commission received the DFFH's first action plan to *Out of sight* in November 2021, accepting 15 recommendations in full and 19 in principle.

The Commission was concerned with the delay of the first action plan and disappointed that some of the proposed actions did not adequately respond to key recommendations necessary to reduce risks and harm to children. The Commission met with DFFH to discuss these concerns and, in April 2022, wrote to the Secretary to seek revised actions.

The Commission wrote to the Secretary again in June 2022 to raise ongoing concerns about sexual exploitation and absent/missing incidents in residential care identified through our monitoring function. The letter identified that reported incidents of sexual exploitation had remained largely unchanged since *Out of sight* was tabled, referencing 281 reported incidents of sexual exploitation between July 2021 and May 2022. We also highlighted evidence of inaccurate reporting of sexual exploitation incidents and significant inconsistencies in the reporting of

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

absent/missing incidents. The department's response to this letter, received in August 2022, welcomed the chance to work further with the Commission on these issues.

The department provided a revised action plan and progress update in response to the recommendations in *Out of sight* for publication in this year's annual report. The department advised that of the 34 actions, 10 were accepted in full, 15 were accepted in principle, seven were accepted subject to resourcing, and two were accepted in part.

Of the 34 actions, the department considers three to be complete, 20 on track, and 11 as new actions. The Commission reviewed the department's update and assessed four where significant progress has been made, and 14 where some progress has been made, noting that ongoing systemic efforts are required. We assessed 15 actions as still in the planning phase and one as not yet progressed.

While progress on the inquiry recommendations is overdue, we are pleased that the department's updated action plan demonstrates greater intention to prevent and respond to the significant harms children experiences when away from residential care.

The Commission will continue to monitor progress against recommendations and advocate for broader systemic change to redesign the residential care system, as well as urgent action on reforms to children in state care being subject to physical violence, criminalisation and sexual abuse and exploitation when away from placement.

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 2021–22

We were notified of the deaths of 37 children in 2021–22, including two 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.

Table 1. Child death notifications received by the Commission by Aboriginal status and category of death 2021–22⁷

Category of death	Aboriginal		Non-Aboriginal		Total	
	No.	Prop. (%)	No.	Prop. (%)	No	Prop. (%)
Accident	0	–	9	26	9	24
Illness	1	50	5	14	6	16
Non-Accidental Trauma	0	–	7	20	7	19
SIDS/SUDI ⁸	0	–	3	9	3	8
Suicide	1	50	0	–	1	3
Unascertained (by Coroner)	0	–	2	6	2	5
Unclear from file	0	–	9	26	9	24
Total	2	100	35	100	37	100

Table 2. Child death notifications received by the Commission by Aboriginal status and age 2021

Age	Aboriginal		Non-Aboriginal		Total	
	No	Prop. (%)	No	Prop. (%)	No	Prop. (%)
0–5 months	0	–	7	20	7	19
6–11 months	0	–	3	9	3	8
1–3 years	1	50	6	17	7	19
4–12 years	0	–	9	26	9	24
13–17 years	1	50	10	29	11	30
Total	2	100	35	100	37	100

⁷ The category of death is indicative only and is based on information available to the Commission.

⁸ The number of SIDS/SUDI (Sudden Infant Death Syndrome/Sudden Unexplained Death in Infancy) recorded by the Commission differs from the number recorded by the department. This is because one of the cases has been categorised by the Commission as SIDS/SUDI due to it occurring in the context of co-sleeping. However, the department has categorised this death as pending coroners and police investigation.

Out-of-home care and child protection

continued

Table 3. Child death notifications received by the Commission 2017–22

Category of death	2017–18	2018–19	2019–20	2020–21	2021–22
Accident	2	8	7	9	9
Drug/substance-related	0	0	2	0	0
Illness	11	7	20	9	6
Non-accidental trauma	1	3	5	1	7
Pending determination/unascertained/unclear from file ⁹	4	7	10	14	11
Sudden Unexpected Death in Infancy (SUDI) ¹⁰	7	6	2	8	3
Suicide/self-harm	1	3	5	4	1
Total	26	34	51	45	37

In 2021–22, there was an unusually high number of children who died within 12 months of Child Protection involvement where the category of death was non-accidental trauma. The Commission will prioritise these inquiries in order to assess any particular themes or patterns arising.

Child death inquiries completed

In 2021–22, the Commission completed 41 child death inquiries, containing 28 recommendations. These inquiries related to children who died from June 2018 to January 2022.¹¹ Seven of the completed inquiries related to Aboriginal children.

As in previous years, most children were living at home with their parent or parents when they died. The children whose lives we reviewed through our child death inquiries had been the subject of, on average, 3.1 reports to Child Protection, with 21 children (51 per cent) having only one report. One child whose experience we examined this year had been the subject of 16 reports to Child Protection. In four of the completed child death inquiries, the Child Protection case was still open when the child or young person died.

⁹ '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.

¹⁰ The number of SIDS/SUDI recorded by the Commission differs from the number recorded by the department. This is because one of the cases has been categorised by the Commission as SIDS/SUDI due to it occurring in the context of co-sleeping. However, the department has categorised this death as pending coroners and police investigation.

¹¹ Sometimes the Commission is unable to complete an inquiry for a period due to a police investigation.

Table 4. Child death inquiries completed by the Commission by age, category of death and Aboriginal status 2021–22

CCYP category of death	Age group	Aboriginal	Non-Aboriginal	Total
Accident	1–3 years	1	3	4
	13–17 years	0	2	2
	Subtotal	1	5	6
Drug/Substance Related	13–17 years	0	1	1
	Subtotal	0	1	1
Illness	0–5 months	0	3	3
	6–11 months	1	0	1
	4–12 years	0	5	5
	13–17 years	0	1	1
	Subtotal	1	9	10
Non-Accidental Trauma	0–5 months	0	3	3
	6–11 months	0	1	1
	13–17 years	0	1	1
	Subtotal	0	5	5
SIDS/SUDI	0–5 months	3	3	6
	6–11 months	0	1	1
	Subtotal	3	4	7
Suicide	13–17 years	0	3	3
	Subtotal	0	3	3
Unascertained (by Coroner)	0–5 months	1	2	3
	4–12 years	1	0	1
	13–17 years	0	1	1
	Subtotal	2	3	5
Unclear from file	0–5 months	0	1	1
	6–11 months	0	1	1
	4–12 years	0	1	1
	13–17 years	0	1	1
	Subtotal	0	4	4
Total		7	34	41

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

Table 5. Child death inquiries completed by the Commission by living arrangements at death 2021–22

Placement Type Prior to Death	Aboriginal	Non-Aboriginal	Total
At home with parent	6	28	34
Kinship care	0	4	4
Never left hospital	0	2	2
Hospital (by Court Order)	1	0	1
Total	7	34	41

Practice themes and issues of concern

We identified a number of themes in the child death inquiries we conducted in 2021–22, many of which are consistent with themes identified in previous years.

In the past, the Commission has highlighted any workload and staffing pressures we become aware of as part of the inquiry process, in recognition that these factors can influence practice responses to children. Towards the end of this year, we began to request this information routinely so that contextual information can be included where relevant to findings and recommendations. Regular requests only began during the final quarter of 2021–22 and during that limited timeframe we received information relating to the impact of workload pressures in two cases. In one, the response noted that during the review period there was a 55 per cent vacancy rate in the work unit, meaning that practitioners were ‘prioritising taking new reports’, which reduced their ‘capacity to review, follow up and progress existing reports’ and had ‘higher caseloads than usual’.

A number of the Commission’s systemic inquiries have highlighted the impact on children of stretched and under-resourced child protection and family service systems. Unfortunately, our child death inquiry reports frequently illustrate these impacts. Going forward, we will consistently include information about workload and staffing pressures in our child death inquiry reports, while

continuing to advocate for adequate investment in the systems children rely on.

As discussed in past annual reports, some, but not all, of the practice issues we raise in child death inquiries arise from service systems under strain.

This year our analysis of child death inquiries highlighted the following themes:

- the importance of collaboration and timely information-sharing in understanding and addressing risk
- a lack of appropriate and timely access to supports
- premature closure of reports to Child Protection and a lack of effective early intervention
- poor responses to family violence risk
- services for vulnerable children impacted by COVID–19.

Positive examples of interagency collaboration

This year the Commission made findings in nine cases highlighting positive practice in relation to collaboration. This included one case where Child Protection worked collaboratively with health and other services including through the facilitation of regular care team meetings that promoted information-sharing, clarity in relation to roles and responsibilities and explicit and clear coordination of services. Effective collaboration, including through information-sharing between services who provide supports to children and their families, is an important and protective factor for children and young people in the child protection system. Effective collaboration means responses are coordinated and that the right supports are provided at the right time.

Case study

'Sarah' – Effective collaboration

Sarah was born prematurely and her mother, Anne, struggled to care for Sarah due to her own complex medical needs, which included significant mobility challenges. Child Protection became involved after Sarah was admitted to hospital. Child Protection appropriately determined the risk to Sarah, which had been exacerbated by her premature birth and resulting health needs. Child Protection progressed the case to investigation, and ensured that assessments were undertaken and appropriate referrals made while she was in hospital. A safety plan was developed for Sarah that involved her discharge into the care of a relative which included engagement with, and regular visits from, Enhanced Maternal and Child Health nurses, as well as from Child Protection. Appointments were also made with relevant medical practitioners to assist with different aspects of Sarah's health and development and Anne was also supported with medical and allied health to address her health needs and assist her to care for Sarah. The Commission found that Child Protection had demonstrated strong collaboration with all relevant services.

Poor interagency collaboration including a lack of timely information-sharing

Poor collaboration and an absence of any single service playing a coordination role can lead to confusion between services and significant gaps in service delivery. The Commission made findings in eight reports relating to poor collaboration. In one of these cases, for example, regular visits to a child and their parent were not planned or coordinated, meaning that safety issues were not noticed or addressed over a period of increased risk for that child.

Information-sharing is a key element of collaboration between services. The Commission has commented in past annual reports on poor practice in relation to information-sharing and has been a long-term advocate for stronger information-sharing laws and practice. Without effective information-sharing, individual service providers often only hold part of the picture of what is happening and what is needed for a child or young person and their family.

While this year we identified ten cases featuring positive practice in relation to information-sharing, we also identified examples of poor information-sharing in 12 inquiries. In some of these cases, poor information-sharing meant that Child Protection could not adequately assess the level of risk to which children were exposed.

Case study

'Jess' – Poor information-sharing

Jess was a teenager when she died. She was the subject of 13 reports to Child Protection due to exposure to family violence and substance abuse by her parents. Jess was diagnosed with a number of mental illnesses in early adolescence and was referred a number of times to a specialist mental health service. Jess discussed her home situation and history during her time receiving supports from the mental health service but upon closure the service did not consider these protective concerns, did not report them to Child Protection or refer Jess to family support services as part of its closure. Similarly, while Jess's school was aware of her experiences at home, including neglect, and provided supports and made referrals, the school did not report concerns to Child Protection. Jess died while staying at a relative's house from a drug overdose.

Lack of access to appropriate and timely supports

Access to appropriate and timely supports is critical to the safety and wellbeing of children and young people. In ten cases the Commission found that children were not supported to access appropriate supports. This included insufficient supports being provided to access important entitlements under the NDIS. In one case, for example, a young person waited for more than a year to receive an appropriate wheelchair, increasing their exposure to vulnerability, and limiting their quality of life. In another case, a young person with complex medical needs and disability was not adequately supported to engage with relevant services before Child Protection closed the case, despite Child Protection having been provided with clear recommendations about specific services required to address the child's needs.

Premature closure and a lack of effective early intervention

Child Protection plays a vital role as the agency responsible for statutory intervention to protect children, and can play an important role facilitating access to appropriate supports for children at risk who may not be assessed as meeting the threshold for statutory intervention.

This year, the Commission highlighted instances of premature closure in eight cases. In these cases, in spite of risk factors being evident, the case was closed at intake. Often this occurred in relation to multiple reports, as we found in the following case study.

Case study

'Tamara' – Premature closure

Tamara died at the age of two years in an accident on the family property during a time when she was unsupervised by her parents. Tamara had been the subject of six reports to Child Protection. The first five reports were closed at intake, with community referrals made in relation to four. Each report contained indications of significant risk of neglect and cumulative harm, including a lack of parental supervision. However, it was not until the sixth report that Child Protection decided to investigate. The Commission found that Child Protection had closed four of the reports prematurely and that it had not sufficiently acknowledged or responded to the physical and environmental risks to Tamara in her family home. The Commission also found that Child Protection did not follow up on unsuccessful referrals to Child FIRST. In its recommendations, the Commission noted the repeated practice of Child Protection closing reports with referrals which are not checked and are ineffective. The report also noted the prominence of this issue in the Commission's *Lost, not forgotten* inquiry.

In other cases, the Commission found that cases had been closed without adequate assessments being conducted or with inappropriate referrals to services being made, as in the case below.

Case study

‘Fatima’ – Closure without appropriate referrals to services

Fatima was an adolescent who lived with an intellectual disability and lived with her mother. Fatima had frequent conflict with her mother, displayed aggressive behaviours including damaging property, and was often missing from home and school. Fatima had four child protection reports within a three-month period before a final report that resulted in an ongoing Protective Order that was open at the time of her death. Fatima died in a car accident.

During the first three reports, Child Protection under-assessed risk to Fatima, closing each report at intake and referring to Child FIRST. These referrals were not appropriate given Fatima’s escalating risk and vulnerability with each new report, the unmet need for specialist support services, her mother’s increased difficulty managing her behaviour, and the lack of effectiveness of previous Child FIRST referrals.

The Commission found that Child Protection did not examine options other than a referral to Child FIRST during the early reports and that moving the case to investigation would likely have led to more appropriate and specialised support, including appropriate mental health supports. Instead, Fatima did not receive timely supports and she and her family were left at increased risk of harm.

Poor family violence response

Family violence has featured in the lives of most children whose experience we examine in child death inquiries. This year, the Commission continued to see the concerning impact of poor practice in relation to children experiencing family violence, including:

- 10 cases where Child Protection did not adequately assess the risk of family violence to a child
- six cases where Child Protection did not gather information in relation to family violence
- 10 cases where Child Protection did not link children or families to the right supports or closed with referrals to services in situations where there was family violence and little chance of successful engagement
- four cases involving family violence which Child Protection closed prematurely.

In two separate cases, the Commission made findings relating to the minimisation of family violence, including a case in which Child Protection was satisfied that a father subject to an IVO was abiding by the IVO based solely on a phone conversation with him.

Case study

‘Hilary’ – Poor risk assessment regarding family violence

Hilary died as an infant. Child Protection received one unborn child report for Hilary which was converted to a Child Protection report.

In spite of the early and appropriate decision to investigate and the clear recognition of risk in Hilary’s case at the unborn stage, Child Protection subsequently recommended a home visit followed by closure with ‘appropriate supports in place’. This recommendation was in spite of evidence of significant family violence by Hilary’s father towards her mother in breach of a Family Violence Intervention Order, which led to hospitalisation of Hilary’s mother with multiple injuries. Child Protection did not seek specialist advice in relation to the family violence and they did not record the existence of an intervention order in relation to Hilary’s father, nor report or address the breaches of the intervention order.

The Commission found that Child Protection’s response and the suggestion that it could be closed was not commensurate with the risk faced by Hilary.

The Commission notes and welcomes the introduction of the new SAFER framework, which is intended to guide child protection practitioners in their assessments and response to risk, including risk of family violence. In a number of its responses to child death inquiries, the department has indicated that the SAFER framework, together with the MARAM framework for assessing family violence risk, will guide more timely and protective responses to family violence. The Commission will continue to monitor practice in this area.

COVID–19 impacts

The Commission reviewed three cases this year in which services to children and their families, including face-to-face engagement, continued through periods of restrictions and lockdown.

In another two cases, however, the Commission found that COVID–19 restrictions resulted in disrupted engagement with services and led to increased risk for children. These disruptions meant risks could not be adequately assessed and that direct supports previously provided by services ceased at a time of heightened family stress and adversity.

Case study

‘Taylor’ – Disrupted engagement through COVID–19 lockdowns

‘Taylor’ was a child with complex medical needs and a significant physical disability who was reliant on her parents for all aspects of care. Child Protection received two reports for Taylor which were closed at intake. The second report resulted in a Child FIRST referral for additional support for Taylor’s family due to accumulated stress.

The Commission’s inquiry found that COVID–19 disrupted Taylor and her family’s engagement with services and likely increased their level of isolation. We identified that Child Protection and services should have considered Taylor’s family’s reduced visibility and their increased level of stress, and how this may have contributed to Taylor’s heightened risk in the context of the pandemic when making decisions about the provision of services.

Out-of-home care incidents

Section 60A of the CCYP Act requires the Secretary, DFFH to provide the Commission with information about all adverse events involving children in out-of-home care.

In 2021–22, a third of the incidents reported in out-of-home care related to ‘absent client’ incidents.¹² The reporting of, and responses to, absent client incidents continue to be a significant issue of concern to the Commission (see page 29). The next most frequently reported incidents in out-of-home care were self-harm/attempted suicide incidents (13 per cent), followed by ‘dangerous actions – client’ incidents (12 per cent).

Table 6. CIMS incidents in out-of-home care (all care types), by impact and incident type 2021–22

Incident type	Major	Non-major	Total
Absent client	183	3,375	3,558
Self-harm/attempted suicide	328	1,060	1,388
Dangerous actions – client	209	1,103	1,312
Medication error	10	1,178	1,188
Physical abuse	699	2	701
Inappropriate physical treatment	3	617	620
Injury	32	480	512
Sexual abuse	334	0	334
Emotional/psychological abuse	126	184	310
Sexual exploitation	303	0	303
Emotional/psychological trauma	27	234	261
Poor quality of care	117	94	211
Inappropriate sexual behaviour	1	175	176
Death	7	0	7
Financial abuse	4	1	5
Escape from a secure facility	2	0	2
Total	2,385	8,503	10,888

The greatest proportion of incidents reported in out-of-home care continues to come from residential care, as shown in Table 7, despite this group of children and young people making up only five per cent of the out-of-home care population, as shown in Figure 1.

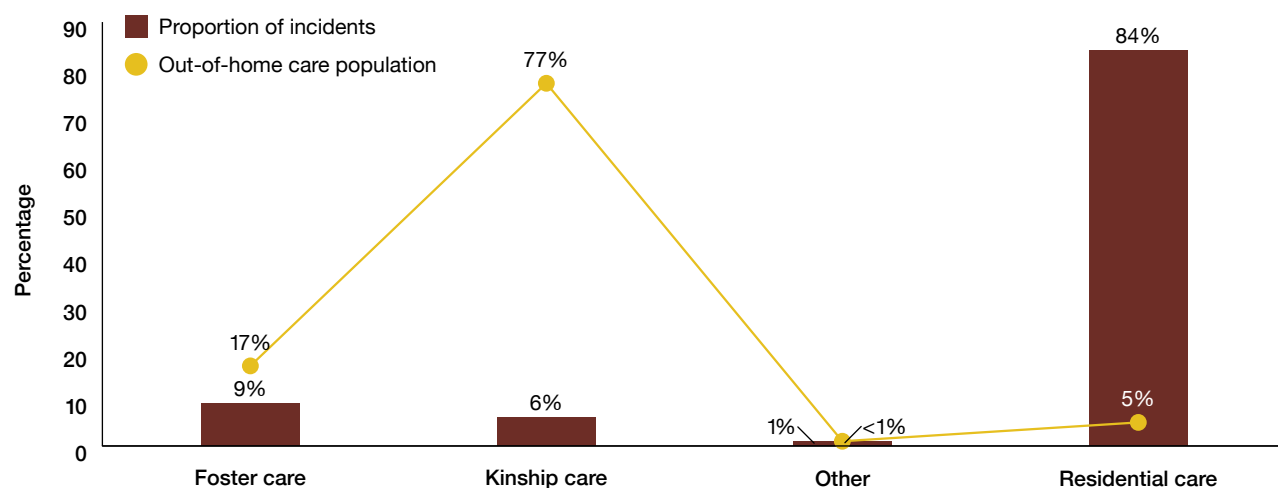
¹² See Department of Families, Fairness and Housing ‘Client Incident Management System: Reporting Absent Clients in Out-of-home Care Guideline’ 18 August 2021, defines an absent client incident to be when a client is unexpectedly absent from the service or absent without authorisation and there are concerns for their safety.

Out-of-home care and child protection continued

Table 7. Proportion of all CIMS incidents in out-of-home care, by care type by financial year 2019–22

Care type	2019–20	2020–21	2021–22
Residential and therapeutic care	74	80	84
Foster care	12	11	9
Kinship care	11	8	6
Other (lead tenant, secure care)	3	2	1

Figure 1. CIMS incidents by care type and population 2021–22



This year was the third full year of operation for DFFH's Client Incident Management System (CIMS) incident reporting framework, allowing comparison of incident trends as shown in Table 8.

Table 8. CIMS incidents in out-of-home care (all care types) by incident, by financial year 2019–20 to 2021–22¹³

Incident type	Financial year (major and non-major)			% increase (2019–22)
	2019–20	2020–21	2021–22	
Medication error	117	512	1,188	915
Escape from a secure facility	1	–	2	100
Self-harm/attempted suicide	822	1,083	1,388	69
Absent client	2,159	2,669	3,558	65
Physical abuse	448	565	701	56
Emotional/psychological abuse	216	256	310	44
Sexual exploitation	237	239	303	28
Dangerous actions – client	1,122	1,231	1,312	17
Inappropriate sexual behaviour	151	152	176	17
Injury	461	508	512	11
Sexual abuse	303	313	334	10
Poor quality of care	231	222	211	-9
Emotional/psychological trauma	302	329	261	-14
Inappropriate physical treatment	732	595	620	-15
Financial abuse	11	7	5	-55
Death	18	16	7	-61
Total	7,331	8,697	10,888	49

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 reviewed 10,888 incidents and initiated 97 incident queries. Aboriginal children and young people were the focus of 29 per cent of our incident queries. The majority of incident queries (85 per cent) related to children and young people in residential care.

¹³ These figures are extracted from DFFH live database, small data variations may occur against last year's annual report figures.

Systemic issues identified in out-of-home care

Increase in reported self-harm and suicide attempt incidents

The number of self-harm/attempted suicides reported in out-of-home care has increased by almost 70 per cent since 2019 as shown in Table 8. Of the 3,293 self-harm and attempted suicide incidents in out-of-home care reported in the past three financial years:

- 18 per cent of the incidents involved Aboriginal and Torres Strait Islander children
- 49 per cent of the incidents involved young people aged 15 and 16 years of age
- 70 per cent of the incidents involved girls and young women
- 81 per cent of the incidents took place in residential care settings
- almost five per cent (4.6 per cent) involved children aged 5–11 years, and 64 per cent of these incidents took place in residential care settings.

In terms of systemic responses to these children and young people, the Commission continues to see significant service gaps for children and young people needing ‘youth specific’ mental health and other therapeutic supports. Many children and young people with very high-risk incident histories remain for weeks on waiting lists to see psychologists, psychiatrists, and sexual assault specialists.

Information gathered during the Commission’s incident queries also indicates that children and young people who are able to access mental health services often experience short episodes of treatment, with little long-term improvement in their safety and wellbeing.

The Commission notes that the Victorian Government is progressing reforms recommended by the Royal Commission into Victoria’s Mental Health System to improve mental health supports and services for young Victorians. The Commission will continue to closely

monitor these issues in the context of mental health system reforms.

Medication errors involving residential care staff

Medication error incidents include where staff incorrectly administer medication, as well as where a child refuses to take medication or where children are absent from placement and unable to be provided their medication. While representing a small proportion of all medication errors, incidents involving staff error have been the greatest concern to the Commission due to their potential for significant and preventable harm.

In 2021, the Commission wrote to DFFH raising concerns about the number of medication errors attributed to staff in residential care. The Commission encouraged DFFH to improve systems and processes associated with medication administration in residential care and to develop systems to identify and track medication errors. In response, the department advised that a statewide medication administration policy was being developed and that consideration would be given to additional assurance and monitoring mechanisms to support strengthened compliance with the updated requirements.

In 2022, the Commission again identified a significant number of medication errors in residential care involving staff error and wrote to DFFH seeking further action to improve systems for administering medication in residential care. DFFH advised that it has commenced scoping a project and has established a working group to support development of policy/practice guidance relating to medication management in residential care.

Placement of children under the age of 12 in residential and therapeutic care settings

In June 2022, the Commission advised DFFH of concerns about the number of children under the age of 12 in residential care settings, and the risks younger children face in these environments.

The Commission noted that many of the current incidents in residential care involved children under 12 being exposed to high-risk situations and activities due to their

co-placement with older adolescents. These issues affirmed the findings of the Commission's 2019 *In our own words* inquiry and highlight the importance of action on that inquiry's recommendations to reduce use of residential care for young children.

The Commission encouraged DFFH to progress its review of the Placement Coordination and Placement Planning Framework and Manual and consider complementary measures including:

- the development of safer placement options for children under 12 years of age who cannot be placed in home-based care in the short-term
- strategies for better monitoring and supporting children under the age of 12 in residential care who are co-placed with older children
- options for data-led monitoring of the number and scope of incidents involving children under 12 in residential care.

Reporting of incidents in out-of-home care resulting in arrest

In May 2022, the Commission wrote to DFFH about the circumstances and supports in place for a child the Commission had been monitoring in out-of-home care and youth justice. The Commission became aware that the child had been involved in a serious incident requiring police attendance and was subsequently remanded, but was unable to be placed on bail due to an absence of suitable DFFH accommodation. The Commission identified that these events had not been reported via the department's Client Incident Management System (CIMS).

The Commission asked DFFH about the incident and was advised that 'arrest of a client may have a negative influence on the client however it is generally not considered that a client would suffer harm through a legislative (lawful) response to an activity'. As a result the incident was not reported. The Commission escalated this issue and in June 2022, DFFH advised the Commission

that work had commenced to review and strengthen guidance in the Child Protection Manual to clarify that providers should submit a CIMS incident report where a child is remanded into youth justice custody.

In recent years, several of the Commission's systemic inquiries have identified significant issues with CIMS.¹⁴ This year, the Commission provided feedback to the current DFFH review of CIMS, and looks forward to improvements in the reporting of incidents involving children and young people in out-of-home care.

Rights-based monitoring of residential care

In April and May 2022, the Commission conducted its third residential care monitoring activity. Commission staff attended four different residential care homes – one in each division, two in rural settings and two in metropolitan settings – and spoke to nine of the 12 children and young people living in the homes at the time.

The Commission asked each child about their views and experiences of a specific right from the Charter for children in out-of-home care (the Charter)¹⁵ – 'to stay healthy and well and go to a doctor, dentist or other professional for help when I need to.'

The Commission found that, overall, most children and young people the Commission met with were satisfied with their access to health services and the support they receive to stay healthy and well. Many children and young people spoke of the importance of people in the health system being available and approachable. They told the Commission it was important that health professionals are 'consistent' and understand 'kids in resi'.

¹⁴ See *Out of sight* (2021), particularly Findings 3 and 18; Recommendation 18 and *In our own words*, pages 177, 180.

¹⁵ Section 16(1)(f) of the *Children, Youth and Families Act 2005* identifies that the Secretary, DFFH has a responsibility to publish and promote a Charter for children in out-of-home care to provide a framework of principles to promote the wellbeing of those children, see <https://services.dffh.vic.gov.au/charter-children-out-home-care>.

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

What does 'staying healthy and well' mean to you?

Good people, nice workers who are fun, caring, listen to me and help me is important.

That I have my meds.

Having an Elder who cooks.

Sports and exercise.

Having a shower, toothpaste, deodorant.

My fish, music, slime, a clean room, and a nice house with no mess.

Caring for my cat.

What does good health care look like to you?

Good health care workers. When you ask to see someone, and you can see them straight away.

A health professional who believes me, like my psychiatrist.

Friendly health professionals who help you open-up and will listen to you.

Having connection and understanding from health care professionals.

Having the same doctor who understands kids in resi. Not having to explain the same things over and over again.

What children and young people told us about their mental health

I look fine but I'm not fine. I don't want to be here.

I don't like speaking about my feelings. It just makes me more angry and upset.

I've been trying to get help for five to six years.

I see the same psychiatrist here at the house and don't have to wait. I feel comfortable speaking to [the psychiatrist], I like her because she knows what's happening in the mind, it's her role.

While reflections from the monitoring activity were encouraging, the findings should be considered in the broader context of health responses to children and young people in care, in particular the evidence that an extremely small number of Victorian children in care receive all recommended health assessments and services after entering care.¹⁶

On several occasions during the monitoring activity, children and young people raised a specific request, or issue. With their consent, the Commission informed the relevant service providers of the request, who advised that the matter would be attended to, including:

- progressing costings for a young person's braces

¹⁶ See, for example: McLean K, Hiscock H, Goldfeld S. Timeliness and extent of health service use by Victorian (Australian) children within first year after entry to out-of-home care: Retrospective data linkage cohort study. *Children and Youth Services Review* 2022. Volume 134.

- requests for a gym membership to maintain health and fitness
- requests for ear drops and scheduling a hearing test.

The report identified two key opportunities for improvement for the department's consideration:

1. In the context of the new Child Safe Standards, the Commission encourages the department and service providers to promote the Charter and discuss with children and young people in out-of-home care how they can use it.
2. While Residential Care Program Requirements are being updated to respond to, among other things, a recommendation from the Commission's *In our own words* inquiry, that the department and service providers take steps wherever possible to provide for pets in residential care settings to support children and young people's mental health and wellbeing.

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.

This year the Commission responded to a total of 378 approaches, of which 118 (31 per cent) related to Aboriginal families and/or children. The majority of approaches came from family members, most often the mother. The most persistent theme of approaches for the past year has been individuals who were dissatisfied with a decision made by Child Protection.

The Commission notes the introduction in Parliament of the *Children and Health Legislation Amendment (Statement of Recognition and Other Matters) Bill 2022* that will, if passed, provide the Commission with powers to advocate for children and young people in child protection and out-of-home care (see page 61). This will address a well-recognised¹⁷ limitation of the Commission's legislation which currently does not enable the Commission to raise issues on behalf of individual children and young people and receive information in response.

The Commission looks forward to increasing contact from, and capacity to assist, children and young people in the event the *Children and Health Legislation Amendment (Statement of Recognition and Other Matters) Bill 2022* is passed.

¹⁷ For example, the Commission's 2015 systemic inquiry, *...as a good parent would...*, the Commission's 2019 *In our own words* inquiry, and the Victorian Ombudsman's 2020 report, *Investigation into complaints about assaults of five children living in Child Protection residential care units*.

Oversight and monitoring of youth justice

Children and young people in youth justice custody have disproportionately high experiences of neglect, abuse and trauma, poor mental health, and experience of disability. 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 custodial population data, incident trends, isolation, use of force and restraints.

Monitoring youth justice incidents in custodial settings

Youth Justice recorded 123 category one incidents this year, 51 more than in the 2020–21 financial year (71 per cent more than last year). Most of the additional incidents related to a child or young person experiencing illness including COVID–19 (45 of 46 category one illness incidents reported), as shown in Table 9.

This year, Youth Justice recorded a 38 per cent increase in assault-related category one incidents, largely relating to 'client-on-client physical assaults'. The Commission's incident monitoring has reflected this shift, with many of our incident queries relating to the placement and management of vulnerable children and young people who had been assaulted, or had their safety threatened, by other young people.

The issue of safe placement and management of vulnerable children and young people is also the subject of an outstanding recommendation from the Commission's 2017 inquiry *The same four walls* and the Commission will be encouraging Youth Justice to consider an improved range of options for the placement of vulnerable children

and young people upon the commissioning of the new youth justice facility at Cherry Creek in 2023.

Youth Justice recorded fewer category one incidents involving breaches of privacy/confidentiality and attempted suicides in 2021–22. There were no category one self-harm incidents recorded this year.

This year, the Commission asked for further information about 70 youth justice incidents. Approximately 19 per cent of our incident queries in youth justice related to alleged assaults between clients and 14 per cent of queries related to alleged assaults perpetrated by clients on staff.

Oversight and monitoring of youth justice

continued

Table 9. Category one incidents in youth justice 2018–22

Incident category/type	2018–19	2019–20	2020–21	2021–22	% change (2020–21 to 2021–22)
Assault	71	51	29	40	38
Physical Assault – client > staff	15	24	12	17	42
Physical Assault – client > client	12	8	6	13	117
Sexual Assault – rape – other > client	0	0	4	4 ¹⁸	–
Sexual Assault – indecent – client > client	5	1	2	2	–
Physical Assault – staff > client	27	10	3	1	-67
Physical Assault – other > client	3	5	1	1	–
Sexual Assault – indecent – other > client	1	0	1	1	–
Sexual Assault – rape – client > client	0	0	0	1 ¹⁹	–
Physical Assault – client > other	0	1	0	0	–
Sexual assault – indecent – staff > client	6	1	0	0	–
Sexual assault – indecent – client > staff	2	1	0	0	–
Behaviour	14	4	2	13	550
Behaviour – dangerous	9	3	2	10	400
Behaviour – sexual exploitation	1	0	0	2	–
Behaviour – sexual	3	1	0	1	–
Behaviour – disruptive	1	0	0	0	–
Other	40	21	41	70	71
Illness	2	1	20	46	130
Poor quality of care	24	9	6	9	50
Injury	1	0	2	7	250
Property damage/disruption	1	2	0	3	–
Medical condition (known) – deterioration	1	1	2	2	–
Breach of privacy/confidentiality matters	0	1	5	1	-80
Suicide attempted	5	3	3	1	-67
Community concern	1	1	3	1	-67
Possession	0	2	0	0	–
Escape – from centre	0	1	0	0	–
Self-harm	3	0	0	0	–
Escape – from temporary leave	1	0	0	0	–

¹⁸ This figure relates to four separate incidents alleged by young people of being sexually assaulted while in the community.

¹⁹ This incident refers to an allegation made by one young person in custody, alleging another young person in custody sexually assaulted a young person in the community.

Table 9. Category one incidents in youth justice 2018–22 (continued)

Incident category/type	2018–19	2019–20	2020–21	2021–22	% change (2020–21 to 2021–22)
Medication error – pharmacy	1	0	0	0	–
Total	125	76	72	123	71

Systemic advocacy – youth justice monitoring

This year, the Commission identified and raised concern about the following issues:

- use of force
- concerns about staff behaviour, sexual misconduct, and professional boundaries
- extended isolations
- over-representation of African Australian children and young people.

Use of force in youth justice facilities

The Commission routinely examines incidents of use of force against children and young people by Youth Justice’s Safety and Emergency Response Team (SERT). This year we observed an increase in the deployment of OC (Oleoresin Capsicum) spray on children and young people in youth justice (250 per cent more than the prior year, n=14).

In December 2021, the Commission formally raised concerns with Youth Justice about a series of incidents where staff had used force in response to non-compliant children and young people, rather than in response to an immediate threat.

The Commission welcomed Youth Justice’s action in commissioning an external review of incidents involving OC spray and will monitor Youth Justice’s response to the review. The Commission will also continue to advocate for the use of de-escalation strategies by SERT and unit staff wherever possible, and proactive internal monitoring of use of force incidents.

Concerns about staff behaviour, sexual misconduct, and professional boundaries

In December 2021, the Commission wrote to Youth Justice raising serious concern about a number of allegations of inappropriate staff behaviour and sexual misconduct concerning children and young people in youth justice centres. Some of these incidents had also been reported to the Commission via the Reportable Conduct Scheme, and a number were subsequently substantiated.

Youth Justice advised the Commission of a range of measures planned to address these issues, including the development of a Youth Justice Integrity Strategy. No child in custody should be exposed to sexual misconduct by staff and the Commission considers this a priority.

Extended isolations

In April 2022, the Commission wrote to Youth Justice about a series of instances in 2021 and 2022 where children and young people had been placed in lengthy isolations after incidents in what appeared to be the use of isolation as punishment. The Commission reviewed supporting documentation for the isolations and found that ‘rotational plans’ and ‘dynamic risk assessments’ were translating to practices of ongoing periods of isolation for days. The Commission also found that the use of lengthy isolations (over two hours) under section 488(2) of the *Children, Youth and Families Act 2005* (CYFA) had increased at both precincts in the previous year.

In May 2022, Youth Justice advised that the department was committed to ensuring the use of isolations is in accordance with Youth Justice policy and section 488 of the CYFA. Youth Justice has commenced work to review relevant isolation policies to ensure they are clear for staff and align with legislation.

Over-representation of African Australian children and young people in youth justice

In our previous annual report, the Commission noted that the proportion of children and young people in youth justice custody of African background had reached 38 per cent of the population. The previous report also referred to joint advocacy to government in 2020–21, conducted with the Victorian Multicultural Commission, to address the social and systemic drivers of contact between young people of African background and the justice system.

In 2021–22, the average monthly population in custody continued to feature a significant proportion of African Australian children and young people, with a slightly higher figure (39 per cent) than the previous year.

In May 2022, the Victorian Government announced the establishment of a South Sudanese Australian Youth Justice Expert Working Group, which will work in partnership with the Commission for Children and Young People.²⁰ The Commission looks forward to working with community representatives to drive improved experiences and outcomes for children and young people of South Sudanese background in Victoria.

On-site monitoring of youth justice

In April and May 2022, the Commission conducted on-site visits to both youth justice centres, attending selected units with a focus on infrastructure. The Commission identified concerns related to the following themes:

- right to privacy
- right to fresh air and exercise
- access to clean and hygienic facilities
- access to family and significant others.

The Commission noted that girls and young women at Parkville still had no access to an outdoor secure area, meaning they had less access to fresh air and exercise than their male counterparts. The Commission has advocated for action on this issue for a number of years. After the visit, Youth Justice advised that temporary fencing would be installed in mid-2022 to create a secure outdoor area for girls and young women, with permanent fencing to be constructed in 2023.

During the same monitoring activity, the Commission identified that CCTV cameras in the designated quarantine unit of Parkville were not being used as intended. CCTV cameras had been introduced in the quarantine unit in 2020 for staff to undertake the required observations for children and young people in COVID–19 isolation²¹ without having to don and doff personal protective equipment (PPE) at each instance.

After young people in the unit drew this issue to the Commission's attention, the Commission found that Youth Justice staff had not been limiting the use of CCTV observations to only those in COVID–19 isolation. Further, the Commission observed that previously established 'privacy barriers' to limit the number of staff able to view the CCTV footage were no longer in place. While Youth Justice rectified the issue shortly after the monitoring activity, the Commission will continue to regularly monitor this matter.

²⁰ 'Targeted Support For At-Risk South Sudanese Youth' 12 May 2022, Victorian Government media release, <https://www.premier.vic.gov.au/targeted-support-risk-south-sudanese-youth>

²¹ See section 600M of the *Children, Youth and Families Act 2005*

At Malmesbury Youth Justice Centre, the Commission identified poor quality infrastructure, particularly in the Intensive Supervision Annexe (ISA) and Admissions unit. In the Admissions unit, Commission staff observed black garbage bags taped to the outside of the unit's windows to avoid sun glare.

In August 2022, DJCS responded to the Commission's findings, advising that a number of issues had been rectified and further consideration was being given to the remaining issues raised in the inspection.

Monitoring the impact of COVID-19 in youth justice

This year, the impacts of the COVID-19 pandemic continued to create operational challenges in youth justice centres. The Commission monitored the conditions and treatment of children and 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, COVID-19 restrictions limited in-person visits with family and/or significant others and professionals. Although Youth Justice had established regular access to personal and professional visits through online platforms for all children and young people during the year, some children and young people told us that they continued to find it difficult not to be able to see family, friends and support workers in person.

As discussed below, (see Figure 4) quarantine requirements meant that newly admitted children and young people and COVID-positive children and young people were contained within their rooms for up to 14 days. Many children and young people told us that this was difficult, and we observed it to be especially challenging for younger children, those with anxiety or depression, and/or cognitive or developmental impairments. One young person spoke of how challenging he found having no fresh air or daylight for the duration of his 10-day quarantine period after testing positive to

COVID-19. He commented 'how can you expect little kids, 15-year-olds, to stay in their rooms – they will go crazy'.

“How can you expect little kids, 15-year-olds, to stay in their rooms – they will go crazy.”

The restrictions associated with COVID-19 also continued to limit children and young people's access to education, participation in sporting activities and involvement in programs provided by external providers. The Commission has been encouraged with Youth Justice's progressive easing of restrictions from January 2022, in accordance with health advice.

Isolations, lockdowns, and time spent in COVID-19 quarantine

The Commission monitors the use of isolations in youth justice closely, in light of the issues identified in our 2017 systemic inquiry *The same four walls*, which found that children and young people in Victoria's youth justice centres were subjected to unacceptable levels of isolation and routinely locked down due to staffing issues. The *Children, Youth and Families Act 2005* (CYFA) allows a child or young person to be held in their rooms, or in isolation cells:

- 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 young person's behaviour presents an immediate threat to themselves or others or property (subsection 488(2)), or
- when it is in the interests of the 'security of the centre' (subsection 488(7)).

Oversight and monitoring of youth justice continued

In 2020, a further provision for the use of isolation in youth justice was introduced to assist in the detection, prevention, or mitigation of COVID-19 in custody (section 600M). This provision was repealed in April 2022, and DJCS have advised that subsequent COVID-19 related isolations have been authorised under 488(7).

This year, at the request of Youth Justice, the Commission agreed to amend the relative measure of isolations and lockdowns to a rate applicable to 'individual children and young people' who had been subject to isolations or lockdowns. Further discussions will take place during the 2022-23 financial year to further strengthen analysis of these datasets.

Isolations

While the total number of isolations under section 488(2) of the CYFA in 2021-22 decreased at both Youth Justice precincts (see Figure 2), the rate of isolation episodes per individual child/young person isolated increased due to the reduced number of children and young people in custody.

In the previous year (2020-21), 290 individual children and young people across Youth Justice were isolated under section 488(2), representing a rate of six episodes in the year. In 2021-22, 208 unique children and young people were isolated under section 488(2), representing a rate of seven episodes per unique child or young person (see Table 10), with a range of one to 59 isolation episodes recorded for a unique child or young person in the year.

Figure 2. Isolations under section 488(2) of the *Children, Youth and Families Act 2005* by youth justice locations 2017-22

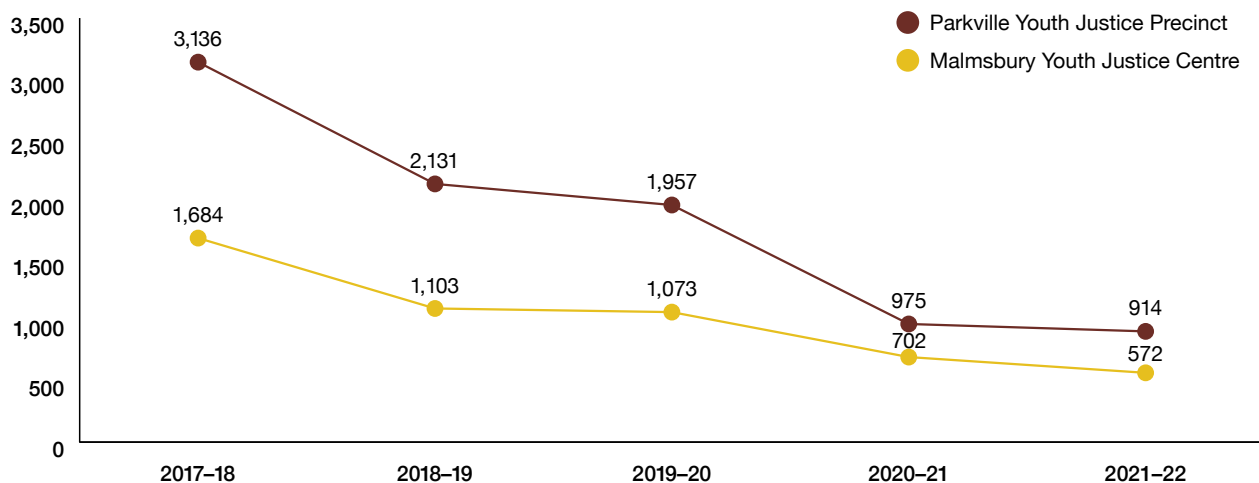


Table 10. Isolation episodes under section 488(2) of the *Children, Youth and Families Act 2005*, each year, per unique child/young person by location 2017–22²²

	Malmsbury	Parkville	Total²³
2017–18			
Number of unique children and young people	315	536	718
Number of isolation episodes	1,684	3,136	4,820
Number of unique children and young people isolated	202	325	449
Rate of isolation episodes per unique child/young person isolated	8	10	11
2018–19			
Number of unique children and young people	275	582	743
Number of isolation episodes	1,103	2,131	3,234
Number of unique children and young people isolated	181	289	395
Rate of isolation episodes per unique child/young person isolated	6	7	8
2019–20			
Number of unique children and young people	253	623	767
Number of isolation episodes	1,073	1,957	3,030
Number of unique children and young people isolated	154	306	394
Rate of isolation episodes per unique child/young person isolated	7	6	8
2020–21			
Number of unique children and young people	207	559	635
Number of isolation episodes	702	975	1,677
Number of unique children and young people isolated	113	212	290
Rate of isolation episodes per unique child/young person isolated	6	5	6
2021–22			
Number of unique children and young people	180	452	494
Number of isolation episodes	572	914	1486
Number of unique children and young people isolated	86	150	208
Rate of isolation episodes per unique child/young person isolated	7	6	7

²² These figures are extracted from DJCS' live database. Small data variations have since been reported by the department, compared to previous annual report figures.

²³ Unique persons totals reflect overall unique young people in custody. As the same young person can be accommodated in both precincts throughout the year, this total will not reflect the sum of each precinct.

Oversight and monitoring of youth justice

continued

Lockdowns (isolations under section 488(7))

In 2021–22, the number of lockdowns in Youth Justice reduced overall. However, this was not consistent across precincts (see Figure 3) and the rate of lockdowns per unique child/young person actually increased.

In 2020–21, 466 unique children and young people across Youth Justice were isolated under section 488(7), representing a rate of 58 lockdowns per unique child or young person.

In 2021–22 there were 340 unique children and young people locked down under section 488(7) of the legislation, at a rate of 70 episodes in the year (see Table 11), with a range of one to 425 lockdown episodes recorded for unique children and young people.

Figure 3. Isolations under section 488(7) (lockdowns) of the *Children, Youth and Families Act 2005* by youth justice locations 2017–22

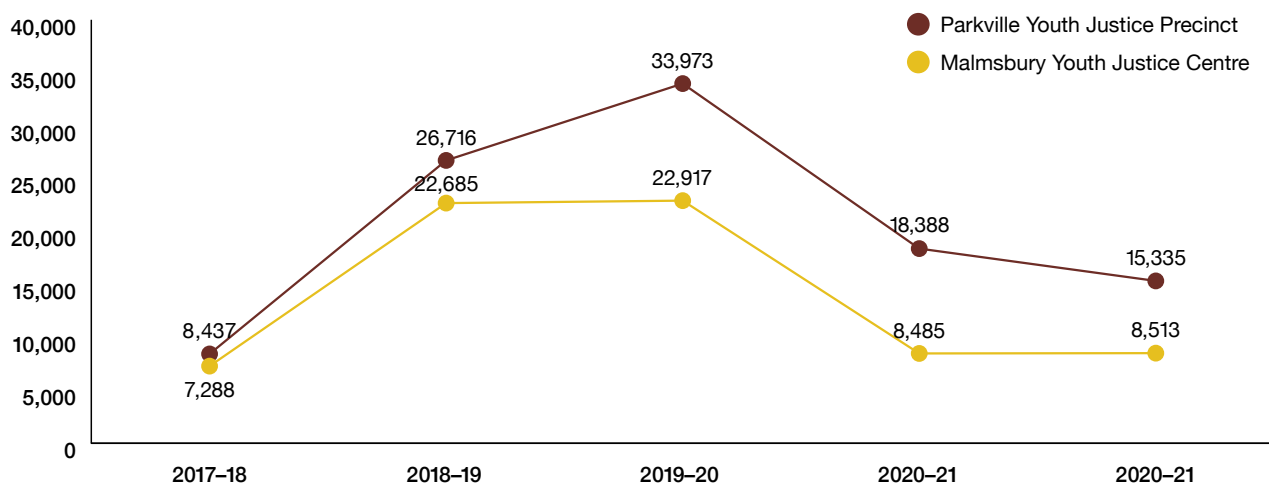


Table 11. Isolation episodes (lockdowns) authorised under section 488(7) of the *Children, Youth and Families Act 2005*, each year, per unique child/young person by location 2017–22

²⁴	Malmsbury	Parkville	Total
2017–18			
Number of unique children and young people	315	536	718
Number of lockdown episodes	7,288	8,437	15,725
Number of unique children and young people locked down	282	430	587
Rate of lockdown episodes per unique child/young person isolated	26	20	27
2018–19			
Number of unique children and young people	275	582	743
Number of lockdown episodes	22,685	26,716	49,401
Number of unique children and young people locked down	258	488	635
Rate of lockdown episodes per unique child/young person isolated	88	55	78
2019–20			
Number of unique children and young people	253	623	767
Number of lockdown episodes	22,917	33,973	56,890
Number of unique children and young people locked down	240	545	678
Rate of lockdown episodes per unique child/young person isolated	95	62	84
2020–21			
Number of unique children and young people	207	559	635
Number of lockdown episodes	8,485	18,388	26,873
Number of unique children and young people locked down	181	371	466
Rate of lockdown episodes per unique child/young person isolated	47	50	58
2021–2022			
Number of unique children and young people	180	452	494
Number of lockdown episodes	8,513	15,335	23,848
Number of unique children and young people locked down	167	263	340
Rate of lockdown episodes per unique child/young person isolated	51	58	70

²⁴ These figures are extracted from DJCS' live database. Small data variations have since been reported by the department, compared to previous annual report figures.

Oversight and monitoring of youth justice continued

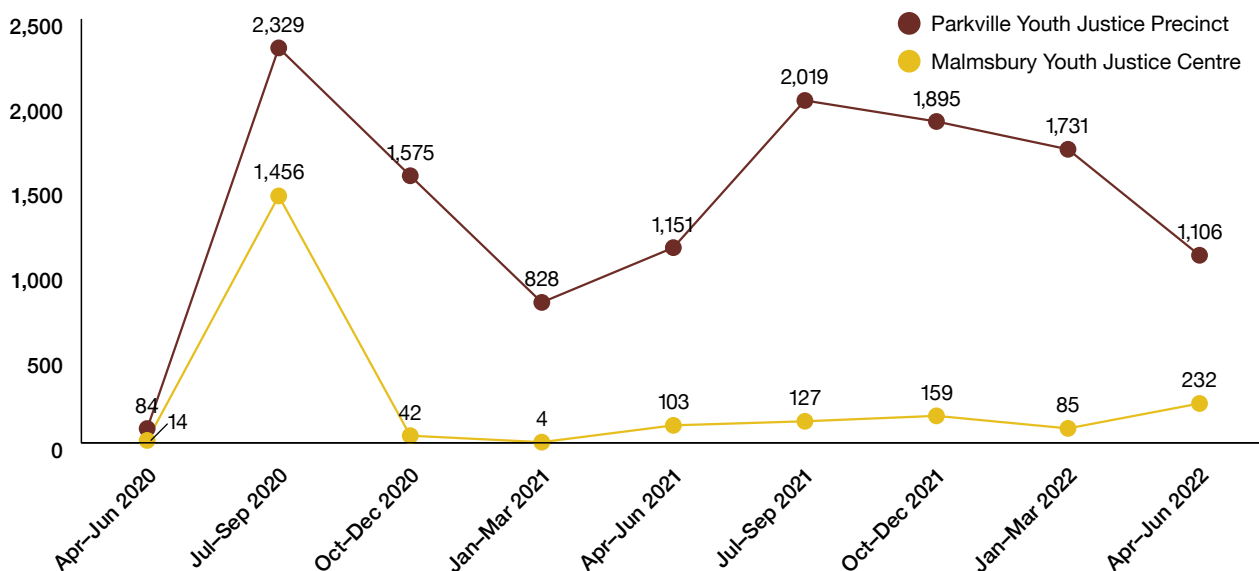
Time spent in COVID-19 quarantine

The use of COVID-19 isolation under section 600M of the Act remained high at Parkville, reflecting its use as an admission facility for children and young people entering youth justice custody. The Commission has been regularly briefed on Youth Justice’s consultations with health experts about infection control measures since the commencement of the COVID-19 pandemic.

While understanding the need for careful infection control measures and acknowledging that Youth Justice has adjusted restrictions at certain stages of the pandemic,

there are clear concerns about the mental health impacts of extended time spent in effective solitary confinement in bedrooms. The Commission has encouraged Youth Justice to provide all possible opportunities for children and young people to receive regular access to fresh air and exercise, the means to maintain contact with friends and family, and opportunities to remain meaningfully occupied while they are in isolation due to being COVID-positive, suspected to be COVID-positive or due to quarantine admission requirements.

Figure 4. Isolations under section 600M of the *Children, Youth and Families Act 2005* by youth justice facility – April 2020 to June 2022²⁵



²⁵ COVID-19 related isolations were legally authorised under temporary provision 600M, which expired in April 2022. DJCS advised that following April 2022, COVID-19 related isolations are authorised under 488(7). All COVID-related isolation data has been reported in one chart for convenience of analysis.

Independent Visitor Program

Our Independent Visitor Program (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 with youth justice staff and management, with more serious issues 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.

Celebrating our 10-year anniversary

In April 2022, the Commission marked the 10-year anniversary of the IVP in Victoria's youth justice centres. Several celebrations are taking place in 2022 to commemorate this achievement and will include events at both centres, including children and young people and Youth Justice staff.

Impact of COVID-19 on program delivery

While COVID-19 continued to affect the IVP's ability to meet with children and young people in person in youth justice centres, the program was delivered online for most of the year. On-site visits to both centres resumed in April 2022, adhering to COVID-19 safe protocols. The return of visitors was welcomed by young people and youth justice staff.

Issues raised during 2021-22

Children and young people raised 363 issues this year to the Independent Visitor Program. There was a nine per cent increase in the proportion of issues raised by Aboriginal children and young people in 2021-22 (82 matters), compared to last year.

The most raised issues this year were about health services, access to leisure activities and restrictive practices. Encouragingly, the number of issues about access to family and friends raised this year was half of

last year's total, and there were less cultural issues raised with the visitors this year, compared to last year. Notably, most of the cultural issues raised were from children and young people of culturally and linguistically diverse backgrounds, rather than Aboriginal children and young people.

Each issue raised by a child or young person was provided to Youth Justice for information or resolution.

Ongoing advocacy about improving dental services in youth justice

The Commission has continued to advocate on behalf of children and young people in custody who require dental treatment. The Commission has been regularly updated by Justice Health and Youth Justice about the efforts to monitor, and improve, dental service delivery in youth justice custody and acknowledges Justice Health's review of dental service provision for children and young people in custody.

Work undertaken in 2022 between DJCS and the Commission to streamline communication regarding health complaints has enabled a more rapid response to individual health complaints raised by children and young people, as well as broader health system issues.

Case study

Young person in need of dental treatment

In November 2021, a child advised that earlier in the year they had been referred to the dental hospital and that they were now experiencing discomfort for a number of teeth. IVP received advice that an appointment had not yet been made.

In February 2022, the child again raised concerns with the IVP stating they were still awaiting an appointment and had increased pain levels that were being managed with medication. Although the referral had been accepted, an appointment had not yet been confirmed.

IVP escalated this matter to Justice Health who were able to make further contact with the hospital resulting in appropriate treatment in early March 2022.

Our volunteers

This year the IVP recruited an additional four volunteer visitors to the program and one volunteer concluded their participation in the program.

Introduction of an IVP phone line

In November 2021, Youth Justice and the Commission established a dedicated IVP phone line for children and young people in custody to complement the on-site visits program. The phone line has provided greater accessibility to the IVP outside monthly visits.

Most of the calls received in the first seven months related to concerns about restrictive practices (isolation and restricted movements). The Commission raised these issues with senior Youth Justice staff and received a response or resolution to all matters raised.

The Commission has welcomed the cooperative approach taken by Youth Justice in agreeing to give children and young people this new avenue to raise issues with an external body like the Commission.

Monitoring of other confined environments

Children in adult prison and transfer processes to adult prison

The Commission monitors the treatment of any child transferred from youth justice to adult corrections under the *Children, Youth and Families Act 2005* (CYFA), and any child sentenced to a term of adult imprisonment.

This year, the Commission monitored Corrections Victoria's placement and management of four children in adult custody. Three children were transferred by the Youth Parole Board under the CYFA, and one child was sentenced to an adult term of imprisonment. Two of the children monitored this year were 16 years of age, the youngest prisoners in adult corrections for almost 10 years.

In May 2022, the Commission formally raised concerns with government about the transfer of particularly vulnerable children transferred to adult corrections, noting that separate justice facilities for children are provided for a range of reasons connected with children's vulnerability, susceptibility to peer pressure and greater prospects of rehabilitation. In a 2013 investigation into the transfer of children into adult custody²⁶ the then Victorian Ombudsman recommended that the Victorian Government repeal the legislative capacity to transfer children to adult custody as soon as secure accommodation was established at Malmsbury Youth Justice Centre. Whilst secure accommodation was established at Malmsbury in 2015, the legislation has not been amended and seven children have been transferred to adult prisons using the provision since 2018.

The Commission's monitoring typically involves regular meetings with the child, review of daily reports prepared

²⁶ Victorian Ombudsman, 2013, *Investigation into children transferred from the youth justice system to the adult prison system*.

by the prison, and meetings with senior representatives of Corrections Victoria to be briefed on supports and plans in place for the child. During these monitoring activities in 2021–22, the Commission identified serious risks and issues associated with the placement of a child in adult custody. Many of these related to the fact that Corrections Victoria has no child-specific policies or procedures for operational practices that can have significant negative impact on a child, including searches, restraints, external escorts, medical consent, and outcomes arising from disciplinary procedures.

The placement of children in adult prison also highlights the extremely limited placement options for children and younger prisoners, with only the 35-bed Penhyn Unit at the privately run Port Phillip Prison designated as a ‘youth unit’. Children placed in adult custody during this year experienced significant, and often prolonged, disadvantage compared to their youth justice peers, with successive days restricted to their cells due to COVID–19 quarantine protocols, and continual disruption to Penhyn Unit’s operation following COVID–19 outbreaks at Port Phillip Prison.

The Commission acknowledges that in several instances, Corrections Victoria and local prisons have been responsive when we have argued the need for a different approach to managing children in adult custody. However, the current legislation and lack of child-specific policies and procedures have created extremely restrictive and difficult periods in custody for these children.

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 legislation²⁷ 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 2021–22 financial year, the Commission did not exercise its preventative detention function.

²⁷ *Commission for Children and Young People Act 2012*, section 23A.

Influencing policy, services and the law

A key function of the Commission is to provide advice to government on improvements to policies, practices and services affecting children and young people.²⁸ This year, the Commission made a record number of formal submissions, responding to a diverse range of public reviews and parliamentary inquiries. The Commission also raised policy issues with government and participated in targeted consultations across a range of government departments.

Our submissions were referenced in multiple public reports and contributed to the development of a range of legislation across youth justice and the broader justice system, child protection²⁹ and mental health and wellbeing.³⁰

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

- involving children and young people in decision-making
- the child protection and out-of-home care systems
- the impact of COVID-19 on children and young people
- the impact of family violence on children and young people
- responses to sexual violence and harm for children and young people
- students' safety, wellbeing and right to education
- youth justice and criminal justice policy.

Involving children and young people in decision-making

This year, the Commission's policy work was strengthened by our growing inclusion of young people's views and experiences. The Commission's policy work regularly includes recommendations to government and relevant review bodies to engage directly with children and young people to obtain their expertise.

The Commission has been particularly encouraged by the efforts of the Department of Justice and Community Safety this year, consulting with children and young people in youth justice, and seeking the views and experience of the Commission Youth Council (CYC) for several projects.

The child protection and out-of-home care systems

In June 2022, the Commission was encouraged by the government's introduction of the *Children and Health Legislation Amendment (Statement of Recognition and Other Matters) Bill 2022*. Among other positive reforms, the Bill proposed that the Commission be afforded new powers and, if passed, will establish an advocacy function for children and young people in contact with Child Protection or in out-of-home care, and those who have recently left these systems.

The Commission and other organisations have highlighted the need for this reform since at least 2015.³¹ If passed, these important provisions will provide children and young people impacted by these systems with access to an independent, child and youth-friendly mechanism to raise issues and concerns.

²⁸ *Commission for Children and Young People Act 2012*, section 8(1)(a).

²⁹ *Children, Youth and Families Amendment (Child Protection) Bill 2021*.

³⁰ *Mental Health and Wellbeing Bill 2022*.

³¹ For example, the Commission's 2015 systemic inquiry, *...as a good parent would...*, the Commission's 2019 *In our own words* inquiry, and the Victorian Ombudsman's 2020 report, *Investigation into complaints about assaults of five children living in Child Protection residential care units*.

The impact of COVID–19 on children and young people

The Commission maintained a focus on the impact of COVID–19 and associated public health orders, legislation and regulations on children and young people in 2021–22.

As COVID–19 restrictions increased in Victoria in August 2021, the Commission encouraged Victoria Police to ensure that its approach to non-compliance by children and young people prioritised educating and warning children and young people over fines.

The Commission also provided comment to government during development of the *Public Health and Wellbeing Amendment (Pandemic Management) Act 2021*. Our feedback highlighted that measures taken in response to COVID–19 in Victoria had major and disproportionate impacts on children and young people, especially those experiencing vulnerability. The Commission advocated for the legislation to include specific measures to ensure that government considers impacts on children and young people's rights, safety and wellbeing, and their needs, such as a child impact assessment approach used in other countries.

On two occasions this year the Commission recommended to the government that children and young people's interests and needs should be represented on the Independent Pandemic Management Advisory Committee. Unfortunately, government has not acted on this recommendation to date but the Commission will continue to advocate to the incoming Minister for Health.

The Principal Commissioner spoke about the impact of the pandemic on children and young people in various speeches and engagements during 2021–22 including the National Child Protection Forum and a Victorian Local Government Association & Local Government Information Unit Australia Global Live Panel Forum.

The Commission will continue to advocate for governments and relevant authorities to specifically consider the impacts on children and young people in

future decision-making when responding to pandemics and other state emergencies.

The impact of family violence on children and young people

The Commission continued to advocate for greater recognition of children and young people as victims of family violence in their own right.

Our submission on the Australian Government's draft National Plan to End Violence against Women and Children 2022–2032 urged for the plan to give greater attention to children and young people's unique experiences of family violence and their distinct support needs. The submission also highlighted the importance of including the voices of children and young people in the design of policies and services and implementation of the plan.

These issues also featured in several of the Principal Commissioner's public engagements this year, including at a joint Domestic Violence Victoria and Domestic Violence Resource Centre forum on family violence and children and young people and at a Family Safety Victoria (FSV) forum on including the voices of children and young people with lived experience.

During 2021–22, we welcomed FSV's close engagement with the Commission on the development of MARAM (Multi-Agency Risk Assessment and Management Framework) practice guides for children and young people who are victim survivors of family violence, and adolescents who use violence. The Commission is pleased that children and young people are informing FSV's work directly and looks forward to contributing further to these important projects.

The Commission continued to work closely with Victoria Police on family violence issues and contributed to revisions to its Code of Practice for Investigating Family Violence. We welcomed Victoria Police's incorporation of the Commission's suggestions for strengthening the Code's recognition of children as victims of family violence.

The Commission also contributed to the development of the new DJCS victim-centred restorative justice program for adolescents who use violence, emphasising the importance of avoiding the criminalisation of this group of young people, who often require specialised therapeutic support. We welcomed the department's commitment to engaging with children and young people with lived experience in the program's design.

Responses to sexual violence and harm for children and young people

In November 2021, the Commission welcomed the Victorian Law Reform Commission's (VLRC) report on *Improving the justice system response to sexual offences*. The recommendations addressed many of the issues identified in the Commission's submission to the VLRC, including recommendations to improve:

- public and professionals' awareness, understanding and attitudes towards children and young people and the nature and impacts of sexual harm
- Victoria Police responses to children and young people who have been sexually harmed, particularly those living in out-of-home care
- support services for navigating the service network and justice system
- the identification of, and responses to, sexual harm in the child protection, out-of-home care, and child and family service systems.

The VLRC's report referenced the Commission's work, including in relation to our systemic inquiries, the Reportable Conduct Scheme and the Commission's guide for interviewing children and young people in reportable conduct investigations.³² The report also suggested that consideration be given to the Commission's role in the implementation of other important recommendations, including:

- a revised multi-agency protocol for child sexual abuse (building on the existing protocol between Child Protection and Victoria Police)
- development of a clear governance structure for coordinating responses to sexual violence, including a working group of regulators with responsibility for addressing sexual violence to work together on ways to improve sexual safety in their areas.

The VLRC report identified that the support and justice needs for children and young people should be an area of priority for the Victorian Government's whole-of-government strategy to address sexual harm, violence, and abuse. The Commission provided feedback and insights to inform the development of the whole-of-government strategy during 2021–22 and will contribute further to this important work as it progresses.

Our work in 2021–22 also included providing advice to DJCS to better support children and young people who are victim survivors of sexual offences to have their stories published by others with their permission. In collaboration with CYC members, the Commission advocated for broadening the range of people who can provide 'supporting statements' corroborating that a child or young person understands what it means to be identified as a victim survivor and the consequences of losing anonymity.

Students' safety, wellbeing and right to education

During 2022, the Commission provided detailed feedback to the Department of Education and Training (DET) during the development of Ministerial Guidelines for the School Community Safety Order Scheme.

Our feedback focused on ensuring that the Scheme does not cause unintended consequences for children and young people's right to education, or safety at home, cause further disadvantage to marginalised children and young people, including Aboriginal children and young

³² *Guide for including children and young people in reportable conduct investigations* (2019), available at <https://ccyp.vic.gov.au/resources/reportable-conduct-scheme/including-children-and-young-people-in-reportable-conduct-investigations/>

people, and that laws supporting the prevention of child abuse and responses to allegations continue to operate effectively.

Several of our recommendations for strengthening the Ministerial Guidelines were incorporated. It is essential that the Scheme's impact on children and young people is closely monitored and evaluated, as the Commission noted in our submissions to DET.

Youth justice and criminal justice policy

The Commission made numerous submissions relating to youth justice and criminal justice issues during 2021–22.

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. We welcomed continued close and responsive consultation by the Department of Justice and Community Safety (DJCS) on this vital piece of reform.

The Commission also contributed to the Victorian Government's Review of the *Children and Justice Legislation Amendment (Youth Justice Reform) Act 2017*. We welcomed the Review's report, which reflected many of the Commission's recommendations, including removal of legislative changes made in 2017 that (among other things):

- limited the jurisdiction of the specialist Children's Court to deal with certain serious charges
- restricted access to Victoria's 'dual track' system, which the Commission strongly supports (as noted in the Review's report)
- imposed mandatory parole conditions.

Advocating to raise the minimum age of criminal responsibility

The Commission maintains that raising the age of criminal responsibility from 10 to 14 years is a priority for the State of Victoria. Our commissioners and the CYC spoke about this issue via a range of mechanisms this year including in the media, via social media for Human Rights Week and at several forums.

Following an announcement that Australian governments would develop a proposal to raise the age of criminal responsibility to 12 years,³³ in November 2021, the commissioners:

- wrote to the Victorian Government re-stating the need to urgently raise Victoria's age of criminal responsibility to 14 years
- joined with Australia's other children's commissioners, guardians, and advocates in urging all states and territories to prioritise raising the age to 14 years and implement holistic systems of early intervention and diversion.³⁴

In our submission to the Victorian Parliament's *Inquiry into Victoria's criminal justice system*, the Commission highlighted the importance of raising the minimum age to reducing the chronic over-representation of Aboriginal children and young people in the youth justice system, as recommended by *Our youth, our way*. We welcomed the inquiry's recommendation that the Victorian Government increase the age of criminal responsibility, and its references to *Our youth, our way* in making this recommendation.

³³ <https://www.ag.gov.au/about-us/publications/meeting-attorneys-general-mag-communique-november-2021>

³⁴ <https://ccyp.vic.gov.au/news/proposal-to-raise-the-age-does-not-go-far-enough/>

Improvements to the bail system for children and young people

The Commission continued to advocate for reform of Victoria's bail and remand system for children and young people, to prevent the damaging effects of unnecessary remand.

Following a series of concerning cases involving young children, the Commission again raised the need for a 24-hour specialised child and adolescent bail system, as recommended by *Our youth, our way* and proposed by the Sentencing Advisory Council. We welcomed the similar recommendation by the *Inquiry into Victoria's criminal justice system*, and the announcement in the *Victorian Budget 2022/23* that a new after-hours online Children's Court will be established. This measure will aim to ensure that children and young people are not remanded unnecessarily because there is no available court to hear their bail applications.

Reform of Victoria's bail laws is also essential, as the Commission recommended in *Our youth, our way* and emphasised in our submission to the *Inquiry into Victoria's criminal justice system*. We welcomed the inquiry's conclusion that urgent reform is needed and note its recommendation that the Victorian Government review the operation of bail laws.

Children and young people's experiences with police

In our engagement with the DJCS Systemic Review of Police Oversight, the Commission advocated for a series of improvements to Victoria's police complaints system including:

- greater independence and a clear focus on identifying systemic improvement
- services that are accessible, safe, supportive, and effective for Victoria's children and young people
- ensuring the system is culturally safe, and trusted by, Aboriginal children and young people.

Among other issues demonstrating the need for reform, we highlighted the experiences of racism, mistreatment, or

violence by police that Aboriginal children and young people shared with the Commission's *Our youth, our way* inquiry.

The Commission's advocacy has contributed to encouraging steps by Victoria Police towards practice and policy changes. This includes the need to address the underlying factors that lead to Aboriginal young people's over-representation in the justice system. Victoria Police has pursued a number of the opportunities for change identified in *Our youth, our way*, including the rollout of cultural awareness training, reforms to their complaints processes, a strengthened focus on cautioning and an emphasis on early intervention and prevention.

Other submissions about Victoria's justice system

The Commission also contributed to a range of other important reviews during 2021–22:

- the Cultural Review of the Adult Custodial Corrections System
- the Victorian Parliament's Inquiry into children affected by parental incarceration
- DJCS' review into improving victims' experience of summary proceedings.

The report of DJCS' Review of the *Terrorism (Community Protection) Act 2003* (tabled in Parliament in September 2021) closely considered the Commission's submission to the Review. While the Review did not adopt the Commission's recommendation to raise the age of children able to be preventatively detained, the Commission was encouraged that the Review recommended regular monitoring of the issues.

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

ANZCCG

Both commissioners engaged in the international forum provided by the Australian and New Zealand Children's Commissioners and Guardians (ANZCCG). This year, there was a particular focus on the progress of implementation of recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse. ANZCCG called for all Australian governments to improve public reporting on implementation of recommendations and for the establishment of an independent oversight mechanism to monitor the quality of progress.

Media

This year, the commissioners continued their broad engagement with the media, with around 50 media reports across print, online, radio and television.

The impacts of COVID-19 for vulnerable children continued to feature in our media engagement, both in terms of the broad wellbeing and concerns of children and young people in Victoria, but also in terms of the impacts of COVID-19 across the range of the Commission's work, and on the service system.

Two systemic inquiries – *Our youth, our way* and *Out of sight* – were tabled in June 2021 and generated coverage in the current year regarding the over-representation of Aboriginal children and young people in youth justice, and children and young people who are absent or missing from residential care, respectively.

Youth justice was also a broader topic of engagement with continuing media reports of unrest, a national push to raise the age of criminal responsibility to at least 14, and with the tenth anniversary of the Commission's Independent Visitor Program to children and young people in detention at Parkville and Malmsbury youth justice precincts.



Independent visitor and marathon runner, Clovis, provided a vital avenue for children and young people in youth justice to share their concerns (Image courtesy of the ABC).

Other topics of media interest related to teacher misconduct in schools within scope of the Reportable Conduct Scheme, and new Child Safe Standards – including a new stand-alone cultural safety standard for Aboriginal children and young people – which featured in the lead-up to their launch in July this year.

Both schemes featured in media coverage of the Commission's evidence to the Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings, which included Principal Commissioner, Liana Buchanan, and Director of Regulation, Emily Sanders.

Public appearances

In a year again affected by the COVID-19 pandemic, the commissioners maintained a program of engagements spanning key areas of the Commission's work, comprising around 60 public appearances by Principal Commissioner, Liana Buchanan, and successive commissioners in the role of Commissioner for Aboriginal Children and Young People, Justin Mohamed, and Meena Singh.

Commissioner Buchanan participated in multiple engagements around the themes of raising the age of criminal responsibility to at least 14. She also spoke on improving responses to child victim survivors of family

violence by bringing children and young people with lived experience into policy and service design.

The impacts of COVID-19 on children and young people again featured, with Commissioner Buchanan delivering the opening address at a national forum on child protection, and a keynote at the Child and Adolescent Mental Health Conference.

Several engagements focused on the *Out of sight and Our youth, our way* systemic inquiries of the Commission.

In May, Commissioner Buchanan gave evidence to the Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings on Victoria's experience of implementing the Child Safe Standards and the Reportable Conduct Scheme.

Former Commissioner for Aboriginal Children and Young People, Justin Mohamed, participated in extensive engagements following the tabling of the *Our youth, our way* report on the over-representation of Aboriginal children and young people in youth justice in June last year. This included a joint presentation with Commissioner Buchanan to Victoria Police. Commissioner Mohamed also delivered a keynote to the Australasian Youth Justice Conference, together with regular participation in the Aboriginal Children's Forum and the Aboriginal Justice Forum.

Commencing late in the reporting year, incoming Commissioner for Aboriginal Children and Young People, Meena Singh, gave a keynote to the Victorian Bar on the launch of its Reconciliation Action Plan, and presented to the National Youth Futures Summit on youth justice.

Improving outcomes for Aboriginal children

Under the leadership of the Commissioner for Aboriginal Children and Young People and with the specific expertise of the Koori Advisory and Engagement (KAE) team, the Commission works to understand and improve the experiences and outcomes of Aboriginal children and young people in Victoria. Our strategic advocacy includes the areas of child protection, youth justice, education, and membership of key forums.

Throughout 2021–22, the Commission has continued to advocate for and promote the rights, needs and best interests of Aboriginal children, young people and families across Victoria.

Youth justice

The *Our youth, our way* inquiry was tabled in the Victorian Parliament on 9 June 2021. The Commission, with strong leadership from former Commissioner for Aboriginal Children and Young People Justin Mohamed, advocated for the Victorian Government to take up all the inquiry's recommendations. The Principal Commissioner continues this work with Meena Singh, the current Commissioner for Aboriginal Children and Young People.

The Commission received the government's response to the inquiry in February 2022 in conjunction with Victoria's first Aboriginal Youth Justice Strategy, *Wirkara Kulpa*. Overall, the government are supporting 67 of the 75 recommendations of *Our youth, our way*, with 56 of these embodied in *Wirkara Kulpa*. The Commission welcomed the significant shift towards comprehensive reform of the state's youth justice system based on the voices and views of Aboriginal children and young people, as well as a greater focus on prevention, early intervention, diversion and rehabilitation. These initiatives were supported by investment in a number of the Commission's recommendations including new Aboriginal youth hubs, new residential diversion options for young Aboriginal men and women, funding for legal representation for Aboriginal young people through *Balit Ngulu* and early intervention supports to keep children under 14 out of the justice system.

In our evaluation of the government response to the 75 recommendations in *Our youth, our way*, we found that:

- 24 recommendations are on track for acquittal
- 16 recommendations are on track to be partially acquitted
- 26 recommendations were not acquitted and;
- nine recommendations require further information to be assessed.

Eight of the reforms recommended remain under review by the Victorian Government. These include critical legislative reforms needed to address the over-representation of Aboriginal children in the justice system such as bail reform and raising the age of criminal responsibility. We hope to see these priorities reflected in the new *Youth Justice Act*. The review of police powers to ensure police are not systemically targeting Aboriginal children also remains under review.

We continue to work towards these changes, guided by Aboriginal children and young people, and the broader community. The Commission will maintain oversight and ensure transparency of the progress of these recommendations. We will also work in collaboration with the Aboriginal Justice Forum and Caucus to achieve the vision of *Our youth, our way* for a reimagined youth justice system that protects the rights of Aboriginal children and young people.

Child protection

The Commission continues to direct efforts to address factors contributing to the over-representation of Aboriginal children in out-of-home care through various partnerships, including through the Aboriginal Children's Forum and in work to progress actions underpinning the *Wungurilwil Gapgapduir: Aboriginal Children and Families Agreement*.

The rate of Aboriginal children admitted to out-of-home care in Victoria is higher than any State and Territory. More children are being removed from family today than during the Stolen Generations period. The advocacy of the Commission remains focused on early intervention embedded in the cultural knowledge of the Aboriginal community and Aboriginal Community-Controlled Organisations to keep children and young people safe and connected to community and culture, whether they are with family, kinship care or other forms of out-of-home care.

In 2020, the *National Agreement on Closing the Gap* set a new target to reduce numbers of Aboriginal children in care by 45 per cent by 2031. The KAE team will soon begin consultations with the Aboriginal community and stakeholders on the status of Victoria's progress on *Achieving Closing the Gap Target 12: to reduce the over-representation of Aboriginal children and young people by 45% by 2031*. This project aligns with the outcomes in the Commission's Strategic Plan, that 'the number, rate and proportion of Aboriginal children in out-of-home care are reduced'.

This project will complement and enhance other projects undertaken by Aboriginal organisations that focus on the broader service system.

The report will embed the voices of Aboriginal children and the Aboriginal community. We will focus on early help and early intervention for Aboriginal children and families. This will be an opportunity to advocate for broadening the responsibility for outcomes of Aboriginal children to focus beyond the statutory end of the child protection system

and promote a shared responsibility across government. We hope to influence other initiatives and reforms currently underway in the sector.

Community engagement

The Commission's advocacy is informed by direct engagement with Aboriginal communities, stakeholders, organisations and Aboriginal children and young people.

With the easing of COVID-19 restrictions in Victoria, the Commission was able to resume in-person community engagement to inform how we support community and individual self-determination. In June, we visited Shepparton and Warrnambool for community engagement and met with key Aboriginal stakeholders. Most importantly, Aboriginal children and young people themselves met with the team to advocate for the change they want to see and guide our strategic priorities.

Education

In June 2022 the Commission began consultations with children and young people in out-of-home care about their experiences in school for the Commission's inquiry into education and out-of-home care. Early consultations have shown that many Aboriginal children and young people experience racism in schools, an additional burden to their experiences of out-of-home care. Aboriginal children and young people want to see racism tackled in schools and they want culturally safe learning environments.

The Commission will continue to advocate for these measures in education, and our work is bolstered by our membership on the Marrung Central Governance Committee and in meetings with key government and stakeholder representatives.

Broader strategic influence

The tabling of the *Our youth, our way* inquiry in 2021 has created a range of opportunities for the Commission to collaborate with other jurisdictions across Victoria.

Key examples include:

- working with the Queensland Children's Commission in the planning and scoping of their policy work regarding over-representation of Aboriginal children and young people in the youth justice system
- providing a submission to the West Australian Government to inform the recommendation of the appointment of an Aboriginal commissioner for children and young people in the state. Our submission highlighted the vital role the Commissioner has in providing a voice for Aboriginal and Torres Strait Islander children and ensuring a dedicated focus to advancing their rights.

Supporting and regulating child-safe organisations

The Commission as child safety regulator

With five full years of operation for the Reportable Conduct Scheme (the Scheme) in Victoria, and six and a half years for the Child Safe Standards (the Standards), this year saw further review and improvement to the Commission's regulatory schemes.

The *Child Wellbeing and Safety Act 2005* requires the Minister for Child Protection to table a review of the first five years of the Scheme in Parliament before 1 July 2023, and the Department of Families, Fairness and Housing has now started the review.

This year has also seen a 23 per cent increase in mandatory notifications under the Scheme, and a 54 per cent increase since the start of the Scheme five years ago. Managing a rise in notifications without increased resources inevitably creates some pressure. The Commission continues to work hard to prioritise those cases where children are most at risk, and to trial new approaches to manage workload.

For the first time this year a small number of lower-risk reportable conduct investigations were not fulsomely examined by the Commission before being finalised, and the Commission will expand the use of this approach in the next year to manage increasing volume. However, it is challenging to manage such growth in demand without impact on workplace sustainability and staff health and safety, and without risking the objectives of the Scheme. We look forward to providing input into the department's review to highlight these issues, as well as the enormous value the Scheme brings in improving child safety.

With changes to the Standards commencing on 1 July 2022 and changes to the legislation for enforcing the Standards due to commence on 1 January 2023, the Commission and its co-regulators embarked this year upon a significant reform of the child safety regulatory system. The changes enable us to build on what we have learned since 2016 and will further support child safety in organisations.

New, stronger Standards

On 1 July 2022, after a 12-month lead-in period, Victoria's Standards changed to align more closely with the National Principles for Child Safe Organisations, informed by the findings of the Royal Commission into Institutional Responses to Child Sexual Abuse.

While work organisations have previously done to comply with the Standards will help them to meet the new Standards, most organisations will need to take some new steps. Some organisations will have substantial work ahead of them to comply with the new Standards.

The Commission's initial focus has been on informing and educating organisations about their obligations under the new Standards and providing support and guidance to achieve compliance.

To help organisations understand the new Standards, the Commission developed a suite of new resources over the course of the year. New resources include information sheets, *A short guide to the Child Safe Standards*, an updated *Guide for creating a Child Safe Organisation* and a range of tools and templates. Some resources have been translated into 18 different languages. We consulted with children and young people, co-regulators, parents, carers and organisations subject to the Standards as part of developing this guidance. The Commission's resources include more information than in previous years on what the Commission will look for when assessing compliance.

The Commission also presented at eleven forums about the new Standards with attendees from transport, youth services, sport, health, faith-based, not-for-profit and government sectors. We held two Child Safe Standards Community of Practice webinars focused on the new Standards, and saw our highest attendance yet with 1,249 participants across the November 2021 and April 2022 sessions. Membership of the Community of Practice grew this year to over 3,000 individuals from more than 1,740 organisations.

Supporting and regulating child-safe organisations *continued*

More education activities and guidance materials are planned for next year. This includes dedicated resources to support organisations to establish a culturally safe environment for Aboriginal children and young people, as required by Standard 1.

To raise awareness of changes to the Standards, the Commission ran a communication campaign in the lead-up to 1 July 2022. A second phase is planned for shortly after the new Standards have commenced. The campaign targets organisations subject to the Standards, parents and carers as well as children and young people.



The campaign across May and June 2022 focused primarily on digital communication, including social media. This was supported by advertising in local newspapers, and regional and in-language community radio stations. The Commission also engaged directly with stakeholders and media outlets to expand the reach of messaging about changes to the Standards.

During the campaign, the social media posts reached over one million people and the campaign videos were viewed over 700,000 times. Visits to the Child Safe Standards section of the Commission's website more than doubled during the campaign compared with the previous two-month period. Guidance material on the new Standards was downloaded over 44,000 times in May and June 2022. The Commission had a 127 per cent increase in enquiries about the Standards in May and June 2022, compared with the previous two months.

Figure 5. Visits to Commission Child Safe Standards website pages in 2021–22³⁵

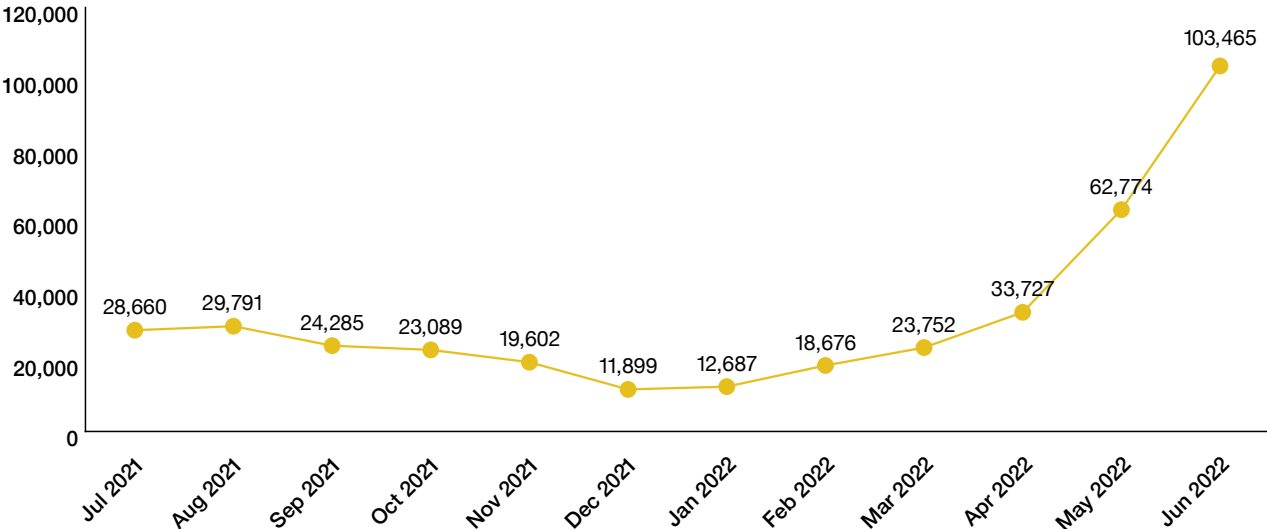
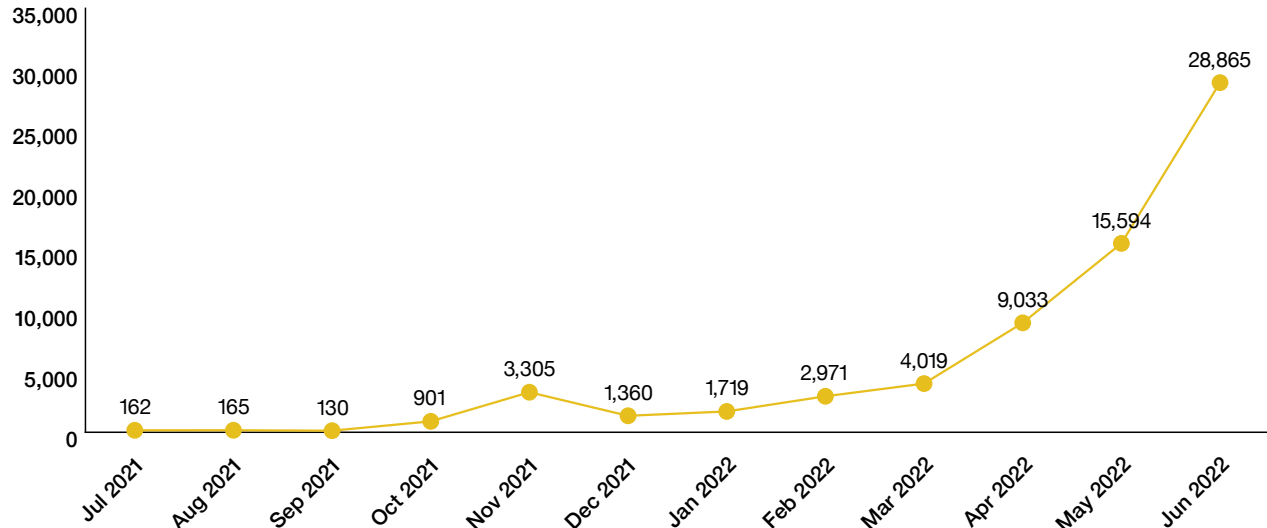


Figure 6. Downloads of Commission Child Safe Standards resources in 2021–22³⁶



³⁵ Includes all visits to all pages dealing with the Child Safe Standards on the Commission’s website from 1 July 2021 to 30 June 2022.

³⁶ Includes all downloads of information sheets, guides and other documents concerning the Child Safe Standards from 1 July 2021 to 30 June 2022 from the Commission’s website.

Working with co-regulators

The Commission shares responsibility for promoting and supporting compliance with the Standards with Victorian Government departments, the Victorian Registration and Qualifications Authority (VRQA), and Wage Inspectorate Victoria.

We collaborate with our co-regulators through the Child Safe Standards Reform Implementation Working Group, which the Commission established in 2020–21. Our co-regulators provided valuable expertise as we developed resources on the new Standards and delivered the communications campaign. Working together means we can consider consistency in messaging and advice to organisations, while also taking into account differences between sectors.

Like the Commission, a number of co-regulators worked to raise awareness about changes to the Standards and provide advice and guidance to organisations throughout 2021–22. These are outlined in this report's chapter on the Standards.

New powers to support child safety

The Commission has also commenced work to prepare for the planned commencement of the *Child Wellbeing and Safety (Child Safe Standards Compliance and Enforcement) Amendment Act 2021* on 1 January 2023. This legislation more clearly identifies the regulator for each sector subject to the Standards and provides the Commission with a much broader range of information-sharing, monitoring and enforcement powers to promote compliance with the Standards.

Establishment of Commission's Aboriginal Advisory Committee

In July 2021, the Commission established an Aboriginal Advisory Committee (AAC) to support our work developing guidance material for organisations to provide a culturally safe environment for Aboriginal children and young people under the Child Safe Standards. Members of the AAC are from Victoria's Aboriginal community. They come from a diversity of backgrounds and areas of expertise, range from young people to elders and have a variety of

experiences in organisations subject to the Standards. Chaired by the Commissioner for Aboriginal Children and Young People, the AAC has met regularly throughout 2021–22 to provide valuable advice to the Commission. We are grateful for the insights that they generously share with the Commission to inform our work.

Supporting compliance

The Commission aims to assist individual organisations and sectors to understand and meet compliance requirements, and to keep children safe. We take a holistic approach, focusing attention on the culture and systems of organisations through the Standards, as well as providing oversight to ensure individual allegations of inappropriate or abusive conduct towards children are properly reported and investigated through the Scheme.

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 and webinars on the Standards and Scheme in 2021–22, which attracted high numbers of attendees.

This year, seven introductory information sessions were delivered on the Child Safe Standards to 658 participants and six introductory information sessions were on the Reportable Conduct Scheme to 690 participants. These general information sessions were delivered in addition to Child Safe Standards Community of Practice webinars and webinars on specific topics.

In addition, we recorded and published key webinars and presentations for on-demand viewing on our website and delivered presentations at meetings or forums run by external bodies from a range of sectors.

Table 12. Attendees at all Commission hosted webinars by sector³⁷ 2021–22³⁸

Child Safe Standards	No. attendees	Prop. (%) attendees	Reportable Conduct Scheme	No. attendees	Prop. (%) attendees
Education	368	19	Early childhood education	166	24
Early childhood education	268	14	Education	89	13
Not-for-profit organisation	66	3	Child protection service	56	8
Government (or statutory authority)	57	3	Not-for-profit organisation	48	7
Religious body or faith community	50	3	Government (or statutory authority)	47	7
Other ³⁹	257	13	Other ⁴⁰	239	34
Unknown ⁴¹	841	44	Unknown ⁴²	53	8
Total	1,907	100	Total	698	100

Resources and guidance

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

This year, Commission online videos were viewed 29,847 times and our publications were downloaded 115,954 times. Nearly 18,000 individuals subscribe to receive Commission update emails advising of the release of new guidance material, news items, events and reports. This number has grown by approximately 2,000 over the last year.

At least 2,634 enquiries⁴³ were made to the Commission in 2021–22 for information and advice across all the Commission’s functions made up of 1,412 telephone calls and 1,132 emails. The Commission has 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.

The Commission published a new information sheet about the Standards this year aimed at parents and carers. This provides useful questions to ask an organisation about their child-safe approach, tips to help understand if an organisation is meeting the Standards and example questions to use when talking to their child about safety.

³⁷ Sector type as nominated by attendee.

³⁸ This table includes attendees to all webinars hosted by the Commission including general information sessions, webinars on specific topics and Child Safe Standards Community of Practice sessions. It does not include webinars where Commission speakers attended an event organised by another organisation.

³⁹ Includes the following sectors: local council, out-of-home-care provider, support service for parents and families, disability service provider, family violence or sexual assault service, youth service, counselling or support service, housing and homelessness service, public entity, transport service, youth organisation, child protection service, charity, entertainment and party service, organisation or workplace required to hold a permit to employ children, gym or play facilities.

⁴⁰ Includes the following sectors: local council, disability service provider, religious body or faith community, out-of-home care provider, health, cultural or recreational service, youth service, counselling or support service, charity, housing and homelessness service, support service for parents and families, transport service, public entity, youth organisation, babysitting, organisation or workplace required to hold a permit to employ children.

⁴¹ Some data on nominated sectors for attendees was not available in 2021–22 due to changes made to the software used by the Commission to host webinars.

⁴² Some data on nominated sectors for attendees was not available in 2021–22 due to changes made to the software used by the Commission to host webinars.

⁴³ The Commission has combined internal data sets on enquiries this year to report these figures and updated its counting methodology. This figure includes the data set called Public Enquiries reported in the Reportable Conduct Scheme chapter in previous annual reports.

Supporting and regulating child-safe organisations *continued*

This year the Commission released two new Reportable Conduct Scheme information sheets to add to the suite of guidance materials about the Scheme. An information sheet was published aimed at adults reporting past harm or abuse to the Commission.

We also published new guidance on behaviour that causes significant emotional or psychological harm under the Scheme and delivered two webinars about this conduct type.

The Victorian Institute of Teaching (VIT) led a project to develop an online Conduct Reporting Guide which was published in 2021–22. The Commission contributed to the development of the guide, which is hosted on the VIT website. The guide assists community members, teachers, schools, and early childhood education providers to understand what conduct must or can be reported and to whom.

Reportable Conduct Scheme

Overview⁴⁴

- From 1 July 2021 to 30 June 2022, the Commission received 1,238 notifications⁴⁵ of reportable allegations, a 23 per cent increase on the number of notifications received in 2020–21. This was a record number of notifications, despite children's contact with organisations being significantly impacted by the COVID–19 pandemic.
- In 2021–22, as in each of the five years since the Scheme commenced, the highest number of allegations received (41 per cent) related to physical violence. This year there was a 62 per cent increase in significant neglect allegations on the previous year.
- Sixty-nine per cent of all sexual misconduct allegations across all sectors subject to the Scheme are in the education sector. Sexual misconduct is the most common allegation type for the whole education sector, accounting for 38 per cent of allegations since the start of the Scheme. In 2021–22, reported allegations of sexual misconduct in non-government independent schools increased, with 171 allegations compared to 93 in the previous year.
- Twelve per cent of unique alleged victims were identified as Aboriginal and/or Torres Strait Islander in 2021–22. 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 age⁴⁶.
- Consistent with previous years, 28 per cent of reportable allegations were substantiated in 2021–22.
- The substantiation rate for sexual offence allegations has been steadily increasing over the life of the Scheme, rising from 15 per cent in 2018–19 to 38 per cent in 2021–22. The reportable conduct investigations for this conduct type may take longer to complete, noting that they often involve criminal investigations undertaken by Victoria Police.

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 4,774 mandatory notifications, 1,238 of which were received between 1 July 2021 to 30 June 2022. This was a 23 per cent increase on the number of notifications received in 2020–21. The increase was despite children's contact with organisations again being significantly reduced by the COVID–19 pandemic with significant drops in notifications from the education and early childhood education sectors whenever Victoria was in a period of lockdown.

The *Child Wellbeing and Safety Act 2005* also allows any person – for example, young people, parents, Victoria Police or other members of the public – to disclose allegations to the Commission. There has been a steady increase in the number of public notifications received over the last five years, including a 34 per cent increase on notifications received in 2020–21.

⁴⁴ Data presented in this chapter was extracted on 1 July 2022 from a live database and is subject to change.

⁴⁵ Each mandatory notification can contain multiple reportable allegations and multiple alleged victims.

⁴⁶ Australian Bureau of Statistics, <https://www.abs.gov.au/statistics/people/aboriginal-and-torres-strait-islander-peoples/estimates-and-projections-aboriginal-and-torres-strait-islander-australians/latest-release>, 2019.

Table 13. Reportable conduct matters received by notification type 2017–22⁴⁷

Type	2017–18	2018–19	2019–20	2020–21	2021–22	Since the start of the Scheme ⁴⁸
Mandatory notification	802	801	927	1,006	1,238	4,774
Public notification ⁴⁹	76	126	166	173	231	772

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 a number of these, findings have not yet been made about whether the alleged conduct occurred.

For the period of 1 July 2021 to 30 June 2022, the Commission received 1,238 notifications of reportable allegations.

Notifications received

The monthly average of notifications has significantly increased from 67 in the first year of the Scheme to 103 in 2021–22.

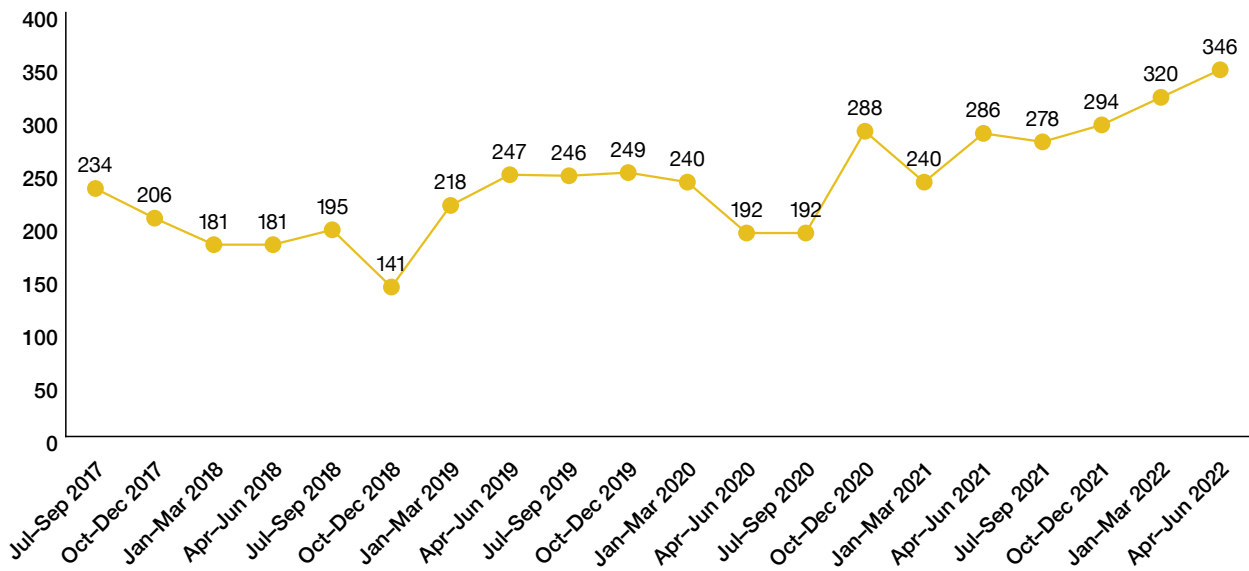
Some of the increase in notifications in 2021–22 resulted from organisations identifying and rectifying that they had failed to report numerous matters in previous years. The Commission expects that notifications will continue to increase in future years as awareness of the Scheme's requirements grows and organisations strengthen their reporting processes.

⁴⁷ 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.

⁴⁸ This refers to the period 1 July 2017 to 30 June 2022.

⁴⁹ 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 7. Number of mandatory notifications received by the Commission 2017–22



Mandatory notifications by sector

In 2021–22, the out-of-home care, education and early childhood education sectors contributed the highest proportion of notifications (39 per cent, 23 per cent and 23 per cent respectively).

2021–22 saw a 53 per cent increase in notifications in the out-of-home care sector and a 73 per cent increase in the religious bodies sector.

Table 14. Notifications of reportable allegations received by sector 2017–22^{50 51}

Sector	2017–18		2018–19		2019–20		2020–21		2021–22		% change 2020–21 to 2021–22	Since the start of the Scheme	
	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)		No.	Prop. (%)
Out-of-home care⁵²	360	45	286	36	284	31	319	32	486	39	52▲	1,735	36
Residential care	124		89		93		112		160		43▲	578	
Foster care	112		90		96		106		172		62▲	576	
Kinship care	107		92		83		91		146		62▲	519	
Employee – other/ admin	6		5		7		5		1		-80▼	24	
Respite and contingency care	5		7		3		4		2		-50▼	21	
Lead tenant	5		3		2		1		3		200▲	14	
Permanent care	1		0		0		0		2		–	3	
Education⁵³	258	32	184	23	215	23	272	27	289	23	6▲	1,218	26
Government school ⁵⁴	90		47		52		109		121		11▲	419	
Non-government school – Catholic ⁵⁵	84		63		99		81		80		-1▼	407	
Non-government school – Independent ⁵⁶	80		65		57		76		82		8▲	360	

⁵⁰ 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.

⁵¹ 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.

⁵² Includes services provided by DFFH, community service organisations and other organisation types providing out-of-home care.

⁵³ Summary statistics on Victorian schools published by the Department of Education and Training in April 2022 state that the number of students (FTE) attending Victorian schools in February 2021 was 1,014,426.6. Of this, 648,044.4 attended a government school, 211,694.6 attended a non-government school – Catholic and 154,507.6 attended a non-government school – independent. Information about the education sector can be found at: <https://www.vic.gov.au/statistics-victorian-schools-and-teaching>

⁵⁴ Includes primary and secondary school.

⁵⁵ Includes primary and secondary school.

⁵⁶ Includes primary and secondary school.

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Table 14. Notifications of reportable allegations received by sector 2017–22 (continued)

Sector	2017–18		2018–19		2019–20		2020–21		2021–22		% change 2020–21 to 2021–22	Since the start of the Scheme	
	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)		No.	Prop. (%)
Senior secondary course/ qualification ⁵⁷	1		6		5		5		5		-	22	
International – student course	2		0		2		1		0		-100▼	5	
Student exchange program	1		1		0		0		1		-	3	
Employee – other/ admin	0		2		0		0		0		-	2	
Early childhood education⁵⁸	22	3	153	19	265	29	268	27	284	23	6▲	992	21
Long day care	12		94		208		214		221		3▲	749	
Preschool/ kindergarten	6		27		30		29		29		-	121	
Outside school hours care	4		21		23		20		21		5▲	89	
Family day care	0		11		4		4		8		100▲	27	
Unknown service type	0		0		0		1		5		400▲	6	
Religious body⁵⁹	19	2	70	9	66	7	52	5	90	7	73▲	297	6
Youth justice⁶⁰	47	6	51	6	33	4	18	2	17	1	-6▼	166	3
Disability⁶¹	41	5	26	3	25	3	19	2	25	2	32▲	136	3
Child protection⁶²	14	2	2	<1	8	<1	9	<1	10	<1	11▲	43	<1
Health⁶³	5	<1	8	<1	11	1	12	1	4	<1	-67▼	40	<1

⁵⁷ These are courses and qualifications that are not delivered by registered schools.

⁵⁸ Includes preschool, kindergarten, long day care and other childcare. While early childhood 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 services were provided.

⁵⁹ Excludes notifications in relation to services provided by religious bodies in other sectors.

⁶⁰ Youth justice functions provided by the Department of Justice and Community Safety including custodial and community-based.

⁶¹ Includes registered and non-registered disability service providers, residential services for children with a disability and DFFH disability support services.

⁶² Includes child protection services provided by DFFH, child protection services provided by organisations pursuant to a DFFH contract and DFFH secure welfare.

⁶³ Includes hospitals (public and private), mental health services with inpatient beds and inpatient drug and alcohol services.

Table 14. Notifications of reportable allegations received by sector 2017–22 (continued)

Sector	2017–18		2018–19		2019–20		2020–21		2021–22		% change 2020–21 to 2021–22	Since the start of the Scheme	
	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)		No.	Prop. (%)
Victorian Government departments ⁶⁴	6	<1	2	<1	4	<1	6	<1	10	<1	67▲	28	<1
Accommodation ⁶⁵	3	<1	1	<1	2	<1	4	<1	5	<1	25▲	15	<1
Other ⁶⁶	27	3	18	2	14	2	27	3	18	1	-33▼	104	2
Total	802	100	801	100	927	100	1,006	100	1,238	100	23▲	4,774	100

Reportable allegations by type of reportable conduct

Each mandatory notification can contain multiple reportable allegations and relate to multiple alleged victims. The 4,774 notifications received since the Scheme commenced contain 10,832 allegations.

There are five types of ‘reportable conduct’⁶⁷ 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)⁶⁸
- behaviour that causes significant emotional or psychological harm
- significant neglect of a child.

In each of the five years of the Scheme, the highest number of allegations have related to physical violence, with 41 per cent in 2021–22.

In 2021–22 there was a 62 per cent increase in the number of allegations relating to significant neglect of a child from the previous year. This was particularly evident in out-of-home care and the early childhood education sector.

⁶⁴ Excludes notifications in relation to state government workers or volunteers contained in other sectors.

⁶⁵ Includes overnight camps and homelessness service providers with overnight beds.

⁶⁶ 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, including youth services, aquatic and leisure centre workers, council workers and overnight camps.

⁶⁷ The Commission’s website has information sheets that provide a detailed explanation about the different types of reportable conduct.

⁶⁸ 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.

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Table 15. Reportable allegations from mandatory notifications received 2017–22⁶⁹

Conduct category	2017–18		2018–19		2019–20		2020–21		2021–22		Since the start of the Scheme	
	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)
Physical violence ⁷⁰	702	45	809	49	937	42	842	34	1,175	41	4,465	41
Sexual misconduct ⁷¹	321	20	262	16	490	22	604	24	439	15	2,116	20
Behaviour that causes significant emotional or psychological harm to a child	298	19	264	16	396	18	541	22	552	19	2,051	19
Significant neglect of a child	158	10	138	8	252	11	342	14	555	19	1,445	13
Sexual offences ⁷²	96	6	162	10	169	8	151	6	177	6	755	7
Total	1,575	100	1,635	100	2,244	100	2,480	100	2,898	100	10,832	100

Reportable allegations by sector and type of reportable conduct

Different types of allegations appear more prevalent in some sectors than others. For example, there continues to be 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.

Overall and for the last three years, the highest number of allegations in the education sector relate to sexual misconduct.

⁶⁹ 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.

⁷⁰ Includes physical violence against, with or in the presence of a child.

⁷¹ Includes sexual misconduct against, with or in the presence of a child.

⁷² Includes sexual offences against, with or in the presence of a child.

Table 16. Reportable allegations by sector and type of reportable conduct 2017–22^{73 74 75}

Sector	2017–18		2018–19		2019–20		2020–21		2021–22		Since the start of the Scheme	
	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)
Out-of-home care	677	100	611	100	652	100	749	100	1,303	100	3,992	100
Physical violence	345	51	332	54	319	49	319	43	580	45	1,895	47
Significant neglect of a child	136	20	98	16	134	21	179	24	391	30	938	24
Behaviour that causes significant emotional or psychological harm to a child	124	18	94	15	111	17	163	22	258	20	750	19
Sexual misconduct	38	6	48	8	56	9	55	7	43	3	240	6
Sexual offences	34	5	39	6	32	5	33	4	31	2	169	4
Education	652	100	520	100	825	100	1,018	100	798	100	3,813	100
Sexual misconduct	219	34	161	31	336	41	433	43	306	38	1,455	38
Physical violence	237	36	193	37	228	28	187	18	227	28	1,072	28
Behaviour that causes significant emotional or psychological harm to a child	150	23	118	23	187	23	264	26	171	21	890	23
Sexual offences	36	6	44	8	41	5	39	4	46	6	206	5
Significant neglect of a child	10	2	4	<1	33	4	95	9	48	6	190	5
Early childhood education	24	100	218	100	423	100	442	100	442	100	1,549	100
Physical violence	18	75	164	75	275	65	272	62	269	61	998	64

⁷³ 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.

⁷⁴ 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.

⁷⁵ 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.

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Table 16. Reportable allegations by sector and type of reportable conduct 2017–22 (continued)

Sector	2017–18		2018–19		2019–20		2020–21		2021–22		Since the start of the Scheme	
	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)
Behaviour that causes significant emotional or psychological harm to a child	5	21	30	14	65	15	79	18	69	16	248	16
Significant neglect of a child	1	4	16	7	53	13	32	7	67	15	169	11
Sexual misconduct	0	–	4	2	25	6	53	12	28	6	110	7
Sexual offences	0	–	4	2	5	1	6	1	9	2	24	2
Religious body	50	100	137	100	151	100	104	100	190	100	632	100
Sexual offences	8	16	66	48	61	40	45	43	66	35	246	39
Sexual misconduct	26	52	29	21	42	28	29	28	33	17	159	25
Physical violence	11	22	15	11	27	18	9	9	52	27	114	18
Behaviour that causes significant emotional or psychological harm to a child	5	10	15	11	12	8	13	13	28	15	73	12
Significant neglect of a child	0	–	12	9	9	6	8	8	11	6	40	6
Youth justice	58	100	77	100	49	100	32	100	42	100	258	100
Physical violence	36	62	72	94	31	63	12	38	19	45	170	66
Significant neglect of a child	5	9	3	4	9	18	9	28	11	26	37	14
Sexual misconduct	12	21	0	–	8	16	6	19	2	5	28	11
Sexual offences	4	7	1	1	0	–	2	6	6	14	13	5
Behaviour that causes significant emotional or psychological harm to a child	1	2	1	1	1	2	3	9	4	10	10	4
Disability	52	100	32	100	62	100	28	100	28	100	202	100
Physical violence	33	63	21	66	35	56	18	64	12	43	119	59
Sexual misconduct	10	19	7	22	5	8	3	11	2	7	27	13
Significant neglect of a child	5	10	1	3	3	5	3	11	8	29	20	10
Sexual offences	3	6	3	9	6	10	4	14	3	11	19	9

Table 16. Reportable allegations by sector and type of reportable conduct 2017–22 (continued)

Sector	2017–18		2018–19		2019–20		2020–21		2021–22		Since the start of the Scheme	
	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)
Behaviour that causes significant emotional or psychological harm to a child	1	2	0	–	13	21	0	–	3	11	17	8
Child protection	21	100	3	100	10	100	21	100	31	100	86	100
Physical violence	7	33	0	–	7	70	11	52	8	26	33	38
Significant neglect of a child	1	5	1	33	2	20	8	38	10	32	22	26
Sexual misconduct	5	24	1	33	1	10	1	5	6	19	14	16
Behaviour that causes significant emotional or psychological harm to a child	2	10	0	–	0	–	1	5	7	23	10	12
Sexual offences	6	29	1	33	0	–	0	–	0	–	7	8
Health	6	100	16	100	39	100	16	100	5	100	82	100
Sexual offences	2	33	2	13	13	33	5	31	0	–	22	27
Behaviour that causes significant emotional or psychological harm to a child	4	67	3	19	6	15	3	19	1	20	17	21
Significant neglect of a child	0	–	0	–	9	23	3	19	3	60	15	18
Sexual misconduct	0	–	9	56	1	3	4	25	1	20	15	18
Physical violence	0	–	2	13	10	26	1	6	0	–	13	16
Victorian Government departments	11	100	2	100	10	100	16	100	25	100	64	100
Sexual offences	0	–	0	–	7	70	11	69	8	32	26	41
Physical violence	9	82	2	100	1	10	1	6	3	12	16	26
Sexual misconduct	1	9	0	–	2	20	1	6	6	24	10	16
Behaviour that causes significant emotional or psychological harm to a child	1	9	0	–	0	–	3	19	4	16	8	13

Table 16. Reportable allegations by sector and type of reportable conduct 2017–22 (continued)

Sector	2017–18		2018–19		2019–20		2020–21		2021–22		Since the start of the Scheme	
	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)
Significant neglect of a child	0	–	0	–	0	–	0	–	4	16	4	6
Accommodation	3	100	0	–	2	100	5	100	7	100	17	100
Sexual offences	2	67	0	–	2	100	2	40	0	–	6	35
Physical violence	0	–	0	–	0	–	2	40	2	29	4	24
Behaviour that causes significant emotional or psychological harm to a child	1	33	0	–	0	–	0	–	2	29	3	18
Sexual misconduct	0	–	0	–	0	–	1	20	2	29	3	18
Significant neglect of a child	0	–	0	–	0	–	0	–	1	14	1	6
Other	21	100	19	100	21	100	49	100	27	100	137	100
Sexual misconduct	10	48	3	16	14	67	18	37	10	37	55	40
Physical violence	6	29	8	42	4	19	10	20	3	11	31	23
Behaviour that causes significant emotional or psychological harm to a child	4	19	3	16	1	5	12	24	5	19	25	18
Sexual offences	1	5	2	11	2	10	4	8	8	30	17	12
Significant neglect of a child	0	–	3	16	0	–	5	10	1	4	9	7
Total	1,575	100	1,635	100	2,244	100	2,480	100	2,898	100	10,832	100

Sexual misconduct

As Table 17 on page 91 shows, the education sector has contributed the majority of allegations of sexual misconduct in the Scheme to date (69 per cent).

The Commission remains concerned about the approach of some organisations in education and other sectors when investigating sexual misconduct allegations, particularly conduct that is overly personal and intimate and/or conduct that crosses professional boundaries. The Commission continues to see instances where organisations initially do not substantiate sexual

misconduct on the basis that the person was only being overly affectionate, that they are a tactile person, or they exercised poor judgment.

The Commission will continue efforts to support and guide organisations to conduct thorough investigations, give appropriate weight to the evidence of affected children, and make sound decisions about whether proven conduct amounts to sexual misconduct.

Table 17. Reportable allegations of sexual misconduct by sector 2017–22⁷⁶

Sector	2017–18		2018–19		2019–20		2020–21		2021–22		Since the start of the Scheme	
	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)
Education	219	68	161	61	336	69	433	72	306	70	1,455	69
Out-of-home care	38	12	48	18	56	11	55	9	43	10	240	11
Religious body	26	8	29	11	42	9	29	5	33	8	159	8
Early childhood education	0	–	4	2	25	5	53	9	28	6	110	5
Youth justice	12	4	0	–	8	2	6	<1	2	<1	28	1
Disability	10	3	7	3	5	1	3	<1	2	<1	27	1
Health	0	–	9	3	1	<1	4	<1	1	<1	15	<1
Child protection	5	2	1	<1	1	<1	1	<1	6	1	14	<1
Victorian Government departments	1	<1	0	–	2	<1	1	<1	6	1	10	<1
Accommodation	0	–	0	–	0	–	1	<1	2	<1	3	<1
Other	10	3	3	1	14	3	18	3	10	2	55	3
Total	321	100	262	100	490	100	604	100	439	100	2,116	100

Education sector⁷⁷

In 2021–22, there was a six per cent increase in mandatory notifications received from the education sector when compared with 2020–21. This was contributed to by an 11 per cent increase in notifications from government schools and an eight per cent increase in notifications from non-government independent schools.

The majority of notifications within the education sector were made against registered teachers. However, almost a third of education-related notifications in 2021–22 were made against subjects of allegation who were not registered teachers.⁷⁸

⁷⁶ 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.

⁷⁷ Some information about the education sector can be found at: <https://www.vic.gov.au/statistics-victorian-schools-and-teaching>

⁷⁸ Many roles in schools do not require a person to be a registered teacher.

Table 18. Mandatory notifications in the education sector by subject of allegation and VIT registration 2017–22

Sector	2017–18		2018–19		2019–20		2020–21		2021–22		Since the start of the Scheme	
	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)
VIT registered	190	74	121	66	163	76	200	74	204	71	878	72
Not registered with VIT	68	26	63	34	52	24	72	26	85	29	340	28
Total	258	100	184	100	215	100	272	100	289	100	1,218	100

Sexual misconduct is the most common allegation type for the whole education sector accounting for 38 per cent of allegations since the start of the Scheme. This accounts for 69 per cent of all sexual misconduct allegations across all sectors subject to the Scheme.

Sexual misconduct has been the most common conduct type in non-government Catholic and non-government independent schools since the start of the Scheme (38 per cent and 48 per cent respectively).

In 2021–22 there was an increase in reported sexual misconduct allegations in non-government independent schools with 171 allegations compared with 93 in the previous year.

Physical violence was the most common allegation type in government schools in 2021–22, accounting for 42 per cent of all allegations. This contrasts with the previous two years where the majority of allegations in government schools related to sexual misconduct.

Table 19. Reportable allegations by education service type and type of reportable conduct 2017–22⁷⁹

Sector	2017–18		2018–19		2019–20		2020–21		2021–22		Since the start of the Scheme	
	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)
Non-government school – Catholic	272	100	186	100	408	100	442	100	284	100	1,592	100
Sexual misconduct	102	38	67	36	159	39	199	45	71	25	598	38
Physical violence	69	25	59	32	120	29	66	15	109	38	423	27
Behaviour that causes emotional or psychological harm to a child	88	32	42	23	92	23	101	23	68	24	391	25
Significant neglect of a child	5	2	3	2	24	6	66	15	28	10	126	8
Sexual offences	8	3	15	8	13	3	10	2	8	3	54	3
Government school	251	100	166	100	223	100	347	100	186	100	1,173	100
Physical violence	132	53	70	42	70	31	79	23	78	42	429	37
Sexual misconduct	58	23	34	20	75	34	134	39	55	30	356	30
Behaviour that causes emotional or psychological harm to a child	41	16	46	28	64	29	113	33	21	11	285	24
Sexual offences	18	7	16	10	11	5	15	4	27	15	87	7
Significant neglect of a child	2	<1	0	–	3	1	6	2	5	3	16	1
Non-government school – Independent	125	100	140	100	178	100	207	100	313	100	963	100
Sexual misconduct	57	46	53	38	91	51	93	45	171	55	465	48
Physical violence	36	29	52	37	36	20	42	20	37	12	203	21
Behaviour that causes emotional or psychological harm to a child	21	17	23	16	31	17	45	22	79	25	199	21
Sexual offences	8	6	12	9	14	8	14	7	11	4	59	6
Significant neglect of a child	3	2	0	–	6	3	13	6	15	5	37	4

⁷⁹ 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.

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Table 19. Reportable allegations by education service type and type of reportable conduct 2017–22 (continued)

Sector	2017–18		2018–19		2019–20		2020–21		2021–22		Since the start of the Scheme	
	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)
Senior secondary course/qualification⁸⁰	1	100	23	100	8	100	21	100	14	100	67	100
Sexual misconduct	0	–	6	26	4	50	6	29	8	57	24	36
Physical violence	0	–	11	48	2	25	0	–	3	21	16	24
Behaviour that causes emotional or psychological harm to a child	0	–	6	26	0	–	5	24	3	21	14	21
Significant neglect of a child	0	–	0	–	0	–	10	48	0	–	10	15
Sexual offences	1	100	0	–	2	25	0	–	0	–	3	4
International – student course	2	100	0	–	8	100	1	100	0	–	11	100
Sexual misconduct	2	100	0	–	7	88	1	100	0	–	10	91
Sexual offences	0	–	0	–	1	13			0	–	1	9
Student exchange program	1	100	3	100	0	–	0	–	1	100	5	100
Behaviour that causes emotional or psychological harm to a child	0	–	1	33	0	–	0	–	0	–	1	20
Significant neglect of a child	0	–	1	33	0	–	0	–	0	–	1	20
Physical violence	0	–	1	33	0	–	0	–	0	–	1	20
Sexual misconduct	0	–	0	–	0	–	0	–	1	100	1	20
Sexual offences	1	100	0	–	0	–	0	–	0	–	1	20
Employee – other/admin	0	–	2	100	0	–	0	–	0	–	2	100
Sexual misconduct	0	–	1	50	0	–	0	–	0	–	1	50
Sexual offences	0	–	1	50	0	–	0	–	0	–	1	50
Total	652	100	520	100	825	100	1,018	100	798	100	3,813	100

⁸⁰ 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 victim⁸¹ is used in this section to reflect this.

Unique alleged victim⁸² refers to where an alleged victim is known.⁸³ There have been 4,794 unique alleged victims of reportable allegations identified since the commencement of the Scheme. Since the start of the Scheme, 55 per cent of unique alleged victims have been male and 44 per cent have been female.⁸⁴

This year, there were 1,309 unique alleged victims identified relating to 1,074 notifications received. This was an increase of 16 per cent from last year. Fifty-five per cent of these unique alleged victims were male and 43 per cent were female. The remaining alleged victims did not identify as either male or female, or their gender was unknown.

Similar to previous years, alleged victims of sexual misconduct were more likely to be female. This year 67 per cent of all sexual misconduct allegations related to girls or young women. Sexual misconduct accounted for 22 per cent of all allegations involving a female alleged victim in 2021–22, and only six per cent of all allegations involving a male alleged victim.⁸⁵

Sixty-one per cent of allegations of physical violence involved a male alleged victim. This type of conduct accounted for half of all allegations involving a male alleged victim in 2021–22 (50 per cent), and a third of all allegations involving a female alleged victim (33 per cent).⁸⁶

⁸¹ Alleged victims must be aged under 18 years at the time of the alleged conduct to be covered under the Scheme.

⁸² 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.

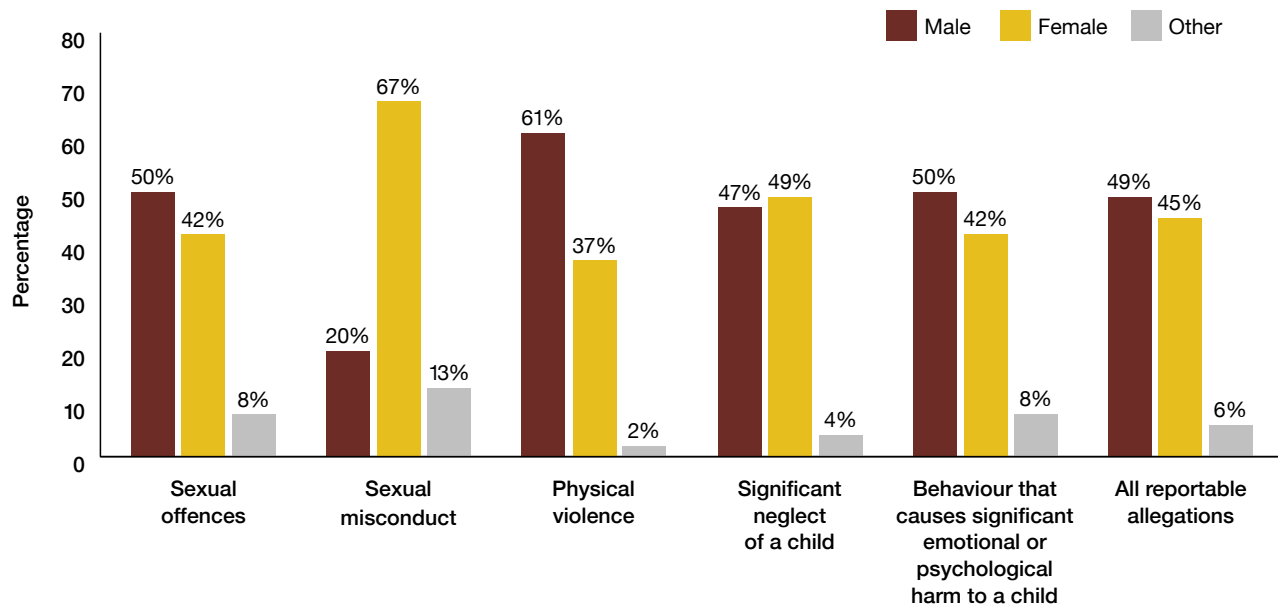
⁸³ In some notifications the identity of the alleged victim may be unknown.

⁸⁴ Alleged victims with a recorded gender of 'other' may identify as non-binary or gender diverse. 'Other' also includes alleged victims with an unknown gender. There have been 19 unique alleged victims with a recorded gender of 'other' that account for less than one per cent of unique alleged victims and a further five unique alleged victims with an unknown gender.

⁸⁵ This paragraph is based on an analysis of reportable allegations and not unique alleged victims.

⁸⁶ This paragraph is based on an analysis of reportable allegations and not unique alleged victims.

Figure 8. Reportable allegations by type of reportable conduct and gender of alleged victims 2021–22⁸⁷



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

In 2021–22, organisations subject to the Scheme identified:⁸⁸

- 12 per cent of unique alleged victims as being Aboriginal and/or Torres Strait Islander. 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.⁸⁹
- 15 per cent of unique alleged victims identified as being from a culturally and/or linguistically diverse background.
- 14 per cent of unique alleged victims as having a disability.

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 about which allegations were raised.⁹⁰

In 2021–22, over half of all allegations reported relating to children aged zero to four years (58 per cent) were for physical violence. Just under half of all allegations for children aged five to nine years (49 per cent) and over a third of allegations relating to children aged 10 to 14 years (39 per cent) also involved physical violence.⁹¹

However, consistent with last year, the largest category of allegation conduct type for young people aged 15 to 17 years was sexual misconduct (30 per cent). Sexual misconduct made up five per cent of allegations for

⁸⁷ This figure is based on an analysis of reportable allegations and not unique alleged victims. Alleged victims with a recorded gender of ‘other’ may identify as non-binary or gender diverse. ‘Other’ also includes alleged victims with an unknown gender.

⁸⁸ The Commission was not provided with details of characteristics of the alleged victim in a high number of matters. The Commission continues to increase efforts to require organisations to turn their minds to these characteristics.

⁸⁹ Australian Bureau of Statistics, <https://www.abs.gov.au/statistics/people/aboriginal-and-torres-strait-islander-peoples/estimates-and-projections-aboriginal-and-torres-strait-islander-australians/latest-release>, 2019.

⁹⁰ This paragraph is based on an analysis of reportable allegations and not unique alleged victims.

⁹¹ This paragraph is based on an analysis of reportable allegations and not unique alleged victims.

children aged zero to four years and also for those aged five to nine years, and 12 per cent of allegations for children aged 10 to 14 years.⁹²

The average age of unique alleged victims at the time of the first reportable allegation in 2021–22 was nine years of age.

The largest proportion of unique alleged victims in 2021–22 were in the 10 to 14 year age group (26 per cent), followed by those aged zero to four years (24 per cent).

Table 20. Age of unique alleged victim at date of first alleged reportable conduct 2017–22⁹³

Age ⁹⁴	2017–18		2018–19		2019–20		2020–21		2021–22		Since the start of the Scheme	
	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)
0 to 4 years	75	9	162	20	274	25	270	24	313	24	1,076	22
5 to 9 years	140	17	171	21	221	20	198	18	262	20	899	19
10 to 14 years	247	31	230	28	266	24	351	31	341	26	1,279	27
15 to 17 years	189	23	187	23	227	20	232	21	269	21	982	20
18 years ⁹⁵	3	<1	0	–	2	<1	0	–	7	<1	10	<1
Not identified	152	19	79	10	128	11	75	7	117	9	548	11
Total	806	100	829	100	1,118	100	1,126	100	1,309	100	4,794	100

⁹² This paragraph is based on an analysis of reportable allegations and not unique alleged victims.

⁹³ 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.

⁹⁴ Where a child or young person has been the victim of multiple reportable allegations, age is calculated based on the earliest reportable allegation.

⁹⁵ These allegations were determined to be out of jurisdiction of the Scheme or remain under review.

Subjects of allegations

A worker or volunteer who is alleged to have committed reportable conduct is known as the subject of allegation.⁹⁶ The following analysis relates to the characteristics of the subjects of reportable allegations, not substantiated incidents of reportable conduct.

There were 1,129 unique individuals who were the subject of allegations⁹⁷ in 2021–22, an increase of 23 per cent on last year. Almost all of these individuals were involved in one notification within the year (95 per cent) and the remaining five per cent were involved in two to five notifications.

Gender of subject of allegation and type of reportable conduct

Of the 1,129 individuals who were the subject of the 2,897 reportable allegations made in 2021–22, just over half were female (57 per cent) and 42 per cent were male. The remaining individuals did not identify as either male or female (less than one per cent).

Physical violence was the largest category of reportable allegations for women (46 per cent) and for men (35 per cent) in 2021–22.⁹⁸

For men, the combined categories of sexual misconduct and sexual offences accounted for 37 per cent of all reportable allegations this year. In 2021–22, 79 per cent of all sexual offence and 83 per cent of all sexual misconduct reportable allegations were made against men.⁹⁹

Female subjects of allegation were more likely to be the subject of a reportable allegation of physical violence (59 per cent) or significant neglect of a child (72 per cent) compared to men (41 per cent and 25 per cent respectively).

Just under half of individual subjects of allegation were subject to one allegation (49 per cent) and a small proportion (12 per cent) were the subject of five or more allegations.

⁹⁶ A person can be the subject of allegation in more than one notification with multiple reportable allegations involving more than one alleged victim.

⁹⁷ 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, 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.

⁹⁸ This paragraph is based on an analysis of reportable allegations and not unique subjects of allegation.

⁹⁹ This paragraph is based on an analysis of reportable allegations and not unique subjects of allegation.

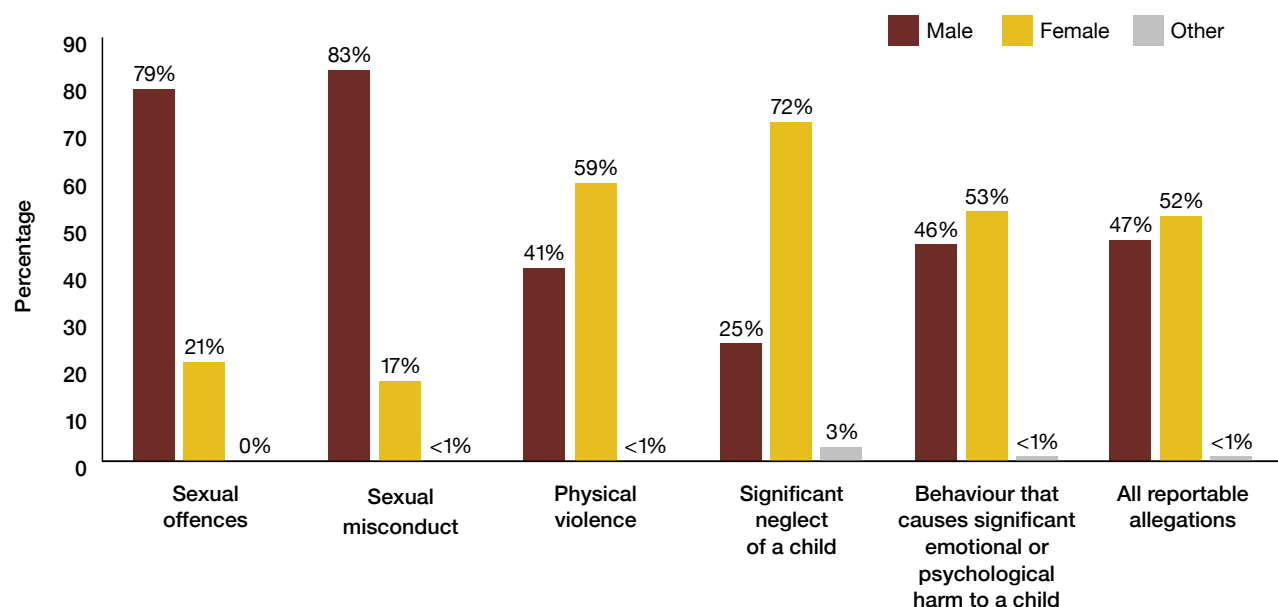
Table 21. Reportable allegations by gender of subject of allegation and type of reportable conduct 2017–22¹⁰⁰

Gender of subject of allegation and conduct type	2017–18		2018–19		2019–20		2020–21		2021–22		Since the start of the Scheme	
	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)
Female	717	100	756	100	1,043	100	1,080	100	1,506	100	5,102	100
Physical violence	348	49	473	63	583	56	527	49	696	46	2,627	51
Behaviour that causes significant emotional or psychological harm to a child	143	20	142	19	204	20	254	24	295	20	1,038	20
Significant neglect of a child	128	18	90	12	180	17	208	19	402	27	1,008	20
Sexual misconduct	80	11	33	4	67	6	71	7	75	5	326	6
Sexual offences	18	3	18	2	9	<1	20	2	38	3	103	2
Male	858	100	879	100	1,201	100	1,400	100	1,370	100	5,708	100
Physical violence	354	41	336	38	354	29	315	23	478	35	1,837	32
Sexual misconduct	241	28	229	26	423	35	533	38	363	26	1,789	31
Behaviour that causes significant emotional or psychological harm to a child	155	18	122	14	192	16	287	21	253	18	1,009	18
Sexual offences	78	9	144	16	160	13	131	9	139	10	652	11
Significant neglect of a child	30	3	48	5	72	6	134	10	137	10	421	7
Other¹⁰¹	0	-	0	-	0	-	0	-	21	100	21	100
Significant neglect of a child	0	-	0	-	0	-	0	-	15	71	15	71
Behaviour that causes significant emotional or psychological harm to a child	0	-	0	-	0	-	0	-	4	19	4	19
Physical violence	0	-	0	-	0	-	0	-	1	5	1	5
Sexual misconduct	0	-	0	-	0	-	0	-	1	5	1	5
Total	1,575	100	1,635	100	2,244	100	2,480	100	2,897	100	10,831	100

¹⁰⁰ This table is based on an analysis of reportable allegations and not unique subjects of allegation.

¹⁰¹ Subjects of allegation with a recorded gender of 'other' may identify as non-binary or gender diverse.

Figure 9. Reportable allegations by type of conduct and gender of subject of allegation 2021–22



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 2021–22, 71 per cent of subjects of allegation were identified as employees of an organisation and a quarter were identified as foster or kinship carers (25 per cent).¹⁰²

Table 22. Unique subjects of allegation by employment type 2017–22¹⁰³

Employment type	2017–18		2018–19		2019–20		2020–21		2021–22		Since the start of the Scheme	
	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)
Employee	471	68	489	68	644	74	693	75	796	71	2,940	73
Foster or kinship carer	194	28	163	23	166	19	182	20	277	25	874	22
Minister of religion or religious leader	6	<1	36	5	31	4	24	3	36	3	115	3
Volunteer	16	2	26	4	24	3	19	2	19	2	104	3
Other ¹⁰⁴	2	<1	0	–	1	<1	1	<1	1	<1	5	<1
Total	689	100	714	100	866	100	919	100	1,129	100	4,038	100

¹⁰² This figure is based on an analysis of unique subjects of allegation.

¹⁰³ 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 is the individual's earliest reportable conduct.

¹⁰⁴ '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 4,774 mandatory notifications received by the Commission since the start of the Scheme, 3,674 (77 per cent) were finalised, including 257 (five per cent) assessed as being outside the scope of the Scheme at 30 June 2022.

There were 1,100 open mandatory notifications as at 30 June 2022, a 26 per cent increase on the same time last year.

A total of 1,010 notifications of reportable allegations were finalised by the Commission in 2021–22.¹⁰⁵ The finalisation rate¹⁰⁶ for 2021–22 was 82 per cent. Three notifications concerning seven reportable allegations were finalised following own motion investigations 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, 826 finalised in 2020–21 and 1,010 finalised in 2021–22.

Reportable conduct findings

The 3,412 notifications^{107 108} finalised since the Scheme commenced involved the investigation of 8,161 reportable allegations by organisations subject to the Scheme.

Twenty-eight per cent of reportable allegations were substantiated in 2021–22 which is similar to the preceding two years, and consistent with the substantiation rate of 29 per cent since the start of the Scheme.

¹⁰⁵ Of these, 49 (five per cent) were assessed by the Commission as being outside the jurisdiction of the Scheme, and four were closed as the subject of allegation was deceased.

¹⁰⁶ This is the rate of finalisation of notifications compared with new notifications being received.

¹⁰⁷ Excludes mandatory notifications determined to be outside the scope of the Scheme and where the entity ceased its operations prior to the investigation being finalised and where an investigation was not completed due to issues including safety concerns for alleged victims.

¹⁰⁸ Includes allegations where the Commission was notified that a subject of allegation was deceased following the submission of findings to the Commission where the Commission had not completed its oversight review.

Table 23. Findings per allegation 2017–22^{109 110}

Finding type	2017–18		2018–19		2019–20		2020–21		2021–22		Since the start of the Scheme	
	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)
Substantiated	77	31	385	32	573	28	554	29	757	28	2,346	29
Unsubstantiated – insufficient evidence	53	21	312	26	567	28	571	29	853	31	2,356	29
Unsubstantiated – lack of evidence of weight	34	14	250	20	471	23	396	20	673	25	1,824	22
Unfounded	13	5	86	7	195	10	213	11	215	8	722	9
Conduct outside Scheme	71	29	187	15	234	11	208	11	213	8	913	11
Total	248	100	1,220	100	2,040	100	1,942	100	2,711	100	8,161	100

Significant neglect of a child and sexual offences both had the highest substantiation rate of any conduct category in 2021–22, with more than a third of these allegations resulting in a substantiated finding (38 per cent). Just under a third of sexual misconduct allegations were found to be substantiated in 2021–22 (32 per cent).

The substantiation rate for sexual offence allegations has been steadily increasing over the life of the Scheme, rising from 15 per cent in 2018–19 to 38 per cent in 2021–22. The reportable conduct investigations for this conduct type may take longer to complete, noting that they often involve criminal investigations undertaken by Victoria Police.

The substantiation rate for sexual misconduct allegations has increased in each of the last four years rising from 21 per cent in 2018–19 to 31 per cent last year.

¹⁰⁹ By year of finalisation by the Commission.

¹¹⁰ 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 24. Findings per reportable conduct category 2017–22¹¹¹

Reportable conduct category and finding	2017–18		2018–19		2019–20		2020–21		2021–22		Since the start of the Scheme	
	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)
Behaviour that causes emotional or psychological harm to a child	74	100	192	100	325	100	381	100	523	100	1,495	100
Substantiated	16	22	42	22	61	19	60	16	117	22	296	20
Unsubstantiated – insufficient evidence	13	18	58	30	126	39	128	34	184	35	509	34
Unsubstantiated – lack of evidence of weight	10	14	46	24	77	24	101	27	144	28	378	25
Unfounded	1	1	5	3	35	11	50	13	55	11	146	10
Conduct outside Scheme	34	46	41	21	26	8	42	11	23	4	166	11
Physical violence	79	100	626	100	1,077	100	771	100	1,033	100	3,586	100
Substantiated	27	34	223	36	318	30	243	32	246	24	1,057	29
Unsubstantiated – insufficient evidence	22	28	151	24	276	26	213	28	315	30	977	27
Unsubstantiated – lack of evidence of weight	10	13	136	22	276	26	162	21	308	30	892	25
Unfounded	3	4	43	7	88	8	79	10	67	6	280	8
Conduct outside Scheme	17	22	73	12	119	11	74	10	97	9	380	11
Sexual misconduct	61	100	214	100	342	100	415	100	597	100	1,629	100
Substantiated	20	33	45	21	97	28	124	30	183	31	469	29
Unsubstantiated – insufficient evidence	12	20	58	27	97	28	113	27	200	34	480	29
Unsubstantiated – lack of evidence of weight	9	15	38	18	54	16	69	17	112	19	282	17
Unfounded	5	8	15	7	31	9	50	12	50	8	151	9
Conduct outside Scheme	15	25	58	27	63	18	59	14	52	9	247	15
Significant neglect of a child	24	100	140	100	193	100	239	100	382	100	978	100
Substantiated	14	58	68	49	73	38	87	36	145	38	387	40

¹¹¹ By year of finalisation by the Commission.

Reportable Conduct Scheme

continued

Table 24. Findings per reportable conduct category 2017–22 (continued)

Reportable conduct category and finding	2017–18		2018–19		2019–20		2020–21		2021–22		Since the start of the Scheme	
	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)
Unsubstantiated – insufficient evidence	4	17	31	22	50	26	64	27	121	32	270	28
Unsubstantiated – lack of evidence of weight	1	4	17	12	28	15	37	15	50	13	133	14
Unfounded	0	–	12	9	20	10	25	11	28	7	85	9
Conduct outside Scheme	5	21	12	9	22	11	26	11	38	10	103	11
Sexual offences	10	100	48	100	103	100	136	100	176	100	473	100
Substantiated	0	–	7	15	24	23	40	29	66	38	137	29
Unsubstantiated – insufficient evidence	2	20	14	29	18	17	53	39	33	19	120	25
Unsubstantiated – lack of evidence of weight	4	40	13	27	36	35	27	20	59	34	139	29
Unfounded	4	40	11	23	21	20	9	7	15	9	60	13
Conduct outside Scheme	0	–	3	6	4	4	7	5	3	2	17	4
Total	248	100	1,220	100	2,040	100	1,942	100	2,711	100	8,161	100

Substantiated reportable conduct

The out-of-home care and education sectors had a substantiation rate (30 and 31 per cent respectively) consistent with that of all sectors since the start of the Scheme (29 per cent). Early childhood education had a lower substantiation rate of 21 per cent, and religious bodies had a slightly higher rate of 34 per cent since the start of the Scheme.

Table 25. Substantiation rate¹¹² of reportable conduct incidents by sector 2017–22¹¹³

Sector	2017–18		2018–19		2019–20		2020–21		2021–22		Since the start of the Scheme	
	No.	Sub. rate (%)	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	277	29	893	30
Education	28	23	134	33	246	36	209	31	273	27	890	31
Early childhood education	0	–	19	22	96	22	77	20	90	20	282	21
Religious body	3	38	3	43	21	31	23	37	71	33	121	34
Youth justice	0	–	0	–	10	14	30	56	9	53	49	29
Disability	4	33	6	19	13	18	3	12	10	24	36	20
Child protection	0	–	1	9	4	27	8	53	11	42	24	35
Health	0	–	0	–	0	–	7	18	7	64	14	19
Victorian Government departments	1	100	3	33	1	100	4	33	1	100	10	42
Accommodation	0	–	0	–	1	100	1	33	2	67	4	44
Other	2	67	3	15	2	11	10	32	6	32	23	25
Total	77	31	385	32	573	28	554	29	757	28	2,346	29

¹¹² Substantiation rate is the percentage of all findings in the sector that were substantiated by the organisations conducting the investigations.

¹¹³ By year of finalisation by the Commission.

Victims of substantiated findings

During the Scheme's five years of operation, a total of 2,346 allegations have been substantiated, involving 1,360 individual unique victims¹¹⁴ and a small number of unknown victims.¹¹⁵

Of the 1,360 unique victims, over half (56 per cent) were male and 44 per cent were female.¹¹⁶

The majority of these 1,360 victims have had one substantiated reportable conduct incident (67 per cent). A fifth had two substantiated incidents (20 per cent) and nine per cent had between three and four substantiated incidents. The remaining four per cent had over five substantiated incidents.

Of the substantiated incidents where the victim was known, the largest proportion of victims were aged between 10 and 14 years of age at the time of the reportable conduct (28 per cent), followed by those aged 15 to 17 years (23 per cent).¹¹⁷

Persons found to have engaged in substantiated reportable conduct

Since the start of the Scheme, 1,006 individuals have been found to have engaged in reportable conduct.¹¹⁸

Of the 1,006 adults found to have engaged in substantiated reportable conduct, over half (52 per cent) were female and 48 per cent were male.¹¹⁹

Over two-thirds of all individuals who engaged in a substantiated reportable conduct incident since the Scheme commenced were classified as employees of an organisation (68 per cent).

Twenty-seven per cent of unique individuals who engaged in substantiated reportable conduct were foster or kinship carers. Given 22 per cent of individuals who have been the subject of a reportable allegation were foster or kinship carers, this means there is a slightly higher substantiation rate for this group.

The remaining five per cent were spread across ministers of religion or religious leaders, contractors, volunteers and other types of involvement.

Forty-nine per cent of people found to have engaged in substantiated reportable conduct had one substantiated allegation. Twenty-six per cent had two substantiated allegations, 23 per cent had between three and nine substantiated allegations, and the remaining two per cent had 10 or more substantiated allegations.

Almost half of those found to have engaged in reportable conduct since the start of the Scheme were aged between 40 and 59 years of age at the time of the reportable conduct (45 per cent) and just over a third were aged between 20 and 39 years (36 per cent).¹²⁰

¹¹⁴ Unique victims refer to an individual child or young person who has been the victim of a substantiated reportable conduct incident 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 substantiated 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.

¹¹⁵ There are a small proportion of substantiated reportable conduct incidents where the details of the victims were not known (six per cent).

¹¹⁶ A small proportion (less than one per cent) of victims had a recorded gender of 'other' and may identify as non-binary or gender diverse.

¹¹⁷ Where a child or young person has been the victim of multiple substantiated reportable allegations, age is calculated based on the earliest substantiated allegation.

¹¹⁸ Persons found to have engaged in substantiated reportable conduct refers 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.

¹¹⁹ A small proportion (less than one per cent) of persons found to have engaged in substantiated reportable conduct had a recorded gender of 'other' and may identify as non-binary or gender diverse.

¹²⁰ Where an individual has been found to have multiple substantiated allegations, age is calculated based on the earliest substantiated allegation.

Historical allegations

An historical allegation is defined as an allegation of reportable conduct where the conduct occurred prior to the commencement of the Scheme on 1 July 2017.¹²¹

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, nine per cent of all mandatory notifications (451) have involved alleged conduct which is historical. These 451 notifications involved 1,271 allegations. Over a third of these historical allegations relate to alleged conduct that occurred in the three years before the Scheme started (35 per cent). However, 15 per cent of these historical allegations refer to conduct that allegedly occurred prior to 1980.

Allegations associated with subjects of allegation engaged by religious bodies make up 36 per cent of all historical notifications and 34 per cent of allegations. This is substantially higher than the overall proportion of reportable allegations where those in religious bodies make up only six per cent.

Almost half of reportable allegations involving conduct before 1980 involved sexual offences (43 per cent). For the period of 1980 to 2014, a third of the historical allegations were for sexual misconduct (33 per cent) and almost a third were for sexual offences (32 per cent).

However, for the three years prior to the Scheme commencing (2015 to 2017), over a third of all allegations related to sexual misconduct (37 per cent) while sexual offences accounted for 13 per cent.

Historical substantiated allegations

Since the start of the Scheme, the Commission has received 451 notifications relating to 1,271 allegations of historical reportable conduct. Of these, 271 allegations have been found to be substantiated, relating to 89 notifications resulting in a substantiation rate of 31 per cent. This is slightly higher than the overall Scheme substantiation rate of 29 per cent. Since the start of the Scheme, the substantiation rate for historical allegations for the education sector is 27 per cent, for out-of-home care is 40 per cent and for religious bodies is 34 per cent.

Of the 271 substantiated historical allegations, the majority were in the education sector (39 per cent), a third were in the out-of-home care sector (30 per cent) and religious bodies accounted for 26 per cent.

Within the education sector, over half of the substantiated historical allegations related to sexual misconduct (64 per cent) and almost half in the out-of-home care sector related to physical violence (46 per cent). In religious bodies, over half of substantiated findings related to sexual offences (56 per cent) and over a quarter to sexual misconduct (27 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.

¹²¹ 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.

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.¹²²

Of the 1,238 notifications of reportable allegations made to the Commission in 2021–22, 55 per cent were reported to Victoria Police by either the organisation or the Commission due to possible criminal conduct.^{123 124}

For the period 1 July 2021 to 30 June 2022, the Commission referred 230 notifications (19 per cent) that had not previously been reported to police.

In addition, the Commission referred 14¹²⁵ matters that involved conduct that may be criminal in nature that were not within the jurisdiction of the Scheme.

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, Department of Justice and Community Safety (DJCS). This enables DJCS to assess whether the person should retain a Working with Children Check under the *Worker Screening Act 2020*.

In 2021–22, 267 unique individuals found to have committed substantiated reportable conduct were referred to DJCS in relation to 721 substantiated allegations of reportable conduct.^{126 127}

Since the start of the Scheme, a total of 986 unique individuals found to have committed reportable conduct have been referred to DJCS in relation to 2,312¹²⁸ substantiated allegations of reportable conduct.¹²⁹

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, unless consent of the WWCC holder has been provided. In the Commission's 2019 review of the administration of the *Working with Children Act 2005*, the Commission recommended the Victorian Government amend laws to enable DJCS to share information with the Commission on the outcomes of these assessments.

¹²² 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 2021–22 annual report and this report as the data comes from live databases that are subject to change as new information is received.

¹²³ There is a variance of less than one per cent between the figures reported by Victoria Police and the Commission due to different counting methodologies.

¹²⁴ This includes one subject of allegation that passed away during the Commission's assessment of the notification.

¹²⁵ There were an additional 22 notifications that were referred to Victoria Police as the conduct may be criminal in nature. At the end of the financial year, these 22 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.

¹²⁶ One referral was made that DJCS was unable to record due to insufficient information being available regarding the subject of allegation.

¹²⁷ This does not include instances where the Commission has exercised discretion under section 16ZD of the *Child Wellbeing and Safety Act 2005* to not refer a substantiated finding to DJCS, or instances where the referral had not been sent as at 30 June 2022.

¹²⁸ There was a reduction of the total number of substantiated allegations of reportable conduct reported in 2020–21, following the withdrawal of three substantiated allegations where revised findings were made by the organisation and submitted to the Commission.

¹²⁹ This does not include instances where the Commission has exercised discretion under section 16ZD of the *Child Wellbeing and Safety Act 2005* to not refer a substantiated finding to DJCS, or instances where the referral had not been sent as at 30 June 2022.

Referrals to Victorian Institute of Teaching

On becoming aware that a registered teacher is the subject of a reportable allegation, the Commission must notify VIT pursuant to the *Education Training and 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 2021–22.

In 2021–22, the Commission advised VIT of 255¹³⁰ notifications of reportable allegations in relation to registered teachers.

Since the start of the Scheme, the Commission has advised VIT of 1,023¹³¹ notifications relating to 968 unique registered teachers.

In 2021–22, the Commission shared information with VIT about the findings in 203 finalised notifications, with information about 732¹³² 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 2021–22, 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 231 disclosures of potential reportable allegations from persons other than the head of an organisation for the period 1 July 2021 to June 2022. These 231 disclosures relate to 159 unique organisations.¹³³ This was a 34 per cent increase in public notifications on last year.

Mandatory notifications were subsequently submitted by organisations in relation to 44 per cent of public notifications. In some cases, multiple public notifications may be made about the same conduct and will result in one mandatory notification being made.

The Commission assessed 11 per cent of these notifications as being outside jurisdiction of the Scheme, and 28 per cent of public notifications are currently under consideration.

Due to the relatively small numbers, public notifications received by the Commission can vary from quarter to quarter. However, as can be seen in the figure below, the number of public notifications received by the Commission each quarter has been rising steadily over the life of the Scheme. In 2021–22, the Commission received an average of 58 public notifications per quarter, an increase of 43 public notifications per quarter from 2020–21.

¹³⁰ This refers to notifications of reportable allegations, not individual teachers. Individual teachers could have more than one notification of reportable allegations made against them.

¹³¹ There is a variance of less than 1 per cent between the figures published in the 2020–21 annual report and this report that were not able to be resolved at the time of publishing this report.

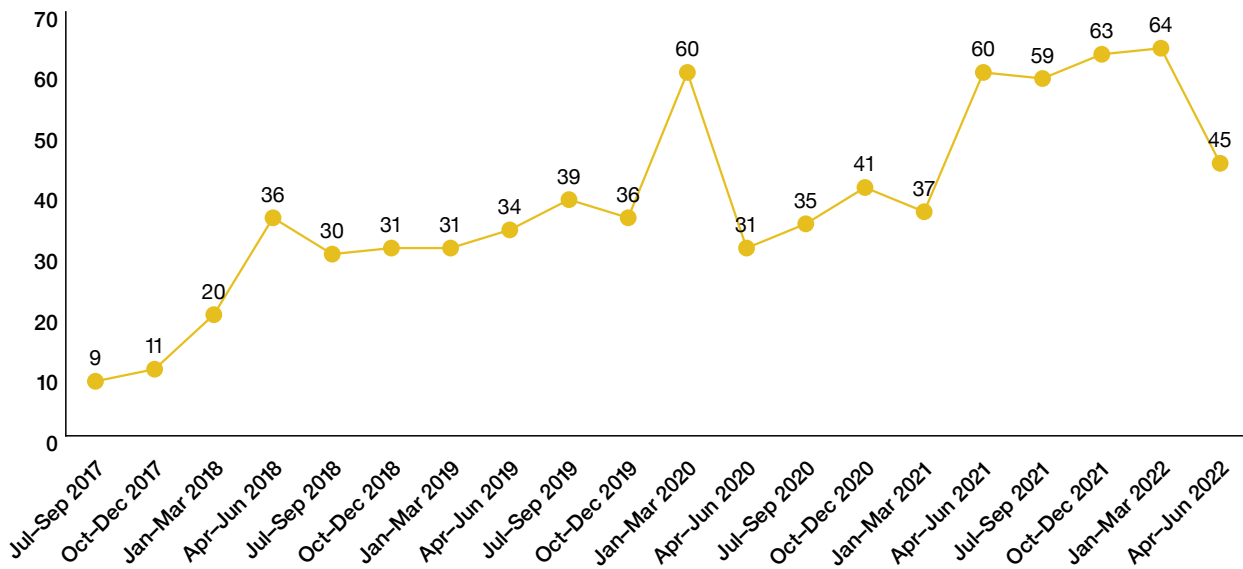
¹³² There is a variance of less than 1 per cent between the figures published in the 2020–21 annual report and this report that were not able to be resolved at the time of publishing this report.

¹³³ Public notifications are recorded based on the subject of allegation and the organisation they are employed or engaged by.

Reportable Conduct Scheme

continued

Figure 10. Public notifications by month received 2017–22¹³⁴



The majority of public notifications in 2021–22 relate to the education sector (37 per cent) and out-of-home care (17 per cent) which is consistent with the Scheme to date, 43 per cent and 18 per cent respectively.

¹³⁴ 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 26. Public notifications received by sector 2017–22

Sector	2017–18		2018–19		2019–20		2020–21		2021–22		Since the start of the Scheme	
	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)
Education	42	55	54	43	77	46	74	43	85	37	332	43
Out-of-home care	7	9	25	20	27	16	40	23	40	17	139	18
Other	10	13	14	11	19	11	12	7	20	9	75	10
Early childhood education	1	1	7	6	13	8	14	8	30	13	65	8
Religious body	4	5	13	10	18	11	7	4	9	4	51	7
Disability	4	5	6	5	6	4	12	7	19	8	47	6
Child protection	2	3	2	2	2	1	9	5	16	7	31	4
Accommodation	1	1	1	<1	1	<1	4	2	5	2	12	2
Health	2	3	1	<1	2	1	1	<1	6	3	12	2
Victorian Government departments	3	4	2	2	1	<1	0	–	1	<1	7	<1
Youth justice	0	–	1	<1	0	–	0	–	0	–	1	<1
Total	76	100	126	100	166	100	173	100	231	100	772	100

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 2021–22, the Commission completed three own motion investigations and commenced four new own motion investigations. As at 30 June 2022, there were seven own motion investigations open.

Of the ten investigations open during 2021–22, the sectors of the organisations involved were education, out-of-home care and the disability sector. One of these investigations concerned any inappropriate handling of, or response to, a reportable allegation.¹³⁵ The remaining nine involved investigations into reportable allegations.¹³⁶

Table 27. Reportable Conduct Scheme compliance actions 2021–22

Action type	No.
Section 16O – own motion investigation concerning a reportable allegation	9 ¹³⁷
Section 16ZG – notice to produce	Nil

Table 28. Reportable Conduct Scheme enforcement action 2021–22

Action type	No.
Section 16ZF – prosecution for providing false or misleading information	Nil
Section 16ZH – application for civil penalty – failure to comply with a notice to produce	Nil

Table 29. Reportable Conduct Scheme decisions reviewed 2021–22

Action type	No.
Section 16ZI – internal review	Nil
Section 16ZJ – review by VCAT	Nil

¹³⁵ Pursuant to section 16O(3) of the *Child Wellbeing and Safety Act 2005*.

¹³⁶ Pursuant to section 16O(1) of the *Child Wellbeing and Safety Act 2005*.

¹³⁷ This captures own motion investigations that were active during 2021–22.

Child Safe Standards

Overview

- In 2021–22 the Commission initiated compliance action in relation to 33¹³⁸ organisations for potential non-compliance with the Child Safe Standards (the Standards). In the same time frame we also completed compliance activity with 44¹³⁹ organisations.
- In addition to the above activity, the Commission shared information about a further 31¹⁴⁰ organisations with co-regulators to support their oversight and compliance action.
- A significant focus of the Commission's compliance work in the second half of the year was supporting organisations with guidance to help them transition to the new Standards.
- The Commission and co-regulators completed a significant amount of activity in 2021–22 to raise awareness about changes to the Standards and provide resources and support.

Action by the Commission about non-compliance

The Standards are 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 take certain steps to prevent, respond to and report allegations of child abuse and to maintain a culture and environment that supports children's safety and wellbeing.

During 2021–22, the Commission continued to hold organisations to account for complying with the existing seven Standards, and also commenced efforts to support organisations to prepare for the new 11 Standards on 1 July 2022.

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 through other government investigations.

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 2021–22, the Commission started compliance action in relation to 33 organisations. Four of these were referred to relevant authorities for action, with the remaining 29 matters (88 per cent) initiated directly by the Commission.

The Commission continues to pursue compliance action with a number of larger, complex organisations where longer-term oversight has been necessary to effect lasting change in the organisations' child safety systems. These include some religious organisations, statutory bodies and government departments. Other compliance actions commenced by the Commission were concluded in 2021–22 either because there was lower risk to children, or the organisations had demonstrated improvement in compliance.

¹³⁸ This includes one compliance case that was initiated in the prior year, however is now classified as a compliance case in accordance with current counting rules.

¹³⁹ This includes two compliance cases that were closed in prior years, however not captured in prior year closure figures due to a change of counting rules.

¹⁴⁰ This is in addition to information shared with co-regulators where action is initiated by the Commission on concerns of non-compliance with the Standards.

Table 30. Organisations where the Commission started action about concerns of non-compliance with the Standards by sector 2021–22

Sector ¹⁴¹	Numbers of organisations ¹⁴²
Sporting and recreation ¹⁴³	13
Education and Training ¹⁴⁴	6
Religious Organisations	7
Disability	3
Other ¹⁴⁵	4
Total	33

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 250 organisations.

Compliance action was concluded by the Commission in respect of 44¹⁴⁶ organisations in 2021–22. As at 30 June 2022, there were 61 open matters where the Commission had commenced but not concluded compliance action. In 10 of these open matters, a relevant authority was taking the lead in the compliance action.

Table 31. Organisations by sector where the Commission has open action as at 30 June 2022 regarding concerns of non-compliance with the Standards

Sector ¹⁴⁷	Number of Organisations
Sporting and recreation ¹⁴⁸	20
Education and training ¹⁴⁹	10
Religious organisations	8
Disability	5
Government and statutory authorities ¹⁵⁰	5
Early childhood education	3
Out-of-home care	3
Tourism and events	2
Other ¹⁵¹	5
Total	61

This year, the Commission has taken a range of actions to address concerns about compliance with the Standards in organisations including:

- meeting with senior leaders and key personnel in organisations to improve their understanding of the Standards and child safety, gathering information about the organisation’s activities and risks to children and

¹⁴¹ Organisations have been grouped into sectors, or included in the ‘other’ category, to assist with de-identification given low numbers for some organisation types.

¹⁴² This captures action commenced in 2021–22 in respect of organisations not already the subject of Commission action commenced in previous years. This figure includes one matter that was initiated in 2020–21 that has subsequently been classified as a compliance case.

¹⁴³ Includes sporting clubs, sporting peak bodies and other recreational clubs and associations.

¹⁴⁴ Includes Victorian Government, independent and Catholic primary and secondary schools, training organisations such as group training organisations and registered training organisations and tutoring services.

¹⁴⁵ Includes organisations like transport services, entertainment, charities, clubs and associations and out-of-home care providers.

¹⁴⁶ This includes two compliance cases that were closed in prior years, however not captured in prior year closure figures due to a change of counting rules.

¹⁴⁷ Organisations have been grouped into sectors, or included in the ‘other’ category, to assist with de-identification given low numbers for some organisation types.

¹⁴⁸ Includes sporting clubs, sporting peak bodies and other recreational clubs and associations.

¹⁴⁹ Includes Victorian Government, independent and Catholic primary and secondary schools, training organisations such as group training organisations and registered training organisations and tutoring services.

¹⁵⁰ Includes Victorian Government departments, local councils and authorities established under legislation.

¹⁵¹ Includes children’s entertainment, special interest groups, child welfare services, youth support services, transport and entertainment.

providing guidance on their obligation to comply with the Standards

- placing organisations on a regime of regular reporting to the Commission on progress remedying non-compliance with the Standards
- issuing reminders to comply for organisations where the risks to children were low
- assessing an organisation’s policies and systems for reporting and responding to allegations of abuse or inappropriate conduct where information from oversight activities under the Scheme indicates potential lapses in reporting obligations or inappropriate responses
- conducting focused compliance assessments that examine implementation of key Standards relevant to the identified child safety issues within an organisation
- sharing information on concerns about organisations’ compliance with the Standards with co-regulators to inform their regulatory action
- consulting with co-regulators to identify the most appropriate methods for supporting compliance with the Standards in particular organisations.

Last year the Commission issued its first notice to comply. In 2021–22 this notice was complied with, and the Commission concluded its compliance action with the organisation.

Other action taken by the Commission in 2021–22 to proactively improve awareness and compliance with the Standards includes:

- engaging with peak bodies or governing bodies of associations on their compliance with the Standards and the templates, guidance and support they provide for their members and affiliates
- consulting with co-regulators, including sharing information about our concerns, and working collaboratively with them to identify improvements required in whole sectors
- presenting to key organisations and leadership groups on the Standards.

Table 32. Commission’s enforcement activities concerning the Standards 2021–22

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	0
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 2021–22 when addressing concerns about potential non-compliance include:

- key staff or volunteers not being provided with adequate or effective child safety training
- a lack of supervision and poor strategies to ensure that staff and volunteers adhere to codes of conduct and meet child safety expectations
- organisations not conducting risk assessments or preparing management plans that consider risks of child abuse in the organisation
- organisations not properly addressing incidents of racism or making systemic changes to prevent racism
- lack of understanding of the importance of cultural safety in organisations to the safety of Aboriginal children or children from culturally and linguistically diverse backgrounds.
- the perception that if the organisation is not aware of Aboriginal children attending the organisation, then there is no need to create an environment that is safe for Aboriginal children and their families

- organisations using template policies, or those of their peak body or association, but not making changes to reflect the specific circumstances and unique risks to children in their organisation
- organisations producing child safety policies, but not taking steps to achieve commitments in policies or ensure they are implemented.

The introduction of the new Standards, each of which sets out the minimum requirements for compliance, should assist in addressing some of these issues.

The Commission continues to encounter organisations not aware of their obligation to comply with the Standards and reporting requirements, including under the Scheme. The communications campaign supporting the introduction of the new Standards will assist in targeting this issue.

The Commission has seen some organisations take significant steps in their implementation of the Standards including:

- improved guidance and systems for responding to and reporting allegations of child abuse
- measures to assess and identify all the ways in which children engage with an organisation to better understand the risks of child abuse
- a greater interest in, and awareness of, the importance of children and young people’s participation
- organisations including child safety in their procurement practices with contractors.

Relevant authorities and co-regulation

The Commission shares responsibility for supporting compliance with the Standards with Victorian Government departments and Victorian Registration and Qualifications Authority (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 2021–22, the Commission consulted with relevant authorities on multiple matters, four of which were referred to relevant authorities for their action. Information was also shared so relevant authorities could assess and act on the information in accordance with their own regulatory approach. This year, the Commission shared information with co-regulating relevant authorities on a further 31 occasions.

There may be multiple relevant authorities for an organisation and the Commission has an obligation to consult with each one. In some instances the Commission may take the lead as the regulator for the Standards, even when a relevant authority has been identified. This occurred for two cases in the 2021–22 financial year.

Table 33. Relevant authorities where the Commission referred a concern of non-compliance with the Standards 2021–22¹⁵²

Relevant authority	Number of referrals made by the Commission ¹⁵³
Victorian Registration and Qualification Authority	2
Department of Families, Fairness and Housing	2
Total	4

¹⁵² Differing counting rules between organisations may result in small variances.

¹⁵³ An organisation may have more than one relevant authority. If this is the case, a referral will be counted against each relevant authority.

Action by relevant authorities about non-compliance concerns

Relevant authorities also take action to address concerns about non-compliance.

Table 34. Actions by relevant authorities (excluding VRQA) to assess and address concerns of potential non-compliance with the Standards 2021–22¹⁵⁴

Relevant authority	Number of organisations
Department of Families, Fairness and Housing	23 ¹⁵⁵
Department of Education and Training	5 ¹⁵⁶
Total	28

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. In 2021–22, the Department of Families, Fairness and Housing has continued its targeted compliance activities identifying organisations through information from the Commission, the Human Services Standards, Victorian Carer Register and operational divisions.

The Department of Education and Training's Quality Assessment and Regulation Division (QARD) identified three early childhood education and care (ECEC) services

¹⁵⁴ 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.

¹⁵⁵ This includes compliance activities specifically regarding potential non-compliance with the Child Safe Standards as well as potential non-compliance with the *Children, Youth and Families Act 2005*, and included matters in progress and completed.

¹⁵⁶ 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.

¹⁵⁷ This includes referrals made by the Commission.

where providers showed limited knowledge of the Standards. As a result, DET issued formal sanctions to these providers.

DET also conducted verification of compliance with the Standards for 183 community language schools in 2021–22 as part of their accreditation/re-accreditation process.

In October 2021, the Department of Health established a Child Safety Regulation team to oversee and promote compliance with the Standards.

Table 35. Victorian Registration and Qualifications Authority action to assess and address concerns about potential non-compliance with the Standards 2021–22

Activity type	Number of activities ¹⁵⁷
School reviews	485
Registration activity including assessment of compliance against the Standards	28
Complaints investigations	22
Sanctions relating to the Child Safe Standards	0

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 investigations of complaints related to child safety concerns.

From 18 June 2021, the VRQA commenced regulating school boarding premises. A total of 39 school boarding

premises were required to undertake a self-assessment of their compliance with the minimum standards for school boarding premises registration, including Ministerial Order 870, as part of commencing these new laws. In 2022, the VRQA commenced reviews of school boarding premises, with five currently under review.

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 2021–22. A key focus was advising organisations about the changes to the Standards.

Victorian Registration and Qualifications Authority

In 2021–22, the Minister for Education issued Ministerial Order 1359 which is a version of the Standards specific to schools and school boarding premises.

This year, the VRQA launched its new Child Safe Standards website which also reflected changes to the Standards and the new Ministerial Order 1359. Hosted on the vic.gov.au platform, the site provides a single source of information about the Child Safe Standards for education providers regulated by DET and VRQA. It includes guidance from the VRQA and DET.

In June and July 2022, the VRQA held information sessions for schools, school boarding premises, non-school senior secondary and foundation secondary providers, and student exchange organisations in relation to the new Standards. Guidance on the Standards and promotion of the importance of creating a child-safe culture was also provided through business-as-usual stakeholder engagement, including school review and registration information sessions, international education events, TAFE Network Leaders meeting, presentations to school Principals at events held by Independent Schools Victoria, DET and Christian Education Network, and the VRQA's Independent School System Owners meetings.

Department of Education and Training

DET sought to educate and promote compliance with the new Standards in government schools, the early childhood education and care sector (ECEC), as well as organisations such as community language schools and specialist science, technology, engineering and mathematics (STEM) centres.

To prepare schools for the new Standards and Ministerial Order 1359, a significant amount of action has been taken by DET including:

- publishing guidance, policies and templates on its PROTECT website
- developing a template child safety induction pack for inducting volunteers
- providing communication resources, including example web and newsletter content to support consultation with students, families and school communities on child safety policies and processes
- delivering online briefings on the new Standards to over 1,200 school staff and practical workshops helping schools update their school-based policies
- developing training presentations for schools to use to train school councils, school staff and volunteers to meet training requirements
- updating procurement procedures, policies and templates to ensure schools meet the new Standards when engaging third-party suppliers
- updating information and communication technology programs and policy requirements in terms of the protection of children in online environments
- providing information to school leaders in DET's weekly *School Update* newsletter
- promoting the new Standards to school leaders in training sessions run through the Victorian Academy of Teaching and Leadership.

QARD's activities to promote and educate ECEC services about the new Standards included:

- publishing guidance for ECEC services on the PROTECT website

Child Safe Standards

continued

- providing information in the QARD newsletter that is distributed each month to over 4,700 services, providers and stakeholders. Each article focused on a different Standard, providing practical suggestions and tailored resources to help services successfully implement the new Standards
- delivering six online information sessions to over 870 people from ECEC services as well as key stakeholder networks to help them comply. The sessions focused on the interaction between the new Standards and the existing National Quality Standards
- emailing over 4,700 ECEC services directly to remind them to review their policies and processes, update their risk management plans, and to understand their obligations to report child harm and abuse, in line with the new Standards
- providing telephone and email advice on the Standards to the sector and the general public through the QARD help desk
- visiting ECEC services in 2021–22 to explore the sector's knowledge and awareness of new Standards. This was followed up by a survey to assess their state of preparation and communication needs.

DET also ensured that the 18 Specialist STEM centres it funds to deliver science, technology, engineering and mathematics programs to secondary students were made aware of the new Standards and provided access to DET's resources.

Department of Families, Fairness and Housing

In 2021–22, DFFH continued to guide and support organisations regarding the Standards. Through its e-news bulletin, newsletters, social media, and engagement with organisations, the requirements of the Standards and upcoming changes were promoted.

DFFH's website has been updated with tools and resources to support the implementation of the new Standards. This includes an easy-read Standards information sheet for people with disability, adults with low levels of literacy and people who speak English as a second language.

DFFH actively promoted the Standards during National Children's Week (23 October to 31 October 2021). This year the campaign included an emphasis on online safety for children, in response to the COVID–19 pandemic and the increased reliance on online communication. This included social media and various newsletter articles which promoted the new Standards. DFFH's poster for children and linked colouring sheets (provided in eight community languages in addition to English) were also shared to support families and workers to talk about the Standards and safety with children.

DFFH continues to maintain a dedicated enquiry line and email inbox for organisations seeking information and advice about the Standards and distributes information on the Standards to a range of organisations that provide services or facilities to children and young people.

DFFH prepared a range of new guidance, tools and templates to help organisations it regulates to understand what they must do to comply with the new Standards. DFFH promoted both the Commission's and its own resources on the new Standards with a coordinated campaign of bulletins, newsletters, social media, and direct correspondence.

Wage Inspectorate Victoria



This year, the Wage Inspectorate undertook a range of activities to prepare those they regulate for the new Standards, including:

- promoting the requirement to comply with the Standards, and that the Standards had been updated, across Facebook, LinkedIn and Twitter
- publishing a new webpage explaining employers' obligations under the Standards
- issuing over 7,700 child employment permits and alerting each permit holder of their obligations under the Standards
- alerting callers to the Wage Inspectorate's Helpline of the obligation to comply with the Standards when enquiring about child employment permits.

Department of Justice and Community Safety

In 2021–22, DJCS supported a number of its portfolio statutory authorities and administrative offices with information, training and advice in relation to implementing the Standards and upcoming changes. DJCS wrote to 118 organisations it regulates or funds informing them about the new Standards.

Department of Premier and Cabinet

DPC undertook activities in 2021–22 to promote the Standards to organisations it funds and regulates, which included circulating guidance material from the Commission.

Department of Health

This year, DH has promoted compliance with the new Standards with activities including:

- communicating about changes to the Standards to relevant entities and sharing resources produced by the Commission
- engaging with relevant peak bodies, including the Victorian Healthcare Association, to discuss the new Standards and their implementation
- presenting with co-regulators at the Tri-Peaks webinar on the new Standards, attended by over 300 people. The Tri-Peaks is a collaboration between the Centre for Excellence in Child and Family Welfare, the Victorian Healthcare Association and the Victorian Alcohol and Drug Association to support and promote good governance and integrated practices across the three different sectors.

Department of Transport

DT informed each organisation it regulates or funds in 2021–22 about the new Standards and obligations to comply.

Department of Treasury and Finance

In 2021–22, DTF shared information and resources on the new Standards with organisations and agencies in the DTF portfolio when they were published by the Commission. DTF has also directly contacted organisations and agencies most affected by the new Standards to discuss their transition.

Department of Environment, Land, Water and Planning

DELWP wrote to portfolio organisations in 2021–22 alerting them to the new Standards and shared links to the Commission's resources. DELWP has also shared supporting materials it has developed with portfolio organisations. Information on the new Standards was included on DELWP's OnBoard website and DELWP relationship managers also assisted with communication about the new Standards.

A requirement to comply with the Standards was included in key funding agreements and grants to deliver educational and recreational programs which might involve families with children and young volunteers.

DELWP commissioned Volunteering Victoria in partnership with the Youth Affairs Council of Victoria (YACVic) to develop a Youth Ready Assessment and Guide, which helps volunteer groups and programs increase youth participation. The two tools provide practical tips and suggestions for young volunteers from teenagers through to younger adults involved in volunteering. The tools were developed with input and guidance from a youth reference group and a reference group of environmental volunteering organisations. These tools also cover the Standards.

Department of Jobs, Precincts and Regions

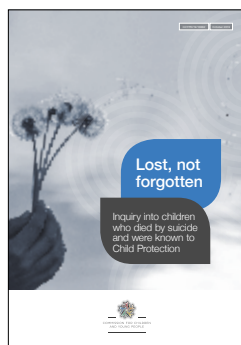
In 2021–22, DJPR has taken action to promote compliance with the Standards including disseminating three rounds of communications to its funded organisations to spread awareness of the new Standards and guidance material from the Commission.

Progress against past inquiries

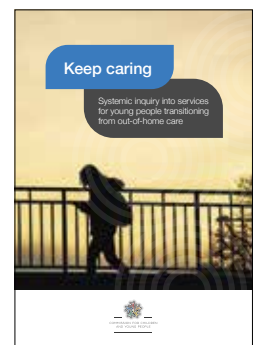
Progress against past inquiries

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 2021–22, 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*



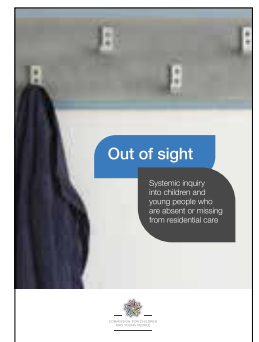
3. *Keep caring: Systemic inquiry into services for young people transitioning from out-of-home care, 2020.*



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*



4. *Out of sight: Systemic inquiry into children and young people who are absent or missing from care, 2021*



Progress against past inquiries

continued

Lost, not forgotten

Rec #	Recommendation	Accepted by government	Department update	Commission assessment
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, focussed 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>	Accept in principle	<p>Status: On track – implementation in progress</p> <p>Update: The 2021–22 Victorian State Budget provided funding for the Department of Families, Fairness and Housing to commence the development of a Child and Family system demand provisioning model over the coming years. This project is in establishment and design phase, with completion planned for 2023–24. This model will form one part of a suite of models in development over the coming years that will provide an enhanced understanding of system, community and client demand – a key reform priority outlined in the department's Priority Setting Plan 2021–24 (PSP).</p>	<p>Assessment: Planned for implementation</p> <p>Comment: The Commission notes that the project to develop a Child and Family system demand provisioning model is in establishment and design phase. The Commission acknowledges that the work has started, but notes that this work has commenced two and a half years after the recommendation was tabled. Significant ongoing systemic effort and investment will be required to deliver change for children.</p>

Lost, not forgotten

Rec #	Recommendation	Accepted by government	Department update	Commission assessment
2	<p>That the Department of Health and Human Services 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. 	<p>Accept in principle</p>	<p>Status: On track – implementation in progress Update: An operational data report on Family Services and Family Violence is in development. Please note this report will provide aggregated data, not data on individual children. The report will include ChildFIRST, Family Services, and Family Violence services. The Orange Door data is excluded from the current development due to a range of issues including lack of data system interoperability. This operational report is expected to be complete by mid 2022, and will be released for internal use only to improve oversight and management of services. It will include:</p> <ul style="list-style-type: none"> • referrals to ChildFIRST, Family Services, and Family Violence services by referral source • Child Protection phase at time of referral • duration in service • number of assessments, cases provided, etc • closure outcomes from service by referral source • goals reached by division • L-17 referrals and service hours – by division • some additional time series and divisional and agency breakdown information. <p>The department is working to systematise data extraction from The Orange Door Client Record Management System in a form that is compatible with data that can be extracted from CRIS and IRIS – the Child Protection and Family Services data systems. An interim report, The Orange Door and Child FIRST capacity tracker, has been developed to show sector family services capacity. The report shows some of the data system differences that we will attempt to bridge in the final product.</p> <p>It is expected that this recommendation will be fully completed by December 2022. Full implementation is dependent on technology solutions and reporting capacity. Resourcing constraints, including the impact of the COVID-19 pandemic on department priorities, have caused a delay in delivering against this recommendation.</p>	<p>Assessment: Progress made Comment: The Commission welcomes the development of an operational data report to support monitoring of effectiveness of engagement by child and family services with children and families. We note that The Orange Door data is not currently included in the report but that DFFH is working to respond to this gap. The Commission also notes that ongoing effort is required to improve data systems so that DFFH is able to effectively monitor service system issues for children and young people engaging in the child and family service system.</p>

Progress against past inquiries

continued

Lost, not forgotten

Rec #	Recommendation	Accepted by government	Department update	Commission assessment
3	That the Department of Health and Human Services 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.	Accept	<p>Status: On track – implementation in progress</p> <p>Update: The department implemented the SAFER children framework (SAFER) from 20 November 2021. SAFER provides practitioners with tools and resources to guide effective and evidence informed assessment and management of risk, safety and the needs of children involved with the Victorian child protection system. SAFER places emphasis on what is referred to as the 'voice of the child' requiring the child's voice, views and wishes to be captured and included in planning and decision-making forums, such as case plan and care team meetings across all child protection phases. Tools to support the voice of the child include MY VIEWS, which was implemented electronically in November 2021 (with hard copies to be provided to case management practitioners in July 2022). A number of practice advice pages in the Child Protection Manual have been updated to reflect and embed participation by the child and young person in decision-making and to ensure their voice is heard, in all phases of child protection intervention, case planning, reunification, cultural plans for Aboriginal children and leaving care.</p> <ul style="list-style-type: none"> • https://www.cpmanual.vic.gov.au/advice-and-protocols/advice/case-planning/case-planning-advice • https://www.cpmanual.vic.gov.au/advice-and-protocols/advice/case-planning/family-reunification-advice • https://www.cpmanual.vic.gov.au/advice-and-protocols/advice/aboriginal-children/cultural-plans-advice • https://www.cpmanual.vic.gov.au/advice-and-protocols/advice/out-home-care/leaving-care • https://www.cpmanual.vic.gov.au/advice-and-protocols/advice/out-home-care/better-futures-advice • https://www.cpmanual.vic.gov.au/advice-and-protocols/advice/health-medical-and-disability/young-people-cognitive-disability-who-may <p>The Family Violence Multi-Agency Risk Assessment and Management Framework (MAPAM) 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 MAPAM practice advice views</p>	<p>Assessment: Progress made – ongoing systemic effort required</p> <p>Comment: The Commission welcomes the work to further embed children's participation in decision-making by updating guidance in the Child Protection Manual, including references in the SAFER and MARAM frameworks, and including provisions for a strengthened framework in the Bill. The Commission will continue to monitor this recommendation and encourage DFFH to engage with children and young people in progressing this work.</p>

continued next page

Lost, not forgotten

Rec #	Recommendation	Accepted by government	Department update	Commission assessment
3			<p><i>continued from previous page</i></p> <p>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. The <i>Children, Youth and Families Amendment (Child Protection) Bill 2021</i> (the Bill) is currently before the Legislative Council of the Victorian Parliament. The Bill includes a strengthened legislative framework around decision-making principles to ensure that when making a decision or taking an action in relation to a child, the Secretary or a community service must encourage and give adequate opportunity to the child to participate fully in the decision-making process in such a way that the child is able to understand.</p>	

Progress against past inquiries

continued

Lost, not forgotten

Rec #	Recommendation	Accepted by government	Department update	Commission assessment
4	<p>That the Department of Health and Human Services 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. 	Accept	<p>Status: On track – implementation in progress</p> <p>Update: There are current practice advice pages in the Child Protection Manual which provide a framework to address self-harm, suicide risk management and provide information about reducing the risks of injury or death and ensuring the safety and wellbeing of clients. There are also workshops available for Child Protection Practitioners to help identify clients at risk of suicide and how to provide psychological first aid.</p> <ul style="list-style-type: none"> • https://www.cpmmanual.vic.gov.au/advice-and-protocols/advice/children-specific-circumstances/suicide-and-self-harming-advice • https://www.cpmmanual.vic.gov.au/advice-and-protocols/service-descriptions/education-medical-services/child-youth-and-adult-mental <p>The department has commenced a preliminary internal review of the current practice advice in relation to children and young people involved with child protection who are identified as being at risk of suicide with the view to strengthen such advice. To further progress this review, the department has commenced work with the Suicide Prevention Programs team within the Mental Health & Wellbeing Division of the Department of Health on a suicide prevention system mapping project that will work to:</p> <ul style="list-style-type: none"> • understand the points of intersection between the child protection and mental health systems • understand the current levels of specialist early intervention at these intersections • identify service gaps and opportunities for new initiatives and programs to support children and young people with mental health challenges who are engaged in the child protection system and at risk of suicide <p>This system mapping work is planned to be completed by December 2022.</p>	<p>Assessment: Limited progress made – action required</p> <p>Comment: The Commission notes that DFFH and DH have commenced a system mapping project, however reported progress on this piece of work has been limited in the two and a half years since the inquiry was tabled. The Commission notes further work is required and planned by the departments and will continue to monitor this recommendation.</p>

Lost, not forgotten

Rec #	Recommendation	Accepted by government	Department update	Commission assessment
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.	Accept in principle	<p>Status: Complete – recommendation has been implemented to the department's satisfaction</p> <p>Update: Child Link has been delivered and is being implemented at pilot sites throughout Victoria in 2022. Child Link became operational on 31 December 2021 and is established under Part 7A of the <i>Child Wellbeing and Safety Act 2005</i>. Child Link is being rolled out in a phased and scaled approach to legally authorised professionals working with children. Authorised professionals include Child Protection practitioners, Maternal and Child Health Nurses, school principals and early childhood teachers. By 2025, all authorised professionals will access Child Link, enabling earlier identification of needs and risks and cross-service collaboration to facilitate more holistic supports for children and their families.</p>	<p>Assessment: Completed</p> <p>Comment: The Commission welcomes the commencement of this important initiative and agrees that the recommendation is complete.</p>

Progress against past inquiries continued

Lost, not forgotten

Rec #	Recommendation	Accepted by government	Department update	Commission assessment
6	That the Department of Health and Human Services 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.	Accept	<p>Status: On track – implementation in progress</p> <p>Update: The Royal Commission into Victoria's Mental Health System recommended that the Victorian Government develop a new Victorian Suicide Prevention and Response Strategy. The Strategy will build a whole-of-government, community-wide systems-based suicide prevention and response effort and ensure that suicide prevention is elevated across government decision-making. In its final report, the Royal Commission recommended the Victorian Government facilitate this coordinated approach via the establishment of a Suicide Prevention and Response Office (the Office), in the Department of Health. Led by a State Suicide Prevention and Response Adviser, the Office will operate in government wide governance structures that encompass all government departments and relevant agencies. It will drive systemic and evidence-informed reform and drive implementation of the suicide prevention and response initiatives outlined in both the Royal Commission's interim and final reports. Its work will be done in collaboration with people with lived experience of suicidal behaviour, family members and carers, and people with lived experience of bereavement by suicide. The Office will formally be established in July 2022. The department is pleased to report that work has commenced with the Suicide Prevention Programs team within the Mental Health & Wellbeing Division on a suicide prevention system mapping project that will seek to:</p> <ul style="list-style-type: none"> • understand the points of intersection between the child protection and mental health systems • understand the current levels of specialist early intervention at these intersections • identify service gaps and opportunities for new initiatives and programs to support children and young people with mental health challenges who are engaged in the child protection system and at risk of suicide. 	<p>Assessment: Progress made – ongoing systemic effort required</p> <p>Comment: The Commission welcomes the establishment of the Suicide Prevention and Response Office and notes that DH seeks to identify service gaps and opportunities for initiatives and programs to support children and young people with mental health challenges who are engaged in the child protection system and at risk of suicide. The Commission will continue to monitor this recommendation.</p>

In our own words

Rec #	Action	Recommendation	Accepted by government	Department update	Commission assessment
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. 	<p>Accept in principle</p>	<p>Status: On track – implementation in progress Update: The Priority Setting Plan 2021–24 sets out the next stage of long-term changes to shift the child and family system towards the pathways to support model. The priorities in the Priority Setting Plan 2021–24 will:</p> <ul style="list-style-type: none"> • shift the system to intervene earlier to improve family functioning, keep children with their families and safely reunify children, with a priority focus on Aboriginal families • build evidence across the system to enable effective services, targeted to the needs of priority groups of children and families • strengthen partnerships between child protection, family violence, sexual assault and child and family services to enable improved experiences and outcomes for children and families • advance Aboriginal self-determination and self-management, including through care and case management of Aboriginal children by ACCOs and Aboriginal-led service offerings. <p>The plan will be supported by rolling 12-month action plans, to be updated annually over the implementation period from 2021 to 2024, to build evidence across the system to enable effective services, targeted to the needs of priority groups of children and families.</p> <p>The Priority Setting Plan 2021–24, and the 12 month action plans drive and inform the department’s investment strategy for Children and Families. This is reflected in the 2021–22 and 2022–23 Victorian State Budget outcomes. In 2021–22 the Victorian State Budget provided funding for the Department of Families, Fairness and Housing to commence the development of a Child and Family system demand provisioning model over the coming years. This project is in establishment and design phase.</p>	<p>Assessment: Planned for implementation Comment: The Commission notes that the project to develop a child and family system demand provisioning model is in establishment and design phase. The Commission notes that this work has commenced two and a half years after the recommendation was tabled, and that significant ongoing systemic effort by the department and investment by government is required. In this time, the numbers of Aboriginal children and young people entering out-of-home care has increased, highlighting the urgent need for government action on this recommendation. The Commission will continue to monitor progress made in relation to this recommendation.</p>

Progress against past inquiries

continued

In our own words

Rec #	Action	Recommendation	Accepted by government	Department update	Commission assessment
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 	Accept in principle	<p>Status: Complete – recommendation has been implemented to the department’s satisfaction</p> <p>Update: The Victorian State Budget in 2021 established and then expanded the Family Preservation and Reunification Response. The Response is delivered across the state, including an Aboriginal Response in every Area. The Response is an intensive, evidence based model of care, that is targeted at the children most likely to enter care. Linked data analysis informed the targeting so that children in care or those that have had unborn reports, reports within seven days of birth, or multiple reports in conjunction with at least two risk factors are eligible. Children who have been identified as high risk infants are also eligible.</p>	<p>Assessment: Significant progress made – ongoing systemic effort required</p> <p>Comment: The Commission welcomes the significant investment and work that has been devoted to this important initiative. Unfortunately, the Commission notes that this program is only available to a small proportion of children and families who require it, and ongoing and additional investment is needed to prevent harm to children and reduce the rate of children and young people entering care. Broader attention to early help and intervention approaches is also needed, noting these programs are focused on families with significant and complex needs.</p>
1	c	<ul style="list-style-type: none"> a focus on Aboriginal children and young people 	Accept in principle	<p>Status: On track – implementation in progress</p> <p>Update: 12 ACCOs deliver the Response, approximately 20 per cent of funding is delivered through ACCOs.</p>	<p>Assessment: Significant progress made – ongoing systemic effort required</p> <p>Comment: The Commission welcomes the investment in ACCOs to deliver this important initiative and will continue to monitor this recommendation including how the measures impact over-representation of Aboriginal children in the care system over time. The Commission notes that broader ACCO involvement in early help and intervention measures is also important.</p>
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 	Accept in principle	<p>Status: On track – implementation in progress</p> <p>Update: The Response is focused on family preservation and reunification. Approximately one third of families connected to the Response are for reunification.</p>	<p>Assessment: Significant progress made – ongoing systemic effort required</p> <p>Comment: The Commission welcomes the significant investment and work that has been devoted to this important initiative and will continue to monitor this recommendation and further investment needed to make this initiative available to all children and families who need it.</p>

In our own words

Rec #	Action	Recommendation	Accepted by government	Department update	Commission assessment
1	e	Strategies to improve outcomes for children and young people in out-of-home care should include: <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 	Accept in principle	<p>Status: Complete – recommendation has been implemented to the department’s satisfaction</p> <p>Update: Implementation of the new reforming care initiatives including the Care Hub Trial, two and three bed therapeutic residential care homes and KEYS is completed:</p> <ul style="list-style-type: none"> The Care Hub has been implemented as a trial in the Loddon Area. Funding for the approach has been extended for a further two years through the 2022–23 State Budget. As at May 2022, 18 of the 19 two and three bed therapeutic residential care homes are operational, with the remaining home to commence service in June 2022. All six KEYS houses across the state are operational. Learnings gained from the implementation of these new models will be considered for broader application across the service system subject to budget and resourcing. 	<p>Assessment: Significant progress made – ongoing systemic effort required</p> <p>Comment: The Commission welcomes the significant investment and work to progress new and expanded models of residential care and the approaches in the models to provide a continuum of supports across the domains of young people’s lives.</p> <p>The Commission notes that the new models are only available to a limited number of children and young people in residential care, and will continue to monitor this recommendation to promote further expansion of successful models as part of whole-of-system reform.</p>
1	f	<ul style="list-style-type: none"> more focused placement planning to minimise placement changes 	Accept in principle	<p>Status: On track – implementation in progress</p> <p>Update: Work to update the guidance for Care Services Placement Coordination and Planning has commenced and is anticipated to be completed by 2022.</p>	<p>Assessment: Progress made</p> <p>Comment: The Commission notes that an update of the guidance for Care Services Placement Coordination and Planning has commenced and will continue to monitor progress made in relation to this recommendation.</p>
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 	Accept in principle	<p>Status: Complete – recommendation has been implemented to the department’s satisfaction</p> <p>Update: Implementation of the Care Hub trial in the Loddon area is completed. Funding has been extended for a further two years through the 2022–23 State Budget.</p>	<p>Assessment: Progress made – ongoing systemic effort required</p> <p>Comment: The Commission welcomes the funding extension for a further two years. The Commission notes the need for an ongoing and statewide solution available to children and young people across Victoria and will continue to monitor this recommendation to promote further expansion of these options as part of whole-of-system reform.</p>

Progress against past inquiries

continued

In our own words

Rec #	Action	Recommendation	Accepted by government	Department update	Commission assessment
1	h	<ul style="list-style-type: none"> supports to help carers maintain placements, including during times of crisis or difficulty 	Accept in principle	<p>Status: On track – implementation in progress</p> <p>Update: Guidance for Care Services Placement Coordination and Planning has been drafted and will be presented at the senior executive internal Children and Families Reform Implementation Steering Committee on 24 June 2022.</p>	<p>Assessment: Progress made – ongoing systemic effort required</p> <p>Comment: The Commission notes progress to date and will continue to monitor this recommendation.</p>
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 	Accept in principle	<p>Status: On track – implementation in progress</p> <p>Update: The <i>Children, Youth and Families Amendment (Child Protection) Bill 2021</i> (the Bill) is currently before the Legislative Council of the Victorian Parliament. The Bill includes a strengthened legislative framework around decision-making principles to ensure that when making a decision or taking an action in relation to a child, the Secretary or a community service must encourage and give adequate opportunity to the child to participate fully in the decision-making process in such a way that the child is able to understand.</p>	<p>Assessment: Progress made – ongoing systemic effort required</p> <p>Comment: The Commission welcomes the proposed inclusion of principles for children and young people's engagement in legislation and will continue to monitor this recommendation. The Commission notes that culture and practice change will also be required and will monitor other operational measures needed to ensure that children and young people are provided with appropriate and supported opportunities to participate in decision-making processes that impact them.</p>
1	j	<ul style="list-style-type: none"> funding for ACCOs to grow the transfer of Aboriginal children to be managed by an ACCO 	Accept in principle	<p>Status: On track – implementation in progress</p> <p>Update: The previous State Budget (2020-21) made funding for the transfer of Aboriginal children to be managed by an ACCO ongoing, and current investment allows for up to 70 per cent of Aboriginal children to be managed by an ACCO.</p>	<p>Assessment: Significant progress made – ongoing systemic effort required</p> <p>Comment: The Commission welcomes the investment and progress made in transferring management of the care of Aboriginal children to ACCOs and will continue to monitor this recommendation.</p>
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. 	Accept	<p>Status: On track – implementation in progress</p> <p>Update: The Office of Professional Practice is refreshing all child protection practice learning programs over 2022 to 2024.</p> <p>Work is occurring to develop a <i>Framework for Trauma Informed Practice</i> for the child and family services sector and is due to be completed by mid-2022 with guidance to support its use by Child Protection and the sector.</p>	<p>Assessment: Progress made</p> <p>Comment: The Commission welcomes the progress that has been made on this recommendation and will continue to monitor the completion and roll out of this important training.</p>

In our own words

Rec #	Action	Recommendation	Accepted by government	Department update	Commission assessment
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.	Accept	<p>Status: On track – implementation in progress</p> <p>Update: The department intends to legislate the full five elements of the Aboriginal Child Placement Principle: Prevention, Partnership, Placement, Participation, Connection, which will guide decision-makers to enhance and preserve Aboriginal children's sense of identity as Aboriginal, by ensuring that Aboriginal children and young people are maintained within their own biological family, extended family, local Aboriginal community, wider Aboriginal community and their Aboriginal culture. This aims to strengthen child protection's policy practice to support connection to culture for Aboriginal children in care.</p>	<p>Assessment: Progress made – ongoing systemic effort required</p> <p>Comment: The Commission notes the work being progressed in relation to this recommendation and will continue to monitor implementation, noting that legislation alone does not improve practice or accountability.</p>
3		That the Victorian Government continue to support Aboriginal people's right to self-determination including through increased investment in community-led services and the gradual transfer of responsibility for the case management and care plan of Aboriginal children and young people in care to ACCOs.	Accept in principle	<p>Status: On track – implementation in progress</p> <p>Update: Wungurilwil Gagapdair supports the Government's commitment to increase Aboriginal self-determination for Aboriginal people and to ensure that all Aboriginal children and young people are safe, resilient and can thrive in culturally rich and strong Aboriginal families and communities.</p> <p>Since 2018, this Government has invested over \$160 million of new investment to implement Wungurilwil Gagapdair and its nation leading initiatives. A recent evaluation of initiatives within Wungurilwil Gagapdair tells us that Aboriginal children involved with child protection and managed by an ACCO are provided culturally appropriate, trauma-informed and timely case management. Aboriginal children managed by an ACCO state they are better connected to culture. Country and family, ACCOs are increasing the number of Aboriginal children reunified with family or in stable, culturally safe alternative care.</p> <p>This funding will contribute to Victoria's reform of the out-of-home care services and enable the continued transfer of care and case management of Aboriginal children and young people to Aboriginal Community Controlled Organisations (ACCOs).</p>	<p>Assessment: Significant progress made – ongoing systemic effort required</p> <p>Comment: The Commission welcomes the significant work progressed 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.</p>

Progress against past inquiries

continued

In our own words

Rec #	Action	Recommendation	Accepted by government	Department update	Commission assessment
4	a	<p>That the department review and revise all existing 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 	Accept in principle	<p>Status: On track – implementation in progress</p> <p>Update: The department is supporting implementation of the Client voice framework for community services, which seeks to promote the voices of people with lived experience including children and young people. This work has included the development of Young Voices which promotes the voices of children and young people in policy, service design and implementation. Young Voices is available to all department staff and will shortly be made available to the sector in July 2022.</p>	<p>Assessment: Progress made</p> <p>Comment: The Commission welcomes the initiatives outlined and the work done in relation to hearing from young people in policy and service design and will continue to monitor progress against this recommendation.</p> <p>The recommendation's intent 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. In this regard, the Commission also notes the relevant DFFH response to Recommendation 4b of <i>In our own words</i> and Recommendation 3 of <i>Lost, not forgotten</i>.</p>

In our own words

Rec #	Action	Recommendation	Accepted by government	Department update	Commission assessment
4	b	<ul style="list-style-type: none"> include ways to record views effectively and include them in practitioners assessment of planning decisions. 	Accept	<p>Status: On track – implementation in progress</p> <p>Update: The department implemented the SAFER children framework (SAFER) from 20 November 2021. SAFER provides practitioners with tools and resources to guide effective and evidence informed assessment and management of risk, safety and the needs of children involved with the Victorian child protection system. SAFER places emphasis on what is referred to as the 'voice of the child' requiring the child's voice, views and wishes to be captured and included in planning and decision-making forums, such as case plan and care team meetings across all child protection phases. Tools to support the voice of the child include MY VIEWS, which was implemented electronically in November 2021 with hard copies to be provided to case management practitioners in July 2022. The <i>Children, Youth and Families Amendment (Child Protection) Bill 2021</i> (the Bill) is currently before the Legislative Council of the Victorian Parliament. The Bill includes a strengthened legislative framework around decision-making principles to ensure that when making a decision or taking an action in relation to a child, the Secretary or a community service must encourage and give adequate opportunity to the child to participate fully in the decision-making process in such a way that the child is able to understand.</p>	<p>Assessment: Progress made</p> <p>Comment: The Commission welcomes the requirement for capturing and including children and young people's voices, views and wishes in planning and decision-making that impacts them including case plan and care team meetings across all child protection phases.</p>

Progress against past inquiries

continued

In our own words

Rec #	Action	Recommendation	Accepted by government	Department update	Commission assessment
4	C	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.	Accept in principle	<p>Status: On track – implementation in progress</p> <p>Update: The following ongoing mechanisms are in place to monitor workers' caseloads:</p> <ul style="list-style-type: none"> • Departmental 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. • The Child Protection Business Continuity Framework is utilised to support service delivery and when required focuses resources towards children at greatest risk. • 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 a child protection practitioner's caseloads is 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. • Enhancements to CRIS enable increased monitoring of client visits. 	<p>Assessment: Not yet progressed</p> <p>Comment: The Commission notes that this response mostly replicates last year's response and that most of the mechanisms predate this recommendation. The Commission would welcome clarification on whether there is anything further planned to address the intent of the recommendation.</p>

In our own words

Rec #	Action	Recommendation	Accepted by government	Department update	Commission assessment
4	d	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: <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. 	Accept in principle	<p>Status: On track – implementation in progress</p> <p>Update: Work to update the guidance for Care Services Placement Coordination and Planning has commenced and is anticipated to be completed by 2022.</p>	<p>Assessment: Progress made</p> <p>Comment: The Commission notes work has commenced to update guidance for Care Services Placement Coordination and Planning and will continue to monitor this recommendation.</p> <p>The Commission has considered the department's response from last year that the update will include strengthening, as far as possible:</p> <ul style="list-style-type: none"> information about the home and carers being given to children and young people prior to moving to a placement 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.
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.	Accept in principle	<p>Status: On track – implementation in progress</p> <p>Update: Roadmap for Reform directions, priorities and next steps are being reviewed over the next six months. How to achieve improved service navigation, continuity of care and integrated models of care across the system will be considered as part of this review, noting that resourcing would be required to progress a particular key worker model.</p> <p>In the interim the department continues to embed a key worker approach through new models of care such as KEYS and the Care Hub trial – both of which include a key worker who coordinates the development of the plan and supports delivered by the multidisciplinary team.</p>	<p>Assessment: Progress made – ongoing systemic efforts required</p> <p>Comment: The Commission notes that the department has embedded a key worker approach in new models of care, but that these models are only available to a small proportion of children who require it. The Commission notes that ongoing systemic efforts are required and will continue to monitor this recommendation, including the department's plan to consider improvements to support day-to-day decisions, case plan implementation and service navigation.</p>

Progress against past inquiries

continued

In our own words

Rec #	Action	Recommendation	Accepted by government	Department update	Commission assessment
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.	Accept in principle	<p>Status: On track – implementation in progress</p> <p>Update: DFFH is prioritising work on residential care pricing and care allowances. Following this, work to progress flexible funding packages will be considered. In the interim the department continues to embed flexible packages to better support children and young people including through the KEYS model and the Care Hub, in addition to the existing TCP.</p>	<p>Assessment: Planned for implementation</p> <p>Comment: The Commission notes that the department plans on considering flexible funding packages and will continue monitoring progress made against this recommendation.</p>
6		That the Victorian Government establish a specialised child and youth friendly complaints function to receive complaints from children and young people in care including complaints about their immediate or ongoing concerns about their safety and wellbeing while in care.	Accept in principle	<p>Status: Not commenced – implementation of the recommendation has not started</p> <p>Update: The need for a child and young person-centred complaints function is agreed. This function currently sits with the Victorian Ombudsman. On 7 June 2022, the Government introduced the <i>Children and Health Legislation Amendment (Statement of Recognition and Other Matters) Bill 2022</i> into Parliament. Amongst other matters, the Bill will amend the <i>Commission for Children and Young People Act 2012</i> to enable the Commission to advocate for and provide advice, information and support for children and young people in care. While this new advocacy function does not cover complaints resolution, it is intended that the Commission can support children and young people in care to raise their concerns with the relevant complaints body. The Department continues to explore options to strengthen and promote complaints management for children and young people.</p>	<p>Assessment: Planned for implementation</p> <p>Comment: The Commission welcomes progress on this recommendation via the proposed legislative amendments to enable the Commission to advocate for and provide advice, information and support for children and young people in care, and the commitment to strengthen complaints options for children and young people in care.</p>

In our own words

Rec #	Action	Recommendation	Accepted by government	Department update	Commission assessment
7	a	That the department: <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 	Accept in principle	<p>Status: On track – implementation in progress</p> <p>Update: 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 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>	<p>Assessment: Planned for implementation</p> <p>Comment: The Commission welcomes the plans to ensure the voices and perspectives of children and young people are included as part of future reform activity. The Commission notes that the department will consider this recommendation as part of reform planning and will continue to monitor progress made against this 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 	Accept in principle	<p>Status: On track – implementation in progress</p> <p>Update: Given the ongoing implementation of SAFER, Child Protection Policy will endeavour to undertake a review of the case plan template within the next 12 months, including giving consideration to the needs of sibling groups in care.</p>	<p>Assessment: Planned for implementation</p> <p>Comment: The Commission notes that the proposed review was not undertaken in 2020–21 and will continue to monitor progress made in relation to this recommendation.</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 	Accept in principle	<p>Status: Not commenced – implementation of the recommendation has not started</p> <p>Update: This work was put on hold due to a redirection of department resources to support responding to the COVID–19 pandemic. The department remains committed to responding to this recommendation and will progress this work when resources are available with consideration to work plan prioritisation.</p>	<p>Assessment: Planned for implementation</p> <p>Comment: The Commission notes that the proposed review was not undertaken in 2020–21 and will continue to monitor progress made in relation to this recommendation.</p>

Progress against past inquiries

continued

In our own words

Rec #	Action	Recommendation	Accepted by government	Department update	Commission assessment
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 	Accept in principle	<p>Status: Complete – recommendation has been implemented to the department’s satisfaction</p> <p>Update: The department implemented the SAFER children framework (SAFER) from 20 November 2021.</p> <p>The case planning advice on the Child Protection Manual was updated in December 2021 to incorporate the SAFER framework and highlights the importance when focusing and promoting children’s permanency, attention must be given to preserving and promoting children’s relationships with primary carers, siblings, significant adults in their lives, and friends.</p> <p>https://www.cpmanual.vic.gov.au/advice-and-protocols/advice/case-planning-advise</p> <p>SAFER further highlights the importance of the child’s care team to share responsibility for doing things that parents would do if a child was living at home. One of the key points in the SAFER practice principles requires practitioners when completing assessments of the child or young person within their family to consider their relationships with adults and other children.</p> <p>The care teams advice on the Child Protection Manual provides guidance to care teams to support the child to maintain positive connections and relationships with their family, friends, school, community and culture and/or support the child to reconnect and rebuild their network of relationships.</p> <p>https://www.cpmanual.vic.gov.au/policies-and-procedures/out-home-care/care-teams</p>	<p>Assessment: Completed</p> <p>Comment: The Commission agrees that this recommendation is complete.</p>
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 	Accept in principle	<p>Status: On track – implementation in progress</p> <p>Update: To maximise participation of children and young people in activities and timely decision-making, the department will review extending the current standard authorisation available for home based carers, which authorises decision-making by carers in relation to contact with family and friends and participation in activities in the community, to all care types. Information on decision-making and consideration of risks will be supported by a review of the Authorising Carers advice on the Child Protection Manual.</p>	<p>Assessment: Planned for implementation</p> <p>Comment: The Commission notes the plans for the review and will continue to monitor progress made in relation to this recommendation.</p>

In our own words

Rec #	Action	Recommendation	Accepted by government	Department update	Commission assessment
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. 	Accept in principle	<p>Status: On track – implementation in progress Update: In the interim, we are addressing the engagement of children and young people through:</p> <ul style="list-style-type: none"> new models of care (the Care Hub and KEYS homes) which include funding for family workers and community engagement workers. Workers will play an active role in helping to engage children and young people with family and friends and to support participation in community activities, in line with a child's care and placement plan implementation of the HEALing Matters program statewide. This program, developed by Monash University, aims to improve the health, wellbeing and life skills of young people in care including improving staff competency to support young people to engage in physical activity. This included a one-off allocation in 2020 of over \$70,000 to support young people to engage in physical activity in residential care homes. The program is being expanded to all carers through Carer KaFE. <p>Findings are showing these initiatives are already supporting a positive impact.</p>	<p>Assessment: Progress made – ongoing systemic effort required Comment: The Commission notes the implementation of new models of care and the HEALing program, and will continue to monitor progress made in relation to reviewing budget allocation to support children and young people in care to engage in activities both inside and outside of their homes.</p>

Progress against past inquiries

continued

In our own words

Rec #	Action	Recommendation	Accepted by government	Department update	Commission assessment
8		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.	Accept in principle	<p>Status: Complete – recommendation has been implemented to the department’s satisfaction</p> <p>Update: The Victorian State Budget in 2021–22 delivers \$2.228 million over four years to expand respite placements for kinship carers. The Victorian Government is working towards a Care Services system that creates an environment which encourages each and every child and young person’s development. As part of this journey, reforming care services is a priority for the Victorian Government, underpinned by the Roadmap to Reform.</p> <p>As part of this reform, we want to use new investment to:</p> <ul style="list-style-type: none"> • increase the flexibility within the system to provide a broader suite of models of care that progress children and young people towards the goals of their case plan and towards permanency • increase the proportion of models of care that are trauma informed and evidence informed • increase the proportion of models of care that provide access to dedicated therapeutic supports where required • ensure placement growth is commensurate to the representation of children in care of both Aboriginal and non Aboriginal children • continue to prioritise kinship care and permanent care as the preferred placement option • maintain residential care as a safe and high quality option of last resort representing the smallest element of our overall care system. <p>Implementation of \$2.228 million from the 2021–22 State Budget to enable the expansion of more flexible respite support for kinships carers is completed. As a result of this work, kinship carers can now access more flexible respite support based on their unique needs and circumstances and in line with the child’s needs by continuing to engage supports delivered by the Kinship Engagement Teams in the department.</p> <p>Implementation of the Care Hub trial in the Loddon area is completed. Funding has been extended for a further two years through the 2022–23 State Budget.</p>	<p>Assessment: Significant progress made</p> <p>Comment: The Commission welcomes progress on this recommendation. The Commission notes that ongoing efforts are needed to ensure respite needs of foster carers are addressed.</p>

In our own words

Rec #	Action	Recommendation	Accepted by government	Department update	Commission assessment
9		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: <ul style="list-style-type: none"> all kinship placements continue to receive supports after this timeframe where required the risk of placement breakdown is identified early so that so that resources can be allocated appropriately. 	Accept in principle	<p>Status: On track – implementation in progress</p> <p>Update: The second Carer Strategy Action Plan 2021–22 was published in July 2021. The department has recently recommenced engagement of the Action Plan after this work was paused due to the redirection of resources to support the response to COVID–19. This recommendation will be addressed through:</p> <ul style="list-style-type: none"> the commitment through the Carer Strategy Action Plan to strengthen access to kinship First Supports based on a carers assessed need the department’s commitment to respond to recommendations of the recent VAGO audit which has a focus on improving timely access to kinship supports and includes a review of elements of the model to support safe and quality kinship placements. 	<p>Assessment: Planned for implementation</p> <p>Comment: The Commission notes that work relating to this recommendation was paused and the department’s plans moving forward. We will continue to monitor progress made in relation to this recommendation.</p>
10		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: <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. 	Accept	<p>Status: On track – implementation in progress</p> <p>Update: DFFH is committed to improving face-to-face contact between CP, CSO and ACCO workers and children and young people in out-of-home care. The department will review and update guidance 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. <p>Updates to advice in the Child Protection Manual will be incorporated into the review of the Program Requirements for Residential Care in Victoria which will be completed in 2022 to align with policy work to address a number of recommendations arising from current systemic inquiries.</p>	<p>Assessment: Planned for implementation</p> <p>Comment: The Commission notes the update in relation to the timing of delivery for this recommendation and will continue to monitor progress.</p>

Progress against past inquiries continued

In our own words

Rec #	Action	Recommendation	Accepted by government	Department update	Commission assessment
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 aged 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. 	Accept in principle	<p>Status: On track – implementation in progress</p> <p>Update: Work to update the guidance for Care Services Placement Coordination and Planning has commenced and is anticipated to be completed by 2022.</p>	<p>Assessment: Progress made</p> <p>Comment: The Commission notes that an update of the guidance for Care Services Placement Coordination and Planning has commenced and will continue to monitor progress made in relation to this recommendation.</p>
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>	Accept	<p>Status: On track – implementation in progress</p> <p>Update: Finalisation of the action plan to support implementation of the <i>Framework to reduce criminalisation of young people in residential care</i> has been delayed due to a redirection of department resources to support responding to the COVID-19 pandemic. The work has recently recommenced with a meeting of the working group planned for July 2022. The draft plan includes an action for the development of a monitoring and evaluation framework in line with this recommendation. The plan also includes a number of actions to promote training and resources for residential care workers, and signatory agencies, in the delivery of trauma informed care and responses. This training complements the current accredited training in mandatory units of competency in residential care.</p>	<p>Assessment: Limited progress made – action required</p> <p>Comment: The Commission notes that work to finalise the action plan was paused and that there has been no effective implementation of the <i>Framework to reduce criminalisation of young people in residential care</i> since it was agreed in February 2020. The Commission is pleased that this work has recommenced, noting its importance and urgency. We will continue to monitor progress.</p>

In our own words

Rec #	Action	Recommendation	Accepted by government	Department update	Commission assessment
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. 	Accept in principle	<p>Status: On track – implementation in progress Update: A draft of the Design Guidelines has been developed with input from children and young people and operational divisions informing the guidelines. Therapeutic fabric assessments are currently being developed to inform the next iteration of the Design Guidelines prior to consultation with the sector. Options to support monitoring of adherence to the guidelines are in progress.</p>	<p>Assessment: Progress made Comment: The Commission welcomes progress made in relation to this recommendation and will continue to monitor the finalisation of the guidelines and options for assessment against them.</p>
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. 	Accept	<p>Status: On track – implementation in progress Update: A draft policy to address this recommendation is in progress. This work will be incorporated as part of the broader review of the Program requirements for residential care in Victoria, scheduled for the second half of 2022. Supporting programs or initiatives to utilise companion animals or therapy animals more broadly will require additional budget.</p>	<p>Assessment: Planned for implementation Comment: The Commission notes the draft policy is in progress and will continue to monitor progress in relation to this recommendation.</p>
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. 	Accept	<p>Status: On track – implementation in progress Update: Work is occurring to develop a <i>Framework for Trauma Informed Practice</i> for the child and family services sector and is due to be completed by mid-2022 with guidance to support its use by the sector.</p>	<p>Assessment: Planned for implementation Comment: The Commission notes the delay to progress this work due to COVID-19. The Commission also notes, as we did last year, that the recommendation also requires further supports and guidance for kinship and foster carers.</p>

Progress against past inquiries

continued

In our own words

Rec #	Action	Recommendation	Accepted by government	Department update	Commission assessment
15	b	<ul style="list-style-type: none"> All contracted agency staff should be required to undertake training in regard to trauma informed care 	Accept	<p>Status: On track – implementation in progress</p> <p>Update: Training for contracted agency staff will be supported through the implementation of the <i>Framework for Trauma Informed Practice</i>. The Framework is on track for completion in 2022.</p> <p>The Program requirements for Home-Based care will be strengthened to include the provision of trauma training. The department will also explore opportunities to further promote trauma training through the Centre for Excellence in Child and Family Welfare.</p>	<p>Assessment: Planned for implementation</p> <p>Comment: The Commission notes the plans to finalise and implement the <i>Framework for trauma-informed practice</i>, and will continue to monitor progress made in relation to 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. 	Accept	<p>Status: On track – implementation in progress</p> <p>Update: The Office of Professional Practice is refreshing all child protection practice learning programs over 2022 to 2024.</p> <p>Work is occurring to develop a <i>Framework for Trauma Informed Practice</i> for the child and family services sector and is due to be completed by mid-2022 with guidance to support its use by Child Protection and the sector.</p>	<p>Assessment: Planned for implementation</p> <p>Comment: The Commission notes the plans to refresh Child Protection practice learning programs and finalise and implement the <i>Framework for trauma-informed practice</i>. We will continue to monitor progress made in relation to this recommendation.</p>
16	a	<p>That the Victorian Government to transition over time to more family-like care environments including:</p> <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 	Accept in principle	<p>Status: Complete – recommendation has been implemented to the department's satisfaction</p> <p>Update: After receiving ongoing funding in the 2021–22 State Budget, implementation of the Therapeutic Foster Care Oregon (TFCO) program is now complete. The evidence-based program operates within the South Division to provide seven placements for children aged 7–12 years who are in residential care or at risk of entering residential care as a pathway to a less intensive placement. Findings are showing this initiative is supporting a positive impact, including children reporting they feel safe and settled and feel people listen to what they say.</p>	<p>Assessment: Progress made – ongoing systemic effort required</p> <p>Comment: The Commission welcomes the significant work completed in relation to this recommendation. The Commission considers that more initiatives of this kind are required to meet the intent of the recommendation, noting that the program provides placements for only seven children.</p>

In our own words

Rec #	Action	Recommendation	Accepted by government	Department update	Commission assessment
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) 	Accept in principle	<p>Status: Complete – recommendation has been implemented to the department’s satisfaction</p> <p>Update: Implementation of the new reforming care initiatives including the Care Hub Trial, two and three bed therapeutic residential care homes and KEYS is completed:</p> <ul style="list-style-type: none"> The Care Hub has been implemented as a trial in the Loddon area. Funding has been extended for a further two years through the 2022–23 State Budget. As at 13 June 2022, all 19 two and three bed therapeutic residential care homes are operational. All six KEYS houses across the state are operational. <p>Learnings gained from the implementation of these new models will be considered for broader application across the service system subject to budget and resourcing.</p>	<p>Assessment: Significant progress made – ongoing systemic effort required</p> <p>Comment: The Commission commends the Government for investing in these much needed improvements and additional placement options.</p> <p>The Commission notes that the new models are not yet available to all children and young people in residential care, and will continue to monitor this recommendation to promote further expansion of successful models as part of whole-of-system reform.</p>
16	c	<ul style="list-style-type: none"> a form of professionalised foster care. 	Accept in principle	<p>Status: Complete – recommendation has been implemented to the department’s satisfaction</p> <p>Update: Following allocation of ongoing funding through the 2021–22 State Budget, implementation of Treatment Foster Care Oregon (TFCO-C), a specialised foster care program, is complete.</p>	<p>Assessment: Progress made – ongoing systemic effort required</p> <p>Comment: Like last year, 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 expanded beyond the pilot program supporting 28 children per year in the South Division. We will continue to monitor this recommendation to promote further expansion of successful models as part of whole-of-system reform.</p>

Progress against past inquiries

continued

In our own words

Rec #	Action	Recommendation	Accepted by government	Department update	Commission assessment
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. That the department develop the expertise, focus and capacity of Child Protection workers to assist families to achieve reunification, including case planning.	Accept in principle	<p>Status: On track – implementation in progress</p> <p>Update: As above under 1b, the Victorian State Budget in 2021 established and then expanded the Family Preservation and Reunification Response. The Response is delivered across the state, including an Aboriginal Response in every Area. The Response is an intensive, evidence based model of care, that is targeted at the children most likely to enter care. The Response is delivered by CSOs in partnership with Child Protection Navigators, roles specifically created for the Response. The Navigators find families, connect them to the Response, work in partnership with the Response practitioners and play a practice lead role in Child Protection. There are 34 Child Protection Navigators across the state. Practitioners delivering the Response are supported with a dedicated ‘implementation science’ approach – they are trained and coached in evidence-based practice modules and their organisations are supported to develop systems to support service quality through data led decision-making. Practice Modules include cultural elements co-designed with Victorian ACCOs.</p>	<p>Assessment: Significant progress made – ongoing systemic effort required</p> <p>Comment: The Commission welcomes the significant investment and work that has been devoted to this important initiative. The Commission notes ongoing and additional investment and focus in early intervention is needed to respond to the level of need, and to reduce the rate of children and young people entering care and improve outcomes.</p>
16	e	That the department develop the expertise, focus and capacity of Child Protection workers to assist families to achieve reunification, including case planning.	Accept	<p>Status: On track – implementation in progress</p> <p>Update: The Office of Professional Practice is refreshing all child protection practice learning programs over 2022 to 2024. While reunification and case planning will be included in specific programs, all programs align with the child protection capability framework and support client voice, family-focus, cultural safety, professional judgement and continuous learning.</p>	<p>Assessment: Planned for implementation</p> <p>Comment: The Commission notes the plans to refresh Child Protection practice learning programs. We will continue to monitor progress made in relation to this recommendation.</p>

In our own words

Rec #	Action	Recommendation	Accepted by government	Department update	Commission assessment
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>	Accept	<p>Status: On track – implementation in progress Update: Performance measures are routinely reported to and reviewed by a number of governance bodies, including the Community Operations and Practice Leadership Division (COPL), Executive Committee (weekly), the Finance, Performance and Risk Subcommittee of the COPL 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>Measures implemented:</p> <ul style="list-style-type: none"> • number of placement changes children and young people experience • number of siblings living separately from one or more of their siblings in care • successful reunification of children with their family • contact between children and young people and their workers. <p>Measures where data is now available and implementation is in train:</p> <ul style="list-style-type: none"> • drivers and characteristics of placement breakdown • timeliness of kinship care assessments • number of complaints received from children and young people in care is improved disaggregated by age and care type. <p>Measures not supported by available data:</p> <ul style="list-style-type: none"> • frequency of contact with siblings and family members – would require system enhancements, and no resources are currently available for this • funded agency workforce capacity and training-funded agencies are independent organisations that manage their own workforces. The department has no mechanism to monitor this, and it is not in keeping with the service agreement. 	<p>Assessment: Significant progress made Comment: The Commission welcomes the progress made to improve collection and reporting of data to track outcomes for children in out-of-home care.</p>

Progress against past inquiries

continued

Keep caring

Rec #	Action	Recommendation	Accepted by government	Department update	Commission assessment
1		<p>That the Victorian Government, in its implementation of the recommendations of the <i>In our 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 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>	<p>Changed to Accept (previously Accept in principle)</p>	<p>Status: Complete – recommendation has been implemented to the department's satisfaction</p> <p>Update: The department supports the need for the new and expanded models of residential care to embed a young person's aspirations, talents and goals into everyday case management and their time in placement.</p> <p>Investment – the 2020–21 State Budget invested \$322.7 million over four years in output funding and \$49.9 million in asset funding to reform care services including new and expanded models of care that provide increased specialist supports to children and young people in care. This includes trial of a Care Hub, two and three bed therapeutic residential care and expansion of Keep Embracing Your Success (KEYS) residential care. Subsequent investment of close to \$13 million was provided in the 2023–24 budget to continue the Care Hub trial for a further two years.</p> <p>Operational Guidelines for the new models will address the issues raised as follows:</p> <ul style="list-style-type: none"> • Embedding the need for young people to be active participants in future-focused planning and preparing for their own future, through ensuring children and young people have a right to participate and have a voice in all aspects of their lives, including goal setting, future plans and leaving care planning. The KEYS model of care provides supports through a multi-disciplinary team that includes a key worker, who works in partnership with the young person to set goals for their time in the program and for their future. • Supporting young people through a focus on developing their independent living skills according to their developmental needs. The KEYS model utilises a multidisciplinary team to combine cross sector expertise and help young people achieve their goals, stabilise their behaviour and build their future through a focus on safety, managing emotions, life skills, education and employment, identity and connection. • Embedding a focus on supporting children to remain engaged or re-engage with education or vocational pathways in line with their learning and or vocation goals. <p style="text-align: right;"><i>continued next page</i></p>	<p>Assessment: Progress made – ongoing systemic effort required</p> <p>The Commission welcomes the significant investment and work to progress new and expanded models of residential care and the approaches in the models to provide a continuum of supports across the domains of young people's lives. The Commission welcomes focussed, Aboriginal-specific approaches across the models. However, the Commission notes that the new residential care models only apply to a limited number of children and young people in residential care.</p> <p>The Commission also notes the department's updates on recent investment in models such as Treatment Foster Care Oregon (see action 16c <i>In our words</i>), and the Care Hub trial as part of the reforming care initiatives. The Commission notes that these models also apply to a very limited number of children and young people in care.</p> <p>The Commission notes that ongoing systemic effort is required to deliver a safe and quality out-of-home care system responsive to the level and drivers of need.</p>

Keep caring

Rec #	Action	Recommendation	Accepted by government	Department update	Commission assessment
1				<p><i>continued from previous page</i></p> <ul style="list-style-type: none"> Supporting young people to build or heal positive connections with family and the wider community. The Care Hub and KEYS include family and community workers who will work with the child or young person and their family to strengthen relationships and connections within the family and broader community. Recognition of the need for enduring connections with the services young people may need to address mental health, trauma or substance use. All the initiatives include specialist supports to assist the child or young person to recover from trauma. The Care Hub and KEYS include alcohol and drug, mental health, and therapeutic specialist support embedded in the multi-disciplinary teams, and the two and three bed therapeutic residential care model includes a therapeutic specialist attached to each home. These specialist workers will work with the child or young person and will undertake and support any referrals or connections to longer term specialist mental health, alcohol and drug or therapeutic supports when the child or young person leaves the model of care. <p>As at 30 June 2022 these models are all operational. The new initiatives summarised above will be complemented by the design and implementation of an Aboriginal-specific KEYS home, to ensure a strong focus on cultural-specific practice and building connection to culture and community during and after care. The Care Hub also includes a cultural support worker to work with the child or young person and their family to improve connections to community and culture. It is an expectation that the two and three bed therapeutic residential care model will support cultural healing and recognise and understand the unique needs, preference, and history of Aboriginal children and families by adjusting the model based on the individual needs of each family and community.</p> <p><i>continued next page</i></p>	

Progress against past inquiries continued

Keep caring

Rec #	Action	Recommendation	Accepted by government	Department update	Commission assessment
1				<p><i>continued from previous page</i></p> <p>Wungurilwil Gagapaduir – Aboriginal Children and Families Agreement was signed in April 2018 and is the first tripartite agreement between the Aboriginal community, child and family services sector and the government. The principles of self-determination and self-management underpin all activity under the Agreement, with more funding and a stronger role for ACCOs in the design and delivery of local services that are culturally responsive and safe.</p> <p>Since 2018, the Victorian Government has invested over \$160 million of new funding to implement Wungurilwil Gagapaduir and its nation leading initiatives. A recent evaluation of initiatives within the Agreement tells us that Aboriginal children involved with child protection and managed by an ACCO are provided culturally appropriate, trauma-informed and timely case management. Aboriginal children managed by an ACCO indicate that they are better connected to culture, Country and family. ACCOs are increasing the number of Aboriginal children reunified with family or in stable, culturally safe alternative care. It is this government's commitment that all Aboriginal children involved with child protection are managed by an ACCO.</p> <p>One example of an Aboriginal supportive model is the Aboriginal Children in Aboriginal Care (ACAC) program, which enables ACCOs to be authorised to perform functions and powers usually undertaken by the Secretary of DFFH and assume responsibility for Aboriginal children on Children's Court protection orders.</p> <p>In addition, the current Aboriginal family-led decision-making (AFLDM) program gives effect to case planning including leaving care planning decisions. AFLDM is a collaborative process, which involves the active participation of family, extended family and community members in decision-making. AFLDM meetings bring together family members, relevant organisations and Aboriginal community members to make decisions and develop a case or leaving care plan for a child or young person placed in out-of-home care. The views of the child or young person must also be taken into account in the AFLDM process, and their participation, if it is not detrimental to their safety and wellbeing, should be encouraged.</p>	

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Rec #	Action	Recommendation	Accepted by government	Department update	Commission assessment
2	1	<p>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. 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 <p><i>continued next page</i></p>	<p>Changed to Accept (previously Accept in principle)</p>	<p>Status: On track – implementation in progress Update: Operational Guidelines have been developed to support service providers to deliver on the new models of care (refer Recommendation 1). These guidelines support the new models of care to:</p> <ul style="list-style-type: none"> • build the independent living skills of all young people in care that is responsive to their needs and developmental stage, as outlined in Recommendation 1 • promote young people's right to participate in leaving care planning and the provision of information about available leaving care supports • support young people with decision-making about their future • ensure care planning builds and reflects a young person's talents and aspirations • support Aboriginal young people to have an enduring connection to culture, as outlined in Recommendation 1 and 2.2. <p>The department is progressing training to support implementation of the new models of care through the Centre for Excellence in Child and Family Welfare.</p> <p>In addition, training embedded in the new models of care includes implementation of the HEALing Matters program which aims to improve the health, wellbeing and life skills of young people in care. HEALing Matters provides an online package and knowledge exchange platform, developed by Monash University, to support positive lifestyle behaviour change to improve long-term outcomes for young people in care. The program is being embedded in residential care service provision through the new models of care, including KEYS and the two- and three-bed models, and is being made available to the broader service system for all residential care workers, foster, kinship and permanent carers.</p> <p>As at 30 June 2022 these models are all operational. Following consultation with key stakeholders, including young people, the HEALing Matters training was updated to include a specific module focusing on working with young people with a disability to ensure they achieve healthy lifestyle behaviour changes.</p> <p><i>continued next page</i></p>	<p>Assessment: Progress made – ongoing systemic effort required Comment: The Commission welcomes the range of new and updated guidance and training for the Child Protection and funded agency workforces to support young people to prepare for their transition from care as part of the roll out of new residential care models, and notes the delivery of Better Futures training throughout the year.</p> <p>The Commission notes the opportunities to embed the focus areas outlined in this recommendation through the department's plans for comprehensive training modules relating to young people with disability transitioning from care, the Aboriginal Beginning Practice training package and the refresh of all Child Protection learning programs.</p> <p>The Commission will continue to monitor this recommendation to promote the development and implementation of youth-friendly assessment tools, guidance and training that supports the whole-of-system reforms as envisioned in Recommendation 1.</p>

Progress against past inquiries continued

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Rec #	Action	Recommendation	Accepted by government	Department update	Commission assessment
2	1	<p><i>continued from previous page</i></p> <ul style="list-style-type: none"> 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 reconnect 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. 		<p><i>continued from previous page</i></p> <p>The department supports the need for young people to actively participate in leaving care planning and for training and guidance to support the development of independent living skills for all young people in care that is responsive to their needs and developmental stage. The Child Protection Manual Leaving Care advice https://www.cpromanual.vic.gov.au/ describes the shared responsibility care team members have for preparing young people to transition to independence. The manual calls out the responsibility of care team members to support young people to have an active voice in their planning for transition and to articulate their individual support needs, goals and aspirations. Care teams are responsible for seeking the views of young people and enabling young people to understand decisions. A referral to Better Futures at 15 years and 9 months sees Better Futures workers able to take on a secondary consultation role to care teams, lending transition expertise and supporting a strong focus on harnessing young people's aspirations and talents (as per the Better Futures Advantaged Thinking Practice Framework https://www.bsl.org.au/services/youth/better-futures/)</p> <p>The department funds the CREATE Foundation to coordinate the Youth Expert Advisory Group (YEAG), a group of young people with a lived experience of Care Services. YEAG members have been instrumental in providing feedback on Better Futures and Home Stretch policy development including making communication materials more youth friendly and accessible to ensure young people have access to information about available leaving care supports.</p> <p>The Victorian Aboriginal Child Care Agency (VACCA) in partnership with the Victorian Aboriginal Children and Young People's Alliance (Alliance) have recently led the development of a new Aboriginal Better Futures 'Our Way' Guide (the Guide) which provides practice guidance for practitioners and their managers about how the program can be delivered the Aboriginal way. It also describes the procedures, tools, templates and resources that guide the work of Better Futures workers within ACCOs. The guide will be implemented from August 2022.</p>	<i>continued next page</i>

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Rec #	Action	Recommendation	Accepted by government	Department update	Commission assessment
2	1			<p><i>continued from previous page</i></p> <p>Better Futures workforce training</p> <p>The department, in partnership with the Brotherhood of St Laurence and members of the Youth Expert Advisory Group continue to deliver statewide Better Futures and Home Stretch training in 2022 to Better Futures providers, child protection practitioners, contracted case managers, care services staff, and a range of other interested stakeholders. In addition, Practice Development Sessions to extend, deepen and refresh Better Futures providers Advantaged Thinking practice have been held throughout 2022, alongside Better Futures Community of Practice forums offering Better Futures providers and key stakeholders the opportunity to collaborate, enhance practice and share learnings and innovation.</p> <p>The department has engaged CREATE Foundation in 2022 to develop youth friendly communication about Better Futures and Home Stretch, to ensure young people are aware of the supports available to them throughout their transition journey. The new communication material will ensure information is more accessible to young people through various media platforms such as youth friendly fact sheets and videos. Young people will be consulted and actively involved throughout development of the communication materials.</p> <p>The department is exploring with VACCA and the Aboriginal Children and Young People's Alliance the development in 2022-23 of communication materials that are accessible to Aboriginal young people. YEAG member Tobias and Alkira, a young woman supported by Better Futures, participated in the development of two videos The Home Stretch Alkira story and The Home Stretch Tobias story. These stories have been shared with young people and other Better Futures stakeholders and can be found at:</p> <p>https://youtu.be/jsix0gAe2dY https://www.youtube.com/watch?v=E7SBkQtfVXo</p>	

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Progress against past inquiries continued

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Rec #	Action	Recommendation	Accepted by government	Department update	Commission assessment
2	1			<p><i>continued from previous page</i></p> <p>Care leavers with a disability</p> <p>Procedures have been developed for child protection practitioners supporting children with a disability and/or complex medical needs leaving care. This includes the need to work with the National Disability Insurance Agency, the Office of the Public Advocate and Centrelink to ensure services and supports are in place early. A series of guidance documents and resources can be accessed from the child and family services system workforces resources page on the department's providers website https://providers.DFFH.vic.gov.au/ndis-resources-child-and-family-system-workforce</p> <p>Additional resources are available from The Centre for Excellence in Child and Family Welfare website https://www.cfecfw.asn.au/ndis-resources/</p> <p>Disability training for the Better Futures and Child Protection workforce</p> <p>Workforce training sessions for Better Futures providers to support their work with young people with disabilities will be delivered in June 2022. Modules will cover understanding the NDIS structure and pathways, working collaboratively with the disability sector and other key stakeholders, better understanding the impact of disability on vulnerable families and assisting families with NDIS navigation. These training sessions will also be open to Child Protection practitioners, contracted case managers and other sector staff working with young people with disabilities transitioning from care.</p> <p>The department is exploring the development of comprehensive training modules, resources and guidance on working with young people with disability transitioning from care. These capacity building materials and resources would be developed throughout 2022–23 and would be available to the Better Futures and Child Protection workforces. Topics would include empowering young people with disability to plan for their future and maximise their independent living skills, best practice for leaving care planning for young people with complex needs and collaborative practice between services to develop leaving care plans including with Better Futures and NDIS. This activity is dependent on budget availability.</p>	

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Rec #	Action	Recommendation	Accepted by government	Department update	Commission assessment
2	1			<p><i>continued from previous page</i></p> <p>Aboriginal care leavers</p> <p>The Victorian Government has committed to all Aboriginal children involved with child protection being supported by an ACCO. The Aboriginal Children's Forum is driving and overseeing the transfer of case management of Aboriginal children in care from the department and community services organisations to approved Aboriginal agencies.</p> <p>Under the Aboriginal Children in Aboriginal Care initiative, ACCOs have been authorised under section 18 of the <i>Children, Youth and Families Act 2005</i> to assume full responsibility of specified children on Children's Court protection orders. The previous State Budget made funding for ACAC ongoing, and it will support the authorisation of up to 396 Aboriginal children and young people by 2024.</p> <p>The Department is currently in the process of establishing an Aboriginal Beginning Practice training package for child protection practitioners working within section 18, including Aboriginal Children in Aboriginal Care (ACAC), Aboriginal Child Specialist Advice and Support Service (ACSASS) and Aboriginal Family Led Decision Making (AFLDM) programs delivered for Aboriginal children, families and community. The Aboriginal BP will develop the culturally responsive practice content for the training modules including, training outline, delivery format (theory and/or workplace learning), goals, learning objectives and outcomes, competency information/assessment, activities and resources.</p> <p><i>continued next page</i></p>	

Progress against past inquiries continued

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Rec #	Action	Recommendation	Accepted by government	Department update	Commission assessment
2	1			<p><i>continued from previous page</i></p> <p>Learning and development</p> <p>Learning and development programs for the Child Protection workforce train to the current legislation, policy and practice requirements of the department. The Beginning Practice in Child Protection program (practice induction program completed by all new CPP3-6 practitioners) includes content regarding the new models of care, leaving care planning, and includes content delivered by young people who have had a care experience, through presentations by the CREATE Foundation. Practitioners are referred to the new procedures that have been developed for child protection case managers supporting children with a disability and/or complex needs leaving care, including the need to work with the National Disability Insurance Agency, the Office of the Public Advocate and Centrelink to ensure services and supports are in place early.</p> <p>The department is undertaking a complete refresh of all child protection learning programs to deliver a more contemporary curriculum and best practice delivery modes. We are currently completing a series of sprint group exercises with child protection practitioners from across the state to redesign our curriculum map to ensure that it is evidence-based and aligned to the Child Protection Capability Framework. New learning programs will be developed from the curriculum map that support beginners to practice leaders and focus on five learning principles: the child/young person's voice, family-focussed support, cultural safety, professional judgement and practice improvement, and continuous development.</p> <p>As these programs are redeveloped, the department will look to continue and enhance the involvement of organisations such as CREATE, and processes which amplify the voice of clients in the work of child protection.</p>	

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Rec #	Action	Recommendation	Accepted by government	Department update	Commission assessment
2	2	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.	Accept in principle	<p>Status: On track – implementation in progress</p> <p>Update: The department will undertake a planning workshop in the second quarter of 2022–23 to explore how cultural support and leaving care plans could be combined. The purpose of this workshop is to confirm with ACCOs if the current cultural plan development and approval process can accommodate a combined cultural plan and leaving care plan. The workshop would also explore logistics of combining plans, including implications for the legislatively mandated ACCO led cultural plan template.</p> <p>Cultural planning to support Aboriginal young people's right to build and maintain a connection to culture, community and culturally safe services is a legislative requirement under section 176 of the CYFA. The department through the Community Operations and Practice Leadership Division are recruiting to Aboriginal Cultural Support and Awareness Advisor roles in each of the departments 17 Areas along with one position in Statewide Services Group. The roles are only eligible for Aboriginal people who will be employed at CYF 5.2 until 30 June 2023. It should be noted the 2022–23 budget has provided funding for four of these positions for a two year period.</p> <p>Aboriginal Cultural Support and Awareness Advisors will report to Child Protection Director/Area Operations Managers and provide advice to and build the cultural competency of child protection practitioners working with Aboriginal children, engage with Aboriginal Community Controlled Organisations and Community Services Organisations to improve outcomes for Aboriginal children, families and communities and progress self-determination reforms. The role will not develop cultural plans, but rather support child protection practitioners with the cultural planning process, providing cultural expertise and guidance to shape the quality of plans and increase compliance.</p>	<p>Assessment: Progress made</p> <p>Comment: The Commission welcomes the plan to progress this recommendation and the recruitment of Aboriginal Cultural Support and Awareness Advisors. However, the Commission is concerned about the limited period for which these roles will be funded. A long-term investment in these roles would create a stronger foundation for improvement in departmental practice and understanding the needs of Aboriginal children and young people leaving care.</p>

Progress against past inquiries

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Rec #	Action	Recommendation	Accepted by government	Department update	Commission assessment
2	3	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.	Changed to Accept (previously Accept in principle)	<p>Status: On track – implementation in progress</p> <p>Update: Monitoring of leaving care planning is in place using available Client Relationship Information System (CRIS) fields, however data limitations are noted (can only report on when leaving care planning has commenced). Reports include a breakdown of Aboriginal clients and are supported by client level data available to case managers that enables them to identify young people where leaving care planning has not yet commenced.</p> <p>Next steps will require development of additional capability in CRIS to record further detail relating to leaving care planning, including connection to culture and community for Aboriginal clients.</p> <p>The Aboriginal Children's Forum (ACF) provides the oversight and monitoring of Wungurilwil Gagapaduir and the agreed Key Performance Indicators. The ACF meets quarterly, and the department provides comprehensive data on progress of ensuring Aboriginal children are connected to culture and reducing of over-representation of Aboriginal children in care. The ACF data pack includes leaving care plan compliance.</p>	<p>Assessment: Progress made</p> <p>Comment: The Commission notes the department's current data capabilities and limitations, and will continue to monitor progress in improving these capabilities and implementing this recommendation.</p>
2	4	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.	Changed to Accept (previously Accept in principle)	<p>Status: On track – implementation in progress</p> <p>Update: The department agrees that a child or young person coming into care must have their health and disability needs considered. Currently each child's health needs, including disability needs are gathered and recorded in CRIS by Child Protection. The information is drawn from a range of sources including discussions with the child, their family, relevant health providers and professionals as well as direct observation.</p> <p>All children and young people are required to undergo a medical assessment by a general practitioner within 30 days of entering care. Where there is an indication that a child or young person may have a disability, this is the opportunity for those concerns to be raised and assessments or referrals to specialists or support services to be made.</p> <p>The department will review the current advice to consider where improvements can be made to improve screening for all children coming into care and ensure timely referrals for comprehensive assessment for disability, where indicated.</p> <p>This work is anticipated to be completed by the end of 2022.</p>	<p>Assessment: Planned for implementation</p> <p>Comment: The Commission notes the plan to review current advice to consider where improvements can be made, and will continue to monitor progress made in relation to this recommendation.</p>

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Rec #	Action	Recommendation	Accepted by government	Department update	Commission assessment
2	5	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.	Changed to Accept (previously Accept in principle)	<p>Status: On track – implementation in progress</p> <p>Update: The department will undertake a review of how transition planning is currently being recorded and how goals and actions are executed in line with the Looking After Children (LAC) framework. The review will make recommendations for consolidation as appropriate.</p> <p>Consideration will also be given to how transition planning is communicated with agencies. This will explore current ICT systems and how they may be enhanced to support the accessibility of transition planning.</p>	<p>Assessment: Planned for implementation</p> <p>Comment: The Commission notes the plan to review the ways transition planning is recorded and communicated, and will continue to monitor progress made in relation to this recommendation.</p>

Progress against past inquiries continued

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Rec #	Action	Recommendation	Accepted by government	Department update	Commission assessment
2	6	That the department, in implementing Recommendation 17 of the <i>In our own words</i> inquiry 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 and publicly report on its compliance with key leaving care departmental policy and guidance.	Changed to Accept (previously Accept in principle)	<p>Status: On track – implementation in progress</p> <p>Update: Monitoring of leaving care planning is in place using currently available CRIS fields. Reports are supported with a secure tool that provides client level data available to case managers to enable follow up where required. The available data is limited, however, and reports show commencement of leaving care planning. Next steps will require identification of quality indicators and development of further capability in CRIS to record additional detail relating to leaving care planning, including detail of compliance with requirements relating to required elements of plans, and delivery against plans. This is subject to additional investment to add new fields/features into CRIS. Furthermore, the Quality Safety Experience Branch in OPQ undertake a program of residential care audits that monitor compliance with transition plans against the LAC (Looking After Children) program requirements.</p> <p>The National Disability Insurance Scheme (NDIS) – child and family system interface: Practice guidelines for CHILD FIRST, The ORANGE Door, Family Services, Child Protection and Care Services were updated in December 2021. The department is exploring the development of comprehensive disability training modules; resources and guidance in 2022–23 for both Better Futures and Child Protection workforce to build capacity to work with young people with disabilities transitioning from care. These materials and resources will include topics such as empowering young people to plan for their futures and maximise their independent living skills, best practice when planning for young people with complex needs and collaborative practice with the NDIS. This work will inform further development and review of existing guidance and resources and the department will give consideration as to how best to monitor the implementation of guidance included in the scope of this work.</p> <p>The development of comprehensive training modules, resources and guidance and the monitoring of implementation of guidance are both subject to resource availability.</p> <p>This activity is dependent upon implementation of Recommendation 2.6a. Compliance with key leaving care policy can then be introduced into the online quarterly publication of Child Protection and Family Services performance for selected measures.</p>	<p>Assessment: Planned for implementation</p> <p>Comment: The Commission notes that plans to progress this recommendation are dependent on a range of factors and interdependencies including improvements in data capabilities. The Commission will continue to monitor progress made in relation to this recommendation.</p>

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Rec #	Action	Recommendation	Accepted by government	Department update	Commission assessment
3	1	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.	Changed to Accept (previously Accept in principle)	<p>Status: On track – implementation in progress</p> <p>Update: Additional disability practice advisor roles have been funded in the 2022–23 and 2023–24 financial year. These additional roles, whilst not located in local Child Protection offices, will create additional capacity within the department to build child protection practitioners’ capabilities in supporting young people with a disability transitioning from care and navigating the disability service system and NDIS.</p>	<p>Assessment: Progress made</p> <p>Comment: The Commission welcomes the funding for additional disability practice advisors, and will continue to monitor progress made against this recommendation.</p>
3	2	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.	Accept	<p>Status: On track – implementation in progress</p> <p>Update: The department will review current policies, procedures and advice related to case management, leaving care and disability and strengthen policies, procedures and advice regarding the important interface with disability and NDIS subject matter experts (also refer to proposed work under 2.6 (c)).</p> <p>Disability practice advisors continue to support transition from care processes for young people with a disability through individual consultations, engagement with care teams and other transition from care planning processes, and support liaison with NDIS providers and planners where required.</p>	<p>Assessment: Planned for implementation</p> <p>Comment: The Commission notes the department’s plans to strengthen policies, procedures and guidance regarding the interface with disability and NDIS subject matter experts. The Commission will continue to monitor progress made in relation to this recommendation.</p>
4		That the Victorian Government 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.	Changed to Accept (previously Accept in principle)	<p>Status: On track – implementation in progress</p> <p>Update: The department will review case plan advice and referrals to therapeutic services. This review will consider how young people access funded services such as CAMHS, Take Two, ICMS as well as how brokerage is applied when privately funded therapies would best meet the young person’s needs. Better Futures and/or Home Stretch flexible funding is available for young people to repair connections with family post care. This review will consider the role of Principal Practitioners in reviewing case plans and access to therapeutic services and will include consideration of the recommendations of the Royal Commission into Victoria’s Mental Health System and government’s response, particularly regarding new programs and initiatives.</p>	<p>Assessment: Planned for implementation</p> <p>Comment: The Commission notes the department’s plans to review case plan advice and referrals to therapeutic services, including consideration of young people’s access to funded services and how brokerage funding is used. The Commission will continue to monitor progress made in relation to this recommendation, including how the review might inform considerations for future Victorian Government investment to strengthen responses to support young people to repair connections with their family members.</p>

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Rec #	Action	Recommendation	Accepted by government	Department update	Commission assessment
5		<p>That the Victorian Government 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 and 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.</p>	<p>Changed to Accept (previously Accept in principle)</p>	<p>Status: On track – implementation in progress</p> <p>Update: 5 a) The department supports this recommendation and commits to tracking outcomes of people who have left care at any time after the age of 15 by collecting, linking and analysing relevant administrative datasets. The department will publish data relating to these life outcomes every two years, using data linked by the Centre for Victorian Data Linkage (CVDL) and monitoring tools that will function within the Victorian Social Investment Model (VicSIM) which is currently under construction.</p> <p>CVDL produces de-identified, unit record data that links person-centred datasets relating to, amongst others, child protection, housing and homelessness, health, disability, education, mental health, alcohol and other drugs and justice. The VicSIM model will use this linked data to track service activity and outcomes of care leavers using the latest available data.</p> <p>The department proposes to publish the first version of the data in 2023.</p> <p>The department will undertake the following steps:</p> <ul style="list-style-type: none"> • Scope analysis to align with data availability and the recommendations of the <i>Keep caring</i> inquiry. This includes specifying business rules for the cohort of care leavers and life outcomes to be tracked, including the time-periods post-care. • Seek authorisation from data custodians for the use of linked data for the purposes of monitoring outcomes for care leavers and communicating them publicly. • Collaborate to develop and refine the content and format of the data to be produced for publication for the purposes of the <i>Keep caring</i> Inquiry monitoring that will include key health (e.g. hospital admissions and mental health service usage), justice (e.g. Corrections and police engagement) and education (e.g. attendance) outcomes. • Arrange for authorisation from data custodians for outputs to be shared publicly. <p>VicSIM outputs will continue to be iterated based on feedback, including the use of new datasets and additional identified outcomes that provide insight within each of the two-year publication periods.</p>	<p>Assessment: Planned for implementation</p> <p>Comment: The Commission welcomes the commitments and plans to implementing this recommendation, including the proposal to publish the first report tracking outcomes for young people who leave care in 2023. The Commission will continue to monitor progress made in relation to this recommendation.</p>

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Rec #	Action	Recommendation	Accepted by government	Department update	Commission assessment
5				<p><i>continued from previous page</i></p> <p>Update: 5 b) The department supports this recommendation and commits to advocating with Commonwealth departments for enduring linkage for the purposes of outcomes monitoring. The breadth of the life outcomes that the department can track via linked data is limited by data availability. Datasets relating to education, employment and social security benefits are held by the Commonwealth Government. These datasets are not currently readily available as linked data with Victorian datasets such as hospital, mental health, drug and alcohol, child protection and homelessness data and there are no current data sharing agreements in place.</p> <p>The department will collaborate with CVDL and Victorian central agencies on a Data Acquisition Strategy, which includes the ambition of enduring linkage of Commonwealth data to Victorian Government Data for use in VicSIM and other social policy analysis.</p> <p>The department will pursue an agreement to use Commonwealth data held by the Australian Bureau of Statistics (and/or other Commonwealth agencies) so that it can be used to track outcomes for care leavers, such as use of social security benefits, employment and education outcomes. It is hoped that agreement to use Commonwealth data could be achieved such that this data could be used for ongoing monitoring and for inclusion in the 2024 report.</p> <p>Actions requiring the use of Commonwealth data are subject to approval by the Commonwealth and are outside the department's (and State's control).</p> <p>Update: 5 c) The reporting generated from 5a will be made available to Operational Divisions together with the suite of existing reporting, and monitored via a number of governance bodies, including the Community Operations and Practice Leadership (COPL) Division Executive, the Finance, Performance and Risk subcommittee of COPL and respective Executive committees of each Operational Division/Area. Implementation of 5c is dependent upon completion of 5a.</p>	

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Rec #	Action	Recommendation	Accepted by government	Department update	Commission assessment
6		That the department accurately record where young people are transitioning to, at the point they leave care.	Accept	<p>Status: On track – implementation in progress</p> <p>Update: The department will review the case closure advice in the Child Protection Manual and relevant case closure screens in CRIS. This will include a review of how information is recorded in case closure summary and how 'future address' of a young person leaving care should be recorded. Updated advice will then be recirculated to the Child Protection workforce.</p>	<p>Assessment: Planned for implementation</p> <p>Comment: The Commission welcomes the plans to review and update guidance in case closure advice including how information is recorded about where young people are transitioning to when they leave care. The Commission will continue to monitor progress made in relation to this recommendation.</p>
7		That the Victorian Government increase the funding of Better Futures to ensure the program 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.	Accept	<p>Status: On track – implementation in progress</p> <p>Update: The 2020–21 Victorian State Budget included \$10.3 million funding over four years and \$2.7 million ongoing to increase the capacity of ACCOs to deliver Better Futures, to deliver more case work support hours and to strengthen the delivery of Better Futures Community Connections across the State. The above amount is in addition to the \$64.7 million over four years and \$4.3 million ongoing investment in the landmark Home Stretch program which from 1 January 2021 became universally available for all young people transitioning from care. The State Budget 2021–22 also provided \$39 million over four years and \$13.8 million ongoing to expand Better Futures and Home Stretch to include young people on permanent care orders.</p> <p>It is acknowledged that some young people transitioning from care will require more intensive supports in order to thrive in adulthood. Through the expansion of Better Futures, ACCOs across the State received an increase in case work support hours in recognition of the importance of connecting Aboriginal young people to community and culture in preparation for their transition from care.</p> <p style="text-align: right;"><i>continued next page</i></p>	<p>Assessment: Significant progress made</p> <p>Comment: 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>

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Rec #	Action	Recommendation	Accepted by government	Department update	Commission assessment
7				<p><i>continued from previous page</i></p> <p>The \$10.3 million investment in Better Futures in the Victorian State budget 2020–21 included ongoing funding for the Better Futures Community Connections response. All young people referred to Better Futures are offered the opportunity to be supported through Community Connections. A Better Futures Community Connections Practice Guide (the Guide) is currently in development and will support existing Community Connections/Better Futures providers to connect young people to civic, social, cultural and economic opportunities in their communities. The Guide promotes earlier engagement with Better Futures providers, care teams and young people. The department will continue to monitor the outcomes of Community Connections service delivery through new Directions and Outcomes reporting templates.</p> <p>The department accepts the importance of young people being provided early support in preparation for their transition from care. This happens as part of a collaborative care team approach and through the Better Futures worker providing secondary consultation and identifying opportunities for goal achievement across housing and living skills, education, employment and training, health and wellbeing, and community connections. It is important these discussions occur in accordance with the young person's 15+ care and transition plan and their support needs, goals and aspirations. Better Futures workers introduce the Advantaged Thinking resources and tools into the care team setting to assist transition goal setting and to encourage and harness the voice of young people throughout the transition planning process. Young people are able to access support via the community connections service offer whilst still in care and this provides an opportunity to build relationships, networks and pathways with the intention that they endure once the young person leaves care.</p>	

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Rec #	Action	Recommendation	Accepted by government	Department update	Commission assessment
8		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, 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.	Changed from Accept in Principle to Accept	<p>Status: On track – implementation in progress</p> <p>Update: The \$10.3 million investment in Better Futures in the Victorian State Budget 2020–21 included additional funding to ACCOs to progress the commitment under Wunguriwil Gagapaduir for proportional funding based on the Aboriginal care leaver population. ACCOs received this ongoing funding increase effective July 2021. The Aboriginal Children's Forum provides the oversight and monitoring of Wunguriwil Gagapaduir and agreed KPIs. The ACF meets quarterly, and the department provides comprehensive data on progress of ensuring Aboriginal children are connected to culture and reducing over-representation of Aboriginal children in care. The ACF data pack of child and family programs includes proportionate funding for ACCOs. Better Futures funding provided to ACCOs is included in the high-level funding data and the department will continue to explore opportunities to strengthen ACCOS capacity in this area.</p> <p>A Better Futures Our Way Guide (the guide) has been developed by the Victorian Aboriginal Child Care Agency (VACCA) in partnership with the Victorian Aboriginal Children and Young People's Alliance and Aboriginal Community Controlled Organisations across the State.</p> <p>The guide provides practice wisdom and guidance for practitioners and their managers about how Better Futures can be delivered the Aboriginal way and includes procedures, tools and templates as a resource for Better Futures workers within ACCOs.</p> <p>The projected outcomes of the guide are:</p> <ul style="list-style-type: none"> increased support for young people's cultural development and connection to Country, kin and community increased connections for young people to civic, social, cultural and economic opportunities in their communities communities can identify and invest in opportunities for young people young people have reduced contact with the criminal justice system. 	<p>Assessment: Significant progress made</p> <p>Comment: 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>

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Rec #	Action	Recommendation	Accepted by government	Department update	Commission assessment
8				<p><i>continued from previous page</i></p> <p>Steady progress has been achieved towards the department's commitment for all ACCOs delivering Better Futures to have direct access to flexible funding, however it is acknowledged this is yet to be achieved statewide. The department remains committed to continuing to explore all avenues for this to occur. Likewise, the department is committed to achieving implementation of ACCO led Better Futures Community Connections service offers statewide and continues to investigate opportunities for this to occur.</p>	
9		That the department clarify the role and required capabilities of Better Futures to work with young people with a disability.	Accept	<p>Status: On track – implementation in progress</p> <p>Update: Workforce training sessions for Better Futures providers to support their work with young people with disabilities will be delivered in June 2022.</p> <p>Modules will cover understanding the NDIS structure and pathways, working collaboratively with the disability sector and other key stakeholders, better understanding the impact of disability for young people transitioning from care and assisting young people, their carers and other supports with NDIS navigation. These training sessions will also be open to Child Protection practitioners, contracted case managers and other sector staff working with young people with disabilities transitioning from care.</p> <p>The department is exploring the development of comprehensive training modules, resources and guidance throughout 2022–23 for both the Better Futures workforce, child protection practitioners, contracted case managers and other key stakeholders. These capacity building materials and resources will include topics such as the role of Better Futures workers in supporting young people with a disability transitioning from 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 and collaborative practice between services to develop leaving care plans including with Better Futures and NDIS.</p> <p>In addition to this, specialist disability practice advice and a section in the Better Futures Advantaged Thinking Framework will be developed to support this important work in 2022–23.</p>	<p>Assessment: Progress made</p> <p>Comment: The Commission welcomes the delivery of training to Better Futures providers to support their work with young people with disabilities, and the work to explore and develop new training, resources and guidance for the Better Futures and broader workforces. The Commission will continue to monitor progress made in relation to this recommendation.</p>

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Rec #	Action	Recommendation	Accepted by government	Department update	Commission assessment
10		That the longitudinal evaluation of Better Futures and Home Stretch should consider 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.	Accept	<p>Status: On track – implementation in progress</p> <p>Update: The evaluation is being conducted in three stages over a five-year period between 2019–24. The Stage one evaluation report was completed in May 2022. The evaluation focus is on understanding factors that have enabled program implementation, the effectiveness of the program, opportunities for improvement and early experiences of the young person in care and post care.</p> <p>Stage two evaluation planning has commenced, and a final report is scheduled for early 2023–24 (timeframe January 2022–June 2023).</p> <p>Stage three of the evaluation will provide an assessment of program performance and effectiveness and provide detailed insight into outcomes for young people (timeframe June 2023–December 2024).</p>	<p>Assessment: Progress made</p> <p>Comment: The Commission notes that the evaluation is underway and will consider the issues raised in this recommendation. The Commission will continue monitoring progress against this recommendation.</p>
11		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.	Accept	<p>Status: Complete – recommendation has been implemented to the department's satisfaction</p> <p>Update: The department has fully acquitted against this recommendation.</p> <p>In January 2021, Victoria was the first Australian jurisdiction to make extended care universal – meaning all young people leaving foster, kinship and residential care can receive a more gradual and supported transition to adulthood via Home Stretch. Through the Victorian Budget 2021–22, Better Futures and Home Stretch were expanded to include young people on permanent care orders.</p> <p>In January 2021, Home Stretch expanded with a further \$64.7 million over four years and ongoing funding to provide universal Home Stretch support for all eligible young people. From 1 July 2021, all young people from 16 years transitioning from care will be eligible for Home Stretch support.</p> <p>In May 2021, further investment of \$39 million over four years to extend the Home Stretch program to include eligible young people subject to permanent care orders from July 2021.</p>	<p>Assessment: Completed</p> <p>Comment: 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> <p>The Commission agrees that the implementation of this recommendation is complete.</p>

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Rec #	Action	Recommendation	Accepted by government	Department update	Commission assessment
12		That the Victorian Government 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. The suite of options should include, 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.	Accept in Principle	<p>Status: On track – implementation in progress</p> <p>Update: Big Housing Build (BHB) – Social Housing Growth Fund, Homes for Aboriginal Victorian's Round: Released in December 2021, will deliver 400+ new social housing for Aboriginal Victorians and offers statewide delivery, that includes a 2.5 year procurement approach to allow the specific round delivery components to be achieved, these include:</p> <ul style="list-style-type: none"> • increasing the Aboriginal Housing sectors capacity to partake in the delivery of the 400+ dwelling target • Aboriginal organisations (Aboriginal Community Controlled Organisations & Traditional Owners Corporations) to become registered housing providers • strengthening the Community Housing sectors ability to deliver culturally safe service provision, through partnership approaches with the Aboriginal sector • bespoke delivery models, increasing Aboriginal ownership and participation • strengthening the ability to allocate homes to priority cohorts across the Aboriginal community, from the Victorian Housing Register. <p>The approach will increase housing stability, offering the ability for families to seek service supports and reduce them coming into contact with the Child Protection system.</p>	<p>Assessment: Significant progress made – ongoing systemic effort required</p> <p>Comment: The Commission welcomes the significant progress to seek innovative approaches to support housing security for young people and the establishment of a working group to identify pathways for addressing the housing needs of young people leaving care.</p>

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Rec #	Action	Recommendation	Accepted by government	Department update	Commission assessment
12				<p><i>continued from previous page</i></p> <p>Building Works Package</p> <p>The Victorian Government committed \$500 million to support building development and upgrades, including several specific delivery streams targeting projects across the Aboriginal community, including:</p> <ul style="list-style-type: none"> • upgrade and maintenance on community housing properties • \$35 million, property upgrades, maintenance and refurbishment to existing Aboriginal Community Controlled Organisation's housing stock (2000+ upgrades). <p>Homes Victoria is seeking to invest in youth housing through a capital grant program. This program will deliver a range of youth accommodation initiatives to provide young people at risk of or experiencing homelessness, including young people leaving care, with a pathway to independent living.</p> <p><i>continued next page</i></p>	

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12				<p><i>continued from previous page</i></p> <p>Innovative approaches to youth housing</p> <p>A Request for Proposal process is underway seeking innovative approaches to youth housing to address the challenges faced by young people to secure housing. Types of approaches could include:</p> <ul style="list-style-type: none"> • Youth Foyers, including Education First Youth Foyers • Supported Youth Housing (cluster, congregate and shared model) • social housing specifically targeted at young people • Supported Youth Housing delivered through Aboriginal community controlled organisations, including through partnership delivery models • Youth Housing for young people leaving care (cluster, congregate and shared model). <p>Proposals can be submitted from:</p> <ul style="list-style-type: none"> • Registered Housing Agencies across Victoria. • accredited Community Service Organisation Services Organisations under the Victorian Human Services Standards in partnership with a Registered Housing Agency • accredited Community Service Organisations independently, where they can demonstrate significant experience in delivery of capital projects and accommodation settings. <p>Submissions closed on March 1st 2022 and an uplift of 86 units of accommodation is expected.</p> <p>Home Stretch Housing Working Group</p> <p>A working group has been established between Homes Victoria and the Children, Families, Communities and Disability Division in DFFH to identify pathways for addressing the housing needs of young people leaving care, including a set of actions to conduct linked data analysis to establish: the current rate of demand for different housing responses, the current rate of access for young people leaving care to social housing and the types of tailored housing responses required to ensure an appropriate housing pathway is identified.</p> <p><i>continued next page</i></p>	

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Rec #	Action	Recommendation	Accepted by government	Department update	Commission assessment
12				<p><i>continued from previous page</i></p> <p>Mana-an woorn-tyeen maar-takoort – Victorian Aboriginal Housing and Homelessness Framework (VAHFH)</p> <p>Year 2 implementation targets a set of strategic directions that addresses specific system challenges:</p> <ul style="list-style-type: none"> • developing a 5-year implementation strategy • offering a 20-year road map into meaningful outcomes • Big Housing Build • enabling an Aboriginal self-determined approach to the delivery of the Aboriginal 10% net dwelling target • Housing Outcomes • focusing on improving outcomes and supports for Aboriginal renters and increase home ownership • strengthening governance to implement VAHFH objectives and support coordination across the service sector • embedding self-determination in homelessness policy and the sector • reforming the homelessness service system to improve service access and outcomes. <p>The VAHFH governance mechanisms will monitor the delivery of the BHB Aboriginal housing target to ensure specific cohort requirements are achieved. This will include the connectivity to existing commitments across government to achieve positive housing outcomes for communities.</p> <p><i>continued next page</i></p>	

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Rec #	Action	Recommendation	Accepted by government	Department update	Commission assessment
12				<p><i>continued from previous page</i></p> <p>Cultural safety</p> <ul style="list-style-type: none"> • Launch of the Council for Homeless Person's Cultural Safety Framework, inclusive of guidance, resources and training for mainstream homelessness service providers. • CHIA Victorian Cultural Safety Framework implementation, targeting Community Housing providers to support their delivery of culturally safe services to renters in community housing. <p>The Aboriginal Children's Forum provides the oversight and monitoring of Wungurilwil Gagapduir and its agreed KPIs. The ACF meets quarterly, and the department provides comprehensive data on progress of ensuring Aboriginal children are connected to culture and reducing over-representation of Aboriginal children in care. The ACF data pack does include proportion of funding allocated to Aboriginal child in child protection including those leaving care. However, it is not able to provide a breakdown of housing investment related to Aboriginal care leavers.</p>	

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Rec #	Action	Recommendation	Accepted by government	Department update	Commission assessment
13		<p>That the Victorian Government 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. 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>Accept in principle</p>	<p>Status: On track – implementation in progress Update: Victoria supports the need to increase the supply and availability of SDA to better meet the accommodation needs of NDIS participants, including care leavers with disability. Victoria will continue to raise these SDA thin market issues nationally through the Disability Reform Ministers' meetings in collaboration with Housing and Health Minister groups. Victoria will also escalate SDA thin market issues to the NDIA through the Victorian Executive Steering Committee whose membership includes Victorian government departments, the NDIA and Commonwealth Department of Social Services. The accommodation needs of care leavers will be highlighted as part of that work. Flexible brokerage is currently available via both the Better Futures and the Home Stretch program in circumstances where a seamless continuity of support following a young person's transition from care is not achieved. The department is exploring opportunities to support the collection and analysis of data to identify projected number of young people transitioning from care who are likely to be eligible for support via the NDIS, including SDA support.</p>	<p>Assessment: Progress made – ongoing systemic effort required Comment: The Commission welcomes the plans for the Victorian Government to continue to advocate for solutions to address the SDA thin market in relevant forums. The Commission welcomes work to identify projected numbers of care leavers with disability who are likely to be eligible for NDIS support, but highlights the need to collect and analyse data on those who are unlikely to be eligible for SDA, and may require supports through other means. The Commission will continue to monitor progress made in relation to this recommendation.</p>

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Rec #	Action	Recommendation	Accepted by government	Department update	Commission assessment
14		That the Victorian Government ensure young people who have left care have access to 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.	Accept in Principle	<p>Status: On track – implementation in progress</p> <p>Update: The 2021–22 State Budget provided \$842 million over four years to support the mental health and wellbeing of infants, children and young people, including more than \$300 million to expand the capacity of Infant, Child and Youth Area Mental Health and Wellbeing Services.</p> <p>This investment will support access for young people that are experiencing complex mental health challenges and offer a more contemporary model of care that includes integrating clinical services and alcohol and other drug treatment.</p> <p>Flexible brokerage is currently available via the Better Futures and Home Stretch programs to support young people transitioning from care who require timely access to services to respond to their ongoing and unmet mental health and substance use needs.</p>	<p>Assessment: Planned for implementation</p> <p>Comment: The Commission welcomes the significant and much needed additional funding and plans in relation to infant, child and youth mental health and wellbeing services and will monitor its application in relation to acquittal of this recommendation.</p>

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Keep caring

Rec #	Action	Recommendation	Accepted by government	Department update	Commission assessment
15		That the Victorian Government 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.	Accept	<p>Status: On track – implementation in progress</p> <p>Update: If passed, the <i>Children, Youth and Families Act 2005</i> amendments currently before Parliament will establish a legal obligation that the Secretary make available a transition to adulthood allowance to all eligible young people leaving care. The allowance will be available to a young person leaving care from 16 years of age who, immediately prior to leaving care was under the care of the Secretary, subject to a family reunification order, a care by Secretary order or a long-term care order. It will also extend to young people for whom a permanent care order ends at 18 years. Young people can be supported with a transition to adulthood allowance up until 21 years of age. In January 2021, Victoria was the first Australian jurisdiction to make extended care universal – meaning all young people leaving foster, kinship and residential care can receive a more gradual and supported transition to adulthood via Home Stretch. Home Stretch expanded with a further \$64.7 million over four years and ongoing funding to provide universal Home Stretch support for all eligible young people. From 1 July 2021, all young people from 16 years transitioning from care will be eligible for Home Stretch support. In May 2021, further investment of \$39 million over four years to extend the Home Stretch program to include eligible young people subject to permanent care orders from 1 July 2021. Young people turning 16 years from 1 July 2021 are able to access support through Better Futures. The department has funded Permanent Care Adoptive Families to coordinate referrals to Better Futures and Home Stretch providers including outreach support to young people and carers needing information about what supports are available. The Victorian Aboriginal Child Care Agency is funded by the department to coordinate referrals for Aboriginal young people on permanent care orders to Better Futures and Home Stretch providers.</p>	<p>Assessment: Planned for implementation</p> <p>Comment: 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. The Commission notes that the amendments have not yet been progressed.</p>

Out of sight

Rec #	Action	Recommendation	Accepted by government	Implementation plan and department update	Commission assessment
1		<p>That the department lead cultural change to challenge the continuing perception among some stakeholders, including departmental staff, residential care staff and police, that children and young people who are absent or missing from residential care are less at risk or less deserving of a timely, care-based response than other children and young people, by:</p> <ul style="list-style-type: none"> removing references to the term absconding from all relevant policies, procedures, guidelines and training modules including further guidance in policy, procedures and training on: the reasons children and young people leave residential care; the risks they face and the harm they may suffer; the language used to describe this behaviour supporting improved understanding across other agencies, including Victoria Police, of the reasons children and young people leave care, the risks they face and the harm they may suffer. 	Accept	<p>Implementation plan: Work is already underway to update relevant care services and child protection policy and procedures as part of the Department of Families, Fairness and Housing's (the department) commitment to previous recommendations made by the Commission for Children and Young People (the Commission).</p> <ul style="list-style-type: none"> Updates will ensure the term 'absconding' is no longer used and promote an understanding of why children and young people leave residential care the risks they face, and the harm they may suffer, where relevant. In July 2020, the department updated the Child Protection Manual and Beginning Practice resources regarding missing children and young people to ensure the use of appropriate language. An update of the Program Requirements for Residential Care is scheduled for completion late 2022. In addition, the department will work closely with the Centre for Excellence in Child and Family Welfare, to ensure training provided through the Residential Care Learning and Development Strategy does not use the term 'absconding' and promotes an understanding of why children and young people leave residential care, the risks they face, and the harm they may suffer. In February 2020, the department released the <i>Framework to reduce criminalisation for young people in residential care</i>. The department will further progress this recommendation through an the statewide governance group that supports developing an action plan to embed the Framework into practice. This includes promoting consistency in language by removing references to the term 'absconding' and an understanding of the reasons children and young people leave residential care and the risks they face and the harm they may suffer. The governance group includes senior representatives from the department, the Department of Justice and Community Safety, Victoria Police, the Centre for Excellence in Child and Family Welfare and Victorian Aboriginal Child Care Agency (VACCA). <p>Status: On track – implementation in progress</p> <p style="text-align: right;"><i>continued next page</i></p>	<p>Assessment: Planned for implementation</p> <p>Comment: The proposed plans respond to the recommendation. We note that limited progress has been made since the inquiry was tabled and will continue to monitor this recommendation.</p>

Progress against past inquiries continued

Out of sight		Recommendation	Accepted by government	Implementation plan and department update	Commission assessment
Rec #	1			<p><i>continued from previous page</i></p> <p>Update: The draft 18 month action plan to support implementation of the <i>Framework to reduce criminalisation of young people in residential care</i> has been updated. This work has recently recommenced with a meeting of the multi-agency working group scheduled for July 2022 following a temporary hold on the work due to a redirection of department resources to support responding to the COVID-19 pandemic. The newly re-established Vulnerable Children's Committee (VCC) will act as the key governance committee for joint priorities between Victoria Police and DFFH and will oversee the progression and implementation of this work.</p> <p>Work to review and update relevant Care Services policy will recommence in the second half of 2022.</p> <p>A review of relevant training for residential care staff through the <i>Residential Care Learning and Development Strategy (RCLDS)</i> was agreed at a working group meeting in May 2022. This work will ensure removal of the term absconding from training offered through RCLDS and update training to provide guidance on the reasons children and young people leave residential care, the harm they may suffer and the use of appropriate language.</p>	

Out of sight

Rec #	Action	Recommendation	Accepted by government	Implementation plan and department update	Commission assessment
2		<p>That, when funding and implementing the new model of care recommended in the Commission's 2019 <i>In our own words</i> inquiry, the Victorian Government ensure the following elements are delivered to address the specific needs of children and young people who become absent or missing from residential care.</p>	<p>Accept</p>	<p>Implementation plan: The <i>Roadmap for Reform</i> sets out the department's commitment for longer term reform of the child and family service system, including a new model of residential care.</p> <p>The 2020–21 Budget provided significant investment to support the following critical initiatives as part of this reform process:</p> <ul style="list-style-type: none"> • \$9 million to trial a Care Hub approach, a new short term intensive assessment and planning response to ensure early placement matching and stability, targeting new entrants to care, including siblings. This initiative will meet the needs of children quickly and effectively, including a focus on reuniting families earlier. • More than \$85 million to increase delivery of two and three bed residential care homes. • \$49.9 million in capital investment to build an additional 25 two and three-bedroom residential care homes and deliver capital upgrades and maintenance to these homes. • \$16 million to expand the successful Keep Embracing Your Success (KEYS) program, supporting children with mental health and complex needs to transition back home or to independent living. <p>These initiatives recognise the importance of a consistent and effective therapeutic and relationship-based response to children by resourcing residential homes to: increase contact with family and friends, engagement with educational, vocational and recreational activities and cultural safety and connection.</p> <p>Status: Complete – recommendation has been implemented to the department's satisfaction</p> <p>Update: The Care Hub has been implemented as a trial in the Loddon area. Funding for the approach has been extended for a further two years through the 2022–23 Budget. The program has already supported a number of children and young people to remain or return home and/or move into more stable placements, such as kinship care.</p> <p>From June 2022 all 19 two and three bed residential care homes have commenced service delivery.</p> <p>Six KEYS homes are now operational. This includes an Aboriginal specific residential care KEYS model which has been co-designed with VACCA.</p>	<p>Assessment: Progress made – ongoing systemic effort required</p> <p>Comment: The Commission welcomes the significant investment and work to progress new and expanded models of residential care and the approaches in the models to increase contact with family and friends, engagement with educational, vocational and recreational activities and cultural safety and connection.</p> <p>The Commission notes that the new models are available to only a limited number of children and young people in residential care. The Commission and will continue to monitor this recommendation to promote further expansion of successful models as part of whole-of-system reform.</p>

Progress against past inquiries

continued

Out of sight

Rec #	Action	Recommendation	Accepted by government	Implementation plan and department update	Commission assessment
2	1	<p>That the new model of residential care include:</p> <ul style="list-style-type: none"> • a strong focus on developing trusted relationships with carers and key workers • a consistent care experience provided by carers and across houses and service providers founded on care and concern, not punitive responses • an emphasis on personal skill development, including the capacity to assess and manage risks, particularly those associated with sexual harm • embedded services, including services for treatment of mental ill health and dependence on alcohol and other substances • adequate resources and timely approval processes for children and young people to engage in activities • clear integration of therapeutic support in case and care planning. 	Accept	<p>Implementation plan: Development of the program guidelines for the delivery of the new models of care will be reviewed to ensure they reflect the principles outlined in this recommendation.</p> <p>Embedding mental health and alcohol and other drug services is a key element of the KEYS and Care Hub models. The new two and three bed residential care homes will also include a strengthened focus on referrals to other services such as mental health and alcohol and other drug services based on the child or young person's needs.</p> <p>Status: Complete – recommendation has been implemented to the department's satisfaction</p> <p>Update: The program guidelines for the delivery of the reforming care services initiatives have been finalised and are available on the department's website. These guidelines outline the expectations for the new models to address and heal trauma through a therapeutic approach in line with the recommendations as follows:</p> <ul style="list-style-type: none"> • Embedding a relational approach to practice and the best interests practice model that includes a focus on trusted relationships between care staff and young people for all new models of care. • A care experience founded on care and concern, not punitive responses. • An emphasis on personal skill development of children and young people including the capacity to assess and manage risks. This is supported by training embedded through the HEALing Matters program to build the capability of care staff to support young people in their care. • Embedding of mental health and drug and alcohol services through establishing referral pathways to services based on the child or young person's needs. • The KEYS model and Care Hub trial includes resourcing for a community engagement worker to support children and young people with timely engagement with activities. • Integration of therapeutic support in case and care planning through resourcing of a therapeutic specialist within the Care Hub and two and three bed therapeutic residential care homes. 	<p>Assessment: Significant progress made – ongoing systemic effort required</p> <p>Comment: The Commission welcomes the update to program guidelines for the new models of residential care to address and heal trauma as outlined in this recommendation.</p> <p>The Commission notes that the new models are only available to a limited number of children and young people in residential care, and will continue to monitor this recommendation to promote further expansion of successful models as part of whole-of-system reform.</p>

Out of sight

Rec #	Action	Recommendation	Accepted by government	Implementation plan and department update	Commission assessment
2	2	That increased effort and investment be deployed to foster children and young people's connections to family, friends and community, as part of and where possible prior to their transition to residential care settings.	Accept	<p>Implementation plan: Investment through the new models of residential care supports an enhanced case planning and case work focus with connection to family, friends, community and culture as key elements of the KEYS and Care Hub approach. The program guidelines for the new models of care will embed a strengthened focus on the importance of connections to family, friends and community, as part of and where possible prior to, a child or young person's transition to residential care.</p> <p>Status: Complete – recommendation has been implemented to the department's satisfaction</p> <p>Update: Increased investment from the 2020–21 Budget has enabled new and expanded models of care that include a greater focus on building family, friends and community connections. The Care Hub, and KEYS models include resourcing to support both a community engagement worker and family engagement worker. Through planning and outreach functions, the Care Hub has capacity to support children and young people as part of and where possible, prior to any transition to residential care. Brokerage funding is available to support the Care Hub with their functions.</p> <p>Community Engagement workers provide:</p> <ul style="list-style-type: none"> • direct support for young people to develop links and interests in the community • direct support for young people to develop age-appropriate independent living and life skills • skills building for KEYS carers to support young people to be active members of their community. <p>The Family Engagement worker:</p> <ul style="list-style-type: none"> • strengthens the relationship between the young person and their family • supports family reunification (prioritisation is given to young people where this is their case plan) • building the skills of care staff group to better work with families. <p>Practical examples are already emerging of brokerage funding through the Care Hub being used to strengthen family relationships and support engagement in activities.</p>	<p>Assessment: Significant progress made – ongoing systemic effort required</p> <p>Comment: The Commission welcomes the greater focus on building family, friends and community connections in the new models of residential care.</p> <p>The Commission notes that the new models are only available to a limited number of children and young people in residential care, and will continue to monitor this recommendation to promote further expansion of successful models as part of whole-of-systems reform.</p>

Progress against past inquiries

continued

Out of sight		Recommendation	Accepted by government	Implementation plan and department update	Commission assessment
Rec #	Action	That authorisation policies for contact with family and friends, and participation in activities in the community, be reviewed to ensure timely decision-making and support to effectively manage and mitigate risk.	Accept	<p>Implementation plan: Authorisation processes will be reviewed to strengthen timely decisions and support in line with this recommendation, noting the department's previous advice that there may be complexities with changes to authorisation policy that involve case planning decisions.</p> <p>In the interim, we are addressing the engagement of children and young people through:</p> <ul style="list-style-type: none"> new models of care (the Care Hub and KEYS homes) which include funding for family workers and community engagement workers. Workers will play an active role in helping to engage children and young people with family and friends and to support participation in community activities, in line with a child's care and placement plan. implementation of the HEALing Matters program statewide. This program, developed by Monash University, aims to improve the health, wellbeing and life skills of young people in care including improving staff competency to support young people to engage in physical activity. <p>Status: On track – implementation in progress</p> <p>Update: Implementation of the new models of care through the reforming care services initiative is complete. Findings from the new models of care and HEALing Matters program are already having a positive impact.</p> <p>Work to review authorisation policies and/or processes was put on hold due to a redirection of department resources to support responding to the COVID-19 pandemic. The department remains committed to responding to this recommendation and will progress this work when resources are available with consideration to work plan prioritisation in 2022.</p>	<p>Assessment: Planned for implementation</p> <p>Comment: The Commission notes that the actions planned in response to this recommendation have been delayed. We will continue to promote and monitor progress made against this recommendation.</p>

Out of sight

Rec #	Action	Recommendation	Accepted by government	Implementation plan and department update	Commission assessment
2	4	That ongoing and additional effort and investment be deployed to support connection to culture, paying particular attention to the causes of, and potential consequences for, Aboriginal children and young people going absent or missing from residential care, including the potential for cultural harm.	Accept	<p>Revised implementation plan: Ongoing and additional effort and investment has been made to support connection to family, culture and community through cultural planning and the provision of culturally responsive therapeutic placements. This investment helps to address the reasons children may go missing from care and reduces the potential for further harm, including cultural harm.</p> <p>Cultural planning is embedded as a core element of the new models of care as part of the reforming care services initiative. This builds on the significant efforts to improve cultural planning for all young people in care that has included:</p> <ul style="list-style-type: none"> • a new model, co-designed with ACCOs for the development and implementation of cultural plans • establishment of 18 Aboriginal Cultural Planning Senior Advisors – Aboriginal Cultural Planning and brokerage funding to support implementation of cultural plans. The 2018–2019 budget allocated \$11.9 million to cultural planning and made the program ongoing • implementation and expansion of Aboriginal Children in Aboriginal Care (ACAC), supported by an additional investment into ACAC in 2020–21 to increase the number of children authorised to an ACCO as part of the commitment for the transition of case management of all Aboriginal children and young people in care to ACCOs. <p>ACAC further connects Aboriginal children and young people with family, community, culture and country and recognises the government's commitment to self-determination and self-management for Aboriginal people.</p> <p>The provision of culturally appropriate therapeutic placements to support Aboriginal children, including those who go missing from care, will be progressed through implementation of the first Aboriginal KEYS home which will embed a relational approach to care and support, and improved access to mental health and drug and alcohol supports.</p> <p>In addressing Recommendation 1, the department will ensure updates to policies and training include specific consideration to the causes and potential risks for Aboriginal children who are absent or missing from residential care, including cultural harm.</p> <p>Status: On track – implementation in progress</p>	<p>Assessment: Progress made – ongoing systemic effort required</p> <p>Comment: The Commission notes the embedding of cultural planning as a core element in the new models of residential care, providing culturally appropriate therapeutic placements to support Aboriginal children through implementation of the first Aboriginal KEYS home and plans (as part of Recommendation 1) to update policies and training to include specific consideration to the causes and potential risks for Aboriginal children who are absent or missing from residential care, including cultural harm. We have ongoing concerns about the quality, consistency and actual impact of cultural care plans prepared by DFFH. We are pleased to note that a new model is being co-designed with ACCOs for the development and implementation of cultural plans. This model should highlight the importance of meaningful input from children and families and the regular review of the cultural plan. The Commission will continue to promote ongoing and additional effort and investment to support connection to culture particularly for Aboriginal children and young people going absent or missing from care, as intended by this recommendation, and continue to monitor progress against proposed plans.</p>

Progress against past inquiries

continued

Out of sight		Recommendation	Accepted by government	Implementation plan and department update	Commission assessment
Rec #	Action	That the department invest in improving the skills, processes and supervision of care teams for children and young people in residential care. Improvements should be implemented through updated guidelines, policies and training. Care teams should be supported by agendas, action items, and clear role allocation and communication channels. The department should encourage a culture where care team members are empowered to seek senior engagement and active supervision when needed.	Changed to Accept (previously Accept in principle)	<p>Implementation plan: Investment through the new models of residential care supports an enhanced focus on care teams. The program guidelines for the new models of care will embed the importance of relevant skills, processes and supervision of care teams including:</p> <ul style="list-style-type: none"> documentation and recording of goals and actions and clear allocation of responsibility and communication channels promoting a culture where care team members are empowered to seek senior engagement and active supervision when needed. <p>The department will scope options to support training for staff engaged in the new models of care to include the actions committed under this recommendation. Full implementation of this recommendation may require additional budget.</p> <p>Status: On track – implementation in progress</p> <p>Update: The program guidelines for the reforming care services initiatives have been finalised and are available on the department's website.</p> <p>An enhanced focus on care teams is supported by prescribed expectations regarding the role of the Case Manager in convening care team meetings and documentation of a young person's goals, actions and timeframes, including the allocation of responsibility and processes for dispute resolution.</p> <p>Given the expectation that care team meetings do not need to be formal meetings, agendas have not been prescribed. However, the program guidelines include expectations of items to be discussed at care team meetings.</p> <p>Scoping of training through RCLDS is underway.</p>	<p>Assessment: Significant progress made – ongoing systemic effort required</p> <p>Comment: The Commission welcomes the significant investment and work to progress new and expanded models of residential care and the strengthened focus in the models on care teams. We also welcome scoping for training through RCLDS.</p> <p>The Commission notes that the new models are only available to a limited number of children and young people in residential care, and will continue to monitor this recommendation to promote further expansion of successful models and training for care teams as part of whole-of-system reform.</p>
3		That, when funding and implementing the new model of care recommended in <i>In our own words</i> , the Victorian Government ensure the following additional elements are delivered to reduce the number of children and young people who become absent or missing from residential care.		Addressed in 3.1, 3.2, 3.3 and 3.4	

Out of sight

Rec #	Action	Recommendation	Accepted by government	Implementation plan and department update	Commission assessment
3	1	That, when a child or young person is absent or missing from residential care for a prolonged period, their residential care placement should not be reallocated to another child or young person unless there are concerns that the specific placement itself is contributing to the child or young person being absent or missing.	Accept in principle	<p>Implementation plan: The need to support placement stability and to not automatically reallocate a bed because a child is absent or missing is accepted.</p> <p>Implementation of this recommendation needs to be considered on a case-by-case basis.</p> <p>The department will review the current <i>Placement Coordination and Placement Planning Framework</i> and manual to ensure the application of this principle across all residential care homes.</p> <p>Status: On track – implementation in progress</p> <p>Update: Work has commenced to review the <i>Placement Coordination and Placement Planning Framework</i> including developing guidance on placement principles, placement matching, the voice of the child in decision-making and to strengthen responses to children who are missing or absent from care in line with the department's committed actions. This will include consideration of a placement specific principle to support this recommendation. This work is anticipated to be completed in 2022.</p>	<p>Assessment: Planned for implementation</p> <p>Comment: The Commission notes that work to review the <i>Placement Coordination and Placement Planning Framework</i> has commenced. We will continue to monitor progress made in relation to this recommendation.</p>

Progress against past inquiries

continued

Out of sight		Recommendation	Accepted by government	Implementation plan and department update	Commission assessment
Rec #	Action	That the department develop and implement clear guidelines for planning to support children and young people prior to and immediately after entering residential care and moving between residential care houses. For emergency placements, the department should implement additional supports, and consider provision of temporary accommodation while assessments are conducted and an appropriate placement is found.	Accept in principle	<p>Implementation plan: The need to reduce placement movement through improved placement planning processes is accepted.</p> <p>Implementation of this recommendation will be progressed through the department's trial of a new Care Hub approach, which provides a short-term assessment and planning response to ensure better placement matching and stability of children into care. \$9 million has been allocated in 2020–2021 to progress this initiative as part of the department's reform direction for new evidence-based models of care.</p> <p>KEYS also includes an increased focus on planning to support transition into and from the placement and access to outreach support with the aim of increasing placement stability.</p> <p>The two and three bed therapeutic residential care model provides a home for young people who are unable to be placed in home-based care and who would benefit from a period of time in residential care with the aim of supporting greater stability.</p> <p>The department has previously committed to improving planning processes including increasing information sharing and the engagement of children and young people in decision-making regarding their initial placement or placement changes and to provide them with reasons if their preferred actions were not possible. Work is underway to update the department's <i>Placement Coordination Manual</i> and placement referral forms to embed these processes.</p> <p>The provision of additional supports and alternative temporary accommodation is based on the young person's needs, and subject to budget and resource availability.</p>	<p>Assessment: Progress made</p> <p>Comment: The Commission notes progress made to implement the new models of residential care, noting only a limited number of children and young people in residential care currently benefit from this. The Commission will monitor expansion of these measures over time.</p> <p>The Commission is also pleased to note that updated placement support and planning guidance is in progress, including proposed minimum information and planning considerations for all children.</p>
				<i>continued next page</i>	

Out of sight

Rec #	Action	Recommendation	Accepted by government	Implementation plan and department update	Commission assessment
3	2			<p><i>continued from previous page</i></p> <p>Status: On track – implementation in progress</p> <p>Update: The reforming care services initiatives, including the Care Hub approach, KEYS and two and three bed therapeutic homes have been implemented. The KEYS model requires detailed planning for when a child or young person is transitioning into or out of the model. The central document utilised by the multidisciplinary team is the KEYS plan.</p> <p>Updated guidance for placement support and planning is in progress to strengthen placement principles, placement matching and including the voice of the child in decision-making. The guidance will mandate minimum information and planning considerations for all children entering care including movement between placements. This work is anticipated to be completed in 2022.</p>	

Progress against past inquiries

continued

Out of sight		Recommendation	Accepted by government	Implementation plan and department update	Commission assessment
Rec #	3	That a multi-agency panel approach to planning, with clear allocation of responsibilities between agencies, be implemented for all children and young people who go absent or missing from residential care. The multi-agency panel approach should be founded on a common understanding of the child or young person's vulnerabilities, the nature and level of risks the child or young person faces when absent or missing from care, and agreed expectations regarding the response when the child or young person is absent or missing.	Changed to Accept in part (previously Accept in principle)	<p>Revised implementation plan: The department agrees that there must be a response to every child in residential care who goes missing, supported by multi-agency prevention and response planning.</p> <p>The department will implement this recommendation through utilising existing care team processes and localised multi-agency responses and focus on strengthening implementation to address the issues raised. Work will include reviewing referral to the High Risk Youth Panel to include consideration of risks for children and young people who go missing from care.</p> <p>The department supports care teams as best placed in the first instance to work collaboratively to assess the drivers of behaviour and the risk to an individual child. In overseeing implementation of the case plan and actions table, and supporting review and decision-making for all professionals involved in the protection and care of the child, the care team provides a key forum for the consolidation of the multi-service view of the client and responding to risks for children and young people who are absent or missing from care. Where required, care teams can access additional resources such as Practice Leaders or other specialist services to support these functions.</p> <p>The care team procedure within the Child Protection Manual was updated in May 2022 to clarify the roles and responsibilities of child protection practitioners, with specific reference to the care team in contributing to safety and behaviour support planning for young people with high risk behaviours, including missing behaviours. These functions are also set out within the SAFER risk assessment framework.</p> <p>Recommendation 2.5 advises of work to improve the skills and functioning of care teams.</p> <p>Recommendation 17 outlines mechanisms in relation to children and young people who are absent or missing from care to support monitoring and oversight of progress.</p> <p>Status: (Revised implementation plan provided)</p>	<p>Assessment: Progress made – ongoing systemic effort required</p> <p>Comment: The Commission remains interested in seeing consistent consideration of children and young people who are at risk and absent or missing care by the High Risk Youth Panel. However, we note the department's plans to address this recommendation by strengthening implementation of existing care team and localised multi-agency approaches, and the progress made to update care team procedures in the Child Protection Manual.</p>

Out of sight

Rec #	Action	Recommendation	Accepted by government	Implementation plan and department update	Commission assessment
3	4	That the department review planning tools (including draft connection planning tools) to clarify how planning tools align, which tools are optional, when they should be updated and who they should be shared with. Integration of planning tools should be supported by a visual map to guide practitioners and care teams. Development of new planning tools should be integrated into existing processes to avoid duplication and additional administrative burden.	Accept in principle	<p>Implementation plan: In November 2021, the SAFER children risk assessment framework was implemented as the risk assessment framework for child protection workers to meet their statutory obligations.</p> <p>The SAFER children framework provides practice guidance for the development of an effective case plan. This includes a requirement that the case plan, and the action table which identifies strategies to address risks, must align with all other plans – including behaviour support plans, safety plans, care and placement plans, Looking After Children plans and cultural plans.</p> <p>To implement this recommendation, the department will undertake a review of relevant planning tools that support children and young people who are absent or missing from care to ensure alignment with the SAFER risk assessment framework and to provide greater clarity in relation to their use, review and the sharing of relevant information. This work will be completed by August 2022.</p> <p>Status: (Revised implementation plan provided)</p>	<p>Assessment: Planned for implementation</p> <p>Comment: The Commission notes the department's plan to undertake a review of relevant planning tools that support children and young people who are absent or missing from care. We will monitor progress made against this recommendation.</p>

Progress against past inquiries

continued

Out of sight		Recommendation	Accepted by government	Implementation plan and department update	Commission assessment
Rec #	4	That the Victorian Government ensure and support all agencies, including Victoria Police, to develop and implement trauma-informed training, tools and guidance for frontline workers who are likely to interact with children and young people when they are absent or missing from residential care. The Community Around the Child initiative provides a good model for the development of training, tools and guidance. All services, including Victoria Police, should implement trauma-informed training as a compulsory core module for all frontline staff, supported by ongoing professional development.	Accept in principle	<p>Revised implementation plan: Work is occurring to develop a <i>Framework for Trauma Informed Practice (TIP)</i> for the child and family services sector and is due to be completed by mid-2022 with guidance to support its use by the sector.</p> <p>Although the primary focus is on the child and family services, the TIP Framework will be made publicly available and can be applied more broadly across government agencies. Support to develop and implement trauma informed training and resources across agencies, including Victoria Police, will be progressed through a cross-agency action plan for implementation of the <i>Framework to reduce criminalisation for young people in residential care</i>. This includes new training to support workers across agencies to provide trauma informed responses in their engagements with vulnerable young people, including those who may be absent or missing from care. This is addition to the Victoria Police Child Sexual Exploitation Online Learning Tool. Implementation of training as a compulsory module for frontline workers will be considered by each agency and will require additional investment.</p> <p>Training in trauma informed care is mandatory for residential care workers through the minimum qualification requirements and for Child Protection workers through Beginning Practice training. Beginning Practice training also includes a module for responding to children and young people who are missing from care.</p> <p>Status: (Revised implementation plan provided)</p>	<p>Assessment: Planned for implementation</p> <p>Comment: The Commission notes that development and implementation of trauma-informed training and resources across agencies will be progressed through a cross-agency action plan for implementation of the <i>Framework to reduce criminalisation for young people in residential care</i>, and that training will include providing trauma informed responses in engagements with vulnerable young people, including those who may be absent or missing from care.</p> <p>We note the response that implementation of training as a compulsory module for frontline workers will be considered by each agency and will require additional investment, and continue to promote and monitor progress against this recommendation.</p>

Out of sight

Rec #	Action	Recommendation	Accepted by government	Implementation plan and department update	Commission assessment
5		<p>That the Victorian Government fund, reinstate and expand the Child Sexual Exploitation Enhanced Response Model across the state, including the provision of additional resources if needed. The expansion should be supported by clear leadership and governance mechanisms.</p>	<p>Accept in principle subject to resources</p>	<p>Revised implementation plan: The department is committed to addressing this recommendation through work with Victoria Police and residential care providers to undertake a strategic review of current practice to identify practice elements, governance and resourcing needed to support a consistent and coordinated approach to Child Sexual Exploitation (CSE) statewide. This work will be committed through the development of a Targeting Child Sexual Exploitation Action plan and have oversight through the re-established VCC, including the active coordination of responses and regular information sharing between agencies.</p> <p>In the interim, the department continues to support Enhanced Response Model practices in thirteen SOCIT locations, including the 5 pilot locations. This is led by the eleven Sexual Exploitation Practice Leader (SEPLs) employed by the department. SEPLs support implementation and maintenance of collaborative and multidisciplinary responses to CSE. This includes:</p> <ul style="list-style-type: none"> • practitioner consultation and support (including working directly with children) • facilitation of multiagency information sharing and engagement • facilitation of localised CSE governance structures • oversight of operational collaborative disruption activities • stakeholder engagement and maintenance, particularly with Victoria Police. <p>Although resourcing pressures have impacted on elements of the approach across locations, information sharing, disruption of offenders and improved responses for children at risk of CSE has remained a priority. As an immediate measure, the South Division convened a full day session in May focusing on the system response for children and young people missing from out of home care. The forum included key representatives from Victoria Police, local residential care providers, the department's senior divisional leadership and Sexual Exploitation Practice Leaders to reaffirm the department's priority to protect children from sexual exploitation, ensure partnerships and local intelligence gathering and information sharing are strong and re-enforce expectations around accurate reporting from residential care providers. A cross sector approach to how the</p>	<p>Assessment: Planned for implementation</p> <p>Comment: The Commission notes the department's plan to undertake a strategic review and to develop a Targeting Child Sexual Exploitation Action plan with oversight of the Vulnerable Children Committee. The Commission also notes other current and planned initiatives including SEPLs in specific areas, division forums and action research project.</p> <p>The Commission remains concerned about the number of reported sexual exploitation incidents in residential care. While action on this recommendation is delayed, the Commission welcomes the department's update outlining a commitment to address this issue.</p>

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Progress against past inquiries continued

Out of sight	Rec #	Action	Recommendation	Accepted by government	Implementation plan and department update	Commission assessment
5					<p><i>continued from previous page</i></p> <p>South Division takes forward actions from the forum has also been developed and is in the process of being implemented, with support and oversight by Local Site Executive Committee (LSEC) in Southern Metro. The department intends that this approach occurs in each of the operational divisions before the end of the year.</p> <p>The department regularly monitors children at risk of CSE and actions undertaken and has committed to further monitoring and reporting through Recommendation 17 to ensure efforts are working to protect children and assist in keeping them safe.</p> <p>In addition, a three year University of Melbourne-led action research project Disrupting Child Sexual Exploitation (DICE) commenced in December 2021 and will involve, for Victoria, a co-designed and piloted approach to CSE disruption in Bayside Peninsula and Southern Melbourne Areas. DICE will also involve stakeholders in NSW and QLD.</p> <p>Status: (Revised implementation plan provided)</p>	
6		<p>Changed to Accept in principle subject to resources (previously Accept)</p>	<p>That the department and key stakeholders including Victoria Police work to improve understanding of child criminal exploitation and develop a specialist response across the state, like the Child Sexual Exploitation Enhanced Response Model. The specialist response should include awareness raising through new guidelines, policies and training, combined with intensive interventions and support for children and young people in residential care who are at risk of child criminal exploitation. The model should be supported by clear leadership and governance mechanisms, and additional resources if needed.</p>	<p>Revised to</p>	<p>Revised implementation plan: The department is committed to working with Victoria Police through the Action plan to support implementation of the <i>Reducing criminalisation in residential care framework</i> to support scoping of a multi-agency response to child criminal exploitation statewide and resourcing requirements. This work will have oversight through the re-established VCC and have a focus on current practice, data and oversight mechanisms in the first instance. Implementation of a statewide response would be subject to budget.</p> <p>Status: (Revised implementation plan provided)</p>	<p>Assessment: Not yet progressed</p> <p>Comment: The Commission notes the plan to scope a multi-agency approach and resourcing requirements. We note the limited progress made on this recommendation since the inquiry was tabled and will continue to promote and monitor progress made in relation to this recommendation.</p>

Out of sight

Rec #	Action	Recommendation	Accepted by government	Implementation plan and department update	Commission assessment
7		That the Victorian Government fund the roll-out of the Mackillop Family Services <i>Power to kids: respecting sexual safety program</i> to all residential care houses in Victoria.	Accept in principle	<p>Revised implementation plan: The need to promote sexual health and respectful relationships for children and young people in care is accepted.</p> <p><i>The Power to kids: respecting sexual safety program</i> is available to all residential care providers through Mackillop Family Services through funding provided by Westpac.</p> <p>The department will work with Mackillop Family Services to proactively promote sector engagement with the program.</p> <p>Status: (Revised implementation plan provided)</p>	<p>Assessment: Planned for implementation</p> <p>Comment: The Commission notes that the <i>Power to kids</i> program is available to all residential care providers through Mackillop Family Services as a result of funding provided to Mackillop by Westpac. The Commission will monitor the department's effort to promote sector use of the program to benefit all children in residential care.</p>

Progress against past inquiries

continued

Out of sight

Rec #	Action	Recommendation	Accepted by government	Implementation plan and department update	Commission assessment
8	1	<p>That the department ensure that consistent, concise and current information is collected about individual children and young people at risk of going absent or missing from residential care. The collection systems should ensure that key information about the child or young person:</p> <ul style="list-style-type: none"> • is easily identifiable and accessible by child protection and residential care staff • is up-to-date and accurate • can be shared swiftly with other agencies, such as Victoria Police, when required. 	<p>Changed to Accept subject to resources (previously Accept in principle)</p>	<p>Revised implementation plan: The department agrees that consistent, concise and current information collection and sharing about children and young people at risk of going absent or missing is needed.</p> <p>The review of CIMS, a staged process of continuous improvement over the next few years, commenced in March 2022.</p> <p>The CIMS review will improve understanding of how key information relevant to children and young people who are absent or missing from care, and the risks of harm to them, are captured across reporting systems and inform the development of system enhancements to address these gaps. System enhancements would be subject to resourcing and budget.</p> <p>Actions that have been taken to strengthen information collected about children and young people at risk or are absent or missing from care include:</p> <ul style="list-style-type: none"> • making CIMS incident reports available against a child's record in CRIS (since July 2021), so information is easily accessible for child protection and sharing with relevant agency staff and Victoria Police • improved data collection and reporting methods such as the Sexual Exploitation Network system, and the <i>Client Risk and Vulnerability Indicator Tool</i> have become available, as outlined in Recommendation 17 • release of the <i>Repeat Missing Profile – Risk and Behaviour Analysis Tool</i> which informs the concerns, risks, actions and responses for a child while missing and supports information sharing. <p>Work through the joint department and Victoria Police intelligence collaboration will also consider the types of information needed, and how best to share information, in a timely manner to keep children safe. This work has oversight through the re-established VCC.</p> <p>Status: (Revised implementation plan provided)</p>	<p>Assessment: Progress made – ongoing systemic effort required</p> <p>Comment: The Commission notes actions taken to strengthen information collected about children and young people who are at risk or are absent or missing from care. We also note work planned with Victoria Police and will continue to monitor progress made in relation to this recommendation.</p>

Out of sight

Rec #	Action	Recommendation	Accepted by government	Implementation plan and department update	Commission assessment
8	2	That the department develop a missing child checklist to ensure swift and comprehensive sharing of key information with other agencies if a child or young person is absent or missing from residential care. The checklist should include additional information similar to that contained in the Community Around the Child initiative's profile on a page for each child or young person at risk of going absent or missing from residential care to support police and other key agencies to respond in a trauma-informed way. This information should align with the child or young person's behaviour support plan. The checklist should be pre-populated, reviewed and shared regularly. The department should ensure there are checks in place to guarantee that these checklists are completed, easily accessible and up-to-date.	Accept in principle	<p>Revised implementation plan: The department agrees with the need to support swift and comprehensive information sharing with other agencies in circumstances a child is absent or missing from care to support a trauma informed response. The re-established VCC will oversee a project to review current tools and resources (including the repeated missing template) relating to young people who go missing, having regard to the Community around the child's initiative's 'profile on a page' to address this recommendation. Information shared would need to align with a young person's behaviour support plan, case and care planning.</p> <p>Embedding of information sharing into current systems to enable sustainable, readily accessible information sharing will be informed by actions to acquit Recommendation 8.1, including work to identify system enhancements and through the joint department and Victoria Police intelligence collaboration to support more efficient information sharing over the long term.</p> <p>Status: (Revised implementation plan provided)</p>	<p>Assessment: Planned for implementation</p> <p>Comment: The Commission notes the plans to establish a project to review current tools and resources relating to young people who go missing, having regard to this recommendation. The Commission will monitor progress made against these plans.</p>

Progress against past inquiries continued

Out of sight		Recommendation	Accepted by government	Implementation plan and department update	Commission assessment
Rec #	9	<p>That the department work with residential care service providers and Victoria Police to develop a common risk-based assessment framework to guide agencies response when a child or young person is absent or missing from residential care. This framework should incorporate an assessment of a child or young person's vulnerability informed by known or suspected risk factors such as exposure to sexual or criminal exploitation, substance use, disability, medical conditions and age.</p> <p>The risk assessment framework should inform response planning in the event the child or young person goes absent or missing. Planning should clearly articulate when to escalate the response by seeking police intervention and which tools to employ, such as a missing person report or warrant.</p> <p>If a missing person report is made, escalation of the investigation to specialist police units such as the Criminal Investigation Unit or SOClTs should be based on an assessment of risk, rather than a standard period of time from the date of the report.</p> <p>The terms missing or absent should not determine the level of risk and corresponding response required. Risk assessment guidelines should clarify that, even if child protection or residential care staff suspect they know where a child or young person is likely to be, this does not mean that the child or young person is at less risk. If a child or young person's location is known (not merely suspected), alternatives to a missing person report should be considered, such as attendance of a rover or other outreach service.</p>	<p>Changed to Accept in part (previously Accept in principle)</p>	<p>Revised Implementation plan: The department addresses the components of this recommendation as follows:</p> <ul style="list-style-type: none"> Common risk-based assessment framework including an assessment of vulnerability, that informs response planning. Planning in relation to police intervention and escalation of investigation based on an assessment of risk. <p>In November 2021, the SAFER children risk assessment framework was implemented as the risk assessment framework for child protection workers to meet their statutory obligations.</p> <p>The SAFER children framework guides child protection practitioners to take action and make decisions informed by an assessment of the child or young person's vulnerability informed by evidence-based risk factors such as exposure to sexual or criminal exploitation, substance use, disability, health and age. SAFER supports action-based case planning in the event the child or young person is absent or missing.</p> <p>The SAFER children risk assessment framework is supported by additional tools to support and guide child protection practitioners in their responses to missing children and young people. These include the <i>Sexual Exploitation Information Template</i>, and the <i>Repeat Missing Profile – Risk and Behaviour Analysis Tool</i>.</p> <p>The department recognises the need to promote information sharing activities and mechanisms between services including Victoria Police and care services providers, with a focus on the sharing of the risk assessment, to better inform planning and actions in response to missing young people. The SAFER risk assessment is designed to be readily accessible and made available to relevant parties – it is easily printed and shared. The communication of the risk assessment will be further informed by the review of current tools as outlined in Recommendation 8.2.</p> <p style="text-align: right;"><i>continued next page</i></p>	<p>Assessment: Progress made</p> <p>Comment: The Commission notes progress made to implement the SAFER framework and plans to improve information sharing. However, we are concerned that planned actions do not adequately respond to the need for a shared risk assessment framework across agencies, to improve responses and reduce police involvement.</p>

Out of sight

Rec #	Action	Recommendation	Accepted by government	Implementation plan and department update	Commission assessment
9				<p><i>continued from previous page</i></p> <p>In recognition of the need to better communicate and share the risk assessment, the department will also undertake a review of practice guidance and procedures for missing children contained within the Child Protection Manual, noting the need for alignment with the SAFER children risk assessment framework, to ensure that communication of the risk assessment is included in practice advice and guidance. The importance of information sharing is reinforced through the current training for child protection practitioners on <i>Information Sharing and MARAM reforms</i>.</p> <p>Embedding of alternatives to police intervention is also being progressed through implementation of actions through 11.2 and 11.3.</p> <p>Status: (Revised implementation plan provided)</p>	

Progress against past inquiries continued

Out of sight		Recommendation	Accepted by government	Implementation plan and department update	Commission assessment
Rec #	Action	That the department review policies, procedures, training and service expectations to ensure that, when a child or young person is absent or missing from residential care, child protection and residential care staff <ul style="list-style-type: none"> consistently apply a strengths based response to express care and concern when contacting the child or young person do not respond in a way that is punitive, criminalising, threatening or that otherwise suggests a lack of care for the child or young person's safety and wellbeing. 	Accept	<p>Implementation plan: The department will review relevant residential care and child protection policies to:</p> <ul style="list-style-type: none"> strengthen the need for a strengths-based response to express care and concern when contacting a child or young person who is absent or missing from residential care ensure responses are not punitive, criminalising, threatening or otherwise suggest a lack of care for the child or young person's safety and wellbeing. <p>Updates to the program requirements for residential care is scheduled for completion late 2022.</p> <p>Development and implementation of the new models of care as part of the department's commitment for longer term system reform will further embed relational and strengths-based approaches to support children and young people in residential care to achieve change.</p> <p>Status: On track – implementation in progress</p> <p>Update: The program guidelines for the delivery of the reforming care services initiatives have been finalised and are available on the department's website. These guidelines embed:</p> <ul style="list-style-type: none"> a relational approach to practice that includes a focus on trusted relationships between care staff and young people for all new models of care a care experience founded on care and concern, not punitive responses. <p>Work has commenced on a review of <i>The program requirements for residential care in Victoria</i> in line with this recommendation. This work is scheduled to be updated late 2022 to align with policy work to address a number of the recommendations. Updates to relevant Child Protection policies will also occur at this time.</p> <p>Work is in progress to review training offered to residential care workers through RCLDS in line with this recommendation.</p>	<p>Assessment: Progress made – ongoing systemic effort required</p> <p>Comment: The Commission welcomes updates to the program guidelines and notes that reviews of the program requirements for residential care in Victoria and of training to residential care workers have commenced. The Commission will continue to monitor this recommendation.</p>
11		Unnecessary and harmful police intervention and contact with children and young people who are absent or missing from residential care must be reduced to a minimum.			

Out of sight

Rec #	Action	Recommendation	Accepted by government	Implementation plan and department update	Commission assessment
11	1	That the department ensure risk-based response planning for the use of missing person reports and warrants is integrated into a broader relationship based strategy founded on care and concern to support children and young people to remain in their residential care placement and to safeguard them when they are absent or missing from care.	Accept in principle	<p>Implementation plan: The department's commitment to a relationship-based approach to supporting young people who go missing from care is being embedded in practice guidance for children and young people missing from care in the Child Protection Manual.</p> <p>For young people who may have, or be at risk of, contact with police and/or criminal justice services, this commitment is also reflected in the <i>Framework to reduce criminalisation for young people in residential care</i>. Action planning to implement the Framework embeds a relationship-based approach to better support young people in care through promoting trauma informed responses to behaviours of concern and improved information sharing on a child or young person's needs, which can include circumstances where a young person is absent or missing from care. This work has recently recommenced with a meeting of the working group scheduled for July 2022.</p> <p>The department is implementing a range of actions to strengthen a relationship-based approach to supporting young people to remain in their residential care homes and safeguard them when they are missing from care. These include investment to support greater placement capacity and therapeutic responses through new models of residential care, strengthening the participation and voice of young people in matters and decisions that impact on them, embedding and promoting trauma informed responses to behaviour, improving practice guidance and training and improved interagency information sharing.</p> <p>Implementation of a relationship-based strategy in relation to risk-based response planning is supported through implementation of Recommendations 10, 13 and 15.1.</p> <p>Status: On track – implementation in progress</p> <p>Update: Implementation of new models of care through the reforming services initiative, including the Care Hub trial, KEYS model and two and three bed therapeutic residential care is complete.</p> <p>Work to embed a relationship-based approach through response planning is being addressed through Recommendations 13 and 15.1.</p>	<p>Assessment: Planned for implementation</p> <p>Comment: The Commission notes action planning as part of the <i>Framework to reduce criminalisation for young people in residential care</i> and the range of actions to strengthen a relationship-based approach to supporting young people to remain in their residential care homes. The Commission will continue monitoring this recommendation.</p>

Progress against past inquiries

continued

Out of sight		Recommendation	Accepted by government	Implementation plan and department update	Commission assessment
Rec #	Action	That the Victorian Government ensure availability of properly resourced, viable alternative options to police intervention when a child or young person is absent or missing from care and is located. In particular, residential care rover services should be resourced to assist in locating, transporting and supporting children or young people who are absent or missing from care. Rover services should work collaboratively with local police to minimise police contact with children and young people in residential care.	Accepted in principle	<p>Revised implementation plan: As part of the department's commitment to improved safety and supervision in residential care, from 2016 all residential care homes are required to have an Overnight Safety Plan that ensures the rapid response of additional staff overnight and identifies strategies to support the safe return of young people who are absent or missing from care, as alternative options to police intervention.</p> <p>Actions to support the safe return of children or young people can include outreach responses (e.g. rover) to locate and pick up children or young people, or for example, organising transport for the safe return of young people, where it is safer or more practical to do so (i.e. due to distance).</p> <p>Implementation of the 19 new two and three bed therapeutic residential care homes includes resourcing for a staff rover. Rover services work collaboratively with Victoria Police to support the safe return of young people.</p> <p>In addition, the <i>After Hours Services Streetwork Outreach Service</i> links with young people's care teams, care providers, SEPLs and other key supports to develop coordinated after hours responses for young people who are engaging in risk taking behaviour, including young people who may be missing from care and/or vulnerable to sexual exploitation. Actions include working with care providers and Victoria Police to locate children missing from care, provide outreach to support their safe return and coordinating actions in line with a young person's care and safety plans.</p> <p>Status: (Revised implementation plan provided)</p>	<p>Assessment: Progress made</p> <p>Comment: The Commission notes that resources for rover services are available for the small number of children and young people who are housed in two and three bed residential care homes. The department advised the Commission that it will continue to monitor the need for further staff resourcing, including rover services, more broadly across residential care. The Commission will continue to monitor progress against the recommendation, noting the need for the availability of properly resourced, viable alternative options to police intervention for children and young people who are absent or missing from all types of residential care.</p>

Out of sight

Rec #	Action	Recommendation	Accepted by government	Implementation plan and department update	Commission assessment
11	3	That the department incorporate access to viable alternative options to police intervention and contact when children and young people are missing from residential care into the action plan for the implementation of the <i>Framework to reduce criminalisation of young people in residential care</i> as a priority in 2021.	Accept in principle	<p>The department agrees with the need to support access to viable alternative options to police intervention and contact when children and young people are missing from residential care.</p> <p>For residential care service providers alternative options to police intervention are embedded through overnight safety planning (outlined at Recommendation 11.2) and will be further considered as part of response planning through implementation of Recommendations 9, 11.1 and 13.</p> <p>Work to strengthen response planning for young people who are missing from residential care will be included as an action in the <i>Framework to reduce criminalisation for young people in residential care</i>, noting a central focus of the Framework is police callouts to incidents that occur in residential care homes.</p> <p>Status: On track – implementation in progress</p> <p>Update: This work has recently recommenced with a meeting of the multi-agency working group scheduled for July 2022. Work had been temporarily on hold due to a redirection of department resources to support responding to the COVID-19 pandemic.</p> <p>The newly re-established Vulnerable Children's Committee (VCC) will act as the key governance committee for joint priorities between Victoria Police and DFFH and will oversee the progression and implementation of this work.</p>	<p>Assessment: Planned for implementation</p> <p>Comment: The Commission notes that work has been delayed but recently recommenced. The Commission will continue to monitor progress against this recommendation.</p>
12		That the Victorian Government replace the term warrant in section 598 of the <i>Children, Youth and Families Act 2005</i> (Vic) with an alternative term that is not associated with the criminal justice process. The new term should convey that the response is care-based and not criminal. The department should work with key stakeholders, including residential care service providers and Victoria Police, to implement updated guidance and training for staff to promote the adoption of the change in terminology, including training on the reasons for the change.	Accept in principle	<p>Implementation plan: The department agrees that terminology that applies criminal language to child protection legal processes can contribute to an adversarial culture that adversely impacts engagement with children and families.</p> <p>Legislative reform to modernise the <i>Children, Youth and Families Act 2005</i> is currently in progress. This includes modernising language in the CYF Act as a critical shift towards a more inclusive and relational approach to child protection practice. As search warrants are court ordered and administered and provide Police with specific powers, the term holds specific meaning in law. As such, replacing the term warrant is not straightforward.</p> <p>Status: On track – Implementation in progress</p> <p>Update: The Children, Youth and Families Amendment (Child Protection) Bill 2021 (the Child Protection Bill) was introduced to Parliament on 5 October 2021.</p> <p>This Bill remains on the agenda in the Legislative Council.</p>	<p>Assessment: Planned for implementation</p> <p>Comment: The Commission notes the amendments proposed in the Children, Youth and Families Amendment (Child Protection) Bill 2021 introduced to Parliament on 5 October 2021.</p>

Progress against past inquiries

continued

Out of sight	Action	Recommendation	Accepted by government	Implementation plan and department update	Commission assessment
13		<p>That the department work with key stakeholders, including police, residential care service providers and the Children's Court to streamline processes and clarify definitions and roles concerning missing person reports and warrants (however renamed, as recommended above) for children and young people in residential care. In particular, the department should work with key stakeholders to</p> <ul style="list-style-type: none"> clarify that if a child or young person's location is known (not just suspected), they are not missing so a missing person report is not required (noting that police intervention or support may nevertheless be needed) ensure that a missing person report can be made as soon as a child or young person goes missing, rather than waiting 24 hours prior to making a report ensure that there is no need for a missing person report to be made prior to applying for a warrant, or vice versa, as is currently the case remove the requirement that a missing person report be made to police in person, making it possible for residential care staff or child protection staff to make a missing person report by telephone streamline processes for providing police with information for missing person reports and warrants, using checklists and pre-populated forms require that if police sight a child or young person who is subject to a missing person report, police notify and consult with residential care staff or child protection staff prior to closing the missing person investigation <p style="text-align: right;"><i>continued next page</i></p>	Accept in principle	<p>Revised implementation plan: Work to develop a practice resource to improve responses to children and young people who are absent or go missing from care is scheduled to recommence as part of the Missing from Care work. This work has been on hold due to a redirection of resources to support the department's response to the COVID-19 pandemic.</p> <p>The practice resource (currently in draft) will contain updated guidance on preventing children and young people from leaving placement, pre-location planning, roles and responsibilities, missing person reports, risk assessment, trauma informed responses, and return to care planning. Development of the practice guide is informed by a consultation process including external stakeholders.</p> <p>The practice resource links to the DFFH/Victoria Police protocol which is currently under review and will also include consideration to the issues identified, including the use of missing persons reports and safe custody warrants.</p> <p>Status: (Revised implementation plan provided)</p>	<p>Assessment: Planned for implementation</p> <p>Comment: The Commission notes the plan to recommence work to develop a practice resource and the delay in progressing this work. We note the review of the DFFH and Victoria Police protocol which will consider issues raised in this recommendation. The Commission will continue to monitor progress made against this recommendation.</p>

Out of sight

Rec #	Action	Recommendation	Accepted by government	Implementation plan and department update	Commission assessment
13		<p><i>continued from previous page</i></p> <ul style="list-style-type: none"> • standardise information in affidavits in support of warrant applications, for example using templates, and include all relevant, up-to-date information • facilitate the procedure for filing warrant applications through electronic processes where possible • review the procedure for withdrawal or cancellation of warrants and facilitate swift notification through an electronic process where possible • ensure that if a child or young person returns to a residential care house of their own accord, police are not required to sight the child or young person and hold them until an assessment is conducted prior to cancelling a warrant, but an assessment must occur within 24 hours of the child or young person's return. <p>The department should ensure all relevant guidelines, policy documents and training are updated to reflect streamlined processes, definitions and roles, including relevant sections of the Child Protection Manual, <i>Protecting children: protocol between the Department of Human Services, Child Protection and Victoria Police</i> (2012), and the addendum to the protocol, <i>Preventing sexual exploitation of children and young people in out-of-home care</i> (2014).</p>			

Progress against past inquiries

continued

Out of sight

Rec #	Action	Recommendation	Accepted by government	Implementation plan and department update	Commission assessment
14	1	That, as part of a review of media alert policy and practice, the department work with Victoria Police to assess the impact that media alerts have had in the past when a child or young person is absent or missing to identify the circumstances in which they are an effective tool. The findings of this review should inform the parameters of their use, including the level of approval required to issue an alert.	Accept	<p>Implementation plan: The department will review the current media alert policy and practice, and impact and effectiveness of media alerts.</p> <p>Status: On track – implementation in progress</p> <p>Update: Work has recently recommenced to review the efficacy and impact of media alerts. As part of the review of the media alert policy and practice the department will engage with young people to give client voice to the impact of the alerts. The review of media alerts, including use and timing will be informed by the streamlining of processes as outlined in response to Recommendation 13.</p>	<p>Assessment: Planned for implementation</p> <p>Comment: The Commission notes that work has recommenced to review the efficacy of media alerts, and that progress has been limited since the inquiry was tabled. We will continue to monitor progress made against this recommendation.</p>
14	2	That, when a media alert is issued, the department ensure that Victoria Police is provided with a positive photo of the child or young person, where possible. The department should also work with Victoria Police to disable or moderate social media commentary attached to media alert posts.	Accept in principle	<p>Implementation plan: Practice guidance for preventing and responding to children who go missing is currently under development and will include guidance on working with police to use a positive photo and moderate social media where possible.</p> <p>Status: On track – implementation in progress</p> <p>Update: This work has recently recommenced and forms part of the review of processes and procedures as outlined in the response to Recommendation 13.</p>	<p>Assessment: Planned for implementation</p> <p>Comment: The Commission notes that work has recommenced to develop practice guidance for preventing and responding to children who go missing, and that progress has been limited since the inquiry was tabled. We will continue to monitor progress made against this recommendation.</p>

Out of sight

Rec #	Action	Recommendation	Accepted by government	Implementation plan and department update	Commission assessment
15	1	That the department provide further guidance and training on the purpose of return to care conversations, emphasising the importance of conducting them from a position of care and concern while gathering information concerning risk and harm to the child or young person. This guidance and training should also emphasise the importance of incorporating the information gathered through return to care conversations in planning reviews and information templates for the child or young person.	Accept in principle	<p>Implementation plan: Updated practice guidance for preventing and responding to children who go missing is currently under development and will include guidance regarding return to care conversations.</p> <p>Options to support training across the sector will be progressed through the RCLDS.</p> <p>Status: On track – implementation in progress</p> <p>Update: The practice guide for preventing and responding to children who go missing is currently in development as part of the Missing from Care work plan. This supplements information on return to care conversations in the <i>Missing children and young people procedure</i> and Missing children and young people advice in the Child Protection Manual.</p> <p>The Department is working with the Centre for Excellence in Child and Family Welfare on training options, including strengthening existing training to align with this recommendation.</p>	<p>Assessment: Progress made</p> <p>Comment: The Commission notes that the practice guide is in development and training options are being considered. The Commission will continue to monitor progress made in relation to this inquiry.</p>

Progress against past inquiries continued

Out of sight		Recommendation	Accepted by government	Implementation plan and department update	Commission assessment
Rec #	15	That, when implementing the recommendation from <i>In our own words</i> to establish a child and young person centred complaints function, the department require that children and young people are offered the opportunity to speak to an independent person either to conduct the return to care conversation or following the return to care conversation (within 48 hours).	Accept in principle	<p>Implementation plan: The need for a child or young person-centred complaint's function is agreed. The department has progressed commitments to examine options to improve regulation and complaints functions for children and young people in child protection and out of home care. This work, and work to establish an independent advocate for children in residential care, requires legislative amendments and resource allocation. In the interim, the independent complaints function sits with the Victorian Ombudsman.</p> <p>Status: On track – implementation in progress</p> <p>Update: The Children and Health Legislation Amendment (Statement of Recognition and Other Matters) Bill 2022 (the Bill) was introduced into Parliament on 7 June 2022. The Bill includes amendments to the Commission for Children and Young People Act 2012 to provide an advocacy function for the Commission for Children and Young People. The function would enable the Commission to advocate on behalf of children and young people in the child protection and out-of-home care systems (including those who were within the previous six months and those up to 21 years transitioning out of care) to have their issues raised and resolved either directly with government departments and agencies, non-government providers, or a relevant complaints body, where necessary.</p> <p>Implementation of a policy requirement for children and young people who are absent or missing from care to speak with an independent person will be considered as part of implementation of new advocacy functions, informed by children and young people with care experience and residential care providers.</p>	<p>Assessment: Planned for implementation</p> <p>Comment: The Commission welcomes progress on this recommendation via the proposed legislative amendments to enable the Commission to advocate for and provide advice, information and support for children and young people in care. The Commission will continue to monitor progress of this recommendation.</p>

Out of sight

Rec #	Action	Recommendation	Accepted by government	Implementation plan and department update	Commission assessment
15	3	That information collected in return to care conversations should be recorded in a manner that ensures it can be identified as a record of a return to care conversation, enables compliance monitoring, enables systemic monitoring to identify areas of risk across all parts and levels of the system.	Changed to Accept subject to resourcing (previously Accept in principle)	<p>Implementation plan: The requirement to record return to care conversations in the client information record system will be included in the Child Protection Manual alongside the existing missing child processes.</p> <p>Compliance reporting and monitoring requires additional resourcing to support the required enhancements to current client information systems.</p> <p>Status: On track – Implementation in progress</p> <p>Update: The <i>Missing children and young people procedure</i> in the Child Protection Manual has been updated to include the requirement for case practitioners to record the outcomes of return to care conversations on CRIS. A risk assessment of the child's missing episode is also recorded on CRIS.</p>	<p>Assessment: Significant progress made</p> <p>Comment: The Commission welcomes progress to update the Child Protection Manual to require practitioners to record outcomes of return to care conversations on CRIS. The Commission will continue to promote and monitor progress in relation to improving monitoring and reporting capabilities.</p>

Out of sight		Recommendation	Accepted by government	Implementation plan and department update	Commission assessment
Rec #	Action	<p>That the department monitor and report on the operation of secure welfare, with particular focus on children and young people who are frequently absent or missing from residential care. Potential metrics include:</p> <ul style="list-style-type: none"> the rate of children and young people who are absent or missing from placement within 24 or 48 hours of discharge from secure welfare the proportion of children and young people who are discharged from secure welfare earlier than planned due to demand for beds the proportion of children and young people who have an exit plan with clear actions and responsibilities prior to discharge from secure welfare the number and type of services each child or young person accesses while in secure welfare (for example, medical screening and treatment, mental health services, and treatment for dependence on alcohol and other substances) the frequency of care team meetings for each child or young person while the child or young person is in secure welfare the frequency of visits by a care team member to each child or young person in secure welfare the frequency and length of admission for each child or young person and the period of time between admissions. 	<p>Changed to Accept subject to resourcing (previously Accept)</p> <p>System enhancements and resources are required to fully acquit this recommendation (metric a, b, d and f). Alternative solutions are provided to meet metrics b, d and f).</p>	<p>Implementation plan: The department will review the specified measures, including data availability to improve monitoring. An initial review of the list of additional metrics indicates that data is available for some of these.</p> <p>Status: On track – implementation in progress</p> <p>Update: Monitoring and reporting on the operation of secure care services, through monthly and more detailed quarterly reporting to operational executives, has been strengthened for children and young people who are frequently absent or missing from care based on the potential metrics as follows:</p> <p>a) Planned for completion in part – this data is currently captured across reporting systems; children who are absent or missing are captured in GIMS, while children who exit secure care are captured in CRIS. System enhancements and resources are required to join this data in an interrogable and reportable way for regular reporting, but a manual process can be undertaken on an ad hoc basis and will be presented to the Secure Care and Statewide Services Group executive teams in a focus report by September 2022.</p> <p>b) Planned for completion – it is proposed this data is captured through reporting of exits that are ‘unplanned exit – agency withdrew’ for Secure Care placement alongside daily average utilisation rates (that indicates bed shortage) as part of the Secure Care quarterly report. This will be actioned by September 2022. An alternative metric would require system enhancements and resourcing to support.</p> <p>c) In progress – the Department is still exploring if data on exit plans or/and exit meetings is available from CRIS in an accessible, interrogable format to facilitate reporting.</p> <p>d) Completed in part – the department now reports on the ‘proportion of nurse health assessments undertaken within 12 hours of admission’ and ‘medical practitioner assessments undertaken within 3 days of entry’ as part of Secure Care monthly reporting. Information on other services accessed is recorded in case notes in CRIS and cannot be extracted for reporting. Addressing this action in full would require system enhancements and resourcing.</p>	<p>Assessment: Progress made</p> <p>Comment: The Commission welcomes the strengthened reporting on the operation of secure care services, and plans to further improve on data recording and reporting. The Commission will continue to monitor progress made against this recommendation.</p>

continued next page

Out of sight

Rec #	Action	Recommendation	Accepted by government	Implementation plan and department update	Commission assessment
16	1			<p><i>continued from previous page</i></p> <p>e) Completed in part – compliance against the 48-hour placement meeting required by Secure Care is captured through Secure Care monthly reporting.</p> <p>f) Planned for completion in part – Child Protection Practitioner and case contracted agency staff visits are monitored via weekly CP visit reports and a complementary CP visits data tool. An amendment will be made to the CP visits data tool to provide a filter for clients in Secure Care by September 2022. Data is not currently captured for visits undertaken by other care team members and would require additional resourcing to support enhancements to CRIS.</p> <p>g) Completed – three admissions measures are presented in the Secure Care monthly reporting: first time admissions, multiple admissions and 5+ admissions. Analysis of frequency of placements in Secure Care by client is available in the Client Risk & Vulnerability Indicator (CVRI) QlikView data tool.</p> <p>The department will provide evidence of reporting (metrics d, e and g) and recommends closing these actions.</p>	

Progress against past inquiries

continued

Out of sight		Recommendation	Accepted by government	Implementation plan and department update	Commission assessment
Rec #	16	That, if a child or young person is admitted to secure welfare, the department ensure processes are in place for the child or young person's care team to meet regularly while the child or young person is there and to use it as an opportunity to build stronger relationships between the child or young person and key care team members (for example, through daily visits if possible) and to engage in a planning review. Planning should include a clear exit plan for the child or young person, which is clearly identified as such on CRIS.	Changed to Accept subject to resourcing (previously Accept) Further work is needed to understand whether this recommendation can be acquitted in full within current system functionality.	<p>Implementation plan: The Secure welfare service planning meeting procedure on the Child Protection Manual prescribes processes in place to ensure regular care team meetings while a child or young person is in secure care. These include the need for:</p> <ul style="list-style-type: none"> 48-hour care team planning meeting following a child or young person's admission into secure care. The 48 hour meeting includes a review of visits from support workers, family, and significant others, as well as professional supports required. Children and young people are actively engaged in planning and goal setting through this process. care team weekly review meetings for placements planned to last longer than 7 days. These meetings, chaired by the child protection team manager or secure care services operational manager; also include all relevant people in the child or young person's care and their family, carers or staff from the child or young person's placement, secure care staff and specialist support professionals. exit planning supported by a transition and exit planning meeting. Every child or young person exiting a secure care service is required to have a written plan to support them once they are discharged, which aims to prevent further admissions to secure care services. <p>The weekly review meetings provide an opportunity to review progress and goals, transition and exit planning and to review visits that have taken place including professional supports and family and carers.</p> <p>The department monitors compliance with the requirement for a 48 hour care team planning meeting through monthly reports, as outlined in the response to Recommendation 16.1.</p> <p>In line with Recommendation 16.1, the department will explore if data on exit plans and/or exit meetings and care team meetings is available from CRIS in an accessible, interrogable format to facilitate further reporting.</p> <p>Status: On track – implementation in progress</p> <p>Update: The department has reviewed the proportion of young people who have entered secure care since for a 6 month period to March 2022 who had a 48 hour care team planning meeting. Results show 93 per cent compliance rate across this period. Reports are shared with the Director Child Protection to take further action if needed.</p> <p>Work to explore data on exit plans and/or exit meetings and care team meetings is in progress.</p>	<p>Assessment: Progress made</p> <p>Comment: The Commission welcomes the results of the department's review. The Commission notes the plan to explore ways of recording and reporting on data on exit plans, exit meetings and care team meetings as part of Recommendation 16, to monitor if regular care team meetings and planning occur while a child or young person is placed in secure welfare. The Commission will continue to monitor progress made against this recommendation.</p>

Out of sight

Rec #	Action	Recommendation	Accepted by government	Implementation plan and department update	Commission assessment
16	3	That, other than when admission to secure welfare is court-ordered, the department ensure that secure welfare is only used after other options are considered. To ensure alternative options are viable, the department should review and remove barriers to their use where possible, including streamlining approval processes and providing adequate resources to enable children and young people's access to these alternatives.	Accept in principle	<p>Revised implementation plan: As noted in the report, legislative and procedural requirements are in place to ensure secure care services (SCS) are targeted to children and young people at substantial and immediate risk of harm and as a last resort. Viable alternatives at the point of entry to SCS are limited due to the capacity, expertise or clinical supports needed for a planned response and more intensive intervention to keep children, or others, safe.</p> <p>The department recognises the preventative and early intervention role that supports such as respite and farm stays play in helping young people to feel more connected to their placement, and as a potential 'circuit breaker' for behaviours that may make the person more likely to be at risk of an admission to secure care in the future and will ensure these types of supports are included in guidance that supports risk strategies and response planning for children absent or missing from care.</p> <p>The new models of care, at Recommendation 2, invest in community engagement workers who play an active role in identifying opportunities to support the engagement of young people, addressing barriers to participation and embedding of options into care and safety planning in line with this recommendation.</p> <p>The department will continue its work to learn from these new models, with a view to adopting elements within the broader residential system – noting this is subject to budget resourcing. In addition, the department continues to work closely with the Department of Health to support the prioritisation of young people in, or at risk of entry to SCS to access mental health acute facilitates and to increase community supports in response to children and young people with trauma as alternatives to more restrictive options.</p> <p>Status: (Revised implementation plan provided)</p>	<p>Assessment: Progress made</p> <p>Comment: The Commission notes progress made to implement the new models of care and the department's plans to ensure guidance includes alternative options, to continue working to adopting elements from the new residential care models within the broader residential care system, subject to budget resourcing and to continue working with DH to prioritise young people at risk of entering Secure Care Services. The Commission will continue to promote the need to address barriers to the use of alternative options and continue monitoring progress made against this recommendation.</p>

Progress against past inquiries continued

Out of sight	Action	Recommendation	Accepted by government	Implementation plan and department update	Commission assessment
17	<p>That, when implementing the recommendation from <i>In our own words</i> to improve government monitoring of out-of-home care, the Victorian Government improve information collection and monitoring and oversight mechanisms concerning children and young people who are absent or missing from residential care. Key indicators should include:</p> <ul style="list-style-type: none"> the rate children and young people are absent or missing from residential care (not just reported as absent) the length of time children and young people are absent or missing from residential care the number of missing person reports made for children and young people absent or missing from residential care the number of warrants issued for children and young people absent or missing from residential care where it is possible to ascertain, the exposure of children and young people to key risks while absent or missing from residential care, including sexual exploitation, criminal exploitation and criminal activity, alcohol and other substance use, and adverse health risks where it is possible to ascertain, harm suffered by children and young people when they are absent or missing from residential care, such as sexual assault, physical injuries, mental health consequences, criminal charges and criminal victimisation 	<p>Changed to Accept subject to resourcing (previously Accept)</p> <p>The department does not have resource capacity or budget to progress indicator b.</p>	<p>Implementation plan: Existing reporting for children and young people reflects the scope of the CIMS (Client Incident Management System) policy. The CIMS policy prescribes the need for an incident report for children and young people who are unexpectedly absent or absent without authorisation and there are concerns for their safety.</p> <p>In September 2021 the <i>Guidelines for Reporting Absent Clients in Out of Home Care</i> were released to strengthen decision-making and compliance with the CIMS policy.</p> <p>To implement this recommendation, the department commits to:</p> <ul style="list-style-type: none"> reviewing data availability and monitoring and reporting mechanisms within current resourcing and system capacity prioritising the reporting scope for absent client and sexual exploitation incidents within the CIMS review. <p>Status: On track – implementation in progress</p> <p>Update: In relation to the indicators identified, the department responds as follows:</p> <ol style="list-style-type: none"> Completed – analysis on the rates of children and young people in residential care who are absent or missing from care (based on CIMS policy) is included in the Child Protection/Child and Family Services monthly Major Impact Incidents Summary. Completed in part – length of time children and young people are missing is captured for missing persons media alerts and is now reported in the Client Risk & Vulnerability Indicator (CRVI) interactive data tool. Additional information on length of time children and young people are missing from residential care is captured in case notes and meeting notes in CRIS. The information is not captured as data that can be extracted for reporting. This would require additional resourcing to support enhancements to CRIS. Completed – the CRVI interactive data tool presents data on missing persons media reports with client level data. This is presented in built-in client reports available from the data tool. The number and rate of CP clients involved in missing person alerts for each Division is presented in the quarterly Vulnerable Clients report. 	<p>Assessment: Progress made</p> <p>Comment: The Commission notes the strengthened data collection and reporting children and young people who are absent or missing from residential care and welcomes the opportunity to review the tools and data. We note the plans to further improve on data recording and reporting subject to resourcing. The Commission will continue to monitor progress made against this recommendation.</p>	

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Out of sight

Rec #	Action	Recommendation	Accepted by government	Implementation plan and department update	Commission assessment
17		<p><i>continued from previous page</i></p> <ul style="list-style-type: none"> where it is possible to ascertain, where children and young people go and who they are with when they are absent or missing from residential care. <p>This information should be collated, analysed and monitored to identify individual children and young people at risk, and systemic areas of existing and emerging risks, to inform case management and policy responses.</p>		<p><i>continued from previous page</i></p> <p>d) Completed – the CRVI interactive data tool presents data on warrants with client-level data. The number and rate of CP clients involved in warrants for each Division is presented in the quarterly Vulnerable Clients report.</p> <p>e) Completed in part – the CIMS supports the identification of secondary incident types, enabling risks relevant to sexual exploitation, drug and alcohol and dangerous behaviour to be recorded alongside Absent Client incidents, where this is known. The Commission has access to this information through the CIMS Qlikview app provided by the department. This information can be utilised by the Department when undertaking analysis of incidents and is recorded in the individual incident record as part of the young person's file.</p> <p>f) Completed in part – as per indicator e) – CIMS captures sexual assault, physical injuries and mental health consequences. Criminal charges is not a part of the current incident types in CIMS.</p> <p>g) Completed – the new Sexual Exploitation Network system was implemented in late 2021 to identify connections between children and young people at risk of sexual exploitation and Persons of Interest—the tool facilitates exploration of connections/relationships that may indicate where children and young people are when absent from care and details about risk of Sexual Exploitation.</p> <p>Data and analysis in the above-mentioned reports and tools supports monitoring of children and young people, including those absent or missing from care, the identification and oversight of systemic risks through operational executive processes, and supports decision-making in Child Protection performance, High Risk Youth panels and care team meetings. The department will provide screenshots of the tools and data referred to for indicators a–d and g and recommends closing this recommendation as Complete.</p>	

Progress against past inquiries continued

Out of sight		Recommendation	Accepted by government	Implementation plan and department update	Commission assessment
Rec #	18	That the department review the operation of CIMS, including reporting thresholds, in respect of absent client incidents and sexual exploitation incidents to ensure an appropriate level of review and response, and improve systemic oversight.	Accept	<p>Implementation plan: The department will undertake a review of CIMS policy in 2022. The department is committed to embedding the statewide approach to CIMS safeguarding and oversight and further improving consistent application of the CIMS policy.</p> <p>A CIMS Community of Practice for service providers has been established to support consistent reporting thresholds and includes representation from the CCYP.</p> <p>Status: On track – implementation in progress</p> <p>Update: The review of the Client Incident Management System (CIMS), a staged process of continuous improvement over the next few years, commenced in March 2022. The department acknowledges the importance of ensuring incident systems provide sufficient data on risks to client harm and will prioritise CCYP's recommendation about the reporting scope for absent client and sexual exploitation incidents within the review.</p>	<p>Assessment: Progress made</p> <p>Comment: The Commission welcomes the review of CIMS and will continue monitoring progress made against this inquiry.</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 financial statements to be included in the accounts of the former DHHS (now DFFH) in its annual report.

Table 36 provides a summary of the Commission's expenditure for 2021–22.

Table 36. Commission expenditure 2021–22

Expenditure	2021-22 (\$)	2020-21 (\$)	2019-20 (\$)
Salaries and on costs	11,337,470	10,592,544	10,127,896
Grants and other transfers	–	–	–
Operating expenses	2,121,876	2,109,868	2,544,170
Depreciation	–	–	–
Total expenditure	13,459,346	12,702,412	12,672,066

Asset Management Accountability Framework (AMAF) maturity assessment [FRD 22]

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 37. Commission disclosures

Legislation	Requirement	Page
<i>Standing Directions & Financial Reporting Directions</i>		
<i>Report of operations</i>		
Charter and purpose		
FRD 22	Manner of establishment and the relevant Ministers	9,12
FRD 22	Purpose, functions, powers and duties	12
FRD 22	Key initiatives and projects	14
FRD 22	Nature and range of services provided	12–16
Management and structure		
FRD 22	Organisational structure	226
Financial and other information		
FRD 10	Disclosure index	223
FRD 12	Disclosure of major contracts	235
FRD 15	Executive officer disclosures	232
FRD 22	Employment and conduct principles	229
FRD 22	Occupational health and safety policy	227
FRD 22	Summary of the financial results for the year	221
FRD 22	Significant changes in financial position during the year	N/A
FRD 22	Major changes or factors affecting performance	N/A
FRD 22	Subsequent events	N/A
FRD 22	Application and operation of <i>Freedom of Information Act 1982</i>	235
FRD 22	Compliance with building and maintenance provisions of <i>Building Act 1993</i>	236
FRD 22	Statement on National Competition Policy	N/A
FRD 22	Application and operation of the <i>Public Interest Disclosures Act 2012</i>	236
FRD 22	Application and operation of the <i>Carers Recognition Act 2012</i>	236
FRD 22	Details of consultancies over \$10,000	233
FRD 22	Details of consultancies under \$10,000	234
FRD 22	Disclosure of government advertising expenditure	233
FRD 22	Disclosure of ICT expenditure	234
FRD 22	Statement of availability of other information	236

Appendix 1. Disclosure index

continued

Legislation	Requirement	Page
<i>Standing Directions & Financial Reporting Directions</i>		
FRD 22	Asset Management Accountability Framework (AMAF) maturity assessment	221
FRD 24	Reporting of office-based environmental impacts	237
FRD 25	Local Jobs First	233
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Legislation		
	<i>Freedom of Information Act 1982</i>	235
	<i>Building Act 1993</i>	236
	<i>Public Interest Disclosures Act 2012</i>	236
	<i>Carers Recognition Act 2012</i>	236
	<i>Disability Act 2006</i>	237
	<i>Local Jobs First Act 2003</i>	233
	<i>Financial Management Act 1994</i>	1, 221, 223, 239

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 April 2022, Meena Singh was appointed to the role of Commissioner for Aboriginal Children and Young People for a five-year term. Ms Singh replaced former Commissioner, Justin Mohamed. 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

Leanne Barnes

In February 2022, Leanne Barnes commenced as the Chief Executive Officer of the Commission for a five-year term. Ms Barnes replaced former Chief Executive Officer, Annie Tinney. Ms Barnes provides operational leadership to the Commission and ensures its effective and efficient management.

Emily Sanders

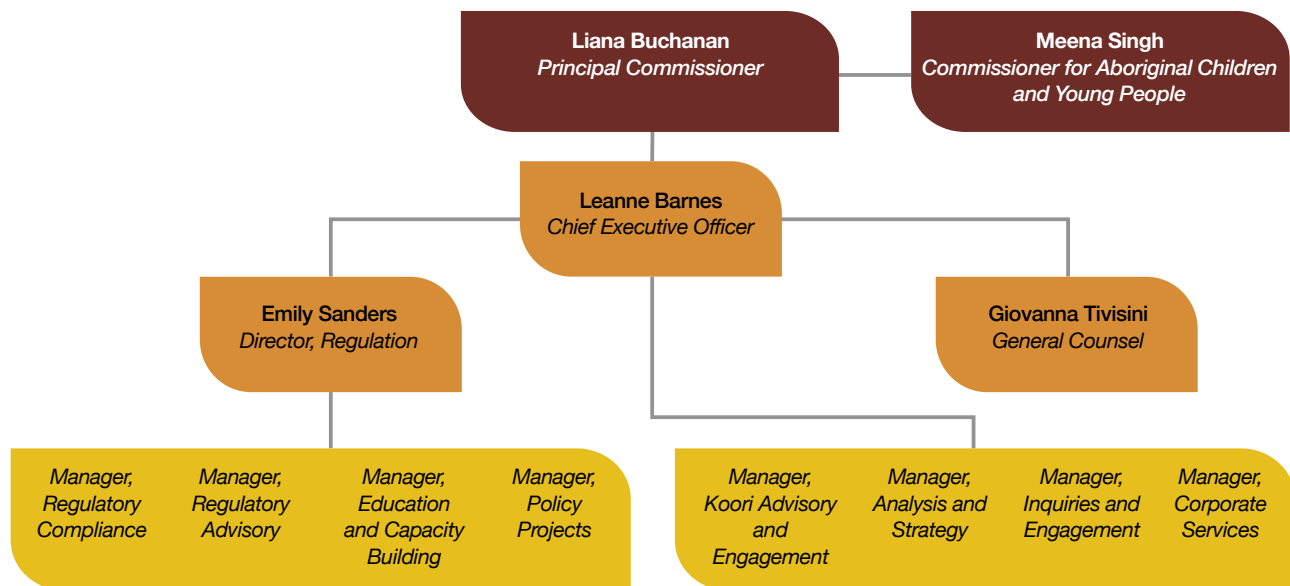
Emily Sanders was appointed Director, Regulation in February 2018 and has been re-appointed to the role until February 2026. Ms Sanders is responsible for managing the operational components and regulatory functions of the Reportable Conduct Scheme and Child Safe Standards.

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 2022

Figure 11. 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.

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 controls
- 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 2021–22, 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 work from home for large periods of the year, 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.

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 continued to increase 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 2021–22, four Occupational Health and Safety Committee meetings were held and over the year, the Committee increased in size from seven to nine members.

Injuries and incident management

During 2021–22, there was one reported injury. Comparatively, in 2020–21 there was also one reported injury.

The injury was classified as an Incident (rather than a Hazard).

The reported injury by a staff member related to exposure to a traumatic event. The event was the death of a young person in the residential care system.

The continued low number of reported injuries over the past two-years can largely be attributed to the fact that staff have predominately worked from home during 2021–22 due to the COVID–19 pandemic, and not in an office environment. However, staff have been reminded regularly that any injuries incurred at home whilst working for the Commission are reportable injuries.

In 2021–22, no matters resulted in WorkCover claims.

Appendix 2. Governance and organisational structure *continued*

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.

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 with 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 74 people as at 30 June 2022, which is an increase of four employees at the same time last year (Table 38a and 38b).

There has been a slight increase in fixed term employees (three) compared to the previous financial year. The total number of women employed by the Commission also increased by eight employees.

Appendix 3. Workforce data continued

Table 38a. Workforce data as at 30 June 2022

30 June 2022		All employees		Ongoing			Fixed term and casual	
		Number (headcount)	FTE	Full-time (headcount)	Part-time (headcount)	FTE	Number (headcount)	FTE
Demographic data	Gender							
	Men	13	12.8	11	1	11.8	1	1
	Women	61	57.1	35	13	45.3	13	11.8
	Self-described	n	n	n	n	n	n	n
	Age							
	15–24	1	0.6	0	0	0	1	0.6
	25–34	14	13.7	11	1	11.9	2	1.8
	35–44	20	18.1	13	7	18.1	0	0
	45–54	23	22	11	3	13.6	9	8.4
	55–64	13	12.7	9	2	10.7	2	2
65+	3	2.8	2	1	2.8	0	0	
Classification data	VPS 1–6 grades	71	66.9	46	14	57.1	11	9.8
	VPS 2	0	0	0	0	0	0	0
	VPS 3	2	1.6	0	2	1.6	0	0
	VPS 4	17	16.1	11	1	11.8	5	4.3
	VPS 5	28	26.8	20	6	24.9	2	1.9
	VPS 6	24	22.4	15	5	18.8	4	3.6
	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	74	69.9	46	14	57.1	14	12.8	

*n = nil

Table 38b. 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
	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

The figures in Tables 38a and 38b 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*.

‘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.

All figures reflect employment levels during the last full pay period of each year.

Appendix 3. Workforce data continued

Workforce inclusion

Equal opportunity and diversity are valued highly at the Commission. In late 2021–22, the Commission undertook a review of its obligations under the *Gender Equality Act 2020*, and in 2021–22, the Commission developed and submitted its first Gender Equality Action Plan 2022–25.

The Commission's four-year Gender Equality Action Plan included an analysis of available workforce data to identify and address any inequities evident from the data. A number of strategies and actions were then developed to assist the Commission to further strengthen the Commission as a workplace that celebrates and promotes employee diversity and inclusion.

The Commission will report progress in relation to specific strategies and actions outlined in the Gender Equality Action Plan to the Commission for Gender Equality in the Public Sector.

Executives and other non-executive senior staff

Table 39 discloses the annualised total salary for senior employees of the Commission, categorised by classification.

Table 39. Annualised total salary by \$40,000 bands for executives and other senior non-executive staff as at 30 June 2022

Income band (salary)	Executives	Other
\$160,000–\$199,999	1	0
\$200,000–\$239,999	1	0
\$240,000–\$279,999	0	1
\$280,000 – \$319,999	1	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 40, and Table 41 provides a reconciliation of executive and non-executive senior staff numbers in 2021–22 and 2020–21.

Table 40. Total number of Executive Officers (non-Commissioners) for the Commission, by gender (as of 30 June 2022)

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 41. Reconciliation of executive and non-executive senior staff numbers

	2021–22	2020–21
Executives	4	3
Non-executive senior staff	2	1
Accountable Officer	1	1
Less Separations	2	0
Total executive and non-executive senior staff as at 30 June 2022	5	5

Table 41 above lists the actual number of executives, 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 (VIPPP) 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 Job 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 2021-22 the Commission engaged Omnicom Media Group Australia Pty Ltd to develop the media campaign for the new Child Safe Standards. Total cost of the engagement was \$97,180.

Consultancy expenditure

Consultancies \$10,000 or greater

In 2021-22 the Commission engaged eleven consultancies with individual costs greater than \$10,000. The total value of those consultancies was \$293,860 (Table 42).

Appendix 4. Other disclosures

continued

Table 42. Consultancies valued at \$10,000 or greater

Consultant	Purpose of consultancy	Total approved project fee (excl. GST)	Expenditure 202122 (excl. GST)	Future expenditure (excl. GST)
Allens Linklaters	Advice	\$73,846	\$73,846	–
Allens Linklaters	Advice	\$12,000	\$12,000	–
Allens Linklaters	Advice	\$20,000	\$20,000	–
Catherine Zisserman	Consultancy services – Youth Justice	\$12,000	\$12,000	–
Cube Group	Review and report on Oversight function and audit performance framework	\$45,000	\$45,000	–
Grange Advisory	Investigation	\$16,500	\$16,500	–
Justitia Lawyers & Consultants	Investigation	\$17,874	\$17,874	–
Maddocks	Advice	\$13,640	\$13,640	–
Minter Ellison	Advice	\$29,000	\$29,000	–
Nicole Cassar	Consultancy services for creating a culturally safe environment for aboriginal children and young people	\$36,000	\$36,000	–
Victorian Government Solicitor's Office	Advice	\$18,000	\$18,000	–
Total		\$293,860	\$293,860	–

Consultancies less than \$10,000

In 2021–22, the Commission engaged twelve consultancies in this category, for a value of \$121,186.

Information and communication technology expenditure

For the 2021–22 reporting period, the Commission had a total ICT expenditure of \$334,779, the details of which are shown in Table 43.

In 2021–21, the Commission had \$160,461 in non-business as usual ICT expenditure. This related to case management system enhancements and website functionality improvements. Business as usual expenditure predominately related to system licenses and hosting fees.

Table 43. Commission ICT expenditure

Business as usual	Nonbusiness as usual	Operational expenditure	Capital expenditure
(Total)	(Total = Operational expenditure and capital expenditure)		
\$174,318	\$160,461	\$160,461	\$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 \$30.10 applied in 2021–22. 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 2021–22, the Commission received three applications from members of the public. All decisions were made within the statutory 30-day time period.

Appendix 4. Other disclosures

continued

Of the three applications received, no decisions were reviewed by the Office of the Victorian Information Commissioner or referred to the Victorian Civil and Administrative Tribunal during 2021–22. One decision has since been referred to the Office of the Victorian Information Commissioner for review in the 2022–23 year.

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 disclosures statistics

During 2021–22, 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 2021–22 due to the COVID–19 pandemic and requirement for staff to predominantly work from home during this period.

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.

The Commission supports the whole of Victorian Government *Inclusive Victoria: State Disability Plan 2022–2026*; a four-year plan which outlines the actions the Victorian Government will take to ensure the Victorian community is inclusive and accessible.

In 2021–22, the Commission also released its first *Gender Equality Action Plan 2022–2025*; which has a particular focus on gender intersectionality including disability. A number of actions have been developed in this four-year plan to address potential gaps pending the collection of improved data on experience of disability and an Implementation Plan developed.

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 2021–22, Commission staff worked both at home and the office. During this time, plug-in electrical appliances were turned off at the power point when not in use and office lights were set to timers and automatically turn off when motion is not detected.

Appendix 4. Other disclosures

continued

As a benefit of staff working from home in some capacity during 2021–22, the Commission has also minimised the use of water in the office and has significantly reduced the creation of waste.

Finally, the Commission does not have any government fleet vehicles assigned to them and staff are encouraged to use public transport in undertaking business activities.

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.



Principal Commissioner
Commission for Children and Young People

Commission for Children and Young People

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COMMISSION FOR CHILDREN
AND YOUNG PEOPLE
