

Commission for Children
and Young People

Annual report

2019–20



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.

© Commission for Children and Young People 2020

This work is copyright. Apart from any use as permitted under the *Copyright Act 1968*, no part may be reproduced by any process without prior written permission from the Commission for Children and Young People, Level 18, 570 Bourke Street, Melbourne 3000.

Suggested citation

Commission for Children and Young People, *Annual Report 2019–20*. Commission for Children and Young People, Melbourne 2020.

Ordered to be published

Victorian Government Printer, November 2020

PP No. 168, Session 2018–20.

ISBN 978-0-6487163-2-7

Commission for Children and Young People

Level 18, 570 Bourke Street
Melbourne, Victoria, 3000

DX210229

Phone: 1300 78 29 78

Email: contact@ccyp.vic.gov.au

Web: ccyp.vic.gov.au



COMMISSION FOR CHILDREN
AND YOUNG PEOPLE

16 October 2020

The Hon. Luke Donnellan MLA
Minister for Child Protection
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 2020.

Yours sincerely

Liana Buchanan
Principal Commissioner

Contents

Contents	2	Responding to the COVID-19 pandemic	18
List of tables	4	Priorities during COVID-19	19
List of figures	5	Key areas of concern and advocacy	19
Language in this report	6	Safety	20
Case studies and thematic studies	6	Education	21
Abbreviations and acronyms	6	Mental health	21
Definitions	6	Enforcement of compliance measures	22
From the Principal Commissioner	7	Information	22
From the Commissioner for Aboriginal Children and Young People	10	Building the engagement and participation of children and young people	23
About the Commission for Children and Young People	13	Key engagement work with children and young people	24
What we do	14	The Commission's child and youth engagement framework	24
Our vision	15	The Commission's inaugural Youth Advisory Group	25
Our values	15	Building our engagement capacity – the youth engagement working group and our key partners in youth engagement	25
Legislation	15	Out-of-home care and child protection	26
Our priorities	15	Inquiries completed in 2019–20	27
Highlights: our year in review	16	Inquiries underway	29
<i>Lost, not forgotten and in our own words</i>	16	Progress against past inquiries	30
Koori Youth Justice Taskforce, <i>Our youth, our way</i> inquiry (statewide consultation)	16	Child death inquiries	31
Engagement with children and young people	16	Out-of-home care incidents and incident monitoring	37
Response to COVID-19	17	On-site inspections and monitoring of residential care	39
Child Safe Standards audit Puffing Billy	17	Approaches from the public	40
Reportable Conduct Scheme strengthens responses to abuse	17	Oversight and monitoring of youth justice	41
		Our advocacy and impact	42
		Incidents and incident monitoring	45

Oversight and monitoring of youth justice during COVID-19	47	Compliance assessment of the Emerald Tourist Railway Board	72
Progress against past inquiries into youth justice	47	Action by relevant authorities about non-compliance concerns	74
Independent Visitor Program	48	Action by relevant authorities to educate and promote compliance	75
Influencing policy, services and the law	49	Reportable Conduct Scheme	78
Mental health reform for children and young people	50	Overview	79
Children and young people living with disability	51	Notifications of reportable allegations	79
Children, young people and family violence	51	Mandatory notifications	80
Children and young people who identify as LGBTIQ	52	Alleged victims	90
Children and young people in youth justice	52	Subjects of allegation	90
Children and young people in other closed environments	53	Findings from investigations into reportable allegations	92
Children in out-of-home care	54	Substantiated reportable conduct	94
Reviewing the administration of the <i>Working with Children Act 2005</i>	54	Historical allegations	95
Other advocacy and advice about children and young people	55	Sharing information	95
Media	55	Notifications to Victoria Police	96
Public appearances	56	Referrals to Working with Children Check Unit	96
Improving outcomes for Aboriginal children	58	Referrals to Victorian Institute of Teaching	97
Koori Youth Justice Taskforce and <i>Our youth, our way inquiry</i>	59	Public notifications	97
Supporting and regulating child-safe organisations	60	Public enquiries	99
The Commission as regulator	61	Own-motion investigations and other compliance actions	99
Supporting compliance	62	Corporate services and financial summary	100
Child Safe Standards	66	Appendices	102
Overview	67	Appendix 1. Disclosure index	103
Observations on the operation of the Standards in 2019-20	67	Appendix 2. Governance and organisational structure	105
Action by the Commission about non-compliance concerns	67	Appendix 3. Workforce data	108
		Appendix 4. Other disclosures	112

List of tables

No.	Title	Page
Table 1.	Child death notifications received by the Commission by Aboriginal status and category of death 2019–20	31
Table 2.	Child death notifications received by the Commission by Aboriginal status and age 2019–20	31
Table 3.	Child death notifications received by the Commission 2015–20	32
Table 4.	Child death inquiries completed by the Commission by age, category of death and Aboriginal status 2019–20	33
Table 5.	Child death inquiries completed by the Commission by living arrangements at death 2019–20	33
Table 6.	CIMS incidents by impact and incident type 2019–20	38
Table 7.	CIMS incidents by care type (major and non-major impact)	39
Table 8.	Lockdowns under s488 (7) of the <i>Children Youth and Families Act 2005</i> at youth justice locations 2017–20	43
Table 9.	Category one incidents in youth justice 2018–20	46
Table 10.	Attendees to Commission information sessions and webinars by sector 2019–20	63
Table 11.	Organisations where the Commission started action about concerns of non-compliance with the Standards by sector 2019–20	68
Table 12.	Organisations by sector where the Commission has open action as at 30 June 2020 regarding concerns of non-compliance with the Standards	69
Table 13.	Commission's enforcement activities concerning the Standards 2019–20	71
Table 14.	Relevant authorities where the Commission referred a concern of non-compliance with the Standards or consulted on compliance action as at 30 June 2020	72
Table 15.	Actions by relevant authorities (excluding VRQA) to assess and address concerns of potential non-compliance with the Standards as at 30 June 2020	74
Table 16.	Victorian Registration and Qualifications Authority action to assess and address concerns about potential non-compliance with the Standards as at 30 June 2020	75
Table 17.	Reportable conduct matters received by notification type 2017–20	80
Table 18.	Notifications of reportable allegations received by sector 2017–20	81
Table 19.	Reportable allegations from mandatory notifications received 2017–20	83
Table 20.	Reportable allegations by sector and type of reportable conduct 2017–20	84
Table 21.	Reportable allegations by education service type and type of reportable conduct 2017–20	88
Table 22.	Mandatory notifications in the education sector by employee type for subject of allegation and Victorian Institute of Teaching (VIT) registration 2017–20	89
Table 23.	Reportable allegations by gender of subject of allegation and type of reportable conduct 2017–20	91

No.	Title	Page
Table 24.	Findings per allegation by year of finalisation by the Commission 2017–20	92
Table 25.	Findings per reportable conduct type 2017–20	93
Table 26.	Substantiation rate of reportable conduct incidents by sector by year of finalisation by the Commission 2017–20	94
Table 27.	Substantiated reportable conduct incidents by conduct type and year of finalisation by the Commission 2017–20	95
Table 28.	Status of all notifications of reportable allegations reported to Victoria Police since the start of the Scheme 2017–20	96
Table 29.	Public notifications received by sector 2017–20	98
Table 30.	Reportable Conduct Scheme compliance action 2019–20	99
Table 31.	Reportable Conduct Scheme enforcement action 2019–20	99
Table 32.	Reportable Conduct Scheme decisions reviewed 2019–20	99
Table 33.	Commission expenditure 2019–20	101
Table 34.	Commission disclosures	103
Table 35a.	Workforce data as at 30 June 2020	109
Table 35b.	Workforce data as at 30 June 2019	110
Table 36.	Annualised total salary by \$40,000 bands for executives and other senior non-executive staff	111
Table 37.	Total number of executive officers for the Commission by gender	111
Table 38.	Reconciliation of executive and non-executive senior staff numbers	111
Table 39.	Consultancies valued at \$10,000 or greater	112
Table 40.	Commission ICT expenditure	113

List of figures

No.	Title	Page
Figure 1.	Lockdowns under s488 (7) of the <i>Children Youth and Families Act 2005</i> by youth justice centre 2017–20	44
Figure 2.	Number of mandatory notifications received by the Commission by quarter 2017–20	80
Figure 3.	Number of mandatory notifications received in the education sector by service type 2017–20	87
Figure 4.	Reportable allegations by type of reportable conduct and gender of alleged victims 2019–20	90
Figure 5.	Reportable allegations by type of reportable conduct and gender of subject of allegation 2019–20	91
Figure 6.	Public notifications by month received 2017–20	98
Figure 7.	Organisational structure as at 30 June 2020	105

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.

Abbreviations and acronyms

CCYP Act	<i>Commission for Children and Young People Act 2012</i>
CIMS	Client Incident Management System
CRIS	Client Relationship Information System
DET	Department of Education and Training
DHHS	Department of Health and Human Services
DJCS	Department of Justice and Community Safety
ETRB	Emerald Tourist Railway Board
FTE	Full Time Equivalent
IVP	Independent Visitor Program
NDIS	National Disability Insurance Scheme
OC	Oleoresin Capsicum (spray and vapour)
QARD	Quality Assessment and Regulation Division
SESG	Security and Emergency Services Group
SIDS	Sudden Infant Death Syndrome
SUDI	Sudden Unexpected Death in Infancy
VRQA	Victorian Registration and Qualifications Authority

From the Principal Commissioner



Liana Buchanan
Principal Commissioner

“**Children who were already experiencing disadvantage and marginalisation are disproportionately impacted by the pandemic. We learnt this by asking over 600 children and young people about how COVID-19 was affecting them.**”

It's difficult to reflect on the past year without first acknowledging the immeasurable impact the global pandemic has had on children and young people, as it has on our society more broadly. As we have seen around the world, the impacts of COVID-19 have been felt universally but have not been experienced equally. It has exposed and exacerbated inequality in our community and further highlighted pre-existing gaps and weaknesses in our service systems.

Children who were already experiencing disadvantage and marginalisation are disproportionately impacted by the pandemic. We learnt this by asking over 600 children and young people about how COVID-19 was affecting them. While we were relieved to hear some were doing well despite the challenges, we also heard that for many, the pandemic created stress in the home and had a negative impact on their mental health, their study and their work. It also disrupted their access to activities and services they needed to stay safe and well. Services told us it was harder to monitor and support at-risk families, which raised serious concerns for children and young people experiencing family violence or neglect.

Many of the challenges experienced in the child protection system in the midst of COVID-19 represent an extension of problems we identified in two major inquiries completed this year that examined our child protection and out-of-home care systems.

Lost, not forgotten examined the common themes that emerged from cases of children in the child protection system who died by suicide. Heartbreaking in its findings, we saw a pressured service system routinely failing to act in response to reports, leaving children to experience cumulative harm and languish in unsafe settings without any intervention.

Sadly, we continued to see the themes and patterns identified in *Lost, not forgotten* in many of the 27 child death inquiries – reviews of responses to children who died after child protection involvement – we conducted this year.

In our own words reflected what we heard from children and young people about their experiences of the out-of-home care system. It showed the potential for safe, loving and stable out-of-home care placements to be transformative for young people when they work well.



The child protection, out-of-home care, and child and family service systems require major investment and dramatic reform; until that occurs children and young people will continue to suffer harms most of us cannot even imagine.

Sadly, we heard many stories of children feeling lost in a confusing and impersonal care system, of children denied a say in decisions affecting them and shuffled through multiple placements, separated from siblings or placed in unsuitable or unsafe placements.

We were pleased that the Victorian Government accepted the recommendations of both inquiries and we will monitor their implementation. The child protection, out-of-home care, and child and family service systems require major investment and dramatic reform; until that occurs children and young people will continue to suffer harms most of us cannot even imagine.

Our broader oversight work continued this year, directly informing our advocacy to improve conditions in care and in youth justice. We completed our first series of onsite inspections of residential care facilities and continued our close monitoring of incidents in the out-of-home care and youth justice systems. I thank the volunteers in our Independent Visitors Program, who once again brought us invaluable information and insights from children and young people in youth detention.

We continue to embed and strengthen our regulatory functions, which ensure organisations working with children have strong policies and practices to prevent harm and abuse (Child Safe Standards) and ensure that disclosures or complaints are investigated appropriately (Reportable Conduct Scheme).

February's *Four Corners* episode featuring allegations of abuse and harmful behaviour towards students in a Victorian school drew attention again to issues that we confront all too often in our work; that the abuse of children in institutions is not merely historical and that some organisations continue to prioritise reputation ahead of children's safety. Many organisations have embraced the need for change, but many have work to do.

We were especially pleased to host the first Summit of Faith Leaders against Child Abuse, in which 50 leaders heard directly from a panel of survivors. The Summit generated important discussion on child safety and culminated in a joint statement committing to continued reform and improvement across faith communities.

We maintained our dedicated focus on the unique needs and experiences of First Nations children this year with my colleague, Commissioner for Aboriginal Children and Young People Justin Mohamed, bringing strong leadership and expertise in addressing unacceptable levels of over-representation in our out-of-home care and youth justice systems.

As we worked hard to support organisations that work with children to adapt to new risks and challenges, we also had to make significant changes to the way we work. COVID-19 restrictions shifted our entire workforce home by late March. I am incredibly grateful for the leadership of Annie Tinney, our Chief Executive Officer, in supporting this transition and continuing to offer strategic, practical and supportive leadership during an uncertain time.



This year, I am most proud of the increasing role children and young people are playing in shaping our priorities and informing our work, with over 1000 children and young people involved in our various inquiries and projects.

The work we do is complex and demanding, and often involves immersion in the lives and circumstances of children who have experienced enormous trauma, abuse and grief. This is challenging at the best of times, but even more so as our staff increasingly unpack these issues in their homes, while juggling additional care responsibilities, social isolation and major disruptions to their lives. The skill, dedication and resilience of Commission staff has never been more evident, as our important work adapted and adjusted, and continued to further the rights and interests of children and young people.

Finally, I want to thank and acknowledge our most important contributors, experts and stakeholders: Victoria's children and young people. This year, I am most proud of the increasing role children and young people are playing in shaping our priorities and informing our work, with over 1000 children and young people involved in our various inquiries and projects. Young people often share very personal and distressing experiences with us and I am forever humbled by their willingness to entrust us with their stories and share their expertise on how services can be improved for others. Every day, they continue to inspire me with their insight, wit, candour and strength.

The pandemic has shown that we are capable of making rapid and wide-scale changes, when we agree it is important and necessary to do so. It has proven that the intractable can be surmountable. As we become more aware of our collective potential, we owe it to children and young people to lift our ambitions for reform and investment. We can no longer pretend incremental change is the only way forward: we can take great leaps forward when we choose to – and we must.

From the

Commissioner for Aboriginal Children and Young People



Justin Mohamed

Commissioner for Aboriginal Children and Young People



...I was struck by how many times, through these consultations, it made such a difference having the people most centrally connected to the lives of children and young people around the same table.

In a very challenging year of working to address key issues facing Aboriginal children and young people, the impact of the global pandemic in Victoria amplified those challenges, but also revealed ways forward that promise renewed progress once the pandemic is over.

The year began with work to address cultural disconnection and other systemic factors that see Aboriginal children and young people starkly over-represented in Victoria's youth justice system. This work took the form of the Koori Youth Justice Taskforce – a joint initiative with the Department of Justice and Community Safety, and the Commission's related, independent, *Our youth, our way* inquiry, which will be tabled in the Parliament of Victoria early in 2021.

Working in tandem, the Taskforce and inquiry explored and identified systemic factors at the government, community, family and individual level that contribute to the over-representation of Aboriginal children and young people in the youth justice system, which will deeply inform responses to prevent it – including through a new Victorian Government Aboriginal Youth Justice Strategy anticipated to be launched in mid-2021.

Vitaly, the Commission's work proceeded through in-depth statewide consultations, with 13 regional forums, and nearly 70 case-planning forums for the Taskforce; and more than 90 individual consultations, and 50 additional consultations with workers, services and agencies for the Commission's independent inquiry.

This approach built upon the Commission's work led by my predecessor Andrew Jackomos with Aboriginal children and young people in out-of-home care for *Taskforce 1000*. The cumulative impact of this work – spanning out-of-home care and youth justice – serves only to illustrate the power of tackling issues through the voices of those most affected by them.

From July to October as I travelled the state, I was struck by how many times, through these consultations, it made such a difference having the people most central and connected to the lives of children and young people around the same table. How often simple measures could sometimes lead to immediate and lasting change in a young person's life through guidance and sustained connection to culture, community and family.



I saw first-hand how the provision of appropriate supports to a young person could indeed be life-changing and raise the possibility of a more equitable and transformational youth justice system in which Aboriginal children and young people are no longer over-represented.

I was also struck by how issues and solutions discussed at a state level too often failed to connect with regional communities, or reflect their local challenges and aspirations.

I saw first-hand how the provision of appropriate supports to a young person could indeed be life-changing and raise the possibility of a more equitable and transformational youth justice system in which Aboriginal children and young people are no longer over-represented.

This year there were many strands complementing this work, including the Commission's support for the #RaiseTheAge campaign, recognising that a low age of criminal responsibility has only heightened the structural inequality experienced by younger Aboriginal children, and that a higher age is needed to reduce over-representation and adverse experiences, and to meet the international human rights obligations advocated by the United Nations.

Alongside the particular focus on youth justice this year, the Commission has not lost sight of the crisis in over-representation of Aboriginal children in other systems supporting and protecting them, which tragically also includes the deaths of children and young people known to the child protection system. This report details that of the 51 such deaths notified to the Commission in 2019–20, nine were those of Aboriginal children and young people. In a year that saw a significant increase in the total number of these deaths, the broader over-representation of Aboriginal children and young people was unacceptably compounded.

The interrelationship of the systems that involve and impact Aboriginal children and young people were

highlighted and indeed amplified by the onset of the global COVID-19 pandemic in February. As the impacts were amplified, so too were we challenged to respond in different ways to keep children safe, as traditional responses were disrupted, and scrutiny of children and young people declined.

The decrease in face-to-face contact with vulnerable children and young people by the systems supporting them posed the question for the Commission of how its vital oversight roles could be maintained to protect those most at risk.

An important part of our response was an increased frequency of engagements through online platforms with the agencies most vitally involved with the safety of children and young people – the Department of Health and Human Services, the Department of Justice and Community Safety, and especially the Department of Education and Training, as the role of schooling in the wellbeing of children and young people took centre stage. I hope and trust that many lessons learnt in this transition to online engagement, and the benefits of how we have adapted, will be carried through when a more normalised work-life returns.

I was also pleased to note that with this increased level of engagement came an even closer partnership with the Principal Commissioner, Liana Buchanan, as we collectively advocated on behalf of vulnerable children and young people, seeking responses that addressed the circumstances and issues impacting their lives in a time of unprecedented change.



Through a second half of the year shaped by restrictions and isolation, what we heard from the voices of children and young people was the convergence in the pandemic of many issues and uncertainties, especially in the lives of Aboriginal children and young people.

Through a second half of the year shaped by restrictions and isolation, what we heard from the voices of children and young people was the convergence in the pandemic of many issues and uncertainties, especially in the lives of Aboriginal children and young people. Among these, the Black Lives Matter movement found its expression here in heightened concerns over police brutality, and continuing inaction on Black deaths in custody. If the pandemic challenged the connections within communities almost to breaking point, it also served in an unprecedented way to strengthen our focus on our most fundamentally important issues.

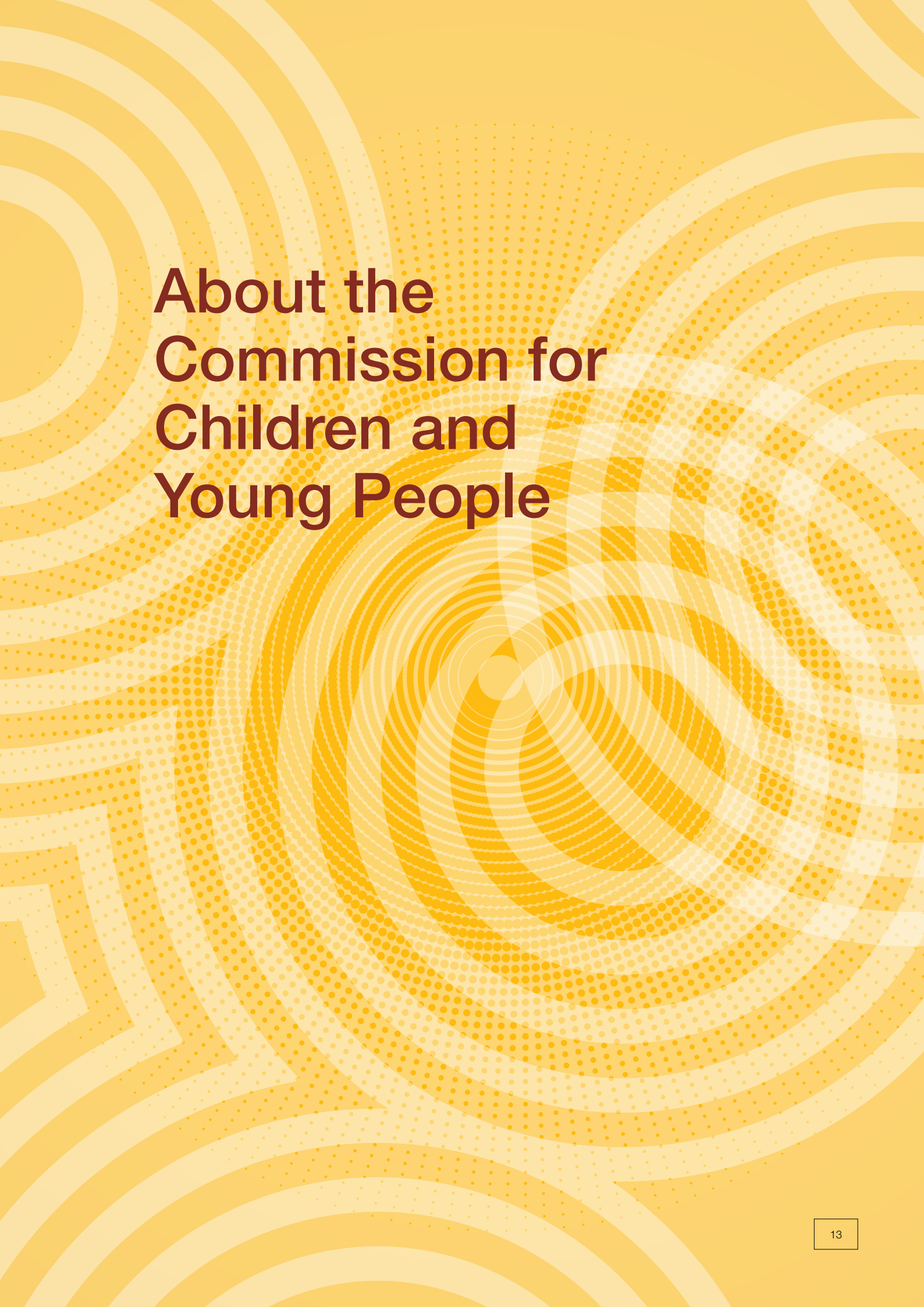
In the hope that we shall soon see COVID-19 restrictions eased across the state, there also arises the profound question of what has and will be the broader impact on our most vulnerable children and young people and lessons learnt during the pandemic.

In the coming year, I look forward to the fruition of our transformational work on youth justice, and important progress towards an end to over-representation.

I also hope to see positive and measurable achievements on the ground reflective of the changes we have seen in legislation, agreements and policies – improvements in support for family reunification, prevention of children and young people going into care, greater management of care by Aboriginal organisations, an increase in Aboriginal carers, and the consistent development of support plans to maintain cultural connection. Indeed, it will be an important part of my role to maintain government accountability on these issues.

I look forward to taking this work forward by building on work this year from the many meetings and forums with communities, Aboriginal organisations, government departments, the Australian and New Zealand Children's Commissioners and Guardians and, most importantly, our children and young people.

In this work I know we have the support and shared vision of everyone at the Commission and our partners in representing and working in the best interest of children and young people in Victoria.



About the Commission for Children and Young People

About the Commission for Children and Young People

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

What we do

At the Commission we:

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

Our vision

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

Our values

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

Legislation

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

Our priorities

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

Highlights: our year in review

Lost, not forgotten and In our own words

This year, the Commission tabled two significant inquiries into the child protection and out-of-home care systems. *Lost, not forgotten* reviewed service provision in relation to 35 cases of children who died by suicide and were known to child protection. *In our own words* examined the lived experiences of children and young people living in the Victorian out-of-home-care system. Both inquiries highlighted serious shortcomings in the resourcing and configuration of the current child protection and out-of-home care systems and recommended significant investment and reform by the Victorian Government to ensure a system which is truly child-focused and protective of children and young people.

Koori Youth Justice Taskforce, Our youth, our way inquiry (statewide consultation)

Between July and October 2019, the Commission carried out statewide community forums and consultations for the Koori Youth Justice Taskforce, and for the Commission's related, independent, *Our youth, our way* inquiry. This work seeks to address the over-representation of Aboriginal children and young people in Victoria's youth justice system, including the systemic factors driving involvement such as the role played by disconnection from culture. In leading the Commission's work, Commissioner for Aboriginal Children and Young People, Justin Mohamed, worked with local communities and agencies to address youth justice issues specific to regions, and to consider responses to selected individual cases.



During the COVID-19 pandemic, the Commission increased engagement with children and young people, using online platforms to hear directly from them. Their views informed advocacy by our Principal Commissioner Liana Buchanan (pictured), and Commissioner for Aboriginal Children and Young People, Justin Mohamed.

Engagement with children and young people

In 2019–20, approximately 1,060 children and young people directly engaged with the Commission to guide our work and inform our advice to government and other decision-makers. They participated through a range of mechanisms, including interviews, focus groups, workshops and surveys. They also shaped various aspects and stages of our work, including assisting with our strategic planning, advising on our child and youth engagement framework, sharing their experiences to inform our COVID-19 response work and policy submissions, and feeding into our systemic inquiry findings and recommendations. We also established our inaugural Youth Advisory Group who designed and led the Commission's youth social media engagement plan and the Commission's first ever online youth forums.

Response to COVID–19

The COVID–19 pandemic continues to have unprecedented and significant impact on the lives of children and young people, their families and communities and the services that work with them. As Victoria's state of emergency unfolded, we refocused our priorities to best perform our statutory functions.

We kept a spotlight on the effects of COVID–19-driven policy and practice changes on the most vulnerable children and young people in the education, child protection, out-of-home care and youth justice systems through increased monitoring of administrative data, regular engagement with departments, advocacy to ministers, presentations at forums and media commentary. Through these channels, we shared the views of 644 children and young people and 172 workers from 70 services working with children and young people, who we spoke with to understand the pandemic's effects.

We also focused on online safety given the changing risks to children and young people as a result of organisations' moves to phone and online delivery of services. The Commission adjusted its Child Safe Standards compliance strategy, redesigned capacity building activities and commenced delivering webinars and issuing COVID–19 specific guidance for both the Child Safe Standards and the Reportable Conduct Scheme.

Child Safe Standards audit Puffing Billy

Following the findings of the Victorian Ombudsman regarding child abuse associated with the operation of Puffing Billy, this year the Commission conducted its first intensive Child Safe Standards audit, examining the Emerald Tourist Railway Board. The audit's 23 recommendations spanned the seven Child Safe Standards and recommended priority actions to support ETRB to achieve compliance with the Standards (see page 72).

Reportable Conduct Scheme strengthens responses to abuse

This year the Reportable Conduct Scheme continued to improve organisations' responses to allegations of child abuse. In 2019–20, there was a 17 per cent increase in notifications, despite a dip during COVID–19, and an increase in the number of case closures, with a closure rate of 110 per cent. In particular, the year saw a 17 per cent increase in notifications from the education sector, and a 73 per cent increase from the providers of early childhood education.

The increase in notifications in the education sector, and an increase in members of the public notifying the Commission of potential child abuse allegations, was partly driven by the February 2020 *Four Corners* report, 'Boys Club', and subsequent media coverage related to the handling of sexual abuse allegations in schools (see page 61).

Responding to the COVID-19 pandemic

In early April 2020, during the initial weeks of COVID-19-related restrictions, we refocused our priorities and approach in light of the pandemic. The Commission's priorities during COVID-19 included:

- strengthened scrutiny of COVID-19-driven policy and practice changes in the child protection, out-of-home care, youth justice and education systems
- building and sharing knowledge about the impacts of COVID-19 on children and young people
- supporting services to keep children and young people safe online.

These priorities were important to understand and bring attention to the impact of COVID-19 and the different stages of Victoria's restrictions on children and young people.

This section of the Annual Report describes how we delivered these priorities and the key areas of concern arising from this work.

Priorities during COVID-19

Among our COVID-19 priorities, the Commission strengthened scrutiny of resulting COVID-19 policy and practice changes in the child protection, out-of-home care, youth justice and education systems, and increased monitoring of the youth justice and out-of-home care systems. This included:

- regular briefings with leaders of the Department of Health and Human Services, the Department of Justice and Community Safety, and the Department of Education and Training
- engagement with the Minister for Child Protection
- review of departmental policies and workforce guidance
- analysis of trends in departmental data
- onsite inspections in youth justice and secure welfare.

The Commission also engaged with children, young people and services who work with them, to help understand their experiences during the pandemic. We heard from 644 children and young people, including 349 children and young people through online group discussions and individual consultations and 295 through our online survey. We also heard from 172 workers from 70 organisations providing services and supports to children and young people.

As organisations working with children and young people across Victoria shifted to online service provision, we ramped up our focus on online safety, particularly through our Child Safe Standards education and compliance work. In April 2020, the Commission issued new guidance for organisations working to keep children and young people safe from online risks during COVID-19.

Key areas of concern and advocacy

COVID-19 has significantly impacted the daily lives of children and young people in Victoria. For many vulnerable children and young people, disadvantage was exacerbated during the pandemic. While existing disparities were highlighted, major health, social and economic impacts were also wide-reaching, with some families experiencing hardship for the first time. Our work suggests that there will be significant medium- and long-term impacts to the lives of children and young people. It will be important for the Victorian Government and community agencies to understand children and young people's experiences and perspectives in the weeks and months ahead.

As we learned from children, young people and stakeholders, we identified key areas of concern and advocated to government to improve responses relating to:

- safety
- education
- mental health
- enforcement of compliance measures
- access to information.

Despite significant, welcome government investment in the service system during COVID–19, the Commission continues to hold concerns for the safety and wellbeing of children and young people.

Safety

Early in the pandemic, it was clear that new risks were created for vulnerable children and young people amid increased family stress and adversity, including increased risk of family violence. Compounding these risks, restrictions meant drastically reduced visibility of children and young people in a range of domains of children and young people's lives, including their extended family, communities and schools.

The pandemic also posed new challenges for support services working with children, young people and families. Most services moved to providing support remotely, often with reduced workforce capacity.

Following the introduction of initial Stage 3 restrictions, Child Protection shifted largely to remote service delivery and issued guidance around prioritising cases only where 'children are at imminent risk who require a statutory or emergency response'. This resulted in a reduction in the visibility of vulnerable children and young people in need of support or intervention. We were also concerned about limited contact between parents and children in care and reduced access to services that parents need to support reunification. These issues were raised with the Commission through our consultations and direct approaches by stakeholders.

The Commission sought to better understand these risks through data on child protection trends during COVID–19, requested from the Department of Health and Human Services. Of particular concern were fewer notifications to Child Protection, significantly lower rates of cases moving from intake to investigation, and, in the Commission's view, very low numbers of in-person outreach visits each week during the pandemic.

We also looked at schools in their critical role supporting vulnerable children and young people, and as key notifiers

to Child Protection. While on-site learning was available to vulnerable students during Term 2, and the Department of Education and Training provided guidance on identifying vulnerable students, low on-site attendance numbers suggested few were attending on-site. Our consultations disclosed cases where highly vulnerable children and young people, including those living with violence at home, were turned away from attending on-site.

The Commission advocated to the Department of Health and Human Services and the Minister for Child Protection to restore suitable levels of face-to-face child protection services, support contact between parents and children in care, and develop clear supporting guidance to the child protection workforce and broader service sector. We also flagged the absence of a child-specific, independent mechanism for children in out-of-home care to raise concerns for their safety and wellbeing. We engaged with the Department of Education and Training to achieve better support for vulnerable students, including by working with Child Protection at a local level to identify children who may be at risk. Following this, the Department of Education and Training ran professional development sessions for teachers and principals with Child Protection to support staff to identify and respond to child abuse concerns during remote and flexible learning.

As personal protective equipment became more available and the understanding about how staff can engage safely increased, the Department of Health and Human Services strengthened workforce guidance positioning child protection as an essential service and outlining processes to deliver services face to face in line with health advice.

The Victorian Government's COVID–19 response included additional funding support to keep children and families safe. This included \$77.5 million funding for staff, resources and services aimed at vulnerable children and families announced in April 2020.

While services are adapting their responses as the pandemic progresses, we remain concerned about the continuing low intake-to-investigation rates and low recorded numbers of face-to-face child protection

services. We continue to advocate for improved service capacity to achieve more suitable levels. We also continue to promote more proactive efforts between agencies to identify children and families who need assistance.

Education

One of the most significant changes for children, young people and families during COVID-19 was the directive to learn from home. Children and young people we heard from had mixed experiences of learning. Engagement was heavily influenced by the environment in which children and young people were living, the capacity of parents or carers to support their learning, and the support provided by schools and other services.

The Commission heard about a range of issues experienced by vulnerable children and young people through consultations and direct approaches including:

- a lack of access to IT equipment and internet, and a lack of capacity to use it without support
- limited capacity of some parents and carers to provide support to learn from home, including issues faced by parents and carers who do not speak English or have limited literacy
- challenges faced by children and young people living in crowded homes
- limited support and flexibility provided to children and young people with additional support needs to learn remotely, especially children and young people with disability.

We discussed data trends relating to student attendance for onsite and remote learning with the Department of Education and Training. Our key concerns related to children and young people who were experiencing disengagement before COVID-19 becoming completely disengaged during remote learning, and a broader cohort of children and young people falling behind.

The Commission continues to engage with the Department of Education and Training to promote sustained work to identify and encourage vulnerable students, adequate supports for students with additional needs, and a targeted response to re-engage students as restrictions ease.

Mental health

In our consultations, most children and young people cited a negative impact on their mental health and wellbeing, describing loneliness, isolation and disrupted routines and coping mechanisms. These experiences added to stresses from remote learning, precarious employment, and unstable housing.

Many described the lockdown exacerbating existing mental health issues. Others discussed experiencing mental ill-health for the first time, and several spoke about concerns of suicide and self-harm. Many children and young people described fears for their future.

The Victorian Government's COVID-19 response included additional funding for mental health services including important supports for children and young people. This included funding for Orygen Youth Health to deliver a new online platform that provides online therapy and peer support for young people, and funding for Kids Helpline to expand online and phone counselling capacity.

Physical restrictions continue to create challenges for support. Most children and young people told us they prefer face-to-face support. Some children and young people who needed help with their mental health for the first time said phone and online services created barriers to seeking that help.

In June 2020, the Commissioners, Guardians and Advocates from across Australia, wrote to the Federal Minister for Health, The Hon. Greg Hunt MP, urging the government to consider evidence based advice on the longer-term impacts of COVID-19 on children's wellbeing and general health, as recognised by the United Nations' Committee for the Rights of the Child. The letter drew attention to the impact of COVID-19 on Aboriginal and Torres Strait Islander children and asked to be further involved in the Commonwealth Government's response to the pandemic. In August 2020, the Senator the Hon. Anne Ruston, Minister for Families and Social Services, responded to the letter, outlining a range of initiatives in place, or being introduced, to support children and young people.

The Commission continues to build its understanding of the current and longer-term impacts of the pandemic to inform mental health responses to meet children and young people's needs.

Enforcement of compliance measures

The Commission also advocated for an education and support approach for children and young people to comply with health directives, in place of a strict penalty approach.

Our consultations revealed that some young people reported they felt targeted and harassed by police in the enforcement of restrictions. We heard of young people in residential care, including Aboriginal young people, receiving fines of more than \$1,600 for breaching physical distancing laws. This had particular impact for many in the context of the global Black Lives Matter movement.

The Commission raised these issues with Victoria Police and advised the Department of Health and Human Services on guidance to support young people in care services to comply with COVID-19 restrictions. We continue to advocate for a trauma-informed, education and support approach for children and young people to

comply with restrictions, including to reduce the criminalisation of children and young people living in care.

Information

The limited availability of specific, tailored information for children and young people was a theme across our consultations.

Children and young people expressed uncertainty about changes and impacts during the immediate crisis response and about the consequences of the pandemic on their futures. It is vital that children and young people have targeted information and communications about changes impacting their lives and about where to go if they have concerns about their school, home, health and wellbeing.

There have been some good examples of services and organisations releasing information, news and updates for children and young people. However, there remains a significant need for key departments and agencies to fully acknowledge children and young people as core stakeholders deserving of clear and targeted information relevant to their lives.

In response to the Commission's advocacy, departments have developed information targeted at children and young people. The Department of Health and Human Services is working with the CREATE Foundation and young people with care experience to develop information about COVID-19 and Victoria's Roadmap to reopening. The Department of Education and Training published a student-facing webpage to provide up-to-date information and assist them to access additional advice and support services.



Building the engagement and participation of children and young people

Building the engagement and participation of children and young people

Engaging with children and young people is central to the Commission's work, not simply because their right to be heard is enshrined in the International Convention on the Rights of the Child, but also because we know from experience how much we can learn from them by listening to them and involving them in our work.

In 2019–20, the Commission built on our previous year's engagement work by refining our child and youth engagement tools and resources developed through our inquiry and policy engagement, establishing an internal youth engagement working group and by establishing our first Youth Advisory Group.

Key engagement work with children and young people

The Commission sought the views and perspectives of more than 1,000 children and young people who informed a range of work this year including:

- The *In our own words* inquiry (204 children and young people)
- The *Leaving care* inquiry (100 children and young people)
- The *Our youth, our way* inquiry (93 young people)
- The Commission's strategic planning process (40 children and young people)
- Submission to the Parliamentary Inquiry into Homelessness in Victoria (two young people)
- Submission to the Royal Commission into Victoria's Mental Health System (six young people)
- Consultations on the impacts of COVID–19 (644 children and young people – 349 direct consultations via phone or zoom and 295 online survey responses)
- Consultations to monitor the risks and impacts of COVID–19 in youth justice custody (20 young people).

The Commission's child and youth engagement framework

The Commission has been developing a set of resources to inform its engagement with children and young people over the past 18 months. Key resources were developed at the beginning of the *In our own words* inquiry with the advice and assistance of lived experience consultants from Berry Street's Y-Change program, in preparation for the youth consultations conducted for that inquiry. The Framework includes:

- key principles to guide our engagement decisions and methodologies
- guidance on how to establish safe spaces for young people
- youth friendly consent forms
- processes for responding to disclosures and complaints raised during the Commission's engagement work
- suggested formats for consultations with children and young people relevant to different contexts and purposes
- child safety considerations for conducting consultations with children and young people.

When the Commission commenced statewide consultations with children and young people on the impacts of the pandemic, these resources were used, developed and added to as staff adapted the Commission's engagement methodologies to the online context.

The Commission's inaugural Youth Advisory Group



The Commission's new Youth Advisory Group has been instrumental in ensuring that the Commission's work is shaped directly by the voices of children and young people in Victoria.

In May 2020, the Commission convened its inaugural Youth Advisory Group. The group was convened to advise and to assist the Commission on its COVID-19 related engagement with children and young people. The group has four members, from different and diverse backgrounds and life experience. The group worked with Commission staff to develop mechanisms to connect with young people, including creating content for the Commission's Instagram account and developing and facilitating the Commission's first ever online youth forums.

Building our engagement capacity – the youth engagement working group and our key partners in youth engagement

The Commission continued to build capacity in child and youth engagement by providing staff from across the Commission the opportunity to undertake training in youth participation in 2019.

This year an internal youth engagement working group made up of representatives from across the Commission was also established. The working group:

- workshopped and informed the Commission's youth engagement approach and resources
- developed a draft youth engagement action plan in line with the Commission's strategic plan, which was facilitated by Berry Street's Y-Change lived experience consultants
- assisted the Commission's statewide consultations with children, young people and youth organisations to understand the impacts of COVID-19.

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:

- initiating inquiries into systemic issues affecting children in child protection and the out-of-home care systems, and monitoring government action on past inquiries
- conducting inquiries into service responses to individual children
- 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.

Inquiries completed in 2019–20

Lost, not forgotten



On 30 October 2019, the Commission tabled the report of its *Lost, not forgotten* inquiry in the Parliament of Victoria. This inquiry reviewed 35 child death inquiries where the children had died by suicide between 1 April 2007 and 1 April 2019.

Nearly all of the children and young people considered in the report were victims of family violence, 89 per cent suffered from some form of neglect, and 51 per cent were reported or suspected to have been sexually abused. They were typically disengaged from education (83 per cent), and a large majority had contact with a mental health service (89 per cent).

Despite often serious risks, the inquiry revealed a pattern of early case closure by Child Protection, and a failure to follow up with disengaged families who were not connected with the help they needed.

Together, the 35 children and young people were the subject of 229 child protection reports – an average of seven reports each – 90 per cent of which were closed at intake or investigation, the earliest stages in the child protection process.

Key findings from the inquiry included that:

- Child Protection risk assessments during intake and investigation were frequently shallow and based on immediate and episodic risk prediction.
- There was no evidence that the 25 children and their families who were referred to Child FIRST were successfully engaged with family services. In all instances the children and their families were re-reported to Child Protection, often shortly after the initial referral.
- There was a lack of child-focused engagement resulting in children's voices not always being heard by services and their experiences often not being taken into account.
- There was an absence of effective early mental health intervention due to an absence of specialised mental health services for children and young people, lack of targeted support to help children recover from childhood abuse and trauma, and an inadequate focus on delivering family-based interventions to support the recovery of children experiencing mental illness.
- There was generally inadequate information sharing and an absence of collaborative practice between parts of the service system.

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

Lost, not forgotten recommended significant investment in the child and family service system through the development and implementation of an integrated, whole-of-system investment model and strategy focused on:

- early intervention and prevention
- reducing the rate of entry into care
- meeting the distinct needs of children who need to live away from the family home.

Other key recommendations included:

- That the department develop, resource and implement 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.
- That the department review and revise its practice, training and tools to embed children's participation in decision-making.
- That the department develop practice advice in relation to children involved with child protection who are identified as at risk of suicide.
- That the department develop and implement a suicide prevention strategy for children known to child protection, incorporating any relevant findings and recommendations made by the Royal Commission into Victoria's Mental Health System.

The Commission asked that the Royal Commission into Victoria's Mental Health system (Royal Commission) consider its findings, particularly in relation to the intersection between the child protection, child and family service, and mental health systems, and in relation to the need for greater levels of specialist early intervention mental health services for children known to have experienced harm and abuse.

The Victorian Government has accepted all the recommendations in the inquiry either in full or in principle. An implementation plan was provided to the Commission in March 2020.

In our own words



The Commission tabled its inquiry *In our own words: Systemic inquiry into the lived experience of children and young people in the Victorian out-of-home care system* in the Victorian Parliament on Wednesday 27 November 2019. 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 in care. The inquiry also drew on extensive reviews of the files of children and young people in care and stakeholder consultations with practitioners from Child Protection and funded agencies, residential care workers and carers.

Many of the 204 children and young people consulted for this inquiry told us they were moved around too much, their placements – especially in residential care – were unsafe, and there were not enough supports to help them recover from trauma.

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.

This inquiry spoke to over 80 Aboriginal children and young people who told us about their experiences of culture while in care. Some told us they could continue to live and learn about their culture, often with the support of Aboriginal carers or services. However, for too many, being in care meant disconnection from culture and community.

The inquiry found that Aboriginal children and young people continue to face significant barriers to securing their right to culture in Victoria's out-of-home care system. At the time of the inquiry, only one quarter of Aboriginal children and young people in care had an Aboriginal carer. Compared to their non-Aboriginal peers, they are more likely to go into care at a younger age and more likely to live separately from their siblings in care.

Key recommendations made in *In our own words* included that:

- The Victorian Government develop and implement an integrated, whole-of-system investment model and strategy for the child protection system in line with the department's *Roadmap for Reform: strong families safe children strategy*.
- The Department of Health and Human Services explore measures to lift the quality and implementation of legislated processes to support connection to culture for Aboriginal children and young people in care.
- The department develop tools and resources to embed children and young people's participation in decision-making, including about placement decisions.
- The department establish mechanisms to ensure that workers have caseloads that allow them regular face-to-face contact with children and young people.
- There be a single point of contact or 'key worker' for all children and young people in care who can access resources to make day-to-day decisions related to the implementation of the child or young person's case plan.
- The Victorian Government create a flexible range of therapeutic options for children and young people with complex trauma to transition over time from residential placements to more family-like care environments.
- The Victorian Government develop mechanisms to track and report on outcomes for children in out-of-home care to ensure that care services, policy and programs are focused on improved outcomes for children and young people in care.

The Victorian Government accepted all recommendations of the inquiry either in full or in principle. The Commission is yet to receive an implementation plan for the inquiry.

Inquiries underway

Inquiry concerning children and young people who are absent or missing from residential care

On 4 March 2020, the Commission established an inquiry in relation to children and young people who go missing or are absent from residential care. The Commission established this inquiry because of concern about the very high number of young people who continue to be absent or missing from residential care, which we see through our incident monitoring function and also heard about during our consultations for the *In our own words* inquiry. The Commission is concerned about the connection between children and young people going missing from care and their experience of victimisation, including as victims of sexual exploitation.

The inquiry consulted with a range of stakeholders, including Child Protection, organisations that provide residential care services, organisations providing outreach to young people, Victoria Police and the Children's Court. The inquiry is also consulting young people with lived experience in residential care, analysing departmental data, reviewing current policies and initiatives and conducting an in depth file review of Child Protection records to assess the supports provided to young people who are frequently missing or absent.

The inquiry will be tabled in early 2021.

Leaving care

The Commission is close to finalising an inquiry into the supports provided to young people as they transition from out-of-home care to independence. The inquiry has consulted over with over 100 young people who were on the cusp of leaving or who had left care about their experiences exiting the system. In addition, we have reviewed over 160 files of care leavers and conducted extensive consultations with stakeholders across the out-of-home care system. The inquiry will be tabled before

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

the end of 2020 and will make findings and recommendations about:

- how the Victorian Government tracks the life trajectories of care leavers
- how the out-of-home care system currently plans for leaving care
- the availability of service supports for care leavers and the critical lack of stable post-care accommodation.

Our youth, our way

On 15 May 2019, the Commission established a systemic inquiry into the over-representation of Aboriginal young people in the Victorian youth justice system, titled *Our youth, our way*. Our work on this inquiry during 2019–20 is described on page 59.

Inquiry into services provided to a child known to child protection

On 26 November 2019, the Minister for Child Protection wrote to the Principal Commissioner and the Commissioner for Aboriginal Children and Young People to recommend that the Commission conduct an inquiry into services provided or omitted to be provided to a child (Jane) after she was admitted to hospital suffering severe neglect. This inquiry is examining Jane's experience of the service system and the extent to which services successfully identified and managed risks, ensured quality of care and provided child-centred, culturally safe and effective support.

Progress against past inquiries

During 2019–20, the Commission closed one past systemic inquiry, and monitored the implementation of six past systemic inquiries and one individual inquiry.

'...as a good parent would...'

In 2015, the Commission tabled its first systemic inquiry report, '*...as a good parent would...'*', to examine ongoing sexual abuse and exploitation of children in residential care. The government accepted all of the inquiry's recommendations.

The Commission recognises several important changes that have been made since this inquiry, including the introduction of departmental audits of residential care units and a mandatory qualification for residential care workers. It is clear, however, that further significant improvements to residential care and ongoing efforts are needed to address the sexual abuse and exploitation of children living in the residential care system.

In closing this inquiry in 2020, the Commission agreed that a number of outstanding actions will be monitored through our 2019 inquiry *In our own words* and the need for further reform will be examined in our inquiry into children and young people who are absent or missing from residential care.

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 one individual inquiry and two systemic inquiries that were provided to government but not tabled, 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.

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 2019–20

We were notified of the deaths of 51 children in 2019–20, including nine 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.

This was a significant increase in child deaths warranting an inquiry by the Commission in 2019–20, with the most significant increase appearing to be in children dying through illness.

Table 1. Child death notifications received by the Commission by Aboriginal status and category of death 2019–20

Category of death	Aboriginal		Non-Aboriginal		Total	
Accident	0	0%	7	17%	7	14%
Drug/Substance Related	0	0%	2	5%	2	4%
Illness	5	56%	15	36%	20	39%
Non-Accidental Trauma	1	11%	4	10%	5	10%
SIDS/SUDI ¹	1	11%	1	2%	2	4%
Suicide	0	0%	5	12%	5	10%
Pending determination/ unascertained/unclear from file	2	22%	8	19%	10	20%
Total	9	100%	42	100%	51	100%

Table 2. Child death notifications received by the Commission by Aboriginal status and age 2019–20

Age	Aboriginal		Non-Aboriginal		Total	
0–5 months	3	33%	5	12%	8	16%
6–11 months	1	11%	4	10%	5	10%
1–3 years	1	11%	8	19%	9	18%
4–12 years	1	11%	9	21%	10	20%
13–17 years	3	33%	16	38%	19	37%
Total	9	100%	42	100%	51	100%

¹ The sudden, unexpected death of a baby where there is no cause of death is called Sudden Unexpected Death in Infancy (SUDI). This category includes Sudden Infant Death Syndrome (SIDS).

Out-of-home care and child protection continued

Table 3. Child death notifications received by the Commission 2015–20

Category of death	2015–16	2016–17	2017–18	2018–19	2019–20
Accident	7	6	2	8	7
Drug/substance-related	0	3	0	0	2
Illness	13	13	11	7	20
Non-accidental trauma	6	3	1	3	5
Pending determination/unascertained/unclear from file ²	3	4	4	7	10
Sudden Unexpected Death in Infancy (SUDI)	4	3	7	6	2
Suicide/self-harm	5	4	1	3	5
Total	38	36	26	34	51

Child death inquiries completed

In 2019–20, the Commission completed 27 child death inquiries, containing 15 recommendations. These inquiries related to children who died from 2017 to 2020.³ Four of the inquiries related to Aboriginal children. As in previous years, most children were living at home with their parent or parents at the time of death.

The children whose lives we reviewed through our child death inquiries had been the subject of, on average, 3.1 reports to Child Protection, with 10 children (37 per cent) having between two and four reports. One child had been the subject of 23 reports to Child Protection. In 16 of the completed child death inquiries, the Child Protection case was still open when the child or young person died.

² '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.

³ 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 2019–20

CCYP Category of death	Age group	Aboriginal	Non-Aboriginal	Total
Accident	4–12 years	0	2	2
	13–17 years	0	2	2
	Total	0	4	4
Illness	0–5 months	1	2	3
	4–12 years	1	3	4
	13–17 years	0	2	2
	Total	2	7	9
Non-Accidental Trauma	0–5 months	0	2	2
	6–11 months	0	1	1
	1–3 years	0	1	1
	Total	0	4	4
SIDS/SUDI	0–5 months	1	2	3
	Total	1	2	3
Suicide	13–17 years	0	4	4
	Total	0	4	4
Unclear from file	0–5 months	0	1	1
	1–3 years	1	0	1
	4–12 years	0	1	1
	Total	1	2	3
Total		4	23	27

Table 5. Child death inquiries completed by the Commission by living arrangements at death 2019–20

	Aboriginal	Non-Aboriginal	Total
At home with parent	4	18	22
Hospital	0	2	2
Kinship care	0	1	1
Residential care	0	2	2
Total	4	23	27

Practice themes

In the child death inquiries we conducted in 2019–20, we identified a number of recurring issues that prompted recommendations for improvements to services. Some of these have highlighted new issues with service practice and responses, but many of these themes were consistent with themes identified in previous years. Themes arising in 2019–20 child death inquiries included:

- premature case closures
- poor family violence risk assessments
- adolescent mental health and cumulative harm

- safe sleeping and discussion of SIDS risk factors
- information sharing and interagency collaboration.

Premature case closure

As in previous years, child death inquiries have underscored the issues and risks faced by children when Child Protection closes a case prematurely. This can be seen particularly in situations where reports to Child Protection are closed at intake with no investigation.

Eleven child death inquiries this year highlighted premature case closure in relation to at least one report. In six of these cases, the risks to children were not adequately assessed due to poor information sharing or poor information gathering, including in one case, evidence of

Case study

Premature closure/cumulative harm

Jack died by suicide. By his mid-teens, Jack had a significant history of more than 20 reports to Child Protection. The majority of these reports related to Jack's father using violence, while four reports related to Jack exhibiting challenging behaviours. The reports to Child Protection raised a range of concerns including family violence, drug and alcohol misuse and mental illness.

Child Protection determined most of the reports did not meet the threshold for protective intervention and closed the reports without an investigation. The Commission found that Child Protection's response was episodic and lacked the child focus required to adequately assess the emotional and cumulative harm Jack experienced.

The Commission's inquiry found that over the years the reports to Child Protection raised multiple risk factors which, when considered together, would have provided strong grounds for ongoing protective intervention. Jack's inquiry highlighted the need for Child Protection and related support services to provide meaningful intervention earlier in cases where children are experiencing chronic and entrenched harm.

sexual exploitation. Premature case closures where there were several re-reports also pointed to a need to improve understanding of cumulative harm. Other issues that led to cases being closed prematurely included the 'refer and close roundabout' resulting from premature closure of cases and referrals to support services which are not followed up.

Poor family violence risk assessments

Fifteen child death inquiries involved experiences of family violence, including three cases that involved adolescent family violence. In eight of these inquiries, poor family violence risk assessments were identified as an issue.

When family violence occurred, it often involved poor practice by Child Protection and other agencies. This included inadequate risk assessments, leaving children even more vulnerable to the risk of further violence and cumulative harm. Other poor practices included a failure to engage with parents about protective concerns, particularly with fathers as perpetrators of family violence.

In two inquiries, the Commission identified cases where Child Protection failed to conduct an L17 family violence portal search and there was one case where the search was delayed. These searches gather information about past incidents of family violence and are an important tool when conducting an adequate risk assessment.

Adolescent mental health and cumulative harm

Inadequate responses to adolescent mental health was a theme in five child death inquiries conducted by the Commission this year. The children in these inquiries were each the subject of a significant number of reports to Child Protection. In these cases, the number of reports should have led to an assessment of the cumulative harm experienced by the child. These young people's mental ill-health occurred in the context of a number of contributing factors including:

- substance abuse by young people and/or their parents
- poor parental mental health
- unstable residential care or other placements
- family violence.

Case study

Poor response to family violence (and adolescent violence)

Nick was an adolescent who from a young age was exposed to significant trauma primarily associated with family violence. Nick died in an accident.

As a child, Nick was impacted by his father's use of violence, his mother's experience of mental ill-health and his parents' separation. As an adolescent, Nick demonstrated challenging and violent behaviours that resulted in police intervention and the issuing of a family violence intervention order.

The family violence concerns triggered six reports to Child Protection and four section 38 consultations between child protection and family support services. Of these reports,

two related to Nick's father using violence and four related to Nick using violence towards his mother and his siblings.

Nick's family had intermittent involvement with child protection, Victoria Police, schools and a range of support services, including family support and specialist family violence services. While services understood the links between Nick's use of violence at home to his childhood trauma, none of these services were able to successfully engage with him to address this trauma.

The Commission found that an earlier, more comprehensive and therapeutic service response was needed to mitigate the effects of family violence on Nick and to address the underlying causes of his use of violence at home.

Case study

Access to adolescent mental health support

Taylor died from suicide. Child Protection received one report for Taylor when he was in his early teens. Child Protection closed the case shortly before Taylor's death.

The concerns for Taylor primarily related to substance abuse and mental ill-health. Taylor had many admissions to an adolescent psychiatric unit. Taylor displayed thoughts of suicide, had self-harmed and had attempted suicide.

Taylor was initially well engaged with mental health services, including the intensive mobile treatment team. This resulted at times in Taylor initiating contact when his mental health deteriorated.

Taylor was accepted into a drug and alcohol rehabilitation program. Taylor engaged well with this service and was provided with stability, consistency and safety, which enabled him to participate in its program. Whilst undergoing drug and alcohol rehabilitation, the mental health service which had been supporting Taylor disengaged with him for administrative reasons. From this point there was no

service to oversee and take responsibility for Taylor's mental health needs. Taylor was suddenly exited from the drug and alcohol rehabilitation program prior to completing it after breaking one of the program rules.

This inquiry highlighted the barriers young people can face when attempting to access the mental health service system. The system requires a flexible approach to engaging with vulnerable young people and providing continuity of service. The mental health service involved with Taylor has since developed procedures to ensure that transfers of clients that are not accepted by another mental health service be referred to senior management.

The inquiry found that the decision to exit Taylor from the rehabilitation service was hasty and not trauma informed. The service provider has supported the Commission's recommendation to review its guidelines and strengthen efforts to better support vulnerable young people.

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

Many of the issues identified in these child death inquiries were identified in the Commission's 2019 report *Lost, not forgotten*.

Safe sleeping assessments and SIDS risk factors

We continued to identify the need for greater consistency in relation to safe sleeping assessments and discussion of SIDS risk factors with parents and carers.

In four child death inquiries, based on available records, there was either an inadequate discussion in relation to safe sleeping and SIDS or no discussion at all. The Commission made recommendations about the importance of talking about safe sleeping and SIDS risk factors with parents and carers, and of recording what was discussed.

In two of the cases, a record of a discussion on safe sleeping risks, for example co-sleeping and being substance affected, was particularly important considering parental alcohol and drug use had been identified as a protective concern.

Case study

Safe sleeping assessments

Morgan died at a few weeks after birth from a respiratory illness. Child Protection had previously worked with Morgan's older siblings. A report was made when Morgan was less than one week old after concerns were raised about her mother's lack of prenatal care and possible family violence in the home.

While Child Protection had discussed safe sleeping arrangements in relation to her physical sleeping environment, there was no record of any discussion about SIDS risk factors even though Child Protection was aware that both parents problematically used drugs.

The Commission found that Child Protection's assessment of SIDS and safe sleeping was, at best, poorly recorded.

Information sharing and interagency collaboration

We continued to identify poor collaboration and a failure to share relevant information in 2019–20, despite the 2018 introduction of information sharing reforms. The Commission identified 11 cases where there was evidence of poor information sharing practice and a need for better interagency collaboration. Examples of poor practice in relation to information sharing in child death inquiries included:

- poor communication between maternal and child health services and Child Protection in relation to protective concerns
- mental health services sharing only superficial information and not disclosing relevant information about a child's history
- Child Protection failing to share information with schools about family violence risks, leaving the child vulnerable to the perpetrator on school grounds
- hospitals failing to share protective concerns with Child Protection.

The Commission reviewed four child deaths where there was evidence of good information sharing and collaboration. It is important to note that cases often showed better service collaboration and improved information sharing at a later stage.

Case study

Poor information sharing

Cherry was the first child born to her parents, although both parents had children with previous partners who had been the subject of previous reports to Child Protection. Cherry's parents' relationship involved frequent episodes of family violence perpetrated by her father.

Cherry was the subject of an unborn child report which was converted to a Child Protection report upon her birth. Shortly after her birth, Cherry was placed on an interim accommodation order into the care of her mother. The order had numerous conditions, including:

- that both parents attend family violence counselling
- that both parents not expose Cherry to violence
- that Cherry's father comply with alcohol and drug testing.

The Maternal and Child Health Service was aware of historical information about Cherry's mother's experience of family violence perpetrated by her former partner, but unaware of the repeated family violence perpetrated by Cherry's father.

Maternal and Child Health Services had information on file about Cherry's mother's cannabis use, whereas Child Protection held information on its file around Cherry's father's cannabis use. As each service did not share this information with each other, it was not known to services that both parents were substance users. As a result, the conditions of the court order relating to drug and alcohol testing focused on Cherry's father.

The Commission recommended that Cherry's case be used in training to reinforce the importance of building a stronger culture of information sharing.

Out-of-home care incidents and incident monitoring

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

We review each incident report (major and non-major) and consider if there are significant issues or concerns for the care provided to children, or shortcomings in the response to incidents. Where necessary, the Commission may request further information on the incident from DHHS divisions or escalate the issue with senior, central, departmental staff.

In some instances, individual or thematic issues identified in our review of incidents in out-of-home care have led to the establishment of individual or systemic inquiries under the *Commission for Children and Young People Act 2012*.

This year, key themes arising from our incident monitoring included:

- the ongoing challenges faced by children with multiple complex needs including mental health and a range of disabilities
- the difficulties the out-of-home care sector encounters accessing child-specific mental health service supports for high-risk children over a sustained period
- as was the case last year, follow-up analysis identified many of the Cultural Support Plans we ask for are not complete or are awaiting endorsement.

For the financial year 2019–20, the Commission reviewed over 7,300 endorsed CIMS incidents, approximately 10 per cent more than the previous year.

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

DHHS categorises its incidents in out-of-home care as either 'major impact' and 'non-major impact', referring to the assessment of the level of harm the incident causes to the client.⁴ Among the 2019–20 major incidents in out-of-home care, 'physical abuse' incidents made up the largest proportion, followed by 'sexual abuse', 'sexual exploitation', and 'self-harm/attempted suicide' incidents.

For all incidents (major and non-major combined), 'absent client' incidents continue to make up the largest proportion of incidents.

Reflecting previous years' trends, most incidents reported to the Commission this year related to children in residential care.

Table 6. CIMS incidents by impact and incident type 2019–20

Incident type	Major	Non-Major	Total	Total (%)
Absent client	179	1,980	2,159	29
Dangerous actions – client	161	961	1,122	15
Self-harm/attempted suicide	232	590	822	11
Inappropriate physical treatment	1	730	731	10
Injury	37	424	461	6
Physical abuse	445	4	449	6
Sexual abuse	305	0	305	4
Emotional/psychological trauma	58	243	301	4
Sexual exploitation	234	2	236	3
Poor quality of care	100	132	232	3
Emotional/psychological abuse	61	155	216	3
Inappropriate sexual behaviour	1	150	151	2
Medication error	15	102	117	2
Death	18	0	18	<1
Financial abuse	2	9	11	<1
Escape from a secure facility	1	0	1	<1
Total	1,850	5,482	7,332	100

In 2019–20, incidents in residential care accounted for approximately three quarters of the year's total CIMS incidents, even though this group of children make up approximately five per cent of the out-of-home-care population.

⁴ <https://providers.dhhs.vic.gov.au/client-incident-management-guide-cims-word>, accessed 25 August 2020.

Table 7. CIMS incidents by care type (major and non-major impact)

Care type	Major CIMS incidents	Non-Major CIMS incidents	Total number of CIMS incidents	Proportion of CIMS incidents (%)	Proportion of out-of-home care population (%)
Residential care and therapeutic care	1,254	4,166	5,420	74	5
Home-based care – foster	223	667	890	12	19
Home-based care – kinship	259	518	777	11	77
Lead tenant	91	82	173	2	<1
Secure welfare	23	49	72	1	<1
Total	1,850	5,482	7,332	100	100

Incident monitoring during COVID-19

The Commission closely monitored incident trends in out-of-home care during the months of COVID-19. In April to June 2020 in residential care, the Commission identified there to be substantially more sexual exploitation, sexual abuse, physical abuse and absent client incidents, compared with the same period in 2019. There were approximately 25 per cent fewer incidents reported in foster care between April and June 2020, compared to the previous year, and approximately 10 per cent fewer incidents reported in kinship care.

Through our increased monitoring of out-of-home care we also identified themes that point to the impacts of COVID-19 on children and young people including:

- changes to family access and contact, and related challenges for children
- decreased service provision including for outreach services and health services
- challenges of supporting children who regularly leave care to follow requirements to stay at home and minimise the risk to themselves and others
- decrease in usual protective factors for children contributing to deteriorating mental health.

On-site inspections and monitoring of residential care

In 2019, the Commission completed its first series of onsite inspections of residential care facilities across the state. The inspections were based on the *Charter for children in out-of-home care* and involved visits to four randomly selected residential care facilities across the state. This inspection sought to understand if children in these four homes considered the physical environments of the units to be home-like, safe, comfortable and welcoming.

The Commission found that the physical presentation of the properties differed significantly and the degree to which they felt home-like varied. Each facility was found to be clean and free of immediate hazards, but there were some issues of concern.

Across all four locations, children told the Commission that the home's physical presentation was not the key factor in whether they considered it a 'home that feels like a home'. Instead, the children's sense of home was strongly linked to their sense of safety in respect of the other children placed with them and the relationships they had with residential staff.

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

The findings were provided to the Minister for Child Protection and the Secretary of the Department of Health and Human Services. The report led to some immediate improvements including the installation of frosted window film to improve privacy at one location, and new bedding and soft furnishings being provided at a second location.

The Commission's findings have informed ongoing improvements to DHHS compliance and quality audit program and the development of interactive feedback mechanisms for children and young people living in residential facilities.

DHHS also advised that the use of locks on bedrooms will be considered and incorporated into the *Residential Care Accommodation Standards and Design Guidelines* (the Guidelines) being developed, which will support all care service capital builds, renovations and refurbishments.

Our second inspection series was postponed due to the restrictions associated with COVID-19. We are currently strengthening our inspection methodology, taking into account what we have learned about online engagement with children and young people during the COVID-19 pandemic.

Approaches from the public

The Commission responds to a wide variety of concerns 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 the children. In our inquiry report, *In our own words*, the Commission noted that there is currently no specialist, child-focused complaints handling body and repeated a 2015 recommendation that the Victorian Government establish one.⁵

This year the Commission responded to 403 approaches. The most persistent theme of approaches for the past year was concern for the safety of children where they were currently living. Of those children, 198 (49 per cent) were identified as living in out-of-home care; 46 per cent of these in kinship care, 31 per cent in other home-based care and 22 per cent in residential care. A further 13 enquiries were received about children living in youth justice and secure welfare services.

⁵ *In our own words*, Recommendation 6. The department has accepted this recommendation and undertaken to examine options to improve regulation and complaints functions for children and young people.



Oversight and monitoring of youth justice

Oversight and monitoring of youth justice

Children and young people in youth justice are some of our community's most vulnerable members, with disproportionately high rates of poor mental health and experience of abuse and trauma.

The Commission monitors the safety and wellbeing of children and young people in the youth justice system, which is run by the Department of Justice and Community Safety, using various mechanisms. We:

- examine each serious youth justice incident and advocate to senior staff of the Department of Justice and Community Safety or the Minister when issues of significant risk are identified
- operate a monthly Independent Visitor Program at each location and conduct exit interviews of children and young people leaving youth justice
- respond to systemic or significant concerns raised by members of the public about the operations of the system
- regularly attend youth justice student leadership council meetings, facilitated by Parkville College
- conduct on-site inspections and engage directly with children and young people.

Our advocacy and impact

This year we worked to improve youth justice across many different areas, including:

- continuing to monitor youth justice responses to children and young people self-harming or attempting suicide, following various improvements to policy, practice and training implemented over previous years
- ongoing monitoring of use of force
- advocating for improved strategies to reduce lockdowns and mitigate the negative impacts of lockdowns on children
- advocating for the introduction of internet access for educational purposes, in secure settings
- calling for improved infrastructure to increase capacity to ensure adequate fresh air and exercise for girls and young women
- advocating for a reduction or end to strip searches in youth justice.

Lockdowns

Some of the serious issues identified in our 2017 systemic inquiry *The same four walls* remain of concern. While the Commission has been pleased to note a continuing reduction in the number of isolations due to a child or young person's behaviour,⁶ the number of children and young people locked in their rooms during the day for operational reasons or due to insufficient staff⁷ increased again in 2019–20, as shown in Table 8 below.⁸

⁶ The *Children, Youth And Families Act 2005* – section 488(2) permits a child or young person to be placed in isolation if all other reasonable steps have been taken to prevent the person from harming himself or herself or any other person from damaging property and the person's behaviour presents an immediate threat to his or her safety or the safety of any other person or to property.

⁷ The *Children, Youth and Families Act 2005* – section 488(7) allows the officer in charge of a remand centre, youth residential centre or youth justice centre to isolate a person in the interests of the security of the centre.

⁸ The Commission acknowledges that in 2018, Youth Justice strengthened reporting practices to place a greater focus on recording every episode that a young person is placed in a locked room being counted as an episode of isolation.

Table 8. Lockdowns under s488 (7) of the Children Youth and Families Act 2005 at youth justice locations 2017–20

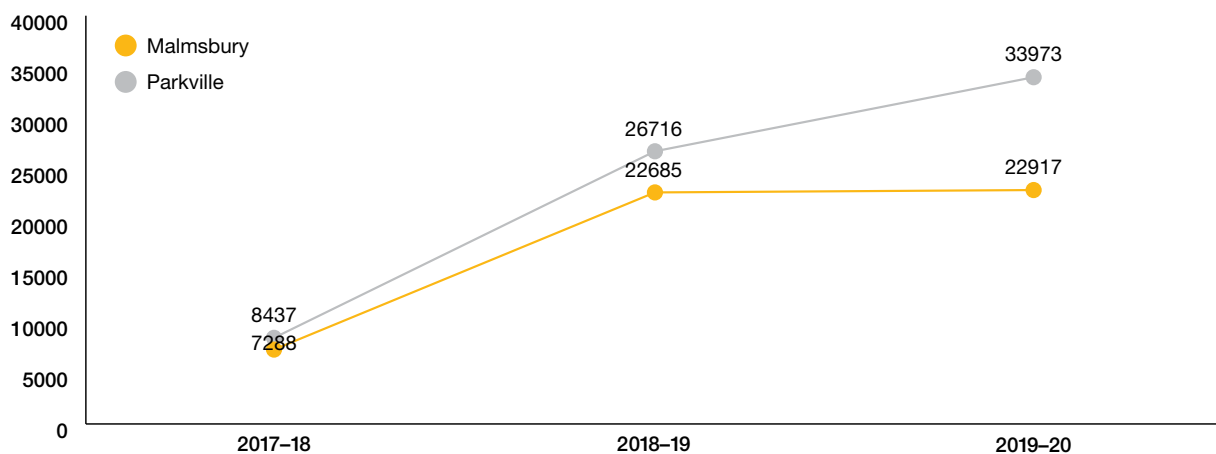
2017–18			
	Malmsbury	Parkville	Total
Number of lockdowns	7,288	8,437	15,725
Average population	109	92	201
Rate of lockdowns per child/young person	67	92	78
2018–19			
	Malmsbury	Parkville	Total
Number of lockdowns	22,685	26,716	49,401
Average population	104	84	188
Rate of lockdowns per child/young person	218	317	262
2019–20			
	Malmsbury	Parkville	Total
Number of lockdowns	22,917	33,973	56,890
Average population	92	90	181
Rate of lockdowns per child/young person	249	377	314

In 2019–20, there were almost 57,000 individual lockdown episodes recorded in youth justice, representing an unacceptable rate of 314 lockdowns per child or young person for the year. This year's total number of lockdowns is 15 per cent higher than last year. The relative increases, by location, are shown in Figure 1 (see page 44). The harmful impact of lockdowns and isolation on children and young people is well established; access to education and rehabilitation programs is disrupted, mental ill-health and behavioural issues can be exacerbated and in some instances the Commission has observed the effects of lockdowns have contributed to incidents of poor or unsafe behaviour.

Despite the overall increase, the Commission was encouraged to note a marked reduction in lockdowns in the last quarter of 2019–20. Between April and June 2020 lockdowns fell by more than half. Understanding and maintaining this improvement will be vital for youth justice going forward.

This year's total number of lockdowns is 15 per cent higher than last year. The harmful impact of lockdowns and isolation on children and young people is well established...

Figure 1. Lockdowns under s488 (7) of the Children Youth and Families Act 2005 by youth justice centre 2017–20



Use of Corrections Victoria’s Security and Emergency Services Group in youth justice facilities

The Commission has continued to monitor the deployment of SESG from Victoria’s adult prison system in youth justice facilities, to ensure the appropriateness of any tactical response to children. The Commission’s 2017 inquiry into the response of Corrections Victoria’s Emergency Response Group and SESG during incidents in the Grevillea Youth Justice Precinct found a number of serious deficiencies.

This year, the Commission again had cause for concern about SESG’s approach during incidents in youth justice, specifically in relation to the deployment of tear gas, OC spray and vapour. We consider that SESG has continued to apply an adult-oriented, ‘correctional’ approach that is not fit for purpose in a youth justice facility, noting also that SESG has operated in isolation from youth justice authorities.

In particular, the Commission has raised concerns through the year about SESG’s deployment of tear gas without prior attempt to engage young people and secure compliance by other means, and the potentially disproportionate deployment of OC spray and vapour. In one incident OC vapour was deployed three times

within a contained area, including deployments directly into the faces of children after an incident appeared to have been contained. In June 2020, the Commission asked government to urgently reconsider the role of SESG in Victoria’s youth justice system.

Transfer of children to adult prisons

This financial year, the Commission has monitored the care and wellbeing of two 17-year-old children transferred to the adult corrections system, while continuing to scrutinise the application of legislative thresholds enabling such transfers.

The Commission raised specific concerns with the Minister regarding the transfer of a 17-year-old Aboriginal child with extensive child protection history and mental health concerns. The Commission identified several issues, including Youth Justice’s capacity to effectively manage children with more complex needs and behaviours and whether the circumstances warranted the application to transfer in this instance. In the same case, the Commission was concerned that Youth Justice did not ensure Corrections Victoria had timely access to the full range of information needed to ensure the child’s safety and wellbeing in an adult prison.

The Commission acknowledges that Youth Justice and Corrections Victoria have since implemented some improvements to the transfer process, ensuring there is senior-level communication between Youth Justice and Corrections Victoria, suitable early planning for the reception and placement of a child, and better information sharing. The Commission maintains the view that, in line with the United Nations Convention on the Rights of the Child, children should not be accommodated in adult prisons.

Access to internet for education

This year, the Commission continued its advocacy on internet access for education purposes in Victorian youth justice facilities.

Lack of internet access has meant that some children and young people in youth justice facilities have not been able to continue or resume their education, impeding their rehabilitation. We were pleased that this year, in response to sustained advocacy, Youth Justice and Parkville College introduced a model of supervised internet access for students undertaking studies requiring online educational material, including VCE, VCAL, TAFE and university courses.

Unclothed searches of children and young people

Through 2019 and 2020, the Commission has advocated for alternative approaches to unclothed or strip searches for children and young people in youth justice. The Commission has welcomed plans to run a pilot program in youth justice, utilising body scanner technology. The Commission will monitor the pilot to ensure it adequately addresses the practice of strip-searching children and young people in youth justice custody.

Incidents and incident monitoring

Since March 2016, section 60A of the *Commission for Children and Young People Act 2012* has required the Secretary to provide the Commission with information about adverse incidents occurring in youth justice centres.

Youth justice category one incidents 2019–20

In 2019–20, youth justice centres recorded 76 category one incidents, representing a 41 per cent decrease compared to the prior financial year. This year there were fewer incidents across each of the three categories of incidents (assault incidents/allegations, behaviour-related incidents, and other incidents) compared to last year. There have been significant decreases in specific incident types including staff to client assault allegations (63 per cent decrease), sexual assault-related incidents (71 per cent decrease) and poor quality of care incidents (67 per cent decrease). These trends are encouraging.

While there has been a decrease in the number of assault-related incidents/allegations overall, the proportion of assault-related incidents among all incidents is higher this year (two-thirds of all incidents) and the number of physical assault – client to staff incidents increased to 24. These figures reflect the ongoing challenges of managing a safe youth justice system.

Oversight and monitoring of youth justice

continued

Table 9. Category one incidents in youth justice 2018–20

Incident types	2018–19	2019–20	% change
Assault-related incidents/allegations	71	51	-28
Physical assault – client > staff	15	24	60
Physical assault – staff > client	27	10	-63
Physical assault – client > client	12	8	-33
Physical assault – other > client	3	5	67
Sexual assault – indecent – staff > client	6	1	-83
Physical assault – client > other	0	1	-
Sexual assault – indecent – client > staff	2	1	-50
Sexual assault – indecent – client > client	5	1	-80
Sexual assault – indecent – other > client	1	0	-100
Other	43	21	-51
Poor quality of care	27	9	-67
Suicide attempted	5	3	-40
Possession	0	2	-
Property damage/disruption	1	2	100
Community concern	1	1	0
Escape – from centre	0	1	-
Breach of privacy/confidentiality matters	0	1	-
Illness	2	1	-50
Medical condition (known) – deterioration	1	1	0
Self-harm	3	0	-100
Injury	1	0	-100
Medication error – pharmacy	1	0	-100
Escape – from temporary leave	1	0	-100
Behaviour	14	4	-71
Behaviour – dangerous	9	3	-67
Behaviour – sexual	3	1	-67
Behaviour – sexual exploitation	1	0	-100
Behaviour – disruptive	1	0	-100
Total	128	76	-41

Oversight and monitoring of youth justice during COVID-19

The Commission undertook a range of COVID-19 monitoring activities focused on ensuring risks and impacts of the pandemic on children and young people in youth justice were minimised. Our work included three onsite inspections, virtual consultations with children and young people in youth justice custody, review of COVID-19 specific policies and procedures, and frequent briefings with senior youth justice staff.

Through these monitoring activities in 2019–20, the Commission identified a small number of issues and concerns, including the need for additional supports for families to access the virtual visit program, increased access to hand sanitiser, and the importance of ongoing communications with children and young people about the impact of COVID-19 on visits and applications for parole. These issues were raised immediately and addressed by Youth Justice. Our monitoring activities continue as the pandemic continues to evolve.

Progress against past inquiries into youth justice

Group inquiry into events at Grevillea Youth Justice Precinct

In March 2018, the Commission completed a group inquiry into services provided to children and young people at Grevillea Youth Justice Precinct. There were 11 recommendations arising from this inquiry. During 2019–20, further important improvements were made in response to the recommendations:

- improved policies and practices to facilitate Youth Justice and Corrections Victoria staff sharing information related to identified risks
- improved policies and practices to ensure all staff have regular access to information about a young person's risks and other information relevant to enabling informed and effective incident responses

- adjustments to policies and practices to ensure any response to serious incidents is tailored to children
- improved policies and practices for youth justice staff following the deployment of oleoresin capsicum (OC) spray at, or near, children and young people
- improved requirements for when property is removed from children for safety reasons.

In closing this inquiry in 2019, the Commission advised the Department of Justice and Community Safety that we continue to monitor the use of SESG staff in youth justice centres (see page 44), youth justice staff de-escalation strategies to prevent incidents, and the daily safety advice process.

The same four walls

In March 2017, the Commission completed an inquiry into the use of isolation, separation and lockdowns in the Victorian youth justice system. The inquiry found that children and young people in Victoria's youth justice centres were subjected to unacceptable levels of isolation and routinely 'locked down' or isolated due to staffing issues.

As shown on page 43, in 2019–20, rates of lockdown have remained concerningly high, with over 56,000 individual lockdown episodes (314 lockdown episodes per child). Through the year, the Commission regularly met with staff from the Department of Justice and Community Safety to discuss the acquittal of the six remaining recommendations. We have been advised by the department that two key recommendations of the inquiry are likely to be acquitted via the dedicated Youth Justice Act currently in development.

Disappointingly, as at June 2020 the department was yet to action important recommendations that were accepted in 2017, including the regular publication of isolation and lockdown data and the publication of youth justice policies and procedures. Our monitoring of the implementation of the recommendations arising from this inquiry continues.

Independent Visitor Program

Our Independent Visitor Program (IVP) conducts regular visits to Victoria's youth justice centres at Parkville and Malmsbury. Our volunteer visitors go to each centre on a monthly basis, observe conditions and talk to children and staff about services and issues and report on their observations to the commissioners after each visit. The Commission seeks to resolve issues by raising them with senior youth justice managers.

Due to COVID-19 restrictions introduced in March 2020, the IVP temporarily ceased visits with children at both Parkville and Malmsbury. An online IVP model was developed and visits via video calls re-commenced at each of the centres in May.

A total of 569 issues were raised by children and young people with independent visitors this year. 121 of these issues were raised by Aboriginal children. 264 issues were raised by children at Parkville Youth Justice Precinct, a significant reduction from the 358 issues raised in the previous year. 305 issues were raised at Malmsbury this year, an increase from 255 issues raised last year.

The main issues raised by children and young people across both centres this year were health-related matters. Over 10 per cent of issues raised at each centre related to health services. This is an increase for health matters at Malmsbury and a reduction at Parkville from the previous year. Access (incorporating telephone and visits) accounted for approximately 10 per cent of issues at both centres.

Our impact

Equitable access to phone calls

A young person at Malmsbury raised concerns about the unequal allocation of phone calls to young people whose family live overseas. This matter was reviewed by the centre's General Manager who allowed the same amount of phone calls to be allocated to this young person as those young people whose family live within Australia.

FOI advice to young people

During an IVP visit, a young person sought advice from the IVP about how to make a Freedom of Information (FOI) request. The young person had been incorrectly informed by a youth justice staff member that he could not make an FOI request while in custody. This query was referred to Youth Justice to address the query from the young person. In response, Youth Justice developed an information sheet to be distributed to young people which makes it clear that they can make such a request and provides guidance as to how to make a request. This was provided to the young person who made the initial query and will be made available for other young people who make future inquiries about FOI requests.



Influencing policy, services and the law

Influencing policy, services and the law

The Commission's role includes promoting the rights and interests of children and young people, and advising government on necessary improvements to policy, services and the law. This year, the Commission made formal submissions to government, statutory bodies and public inquiries including Royal Commissions. Our commissioners also provided advice to government through direct contact with ministers and senior officers, as well as through ministerial and other government advisory bodies across a range of policy areas central to children's lives.

We also sought to raise broader awareness of the need for policy, system and legal improvements for children and young people through the media and by talking directly to the community and to stakeholders at forums, conferences and other events.

Our advocacy and advice this year covered many issues impacting on the rights of children and young people.

Areas we focused on included:

- mental health reform for children and young people
- issues for children and young people living with disability
- children, young people and family violence
- issues for children and young people who identify as LGBTIQ
- the youth justice system
- children and young people in other closed environments
- out-of-home care.

Mental health reform for children and young people

The Royal Commission into Victoria's Mental Health System is critically important for children and young people in Victoria. As we noted in our submission to the Royal Commission, intentional self-harm, including suicide, was the leading cause of death of Victorian adolescents

aged 15 to 17 years in 2017.⁹ Mental health problems commonly manifest prior to adulthood; 'more than half of lifetime mental illness' develops before the age of 14 years¹⁰ and three-quarters begin before the age of 24 years.¹¹ Contributing to the Royal Commission's work was therefore a high priority for the Commission in 2019–20.

Our submission urged the Royal Commission to give priority attention to improving and expanding the mental health service system for children and young people. We called for a reformed system that:

- is centred around children and young people's needs and preferences
- meets the needs of vulnerable children and young people – particularly those in the child protection, out-of-home and youth justice systems – and other children and young people who experience poorer mental health
- responds effectively to children and young people's experiences of trauma
- ensures Aboriginal children and young people receive the mental health and social and emotional wellbeing support they need.

We emphasised the importance of prevention efforts from children's early years, including prevention of adverse childhood experiences. We highlighted the need for early intervention and effective intervention when children and young people have contact with Child Protection or the broader child and family service system.

We drew attention to the issues identified in our inquiries and work overseeing the child protection and out-of-home care systems and youth justice centres. When our *Lost, not forgotten* inquiry was tabled in Parliament in November 2019, we encouraged the Royal Commission to consider its findings, and were pleased that the report was cited in the Royal Commission's interim report.

⁹ Consultative Council on Obstetric and Paediatric Mortality and Morbidity 2019, *Victoria's Mothers, Babies and Children 2017*, page 64.

¹⁰ See, for example, National Mental Health Commission 2018, *Monitoring mental health and suicide prevention reform: National Report 2018*, page 47.

¹¹ See, for example, Fusar-Poli, P 2019, 'Integrated Mental Health Services for the Developmental Period (0 to 25 years): A Critical Review of the Evidence', *Frontiers in Psychiatry*, Volume 10, Article 355.

We shared with the Royal Commission the personal experiences, views and ideas of young people who spoke with us specifically for our submission. All the young people had experiences of both the out-of-home care and mental health systems. Their stories and insights provided valuable information, and we encouraged the Royal Commission to undertake ongoing consultation with children and young people.

Children and young people living with disability

The safety, wellbeing and rights of children and young people living with disability was a focus of our advocacy this year.

We supported the expansion of legislative provisions to ensure children and young people living with disability are covered by legal protections from acts of vilification, in our submission to the Victorian parliamentary inquiry into anti-vilification protections. We made a submission on the proposed regulations for the Victorian Disability Worker Regulation Scheme, focusing particularly on the Code of Conduct, which the Commission considers to be an important means of protecting the safety and wellbeing of children and young people with disability.

We shared important information from our work with the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability. Our submission emphasised the role of Victoria's Child Safe Standards and Reportable Conduct Scheme in preventing and responding to abuse of children and young people with disability in organisational settings, citing case examples and information about the abuse of children with disabilities in different settings, as identified through the Scheme.

The submission highlighted the particular vulnerabilities of children and young people in youth justice custody and in the child protection and out-of-home care systems, including relevant findings from our *Inquiry into services provided to vulnerable children and young people with*

complex medical needs and/or disability and In our own words.

The treatment of students with disability in Victorian school settings has been a matter of significant concern for the Commission in recent years. We made the Royal Commission aware of our concerns in our submission. We provided information about abuse of children in schools identified through the Reportable Conduct Scheme, highlighted our concerns about issues such as the use of restraints, seclusion and exclusion from school, and shared concerns that parents and advocates have raised with us. As well as bringing these issues to the Royal Commission's attention, we engaged with the Department of Education and Training and the Victorian Equal Opportunity and Human Rights Commission about the use of restraints and seclusion in Victorian schools.

Children, young people and family violence

The Commission continued its strong focus on ensuring the impact of family violence on children and young people is recognised and addressed in the family violence reforms following the Royal Commission into Family Violence.

Both commissioners contributed to the Victorian Government's Family Violence Steering Committee and other advisory groups guiding aspects of the reforms. The Commission continued to be involved in ongoing work on the Family Violence Multi-Agency Risk Assessment and Management Framework and provided advice on Phase 2 of the information sharing reforms for the Child Information Sharing Scheme and Family Violence Information Sharing Scheme.

This year, we consulted with the Family Violence Reform Implementation Monitor to inform the Monitor's fourth and final report to Parliament on the implementation of the reforms recommended by the Royal Commission into Family Violence. We reiterated our concerns that:

- children and young people who have experienced family violence continue to be overlooked as primary victims with their own independent needs, four years after the Royal Commission found children were often invisible victims of family violence
- there has been limited action on some important recommendations for improving the family violence system's response to children and young people who experience family violence and adolescents who use violence in the home.

We remain particularly concerned about the availability of therapeutic service responses for children and young people who have experienced family violence and adolescents who use violence in the home.

While substantial and welcome progress has been made to transform the response to family violence in Victoria, much work remains to be done in critical areas affecting children and young people. We continue to work to ensure this occurs.

Children and young people who identify as LGBTIQ

Our advocacy in 2019–20 included work to ensure the rights of children and young people who identify as LGBTIQ are recognised and respected. We advocated for expanded legal protections in our submission to the Victorian Parliament's inquiry into anti-vilification protections so that children and young people who identify as LGBTIQ have recourse to these laws if they are subjected to acts of vilification and their harmful consequences.

We supported positive changes to the *Births, Deaths and Marriages Registration Act 1996* that removed barriers for Victorians of any age wanting to change the record of sex in their birth registration. These changes are particularly important for trans and gender diverse children and young people. They allow applications for children and young people to be made to change their sex on their birth registration.

Children and young people in youth justice

The Commission contributed to several significant developments in youth justice policy and practice in 2019–20, including youth justice workforce strategy planning, the *Youth Justice Strategic Plan 2020–2030* and the development of new youth justice legislation.

We welcomed the *Youth Justice Strategic Plan* and its recognition that children need a fundamentally different approach and a holistic system, and the Department of Justice and Community Safety's close and responsive consultation on the youth justice legislation.

The commissioners also provided advice on the implementation of improvements to Victoria's youth justice custodial settings as members of the Youth Justice Custodial Facilities Working Group.

We continued to advocate for the age of criminal responsibility to be raised from 10 to 14 years, including as part of the collective advocacy of the Australian and New Zealand Children's Commissioners and Guardians. The Commission contributed to the national review by the Council of Attorneys-General (CAG) Working Group, emphasising that charging, prosecuting and detaining children as young as 10 to 13 years:

- goes against the current knowledge about childhood and adolescent development and the UN Convention on the Rights of the Child
- is an ineffective and counterproductive response, which increases the risk that children will commit more offences and become entrenched in the criminal justice system as adults
- most acutely affects the most vulnerable and traumatised children in the community.

Keeping these children out of the criminal justice system and providing them with early, specialised support that addresses the causal factors contributing to offending behaviour would be the more effective response.

Our submission to the CAG Working Group highlighted the flaws in relying on the legal presumption of *doli incapax* and supported the calls of Aboriginal organisations that raising the age of criminal responsibility is essential to reduce the over-representation of Aboriginal children and young people in the criminal justice system. The Commission will keep advocating for this important change in Victoria.

Children and young people in other closed environments

Preventative detention

In October 2018, the Commission received a new set of powers to monitor the safety and wellbeing of children held in preventative detention in Victoria. 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, 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 legislation¹² 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 2019–20 financial year, the Commission did not exercise its preventative detention function.

Children and young people in immigration detention

In our last annual report, the Commission identified that we had been contacted by members of the public on several occasions with concerns about the health and wellbeing of children held in immigration detention in the Melbourne Immigration Transit Accommodation (MITA) and the Broadmeadows Residential Precinct (BRP) nearby.

In the second half of 2019, the Principal Commissioner again visited MITA and the BRP and met with children and their families. The Commission continued to raise issues with the Department of Home Affairs, including concerns about the health and wellbeing of the children and their lack of access to programs and activities to support their social, emotional and physical development. We also raised issues about suitable access to fresh air and access to educational programs for an older child. During these enquiries, two of the children were moved out of Victorian immigration detention and one of the children turned 18, reducing the Commission's capacity to advocate for additional supports.

The Commission remains of the view that no child or young person should be held in detention or separated from their family because of their immigration status.

Victoria Police

Youth Justice provides the Commission with copies of all incident reports relating to children and young people reporting allegations of assault by Victoria Police. These allegations usually relate to events immediately prior to their reception into youth justice custody.

The Commission reviews these incidents to monitor Youth Justice's provision of these allegations to Victoria Police, and where appropriate, that photographs have been taken, and children have been provided access to health services and given support as required. This year, the Commission received 46 incident reports relating to allegations of assault by Victoria Police reported to Youth Justice. In 2020, the Commission commenced regular engagement with Professional Standards Command of Victoria Police to share high level information and trends in relation to children's allegations of assault and excessive force by police, and to discuss particular matters referred to the Chief Commissioner by commissioners.

¹² *Commission for Children and Young People Act 2012*, section 23A.

Children in out-of-home care

Over recent years, the Commission has been strongly advocating for the introduction of a joint protocol to reduce the involvement of the criminal justice system in residential care settings.

In February 2020, Victoria's 'Framework to reduce criminalisation of young people in residential care' was launched.¹³ The Framework is a collaboration between the Department of Health and Human Services, the Department of Justice and Community Safety, Victoria Police, the Centre for Excellence in Child and Family Welfare and the Victorian Aboriginal Child Care Agency.

The protocol represents a strong set of expectations for how service providers will support children in residential care and work with Victoria Police to improve their understanding of the backgrounds of, and current challenges faced by, these children.

The Commission sits as 'observers' on the Framework's Implementation Working Group and will commence monitoring of service delivery in residential care against the Framework in 2021.

Reviewing the administration of the Working with Children Act 2005

The *Commission for Children and Young People Act 2012* (s.25) requires that the Commission review the administration of the Working with Children Act, which is administered by the Department of Justice and Community Safety, every three years. The legislation required that the triennial review for the period 2016–19 be completed no later than 31 October 2019.

The Working with Children Check (WWCC) helps protect children from physical and sexual harm by screening criminal history records and professional conduct to prevent people who pose an unjustifiable risk to children from working or caring for them.

The review's findings

The review found that WWCC Victoria is working well with other government agencies to administer the Act in the face of significantly increased demand. However, the scale of the WWCC scheme has expanded rapidly, placing pressure on WWCC Victoria and the agencies who supply information critical to the assessment of risk.

When assessing risk based on past conduct, the WWCC seeks to obtain and balance different types of evidence, depending on relevance and reliability. Restrictions on disclosure of some information held by other government agencies to WWCC Victoria is a potential risk to child safety. These restrictions should be addressed through legislative reform to expand the scope of information which may be disclosed to WWCC Victoria. Strong relationships between WWCC Victoria and key stakeholders are crucial to the effective functioning of the scheme. At times, this is impeded by limited resources allocated within other agencies to respond to requests for information from WWCC Victoria.

Compliance with the scheme is improving, evident in the significant increase in applications. This improvement is in part driven by measures to improve community and organisational awareness of child safety obligations, through initiatives such as the new Child Safe Standards and the Reportable Conduct Scheme. In addition, broader community awareness of risks and expectations regarding child safety has shifted in response to public inquiries and high-profile cases. However, ongoing compliance monitoring and enforcement in relation to cardholders is largely reactive.

Given the scale of the scheme, any changes to its scope or the broader child safety environment have the potential to have a significant impact on its administration. Emerging risks include proposed legislative reforms, the relocation of WWCC Victoria to Ballarat in 2021, and continuing over-reliance of some organisations on the checks as a risk-management tool.

¹³ <https://providers.dhhs.vic.gov.au/framework-reduce-criminalisation-young-people-residential-care>

The review produced 13 recommendations, many of which related to improving processes and documented protocols for information sharing with key agencies including the Commission, in its role administering the Reportable Conduct Scheme.

The review was provided to the Attorney-General, the Minister for Child Protection, the Minister for Youth Justice and the Secretary of the Department of Justice and Community Safety on 29 October 2019.

Other advocacy and advice about children and young people

Our advocacy work in 2019–20 also included:

- a submission to the Victorian Institute of Teaching for its review of the code of conduct for the teaching profession, highlighting its critical role in protecting children and young people's safety and wellbeing
- supporting changes to the *Assisted Reproductive Treatment Act 2008* to allow access to assisted reproductive treatment without requiring a woman and her partner (if any) and parties to a surrogacy arrangement to undergo a police and child protection order check
- submissions to the Crime Statistics Agency for its consultations on Aboriginal and Torres Strait Islander crime data needs and a new measure of harm arising from crime victimisation.

Media

The Commission's coverage in State and national media this year increased by more than a third, with many engagements focusing on major inquiries, as these progressed or were released following tabling in the Parliament of Victoria.

Coinciding with the COVID-19 pandemic, the second half of the year saw substantial coverage of the Commission's engagement with more than 600 children and young people to identify impacts and advocate for effective

responses for vulnerable groups in the areas of safety, education and mental health.

Youth justice again featured strongly, accounting for around a third of our engagements, with broad regional coverage of the Commission's statewide consultations by Commissioner Justin Mohamed for the Koori Youth Justice Taskforce, and the Commission's related independent *Our youth, our way* inquiry (see page 59).

The reports of two major inquiries were also released this year, both achieving extensive media coverage. The Commission's *Lost, not forgotten* report on the suicides of children known to child protection in Victoria was released in October 2019 and was the subject of at least 13 media reports, including an opinion piece by Principal Commissioner, Liana Buchanan (see page 27).

In November, the report of the Commission's *In our own words* inquiry, focusing on the experience of children and young people in out-of-home care in Victoria, was the subject of at least 11 media reports. Both reports continued to be referenced in the media following their launch (see page 28).

Other issues to gain coverage included the commencement of the Commission's inquiry into children and young people who go absent or missing from residential care, mandatory reporting of abuse by religious organisations, and, on the release of last year's annual report in October, coverage of the Commission's work and annual data regarding the Child Safe Standards and the Reportable Conduct Scheme.

Coverage spanned print/online (52 per cent), radio (39 per cent), and television (9 per cent). The Commission this year worked with nearly 60 journalists across more than 30 media channels.

Public appearances

Despite the impact of the COVID-19 pandemic in the later stages of 2019-20, our commissioners completed an extensive program of public appearances together and independently to advocate for reform and promote the Commission's work.

As pandemic restrictions were put in place, their public appearances transitioned to online participation, allowing the Commission to continue its engagement at a critical time for children and young people in Victoria.

Among their joint appearances, our Principal Commissioner and Commissioner for Aboriginal Children and Young People began the year with presentations at the Commission's out-of-home care forum for Aboriginal children and young people.

In November, they spoke on youth justice reform and key challenges at a Justice for Young People conference hosted by the Australian Institute for Justice Administration. They also participated in CREATE's Voices for Action conference, and in December jointly addressed the launch of the Commission's *In our own words* report from our inquiry into out-of-home care.

That report featured in a further presentation by both commissioners in December to the Victorian Children's Council that also included the Koori Youth Justice Taskforce and the *Our youth, our way* inquiry.

As face-to-face meetings became increasingly restricted and events moved online, our commissioners participated in the launch of Victoria's new Youth Justice Strategic Plan, and meetings with a range of other stakeholders within and outside government, including the Australian and New Zealand Children's Commissioners and Guardians.

As the Commission reviewed its priorities with the onset of the pandemic, the commissioners played a central role in direct online engagement with children and young people as part of our broader COVID-19 response. That response saw our direct engagement online with around



The Commission's work for the Koori Youth Justice Taskforce and *Our youth, our way inquiry* saw statewide engagement, including in Eastern Gippsland. The Commission's Julie Nesbitt and James Fraser are pictured here with Principal Commissioner Liana Buchanan and Commissioner for Aboriginal Children and Young People, Justin Mohamed.

350 children and young people, and with more than 70 organisations (see page 18), and was a major highlight of 2019-20.

These joint engagements complemented a comprehensive series of individual engagements by both commissioners throughout the year.

In 2019-20, our Principal Commissioner delivered a number of addresses at conferences, including a November address to a Monash University conference on filicide, and at Transformative Action, a conference celebrating the thirtieth anniversary of the Convention on the Rights of the Child.

In January, she gave an address on adolescent family violence at the conference of the Academy of Social Sciences in Australia at Monash University. This was followed in March by a presentation to the Judicial Advisory Group on Family Violence on the Commission's *Lost, not forgotten* report.

In one of the Commission's final events held in person in March, our Principal Commissioner delivered a keynote at the inaugural Summit of Faith Leaders to Prevent Child Abuse. This was an unprecedented collaboration of faith leaders initiated by the Commission to create impetus for cooperative action to end abuse (see page 63). In addition

to his ongoing participation in the Aboriginal Children's Forum and the Aboriginal Justice Forum, engagements with 17 communities across Victoria for the Koori Youth Justice Taskforce, and the Commission's related independent *Our youth, our way* inquiry were a particular highlight for our Commissioner for Aboriginal Children and Young People in late 2019 (see page 59).

These consultations followed a fact-finding visit to New Zealand to examine that country's successful youth justice system to inform the Koori Youth Justice Taskforce and the *Our youth, our way* inquiry, which will be tabled in the Parliament of Victoria early next year.

In October, the Commissioner delivered an address at the National Indigenous Youth Empowerment Summit in Cairns, where he spoke on the Taskforce and inquiry regarding the over-representation of Aboriginal children and young people in youth justice, and on the links between youth justice and out-of-home care, child protection, education, health and housing.

In a February joint presentation with Dr Janine Mohamed, the Commissioner also presented at the Australian Journal of Early Childhood Research Symposium at Macquarie University on the topic of children's rights. The conference was convened by Early Childhood Australia.



As part of the Commission's statewide consultations on youth justice this year, young peoples' stories of resilience, the desire to connect with culture, to be heard, to feel protected, and to move forward were recorded in traditional symbols on a possum skin cloak. Commissioner for Aboriginal Children, Justin Mohamed, is pictured here with one of the possum skins.



Aboriginal young people Bri Apma Hayes (left) and Wadi Corstophan (right) were among the young people consulted by Commissioner for Aboriginal Children and Young People, Justin Mohamed, at the Geelong Regional Forum of the Koori Youth Justice Taskforce.



Improving outcomes for Aboriginal children

Throughout 2019–20, the Commission continued to advocate for and promote the rights, needs and best interests of Aboriginal children, young people and families across Victoria. The Commission achieved this through the leadership of the Commissioner for Aboriginal Children and Young People. This work was done in a range of ways and through various forums including the Aboriginal Children’s Forum, the Aboriginal Justice Forum, monitoring and oversight, and via advocacy on individual cases. This year the Commission also substantially progressed the following Taskforce and associated inquiry.

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

The Koori Youth Justice Taskforce (the Taskforce) is a key initiative of *Burra Lotjpa Dungaludja*, phase 4 of the Aboriginal Justice Agreement. The initiative was a collaboration between the Commission and DJCS. The purpose of the Taskforce was to:

- understand and address issues that impact on the cultural connectedness and social and emotional wellbeing of children and young people currently in youth justice
- review and update interventions and supports offered to children and young people currently in youth justice
- identify and address the systemic issues contributing to the over-representation of Aboriginal children and young people in youth justice.

It was comprised of three elements:

- a review of the case files of all 296 Aboriginal children and young people on youth justice orders between 1 October 2018 and 31 March 2019
- sixty-nine private case planning sessions for young people with current involvement in youth justice
- thirteen regional forums held with communities and relevant services.

Case planning sessions and regional forums commenced on 1 July 2019 and concluded on 31 October 2019. The Taskforce covered nine regional and four metropolitan locations in Victoria.

On 15 May 2019, the Commission established a systemic inquiry titled *Our youth, our way: Inquiry into the over-representation of Aboriginal young people in the Victorian youth justice system*. Parallel to the Taskforce, the Commission engaged Aboriginal children and young people, families and communities to better understand and find solutions to the systemic factors contributing to youth justice involvement.

Through the inquiry, the Commission conducted 93 individual consultations with young people and 49 consultations with various workers, services and agencies. The Commission also received nine submissions from various organisations and one from an individual. In addition, the Commission is considering a significant amount of systemic data received from various departments and agencies.

All results, data and insights from the Taskforce will be combined with the work of the inquiry to form a single report scheduled to be tabled in Parliament in early 2021. The report will cover broad themes regarding the experiences of Aboriginal young people and their communities, making their voices heard.

The Commission also gathered stories from young people in the youth groups we visited. Their stories include notions of resilience, the desire to connect with culture, be heard, feel protected, and to move forward, which are being told in the form of traditional symbols on a possum skin cloak. This possum skin cloak will be presented to Parliament along with the inquiry report as a powerful message to enact change.

DJCS has also indicated that the report will inform the development of the Aboriginal Youth Justice Strategy, scheduled for release in mid-2021.

Supporting and regulating child-safe organisations

The Commission as regulator

Victoria is still the only jurisdiction nationally to have introduced both Child Safe Standards (the Standards) and the Reportable Conduct Scheme (the Scheme) as recommended by the Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission).

This year the Commission continued to develop these regulatory schemes to further support organisations' action to prevent and respond appropriately to child abuse by workers and volunteers.

Statement of Expectations

In June 2019, the Minister for Child Protection issued a new Statement of Expectations for the 2019–21 period outlining areas of focus for the Commission's regulatory functions. These included:

- clarifying processes and measuring timeliness
- developing risk-based strategies to guide our priorities
- tailoring compliance related assistance and advice for different sectors
- building cooperation amongst other child safety regulators.

In 2019–20, the Commission clarified and measured the timeliness of our processes. We set a target of 80 per cent of phone and email queries regarding the Scheme or the Standards being resolved within three business days.

The Commission exceeded the target and resolved 96 per cent of the 1,690 phone and email queries received within three business days.

The Commission's risk-based regulatory framework identifies and assesses risks presented by sectors, organisations and individuals to help us make decisions, allocate our resources and prioritise our work. This year the Commission focused on fine-tuning its framework by incorporating an increasing knowledge of sectors gained from a further 12 months of administering its regulatory functions.

The Commission also played a key role in child safety regulators coming together to identify good practice and share lessons. We regularly met with the Victorian Institute of Teaching (VIT), the Victorian Registration and Qualification Authority (VRQA) and Victoria Police throughout the year. In May 2020, the Commission hosted the first Interdepartmental Reportable Conduct Community of Practice bringing together all state government departments. We also contributed through various regulatory forums.

The Commission will continue to implement initiatives to progress the priorities in the Minister's Statement of Expectations in 2020–21.

Review of Child Safe Standards

In December 2019, the Department of Health and Human Services (DHHS) published its final report on the review of the Child Safe Standards. The review found strong support for the Standards and for retaining the scope of organisations in the scheme. It also found strong support for harmonising the Standards with the National Principles for Child Safe Organisations. The report made 15 recommendations to strengthen the Standards, which include recommendations to provide the Commission with a broader range of enforcement and compliance tools. All recommendations were endorsed by the Government. The Commission welcomed the review's findings and continues to work with DHHS on implementation of its recommendations.

Media focus on child abuse in institutions

In early 2020, a series of media reports cast a spotlight on attitudes towards child safety in institutions. On 17 February 2020, *Four Corners* aired the episode 'Boys Club', alleging cultural issues existed within a private boys' school in Melbourne and raising concerns about the way the school and relevant staff responded to child abuse allegations. Numerous media reports followed, together with reports alleging issues and incidents in other institutions. Media and public debate about child abuse and child safety within institutions increased over this period.

Amid the debate, the Principal Commissioner released a statement commending the bravery of young people who publicly shared their experiences and challenging commentator views that minimised the seriousness of sexual misconduct and grooming.

This media attention resulted in a marked increase in reportable conduct notifications to the Commission. In the January to March quarter of 2020, we received more than double the notifications than the same period in 2019.

Supporting compliance

The Commission this year enhanced its support for individual organisations and sectors working to understand and comply with the Standards to keep children safe. This work supported organisations to build their capacity, knowledge and skills, and to develop systems and culture to prevent child abuse.

Information sessions, webinars and conferences

The Commission continued to run information sessions regarding the Child Safe Standards and Reportable Conduct Scheme in 2019–20. In total, 1554 participants attended an information session or webinar delivered by the Commission during the past year, noting some service delivery was impacted by the COVID–19 pandemic.

Between July 2019 and February 2020, the Commission delivered 16 face-to-face information sessions to 534 participants to support organisations to comply with the Standards. The Commission also delivered 13 face-to-face information sessions regarding obligations under the Scheme to 382 participants. Combined information sessions regarding both the Standards and the Scheme were delivered to a further 126 participants over four sessions. Some information sessions were delivered to attendees grouped by sector, including overnight camps, out-of-home care, museums and religious or faith-based organisations. Sessions were delivered in metropolitan Melbourne and in the regional centres of Morwell, Mildura, Bairnsdale, Ballarat and Hamilton.

The Commission suspended face-to-face information sessions in March 2020 and redesigned its approach to commence webinars for both the Standards and the Scheme in May 2020. Registration numbers for webinars were high, with the Commission delivering seven Child Safe Standards webinars to 402 participants, and three Reportable Conduct Scheme webinars to 110 participants between May and June 2020.

Some sectors were strongly represented in participant numbers over the last year, most notably childcare providers, early childhood education and schools. Attendance was also high from participants from religious and faith-based organisations.

Table 10. Attendees to Commission information sessions and webinars by sector 2019–20¹⁴

Child Safe Standards	Percentage of attendees	Reportable Conduct Scheme	Percentage of attendees	Combined Child Safe Standards and Reportable Conduct Scheme	Percentage of attendees
Early childhood education	27	Early childhood education	31	Early childhood education	23
Education	16	Education	13	Accommodation	14
Not-for-profit organisation	10	Religious and faith-based organisations	10	Religious and faith-based organisations	12
Religious and faith-based organisations	9	Disability service provider	5	Local council	10
Sport	6	Not-for-profit organisation	5	Sport	7
Other	33	Government or statutory authority	5	Other	33
		Other	30		

The specialist full-day reportable conduct investigations forum aimed at investigators and those commissioning investigations was held again this year, covering topics such as conducting fair investigations, reportable conduct definitions and thresholds, planning investigations and making findings.

Supporting faith-based organisations

The Commission continued its focus on supporting religious and faith-based organisations to comply with the Reportable Conduct Scheme and the Child Safe Standards.

Over the course of the year, the Commission delivered tailored information sessions and webinars in collaboration with peak bodies including the Victorian Council of Churches, Faith Communities Council of Victoria, Islamic Council of Victoria, Board of Imams Victoria, Jewish Community Council of Victoria and the Rabbinical Council of Victoria. The Commission will work to continue its strong engagement with religious and faith-based organisations in 2020–21.



The inaugural Summit of Faith Leaders to Prevent Child Abuse was a successful example of the Commission working with diverse faith-based organisations to keep children and young people safe. Principal Commissioner Liana Buchanan is here pictured with (left to right) Rabbi Ralph Genende, Reverend Ian Smith, Mohammed Mohideen.

In association with the Faith Communities Council of Victoria, the Commission held an inaugural Summit for Faith Leaders to Prevent Child Abuse on 13 March 2020. The Summit brought together 50 senior faith and community leaders representing almost 30 religious and faith traditions. This event provided the opportunity to progress action to better protect children and young people from child abuse in religious settings. Participants heard from a panel of survivors of institutional child abuse,

¹⁴ Please note rounding means the total may exceed 100 per cent.

as well as a panel of faith leaders about their work to keep children safe from abuse. Survivors' messages were clear – we need to listen to and believe children, and should be working hard to accelerate the pace of change.

During the summit, the Faith Communities Council of Victoria issued a joint public statement calling on all religious institutions to implement the Child Safe Standards, Reportable Conduct Scheme and mandatory reporting laws, and to respond appropriately to any allegations of child abuse or other child-related misconduct.

In 2019–20, the Commission welcomed changes to Victorian law applying to religious ministry. From February 2020, people in religious ministry are required to report known or suspected physical or sexual abuse of children to child protection authorities. Changes were also made to the 'failure to disclose' criminal offence. Any adult who has information about a sexual offence against a child under 16 years by another adult, must report that information to police or otherwise commits a criminal offence if they fail to do so. Importantly, this now includes communications or observations formed during religious confessional. The religious confessional exemption has never applied to the Reportable Conduct Scheme.

Child Safe Standards Community of Practice

The Child Safe Standards Community of Practice brings together people leading or participating in their organisation's work to meet the Child Safe Standards, to learn from and with each other and create linkages and networks.

Membership of the Community of Practice has grown to over 370 individuals from over 170 organisations across a diverse range of sectors.

Resources

The Commission uses a range of resources to educate and guide organisations about the Child Safe Standards and the Reportable Conduct Scheme, including videos, information sheets, detailed guides and web content. This year Commission videos were viewed 18,541 times and

our information sheets and guides were downloaded 49,950 times.

New videos featuring the commissioners introducing the Standards and Scheme were launched in September 2019. These videos, along with guidance on the Standards and conducting investigations remained among the other most viewed videos.

Interviewing children resources

This year saw the Commission release a range of specialist resources to support organisations to include children and young people in reportable conduct investigations.

In oversighting organisations' responses to reportable conduct against children, the Commission has seen many cases where children were not asked for their accounts of what happened. Some organisations have had a policy never to interview children, while others appear to consider children's evidence as inherently less reliable than that of adults.

The Commission partnered with Griffith University Centre for Investigative Interviewing and developed video and written resources on interviewing children. The resources available on the Commission's website are:

- a guide for including children and young people in reportable conduct investigations
- child interview videos including a mock interview with a child and a video with commentary explaining the method used in the previous video
- an animated video providing an introduction to interviewing children and young people, as well as addressing some common myths.

The resources are designed to help organisations conduct effective and appropriate interviews with children. Resources also provide guidance on taking a trauma-informed approach.

Guidance for organisations – conducting joint investigations under the Reportable Conduct Scheme and Client Incident Management System

The Commission partnered with the Department of Health and Human Services to develop new guidance material for service providers in response to concerns raised by the out-of-home care sector about the conduct of Reportable Conduct Scheme and Client Incident Management System (CIMS) investigations into allegations of abuse or neglect of children and young people.

The Guidance for Service Providers to Conducting a joint Client Information Management System and Reportable Conduct Scheme Investigation supports community service organisations and investigators to understand the different schemes and better plan and conduct joint CIMS and Reportable Conduct Scheme investigations.

Contact to the Commission by organisations or members of the public

This year saw at least 3,451¹⁵ enquiries made to the Commission for information and advice made up of 2,269 telephone calls and 1,182 e-mails. Of these, 1,150 enquiries related to the Reportable Conduct Scheme, 220 were regarding Child Safe Standards and 764 enquiries related to information sessions and building organisations' child-safe capacity.

¹⁵ The Commission's data systems have not enabled all enquiries to be counted in 2019–20. This figure is an under-estimate of the number of contacts.

Child Safe Standards

Overview

- The Commission initiated action in relation to 28 organisations over potential non-compliance with the Child Safe Standards.
- The Commission completed compliance activity with 39 organisations.
- The Commission focused on further embedding a risk-based approach. Targeting high-risk situations, the Commission's first comprehensive audits involving on-site inspections were undertaken delivering in-depth assessments of compliance with the Standards.

Observations on the operation of the Standards in 2019–20

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

This year the Commission commenced compliance action with 28 organisations and concluded compliance action for 39 organisations.

The Commission continues to pursue compliance action with a number of larger, complex organisations, many of which have diffuse networks. These include religious organisations, sporting and recreation bodies, statutory bodies and government departments. The Commission's commitment to guiding these organisations and monitoring their implementation of the Standards over a longer period aligns with our risk-based approach.

COVID-19 restrictions impacted many organisations required to comply with the Standards. Some organisations closed, others altered their method of service delivery, while others continued to operate in

circumstances of shifting and heightened risk for many children and young people.

Recognising these factors, the Commission reviewed its compliance strategy to respond to these changing risks of child abuse. Some cases where risks had substantially reduced were flagged for closure or put on hold until organisations reopened. Other cases were escalated for action where risks had increased.

The Commission also undertook significant work to support organisations that shifted their services and activities online in response to social distancing requirements.

In April 2020, the Commission issued new guidance, referencing expert advice from the eSafety Commissioner, to assist organisations to keep the safety of children and young people front of mind when adapting their services and activities due to COVID-19.

Action by the Commission about non-compliance concerns

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.

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 2019–20, the Commission started compliance action, either directly or by referring to a co-regulator, in relation to 28 organisations. Ten of these were referred to relevant authorities for action with the remaining 18 matters (64 per cent) initiated directly by the Commission.

Table 11. Organisations where the Commission started action about concerns of non-compliance with the Standards by sector 2019–20

Sector ¹⁶	Number of organisations ¹⁷
Education and training ¹⁸	11
Sport and recreation ¹⁹	11
Tourism and events	1
Government departments or statutory authorities	1
Disability	2
Other	2
Total	28

Compliance action was concluded by the Commission in respect of 39 organisations in 2019–20.²⁰ As at 30 June 2020, there were 78 open matters²¹ where the Commission had commenced action in relation to an organisation due to concerns about an organisation’s non-compliance with the Standards. In 17 of these open matters, a relevant authority was taking the lead in the compliance action.

¹⁶ Organisations have been grouped into sectors, or included in the ‘other’ category, to assist with de-identification given low numbers for some organisation types.

¹⁷ This captures action commenced in 2019–20 in respect of organisations not already the subject of Commission action commenced in previous years.

¹⁸ Includes Victorian Government, independent and Catholic primary and secondary schools, training organisations such as Group Training Organisations and Registered Training Organisations.

¹⁹ Includes sporting clubs, sporting peak bodies and other recreational clubs and associations.

²⁰ Compliance action may have commenced in previous financial years. Compliance action is concluded when no further Commission action is required. The Commission may continue monitoring an organisation after action has been taken to assess whether cultural change or improved practices have been properly embedded. These cases will be counted as concluded, and should additional action be required, a new compliance action will be commenced.

²¹ Compliance action may have been commenced in previous financial years.

Table 12. Organisations by sector where the Commission has open action as at 30 June 2020 regarding concerns of non-compliance with the Standards

Sector ²²	Number of organisations
Education and training ²³	12
Sport and recreation ²⁴	34
Tourism and events	2
Government departments or statutory authorities	7
Disability	4
Early childhood education	3
Religious organisations	8
Accommodation services	2
Other	6
Total	78

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 174 organisations.²⁵

The Commission commenced comprehensive Child Safe Standards audits in respect of two organisations and concluded one in 2019–20. Formal on-site inspections were conducted at two organisations to assist in assessing compliance.

Some common themes identified by the Commission in 2019–20 in addressing concerns about potential non-compliance include:

- organisations not implementing the Standards throughout the entire organisation
- decisions made by leaders or senior officers in organisations that prioritise an organisation’s reputation over the protection and safety of children and young people

- failures by organisations to respond appropriately when allegations of child abuse are raised. In some cases this has also included a failure to fulfil obligations under the Reportable Conduct Scheme. In many cases these organisations have unclear or non-existent organisational guidance on how to manage allegations of child abuse when raised.
- poor strategies to support the safety of children and young people with disability in an organisation
- poor safety frameworks when organisations take children and young people overseas on organised trips.

²² Organisations have been grouped into sectors, or included in the ‘other’ category, to assist with de-identification given low numbers for some organisation types.

²³ Includes Victorian Government, independent and Catholic primary and secondary schools, training organisations such as Group Training Organisations and Registered Training Organisations.

²⁴ Includes sporting clubs, sporting peak bodies and other recreational clubs and associations.

²⁵ In some cases, data expressed in this report is different from data reported in previous Commission annual reports. New information can come to light as a matter progresses that alters previous classifications.

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

Action taken included:

- sharing information with relevant authorities to assist in their oversight of organisations
- coaching conversations with organisations to assist them to get their Standards implementation underway
- onsite inspections of organisations involving the review of files and analysing systems, observing processes and interviewing employees, volunteers and young people
- surveying the employees, volunteers and young people involved in an organisation
- engagement with peak bodies to assess their compliance with the Standards and build their capability to support compliance in their associated organisations
- meetings with leadership groups within organisations and sectors to stimulate action and support for implementing the Standards.

These actions have resulted in organisations taking positive steps towards complying with the Standards including:

- organisations changing their approach to identifying risks and mitigations by focusing on risks of child abuse instead of risks to the organisation
- instead of narrowly focusing on implementation of the Standards only in areas of specialist service delivery to children and young people, organisations have expanded to implement measures to support all children and young people engaged with an organisation
- improvements being made to screening procedures to better prioritise child safety in recruitment processes
- deliberate strategies being implemented by organisations to elevate the importance of child safety and drive change in the organisation's culture
- organisations increasingly creating specific positions, commonly called child safety officers, with the role being a contact point and support for children and young people who want to raise concerns about their safety

- deliberate and creative initiatives by organisations with the purpose of empowering children and young people and increasing their participation in organisational decision-making.

These two case studies based on cases closed in 2019–20 illustrate the action that some organisations have taken as a result of compliance action by the Commission.

Case study

Strengthening child safety in a religious organisation

The Commission commenced action with a religious organisation that routinely held child and youth focused activities. The religious organisation appeared to be unaware of its obligations to comply with the Standards and the Scheme prior to contact by the Commission. After alerting them to their non-compliance, the Commission provided advice and guidance that led to the religious organisation taking action to create a stronger culture of child safety, including by:

- implementing screening requirements for volunteers and workers
- updating reporting and incident management procedures to specifically respond to concerns about child safety and allegations of child abuse
- planning activities to include the voice of children and young people in the design and delivery of activities and services for them
- strengthening governance for the purposes of the Scheme
- improving guidance for the religious organisation on cultural safety and supporting children and young people with disability.

Case study

Commission works with volunteer recreational organisation to improve child safety

The Commission commenced action with a volunteer recreational organisation. The organisation provided activities for families and children and had youth volunteers. The organisation was unaware of its obligation to comply with the Standards and had not assessed the risks of abuse or how to reduce them. With support from the Commission the organisation developed a good understanding of their obligations under the Standards and took active steps to create a child-safe culture through:

- improving the governance of the organisation by including the voice of children and young people at different levels of management
- providing induction training on child safety and ongoing education of its members about the Standards and actions to be taken if concerns or allegations of abuse arise
- dedicating a member to child safety duties
- improving the monitoring and supervision of adult volunteers and workers engaged with children.

To date, the Commission has not been required to escalate its compliance activity with an organisation to enforcement action. However, the Commission is closely monitoring implementation of the Standards in several organisations where progress has been slow.

Table 13. Commission's enforcement activities concerning the Standards 2019–20

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

Relevant authorities and co-regulation

The Commission shares responsibility for supporting compliance with the Standards with Victorian government departments and the Victorian Registration and Qualifications Authority (VRQA). 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 and will often refer potential non-compliance to the relevant authority for action.

In 2019–20, the Commission consulted with relevant authorities on concerns of non-compliance for 13 organisations. Ten of these matters were referred to relevant authorities for action.

Each organisation can have multiple relevant authorities. Where more than one is identified, the Commission will

consult with the relevant authorities to allocate a lead for the compliance action with an organisation. 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 three cases in the 2019–20 financial year.²⁶

In a number of cases in 2019–20, relevant authorities and the Commission became alert to concerns about non-compliance at the same time resulting in early consultation about compliance action. Further, in at least one instance

in 2019–20, the Commission’s assistance was requested by a relevant authority in a case with multiple relevant authorities.

Relevant authorities have limited powers available to them under the *Child Wellbeing and Safety Act 2005*. In 2019–20, the Commission received its first referral from a relevant authority requesting the Commission take over compliance action it had commenced given concerns about its lack of legislated regulatory powers.

Table 14. Relevant authorities where the Commission referred a concern of non-compliance with the Standards or consulted on compliance action as at 30 June 2020²⁷

Relevant authority	Number of referrals made by the Commission ²⁸
Victorian Registration and Qualifications Authority	12
Department of Jobs, Precincts and Regions	1
Total	13

Compliance assessment of the Emerald Tourist Railway Board

In June 2018, the Victorian Ombudsman (the Ombudsman) released her Investigation into child sex offender, Robert Whitehead’s involvement with Puffing Billy and other railway bodies (the Ombudsman’s report). The investigation found that serious systemic and governance failures by organisations responsible for the operations of the railway had led to reports of child abuse being ignored and a child abuser’s contact with children to continue unmitigated. The Emerald Tourist Railway Board (ETRB) is one of the organisations examined in the Ombudsman’s report.

The Ombudsman asked ETRB to implement the Royal Commission’s Child Safe Standards to ensure the best interests of children are a primary consideration. The Ombudsman also asked the Department of Jobs,

Precincts and Regions (DJPR) to ensure that the Child Safe Standards are implemented by ETRB.

In order to assess ETRB’s compliance with the Standards, the Commission commenced a comprehensive audit of ETRB in July 2019 with a final report provided to ETRB in June 2020.

The compliance assessment focused on:

- organisational culture – the behaviour of people at ETRB, strategies to generate a child safe culture, and whether the relevant culture was successfully generated as a result of those strategies
- organisational systems – the policies, procedures and strategies to support child safety, and whether those systems are effective in preventing and responding to harm.

²⁶ In these cases the relevant authority was only identified after the Commission had initiated compliance activity with the organisation. In each case discussions with the organisation identified they received funding from a government department, which was then later confirmed by those departments.

²⁷ Differing counting rules between organisations may result in small variances.

²⁸ An organisation may have more than one relevant authority. If this is the case, a referral will be counted against each relevant authority.

Overview of compliance assessment

In relation to the seven Standards, the Commission found:

- evidence of non-compliance where immediate action is required – Standards 5 and 6
- indicators of non-compliance where improvement is required – Standards 1, 2, 4 and 7
- no indicators of non-compliance – Standard 3.

The audit found positive indicators of progress, including:

- positive changes that benefit child safety have been made to ETRB's Board, volunteer and asset management structures and governance structures
- ETRB has taken steps to develop a culture of child safety and to raise the awareness and priority of child safety within the organisation
- 93 per cent of respondents to the Commission's survey of ETRB employees and volunteers agree that ETRB now promotes a commitment to child safety.

However, among areas requiring further attention, the audit identified that:

- ETRB has not undertaken key steps to analyse possible sources of child abuse risk within the organisation and use this analysis to develop comprehensive risk mitigation strategies
- the process for reporting child safety matters at ETRB is not well understood within the organisation and people who may receive reports are not clear about what to do with them

- ETRB does not have an established process to investigate allegations of child abuse
- ETRB's systems for employee and volunteer management and for responding to incidents and complaints are undermined by immature record keeping and management practices
- to date, ETRB's decision-making on child safety issues has not incorporated the views of children or young people, and ETRB has not effectively included or communicated with children and young people about the decisions impacting them.

The Commission made 23 recommendations to support ETRB to fully implement the Standards. The recommendations focus on areas including cultural change, training and supervision, engagement with young people, appropriate responses to allegations and concerns and establishing and embedding processes, plans and guidance to support child safety.

ETRB has committed to continuing with its implementation of the Standards. The Commission will monitor ETRB's actions throughout 2020–21.

Action by relevant authorities about non-compliance concerns

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

Table 15. Actions by relevant authorities (excluding VRQA) to assess and address concerns of potential non-compliance with the Standards as at 30 June 2020²⁹

Relevant authority	Number of organisations
Department of Premier and Cabinet ³⁰	1
Department of Health and Human Services	22 ³¹
Department of Education and Training ³²	11
Department of Environment, Land, Water and Planning	1
Total	35

In addition to acting on non-compliance concerns under the Standards, DHHS has undertaken other compliance activities in relation to section 120 of the *Children, Youth and Families Act 2005* and the Human Services Standards. These impose responsibilities on organisations that align with obligations under the Standards, such as suitability screening processes for employees in sectors such as out-of-home care, disability services and housing and homelessness services.

The *Education and Care Services National Law Act 2010* (National Law) and *Education and Care Services National Regulations 2011* (National Regulations) require education and care services to meet many aspects of the Standards. A service that operates in substantial compliance with the

National Law and National Regulations is likely to comply with key aspects of the Standards. In addition to the above specific compliance cases, the Standards are discussed and considered at every assessment and rating visit conducted by the Department of Education and Training's Quality Assessment and Regulation Division (QARD) and in most compliance visits to services. In the reporting period, QARD completed 648 assessment and rating visits, and 2343 compliance visits.

VRQA also undertakes a large number of relevant compliance activities annually, consistent with its role as the key regulator of schools and other educational institutions. Further information about VRQA's activities, including its considerable activity to support the Standards in schools, can be found in its annual report.

²⁹ 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.

³⁰ Includes child employment.

³¹ This includes compliance assessments or activities specifically under the Standards, as well as activities under the *Children, Youth and Families Act 2005* and Human Services Standards that overlap with the scope of the Standards. Sectors include housing and homelessness, out-of-home care and disability.

³² This excludes organisations where VRQA is the relevant authority such as primary and secondary schools. It includes early childhood education providers, community language schools and other organisations that DET funds or regulates.

Table 16. Victorian Registration and Qualifications Authority action to assess and address concerns about potential non-compliance with the Standards as at 30 June 2020

Activity type	Number of activities ³³
School reviews	720
Non-review investigations	1
Overseas Secondary Student Exchange Organisations reviews	1
Registration activity including assessment of compliance against the Standards	80
Complaints investigations	22

Action by relevant authorities to educate and promote compliance

This year, relevant authorities advised the Commission of a range of activities they have undertaken to proactively educate about, raise awareness of and promote compliance with the Standards in 2019–20.

Victorian Registration and Qualifications Authority

Research commissioned by VRQA to gain insights into how principals, teachers, support staff, governing authorities and parents create a culture of child safety in their schools was completed in 2019–20 with a report published on VRQA's website. Findings will be used to develop resources and guidance to support all schools to comply with the Standards.

Following the introduction of the Education and Training Reform Amendment (Regulation of Student Accommodation) Bill 2020 in the Legislative Assembly, this year VRQA commenced working with the Department of Education and Training on the implementation of the associated new school boarding premises regulatory scheme.

In 2018–19, the Victorian Auditor-General's Office tabled the report *School Compliance with Victoria's Child Safe Standards*. In response, this year VRQA continued the implementation of a number of improvement opportunities including the collection and analysis of Child Safe Standards assessment data held by VRQA for school

registration applications and VRQA-initiated school reviews and the publication of guides for school principals.

VRQA also promoted the Standards during briefing sessions for Independent Schools Victoria and Senior Secondary providers considering registration as a new school.

Department of Education and Training

In 2019–20, the Department of Education and Training (DET) released the following resources to support schools to comply with the Child Safe Standards: *CSS Action List*, *Child Safety Policy Template*, *Template Child Safety Risk Assessment Register*, and *CSS Training Presentation for School Councils*. These resources build on the department's PROTECT website. DET also updated existing reporting guidelines to reflect changes to the mandatory reporting framework.

DET undertook a range of activities this year to educate and promote Child Safe Standards compliance to the early childhood education sector, including through stakeholder emails, newsletters and external training.

In 2019–20, DET provided additional funding to Community Languages Victoria, the peak body for Community Language Schools in Victoria, to further support compliance with the Standards. This included Community Languages Victoria commissioning a review of its current practice and resources used to support Community Language Schools' compliance with the Standards. Community Languages Victoria also employs a

³³ This includes referrals made by the Commission.

dedicated Child Safe and Compliance Officer and provides regular training to support compliance.

In response to the COVID-19 pandemic, DET provided a guidance document for schools about how to support child safety while engaging in remote and flexible teaching, including how to implement the Standards in online school environments. The department also provided responses to a range of queries about child safety from schools and families, including through the department's dedicated COVID-19 advice hotline.

Department of Health and Human Services

The Department of Health and Human Services this year promoted the Standards through the department's website and targeted communications activities, including a quarterly bulletin that highlights specific Standards based on patterns of non-compliance identified by DHHS.

To raise awareness of the Standards and encourage children to speak up, DHHS displayed its Child Safe Standards poster throughout its divisional offices in places where children are present and could see them. Hardcopies of the poster have been distributed to a range of organisations that provide services or facilities to children.

In 2019-20, DHHS continued to receive information and respond to queries from organisations providing services and facilities to children through its dedicated enquiry line and email inbox. Themes are reflected in the quarterly bulletins to provide guidance and clarity for commonly asked questions.

Department of Justice and Community Safety

The Department of Justice and Community Safety this year identified and trained staff from the department as Child Safe Champions. The training was developed and delivered in collaboration with the Centre for Excellence in Child and Family Welfare and provided staff with information on how to identify child abuse, understanding the needs of vulnerable children and young people, empowering children and young people, and creating a culture of child safety.

The department has established a long-term approach to compliance across the department which includes educating and informing relevant entities of their obligations under the Standards. In 2019-20, the department's Child Safety Officer worked with the Metropolitan Fire Brigade to implement the Standards. Staff from the Metropolitan Fire Brigade also attended the Child Safe Champions training.

Training in the Standards was delivered to Youth Justice Custodial Services staff this year and has been incorporated into Youth Justice induction programs. Youth Justice has also engaged children and young people on design elements of the Cherry Creek youth justice facility.

Department of Jobs, Precincts and Regions

In 2019-20, the Department of Jobs, Precincts and Regions continued to update existing and new funding agreements and grant processes to ensure child safety is considered in all funds and grants.

The department also continued to provide information to staff about responsibilities under the Standards, through awareness campaigns as well as detailed child safety training for all relevant staff.

Department of Treasury and Finance

In recognition that implementing reporting processes required by the Reportable Conduct Scheme supports compliance with aspects of the Standards, this year the Department of Treasury and Finance reviewed its reportable conduct policy and promoted this policy internally.

Department of Environment, Land, Water and Planning

In 2019-20, the Department of Environment, Land, Water and Planning (DELWP) continued to promote the Standards to relevant organisations it funds and regulates including by publishing relevant information and promotional materials via the department's On Board website which provides an information resource for portfolio entities.

As part of issuing funding grants to organisations who deliver educational and recreational programs which might involve families with children, and young volunteers, applicants were required to declare their compliance with the Standards as part of their grant application.

DELWP has commenced a role evaluation to establish the nature and frequency of contact with children across all roles within the department. Data obtained from the role evaluation will be used to identify roles and programs that warrant additional measures in order to further enhance compliance with the Child Safe Standards and the Reportable Conduct Scheme.

Department of Premier and Cabinet

In 2019–20, the Department of Premier and Cabinet's (DPC) Wage Inspectorate Victoria (the Inspectorate) continued to include information about the requirements of the Standards in communications with organisations employing children under the child employment permit system. Over 9,000 permits were issued with information about the Standards included with every permit. The Inspectorate also included information about the Standards in 22 information sessions held with organisations in the permit system. The Inspectorate chairs an industry working party in the entertainment industry and this year continued to highlight the importance of awareness and compliance with the Standards.

This year the Equality and Youth Branch of DPC has been promoting the Standards with funded organisations that work with young people and requiring compliance with the Standards as part of any new Funding Agreements. The Equality and Youth Branch also supported the Victorian Youth Congress, the Minister for Youth's youth advisory group, enabling increased participation and empowerment of children and young people in government decision-making.

DPC released Child Safe Guidelines for its employees, contractors and volunteers.

Reportable Conduct Scheme

Overview

- The Commission received 939 notifications of reportable allegations from heads of organisations in 2019–20. This was a 17 per cent increase on the number of notifications received in 2018–19. This increase was contributed to by a 17 per cent increase in notifications in the education sector and a 73 per cent increase in the early childhood education sector.³⁴
- In 2019–20, the highest number of allegations (46 per cent) related to physical violence. The largest increase in conduct type was sexual misconduct allegations with 103 more notifications in 2019–20 when compared with 2018–19.
- A total of 1,031 notifications of reportable allegations were finalised by the Commission during the period of July 2019 to June 2020 with a finalisation rate³⁵ for the year of 110 per cent.
- Out of the 2,546 mandatory notifications received by the Commission since the start of the Scheme, 73 per cent had been finalised as at 30 June 2020, with 30 per cent of allegations substantiated.
- Since the start of the Scheme, a total of 485 individuals found to have committed reportable conduct have been referred to the Department of Justice and Community Safety for reassessment of their Working with Children Check in relation to 1,036 substantiated allegations of reportable conduct.
- The Reportable Conduct Scheme further expanded its coverage in 2019–20. From 1 May 2020, youth organisations that provide overnight camps for children as part of their primary activity were required to comply. This includes the Girl Guides Association of Victoria and Scouts Victoria.

Notifications of reportable allegations

The Scheme requires heads of organisations to notify the Commission of allegations of reportable conduct. Since the Scheme commenced on 1 July 2017, the Commission has received 2,546 mandatory notifications. For the period 1 July 2019 to June 2020, the Commission received 939 notifications of reportable allegations from heads of organisations. This was a 17 per cent increase on the number of notifications received in 2018–19.

The *Child Wellbeing and Safety Act 2005* also allows any person – for example, members of the public – to disclose allegations to the Commission. In the three years of the Scheme's operation, the Commission has received 356 public notifications.

³⁴ The early childhood education sector commenced being covered by the Scheme on 1 January 2019, with 2019–20 being the sector's first full year in the Scheme.

³⁵ This is the rate of finalisations of notifications compared with new notifications being received.

Table 17. Reportable conduct matters received by notification type 2017–20³⁶

Type	2017–18	2018–19	2019–20	Since start of the Scheme ³⁷
Mandatory notification	805	802	939	2,546
Public notification ³⁸	72	121	163	356

Mandatory notifications

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

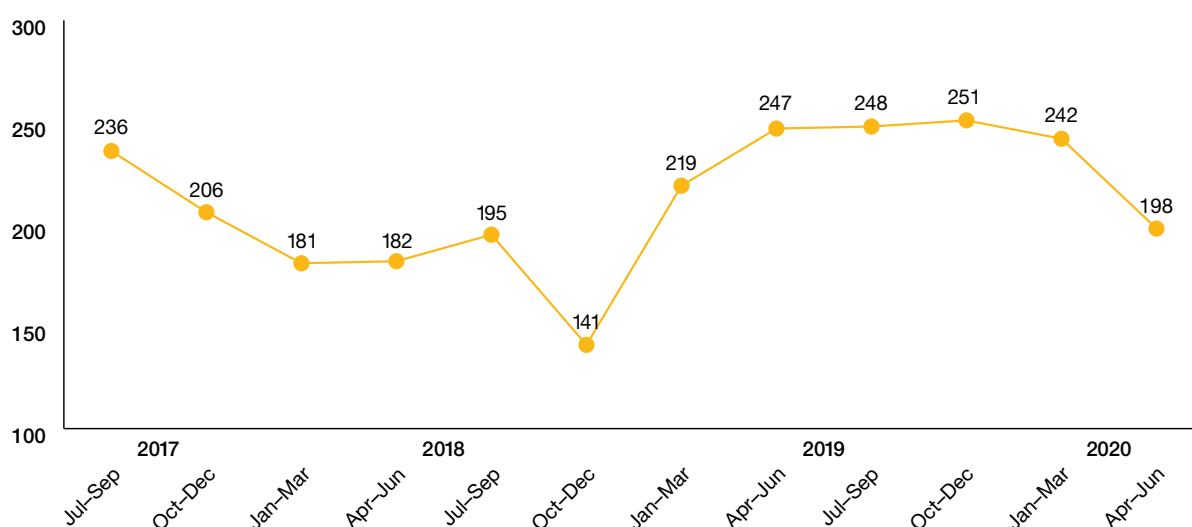
For the period 1 July 2019 to 30 June 2020, the Commission received 939 notifications of reportable allegations. The restrictions imposed as a result of the COVID–19 pandemic resulted in a drop in mandatory notifications, and a lower than expected number this year.

Notifications received

Since the Scheme commenced, the Commission has received an average of 71 notifications per month, stabilising at approximately 250 notifications per quarter by mid-2019. Notifications reduced in the first half of 2020 when many services' contact with children ceased due to the pandemic and associated restrictions.

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

Figure 2. Number of mandatory notifications received by the Commission by quarter 2017–20



³⁶ 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 as one notification.

³⁷ This refers to the period 1 July 2017 to 30 June 2020.

³⁸ Many public notifications will subsequently result in the head of an organisation submitting a mandatory notification. Others will be assessed as being outside the jurisdiction of the Scheme due to not meeting legislative requirements.

Mandatory notifications by sector

In 2019–20, the out-of-home care, education and early childhood education sectors contributed the majority of notifications, namely 81 per cent (30 per cent, 23 per cent and 28 per cent respectively). These proportions are commensurate with the size of the sectors and the nature of their contact with children.

The 17 per cent increase in total notifications in 2019–20 was contributed to by a 17 per cent increase in notifications in the education sector and a 73 per cent increase in the early childhood education sector. This year was the first full year that the early childhood education sector was captured by the Scheme, with the sector only being captured for six months in 2018–19.

Table 18. Notifications of reportable allegations received by sector 2017–20^{39,40}

Sector	2017–18		2018–19		2019–20		Percentage Change 2018–19 to 2019–20	Since start of Scheme	
	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)		No.	Prop. (%)
Out-of-home care⁴¹	359	45	284	35	286	30	1▲	929	36
Residential care	124		87		94		8▲	305	
Foster care	114		91		94		3▲	299	
Kinship care	105		93		84		-10▼	282	
Respite and contingency care	5		7		4		-43▼	16	
Employee – other/admin	5		3		7		133▲	15	
Lead tenant	5		3		2		-33▼	10	
Permanent care	1		0		1		n/a	2	
Education	260	32	185	23	217	23	17▲	662	26
Non-government school – Catholic ⁴²	84		63		100		59▲	247	
Non-government school – Independent ⁴³	82		65		57		-12▼	204	
Victorian Government school ⁴⁴	90		48		53		10▲	191	

³⁹ 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 as one notification.

⁴⁰ This table breaks up notifications received by the Commission by sector and subsector. The Commission notes that different sectors and subsectors have different types of engagement with children and young people. The number of organisations in sectors and subsectors is also different. The Commission is concerned there may be under-reporting of notifications in some sectors and subsectors.

⁴¹ Includes services provided by DHHS, community service organisations and other organisation types.

⁴² Includes primary and secondary school.

⁴³ Includes primary and secondary school.

⁴⁴ Includes primary and secondary school.

Reportable Conduct Scheme

continued

Table 18. Notifications of reportable allegations received by sector 2017–20 - continued

Sector	2017–18		2018–19		2019–20		Percentage Change 2018–19 to 2019–20	Since start of Scheme	
	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)		No.	Prop. (%)
Senior secondary course/ qualification	1		6		5		-17▼	12	
International student course	2		0		2		n/a	4	
Student exchange program	1		1		0		-100▼	2	
Employee – other/admin	0		2		0		-100▼	2	
Early childhood education⁴⁵	22	3	153	19	265	28	73▲	440	17
Long day care	12		94		206		119▲	312	
Preschool/kindergarten	6		26		32		23▲	64	
Outside school hours care	4		21		23		10▲	48	
Family day care	0		11		4		-64▼	15	
Employee – other/admin	0		1		0		-100▼	1	
Religious body⁴⁶	18	2	70	9	70	7	0	158	6
Youth justice⁴⁷	47	6	51	6	34	4	-33▼	132	5
Disability⁴⁸	43	5	26	3	25	3	-4▼	94	4
Child protection⁴⁹	16	2	2	<1	9	1	350▲	27	1
Health⁵⁰	5	<1	7	<1	11	1	57▲	23	<1
Victorian Government Department⁵¹	4	<1	2	<1	3	<1	50▲	9	<1
Accommodation⁵²	3	<1	1	<1	2	<1	100▲	6	<1
Other⁵³	28	3	21	3	17	2	-19▼	66	3
Total	805	100	802	100	939	100	17▲	2,546	100

⁴⁵ Includes preschool, kindergarten, long day care, and other childcare. While early childhood education providers were required to comply with the Scheme from 1 January 2019, some were covered in 2017–18. This was due to other functions within the organisation being covered, meaning the organisation as a whole was required to comply, including where early childhood education services are provided.

⁴⁶ Excludes notifications in relation to services provided by religious bodies in other sectors.

⁴⁷ Youth justice functions provided by the Department of Justice and Community Safety including custodial and community-based.

⁴⁸ Includes registered and non-registered disability service providers, residential services for children with a disability and DHHS disability support services.

⁴⁹ Includes child protection services provided by DHHS, child protection services provided by organisations pursuant to a DHHS contract and DHHS secure welfare.

⁵⁰ Includes hospitals (public and private), mental health services with inpatient beds and inpatient drug and alcohol services.

⁵¹ Excludes notifications in relation to state government workers or volunteers contained in other sectors.

⁵² Includes overnight camps and homelessness service providers with overnight beds.

⁵³ In this category, some notifications are included from organisations subsequently deemed outside the scope of the Scheme and some relate to organisations not yet identified. Of those notifications within the scope of the Scheme, these relate to employees not otherwise captured in other sectors – for example, youth services, aquatic and leisure centre workers and council workers.

Reportable allegations by type of reportable conduct

Each mandatory notification can contain multiple reportable allegations and multiple alleged victims. The 2,546 notifications received since the Scheme began contained 4,825 allegations.⁵⁴

There are five types of 'reportable conduct'⁵⁵ 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)⁵⁶
- behaviour that causes significant emotional or psychological harm
- significant neglect of a child.

In 2019–20, the highest number of allegations (46 per cent) related to physical violence. However, the proportion declined from 2018–19 when physical violence represented 52 per cent of the allegations. The largest increase was in sexual misconduct allegations with 103 more notifications in 2019–20 when compared with 2018–19, a 46 per cent increase.⁵⁷

Table 19. Reportable allegations from mandatory notifications received 2017–20⁵⁸

Conduct Type	2017–18		2018–19		2019–20		Since start of Scheme	
	No.	Prop. (%) ⁵⁹	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)
Physical violence	687	45	788	52	826	46	2,301	48 ⁶⁰
Sexual misconduct	301	20	222	15	325	18	848	18 ⁶¹
Behaviour that causes significant emotional or psychological harm to a child to a child	294	19	234	16	287	16	815	17
Significant neglect of a child	159	10	127	8	198	11	484	10
Sexual offences	101	7	132	9	144	8	377	8 ⁶²
Total	1,542	100	1,503	100	1,780	100	4,825	100

⁵⁴ It is too early in the life of the Scheme to robustly identify trends and drivers underpinning this data. The phased implementation of the Scheme means the organisations subject to the Scheme in each year since it commenced have been different, making year-on-year analysis difficult.

⁵⁵ The Commission's website has information sheets that provide a detailed explanation about the different types of reportable conduct.

⁵⁶ 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.

⁵⁷ It is too early in the life of the Scheme to robustly identify trends and drivers underpinning this data.

⁵⁸ 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.

⁵⁹ Rounding may result in percentages not adding up to 100.

⁶⁰ Includes physical violence against, with or in the presence of a child. Since the start of the Scheme, of the 48 per cent physical violence allegations, 39 per cent have been allegations regarding conduct against a child, nine per cent conduct in the presence of a child and less than one per cent conduct with a child.

⁶¹ Includes sexual misconduct against, with or in the presence of a child. Since the start of the Scheme, of the 18 per cent sexual misconduct allegations, 15 per cent have been allegations regarding conduct against a child, two per cent conduct in the presence of a child and less than one per cent conduct with a child.

⁶² Includes sexual offence against, with or in the presence of a child. Since the start of the Scheme, of the eight per cent sexual offence allegations, seven per cent have been allegations regarding conduct against a child, less than one per cent conduct in the presence of a child and less than one per cent conduct with a child.

Reportable Conduct Scheme continued

Reportable allegations by sector and type of reportable conduct

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

In previous years, physical violence has been the most common allegation type in the education sector. In 2019–20, the highest number of allegations were received for sexual misconduct. There was a 44 per cent increase in sexual misconduct allegations in the education sector in 2019–20 when compared with 2018–19.

Table 20. Reportable allegations by sector and type of reportable conduct 2017–20^{63 64}

Sector ⁶⁵	2017–18		2018–19		2019–20		Since start of Scheme	
	No.	Prop. (%) ⁶⁶	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)
Out-of-home care	676	100	580	100	555	100	1,811	100
Physical violence	344	51	328	57	279	50	951	53
Significant neglect of a child	136	20	89	15	106	19	331	18
Behaviour that causes significant emotional or psychological harm to a child	122	18	95	16	96	17	313	17
Sexual misconduct	38	6	40	7	45	8	123	7
Sexual offences	36	5	28	5	29	5	93	5
Education⁶⁷	638	100	458	100	550	100	1,646	100
Physical violence	231	36	186	41	181	33	598	36
Sexual misconduct	210	33	146	32	210	38	566	34
Behaviour that causes significant emotional or psychological harm to a child	149	23	95	21	111	20	355	22
Sexual offences	38	6	27	6	35	6	100	6
Significant neglect of a child	10	2	4	1	13	2	27	2
Early childhood education	24	100	219	100	400	100	643	100

⁶³ 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.

⁶⁴ Analysis of reportable allegations by sector type and type of reportable conduct needs to be viewed in the context of the Scheme being in its early stages. In particular, it is too early to identify trends for sectors or in types of reportable conduct. Further, some sectors including out-of-home care and education have been subject to the Scheme for 36 months, whereas other sectors have only been subject to the Scheme for 18 months. Additionally, this analysis is of reportable allegations, not substantiated incidents of reportable conduct.

⁶⁵ 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.

⁶⁶ Rounding may result in percentages not adding up to 100.

⁶⁷ Education includes Victorian Government, independent and Catholic schools, and other education institutions.

Table 20. Reportable allegations by sector and type of reportable conduct 2017–20 - continued

Sector ⁶⁵	2017–18		2018–19		2019–20		Since start of Scheme	
	No.	Prop. (%) ⁶⁶	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)
Physical violence	18	75	165	75	264	66	447	70
Behaviour that causes significant emotional or psychological harm to a child	5	21	30	14	54	14	89	14
Significant neglect of a child	1	4	16	7	51	13	68	11
Sexual misconduct	0	-	4	2	24	6	28	4
Sexual offences	0	-	4	2	7	2	11	2
Religious body	32	100	104	100	112	100	248	100
Sexual offences	8	25	62	60	51	46	121	49
Sexual misconduct	16	50	14	13	18	16	48	19
Physical violence	3	9	10	10	20	18	33	13
Behaviour that causes significant emotional or psychological harm to a child	4	13	7	7	14	13	25	10
Significant neglect of a child	1	3	11	11	9	8	21	8
Youth justice	58	100	70	100	52	100	180	100
Physical violence	36	62	65	93	32	62	133	74
Sexual misconduct	12	21	0	-	10	19	22	12
Significant neglect of a child	5	9	3	4	9	17	17	9
Sexual offences	4	7	1	1	0	-	5	3
Behaviour that causes significant emotional or psychological harm to a child	1	2	1	1	1	2	3	2
Disability	52	100	32	100	50	100	134	100
Physical violence	33	63	21	66	29	58	83	62
Sexual misconduct	10	19	7	22	5	10	22	16
Behaviour that causes significant emotional or psychological harm to a child	1	2	0	-	9	18	10	7
Sexual offences	3	6	3	9	4	8	10	7
Significant neglect of a child	5	10	1	3	3	6	9	7
Health	6	100	16	100	20	100	42	100
Sexual offences	2	33	2	13	9	45	13	31

Reportable Conduct Scheme

continued

Table 20. Reportable allegations by sector and type of reportable conduct 2017–20 - continued

Sector ⁶⁵	2017–18		2018–19		2019–20		Since start of Scheme	
	No.	Prop. (%) ⁶⁶	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)
Sexual misconduct	0	-	9	56	0	-	9	21
Behaviour that causes significant emotional or psychological harm to a child	4	67	3	19	1	5	8	19
Physical violence	0	-	2	13	5	25	7	17
Significant neglect of a child	0	-	0	-	5	25	5	12
Child protection	26	100	3	100	10	100	39	100
Physical violence	12	46	0	-	7	70	19	49
Sexual misconduct	5	19	1	33	1	10	7	18
Sexual offences	6	23	1	33	0	-	7	18
Significant neglect of a child	1	4	1	33	2	20	4	10
Behaviour that causes significant emotional or psychological harm to a child	2	8	0	-	0	-	2	5
Victorian Government Departments	6	100	2	100	5	100	13	100
Physical violence	4	67	2	100	0	-	6	46
Sexual offences	1	17	0	-	5	100	6	46
Behaviour that causes significant emotional or psychological harm to a child	1	17	0	-	0	-	1	8
Accommodation	3	100	0	-	2	100	5	100
Sexual offences	2	67	0	-	2	100	4	80
Behaviour that causes significant emotional or psychological harm to a child	1	33	0	-	0	-	1	20
Other	21	100	19	100	24	100	64	100
Physical violence	6	29	9	47	9	38	24	38
Sexual misconduct	10	48	1	5	12	50	23	36
Behaviour that causes significant emotional or psychological harm to a child	4	19	3	16	1	4	8	13
Sexual offences	1	5	4	21	2	8	7	11
Significant neglect of a child	0	-	2	11	0	-	2	3

Table 20. Reportable allegations by sector and type of reportable conduct 2017–20 - continued

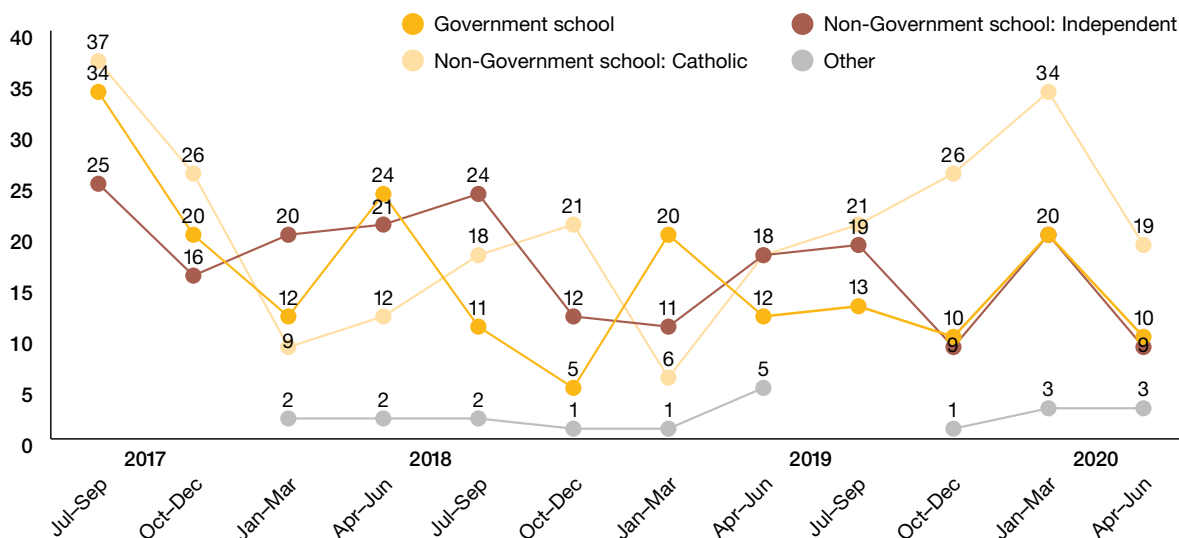
Sector ⁶⁵	2017–18		2018–19		2019–20		Since start of Scheme	
	No.	Prop. (%) ⁶⁶	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)
Total	1,542	100	1,503	100	1,780	100	4,825	100

Education sector

There was an increase in notifications received from the education sector in the January to March quarter of 2020 following significant media coverage of allegations of inappropriate conduct by teachers and other employees in

schools and concerns being raised about the mishandling of abuse allegations. In 2019–20, there was a 17 per cent increase in notifications in the education sector when compared with 2018–19. There was a 59 per cent increase in notifications from non-government Catholic schools for the period.

Figure 3. Number of mandatory notifications received in the education sector by service type 2017–20



The most common allegation type for government schools in 2019–20 was physical violence, accounting for 44 per cent of allegations.

In non-government Independent schools, sexual misconduct was the most common allegation type, accounting for 43 per cent of all reportable allegations.

In non-government Catholic schools, physical violence and sexual misconduct were the most common allegation types, accounting for 36 per cent each.

Reportable Conduct Scheme

continued

Table 21. Reportable allegations by education service type and type of reportable conduct 2017–20

Sector	2017–18		2018–19		2019–20		Since start of Scheme	
	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)
Non-government school – Catholic	271	100	173	100	276	100	720	100
Sexual misconduct	99	37	65	38	99	36	263	37
Physical violence	71	26	59	34	99	36	229	32
Behaviour that causes significant emotional or psychological harm to a child	88	32	38	22	57	21	183	25
Sexual offences	8	3	8	5	15	5	31	4
Significant neglect of a child	5	2	3	2	6	2	14	2
Government school	235	100	122	100	96	100	453	100
Physical violence	125	53	63	52	42	44	230	51
Sexual misconduct	51	22	23	19	33	34	107	24
Behaviour that causes significant emotional or psychological harm to a child	40	17	24	20	15	16	79	17
Sexual offences	17	7	12	10	5	5	34	8
Significant neglect of a child	2	<1	0	-	1	1	3	<1
Non-government school – Independent	126	100	135	100	166	100	427	100
Sexual misconduct	58	46	51	38	72	43	181	42
Physical violence	35	28	52	39	38	23	125	29
Behaviour that causes significant emotional or psychological harm to a child	21	17	26	19	38	23	85	20
Sexual offences	9	7	6	4	12	7	27	6
Significant neglect of a child	3	2	0	-	6	4	9	2
Senior secondary course/qualification	1	100	23	100	8	100	32	100
Physical violence	0	-	11	48	2	25	13	41
Sexual misconduct	0	-	6	26	5	63	11	34
Behaviour that causes significant emotional or psychological harm to a child	0	-	6	26	0	-	6	19
Sexual offences	1	100	0	-	1	13	2	6
International student course	4	100	0	-	4	100	8	100
Sexual offences	2	50	0	-	2	50	4	50
Sexual misconduct	2	50	0	-	1	25	3	38
Behaviour that causes significant emotional or psychological harm to a child	0	-	0	-	1	25	1	13
Student exchange program	1	100	3	100	0	-	4	100

Table 21. Reportable allegations by education service type and type of reportable conduct 2017–20 – continued

Sector	2017–18		2018–19		2019–20		Since start of Scheme	
	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)
Behaviour that causes significant emotional or psychological harm to a child	0	-	1	33	0	-	1	25
Significant neglect of a child	0	-	1	33	0	-	1	25
Physical violence	0	-	1	33	0	-	1	25
Sexual offences	1	100	0	-	0	-	1	25
Employee – other/admin	0	-	2	100	0	-	2	100
Sexual misconduct	0	-	1	50	0	-	1	50
Sexual offences	0	-	1	50	0	-	1	50
Total	638	100	458	100	550	100	1,646	100

Over a quarter of notifications in schools were made about the conduct of people who are not registered teachers.⁶⁸ People in this group include music teachers, sport coaches, IT specialists, education support officers, school crossing supervisors, bus drivers, religious leaders and ministers of religion, cleaning and maintenance staff, administration staff and volunteers.

Table 22. Mandatory notifications in the education sector by employee type for subject of allegation and Victorian Institute of Teaching (VIT) registration 2017–20

Employee type	2017–18		2018–19		2019–20		Since start of Scheme	
	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)
VIT registered	190	73	120	65	161	74	471	71
Not registered with VIT	70	27	65	35	56	26	191	29
Total	260	100	185	100	217	100	622	100

⁶⁸ Many roles in schools do not require a person to be a registered teacher.

Alleged victims⁶⁹

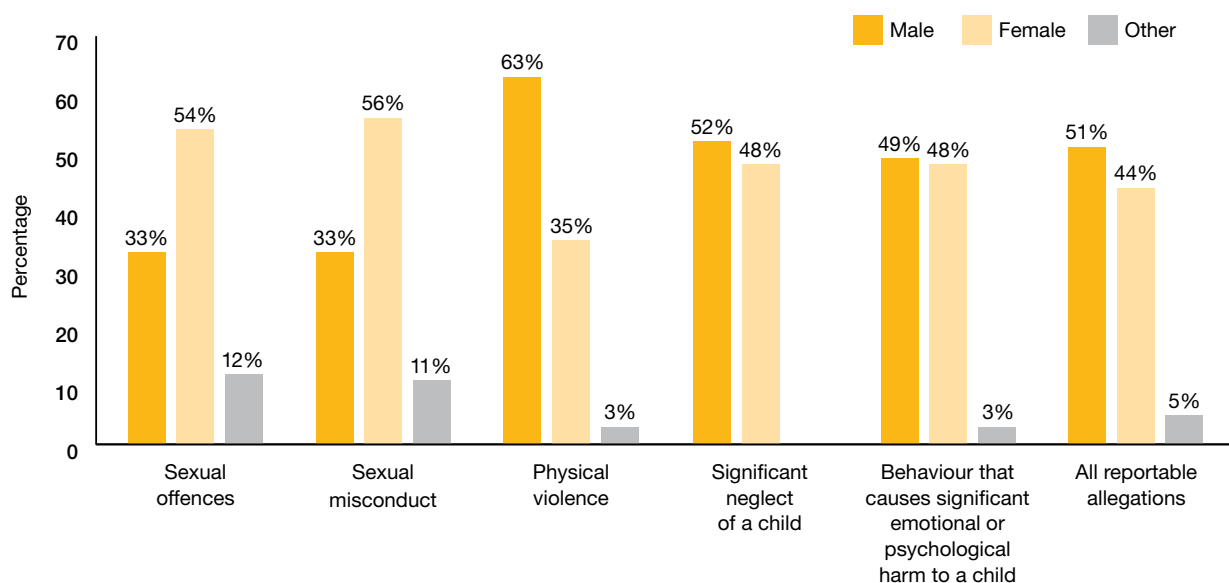
This analysis relates to notifications of reportable allegations, not substantiated incidents of reportable conduct. The term alleged victim has been used in this section to reflect this.

Sixty-three per cent of allegations of physical violence involved a male alleged victim. This type of conduct

accounted for 57 per cent of all allegations involving a male alleged victim in 2019–20, and 37 per cent of all allegations involving a female alleged victim.

There was a shift in the gender of alleged victims of sexual offences. In 2019–20, 54 per cent were female as compared to 30 per cent in 2018–19.

Figure 4. Reportable allegations by type of reportable conduct and gender of alleged victims 2019–20



Across all age groups, alleged victims were most likely to be exposed to physical violence. In 2019–20, almost a third of all physical violence allegations were reported in respect to children aged 0–4 years (29 per cent). Over half of all sexual misconduct allegations were reported in respect of children aged 10–17 years (54 per cent).

Subjects of allegation

A worker or volunteer who is alleged to have committed reportable conduct is known as the subject of allegation. A person can be the subject of allegation for more than one

notification with multiple reportable allegations involving more than one alleged victim.

Physical violence made up 46 per cent of all allegations and was the largest category of reportable allegations for both genders.

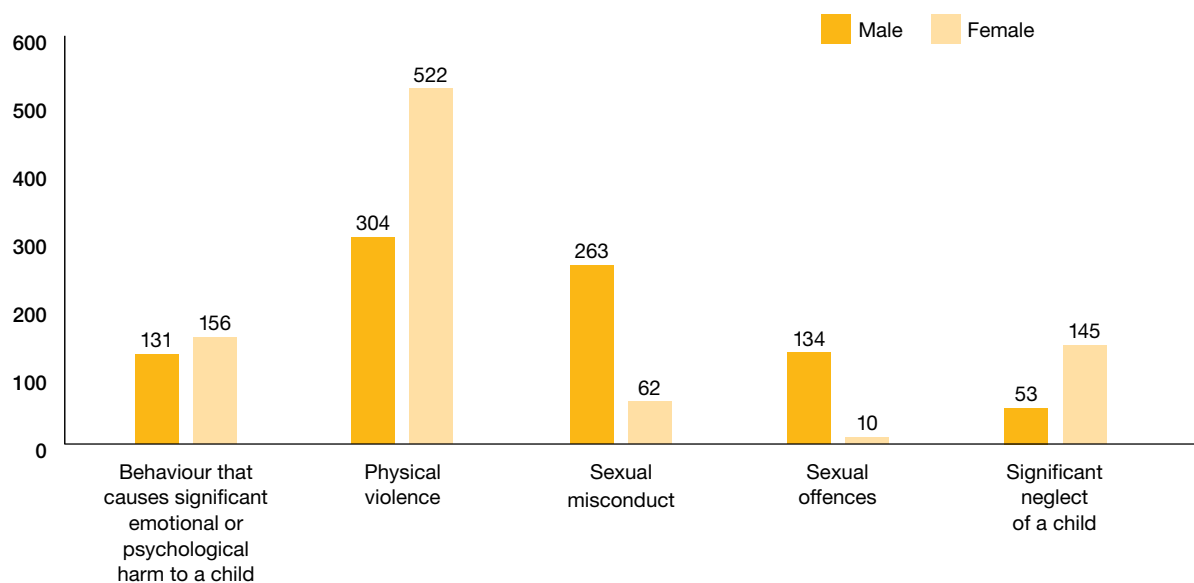
In 2019–20, 93 per cent of all sexual offence and 81 per cent of all sexual misconduct reportable allegations were made against male subjects of allegation. Female subjects of allegation are more likely to be the subject of a reportable allegation of significant neglect of a child (73 per cent) as opposed to males (27 per cent).

⁶⁹ This year the Commission has not prepared unique alleged victim or subject of allegations analysis as in previous annual reports due to the resources required for this analysis and the impact on staffing of COVID–19.

Table 23. Reportable allegations by gender of subject of allegation and type of reportable conduct 2017–20

Gender of subject of allegation and conduct type	2017–18		2018–19		2019–20		Since start of Scheme	
	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)
Female	712	100	726	100	895	100	2,333	100
Physical violence	350	49	469	65	522	58	1,341	57
Behaviour that causes significant emotional or psychological harm to a child	142	20	139	19	156	17	437	19
Significant neglect of a child	128	18	81	11	145	16	354	15
Sexual misconduct	72	10	26	4	62	7	160	7
Sexual offences	20	3	11	2	10	1	41	2
Male	830	100	777	100	885	100	2,492	100
Physical violence	337	41	319	41	304	34	960	39
Sexual misconduct	229	28	196	25	263	30	688	28
Behaviour that causes significant emotional or psychological harm to a child	152	18	95	12	131	15	378	15
Sexual offences	81	10	121	16	134	15	336	13
Significant neglect of a child	31	4	46	6	53	6	130	5
Total	1,542	100	1,503	100	1,780	100	4,825	100

Figure 5. Reportable allegations by type of reportable conduct and gender of subject of allegation 2019–20



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

Out of the 2,546 mandatory notifications received by the Commission since the start of the Scheme, 1,848 (73 per cent) had been finalised and 160 (six per cent) had been assessed as being outside the Scheme's jurisdiction at 30 June 2020. At 30 June 2020, 698 mandatory notifications remained open.

A total of 1,031 notifications of reportable allegations were finalised by the Commission during the period of July 2019 to June 2020. The finalisation rate⁷⁰ for 2019–20 was 110 per cent.

Reportable conduct findings

The 1,688 notifications⁷¹ finalised since the Scheme commenced involved the investigation of 3,531 reportable allegations by organisations subject to the Scheme.

In 2019–20, 28 per cent of reportable allegations were substantiated. For all allegations finalised since the start of the Scheme until 30 June 2020, the substantiation rate was 30 per cent.

Table 24. Findings per allegation by year of finalisation by the Commission 2017–20

Finding type	2017–18		2018–19		2019–20		Since start of Scheme	
	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)
Substantiated	77	31	385	32	587	28	1,049	30
Unsubstantiated – insufficient evidence	55	22	312	26	568	28	935	26
Unsubstantiated – lack of evidence of weight	34	14	250	20	473	23	757	21
Unfounded	13	5	86	7	195	9	294	8
Conduct outside the Scheme	71	28	187	15	238	12	496	14
Total	250	100	1,220	100	2,061	100	3,531	100

Allegations of significant neglect of a child had the highest substantiation rate (38 per cent) of any conduct category in 2019–20, with over a third of these allegations resulting in a substantiated finding.

Allegations of behaviour that causes significant emotional or psychological harm to a child had the lowest substantiation rate (21 per cent) in 2019–20.

⁷⁰ This is the rate of finalisation of notifications compared with new notifications being received.

⁷¹ Excludes mandatory notifications determined to be outside the scope of the Scheme.

Table 25. Findings per reportable conduct type 2017–20

Reportable conduct type and finding	2017–18		2018–19		2019–20		Since the start of the Scheme	
	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)
Behaviour that causes significant emotional or psychological harm to a child	74	100	192	100	331	100	597	100
Substantiated	16	22	42	22	68	21	126	21
Unsubstantiated – insufficient evidence	13	18	58	30	125	38	196	33
Unsubstantiated – lack of evidence of weight	10	14	46	24	77	23	133	22
Unfounded	1	1	5	3	35	11	41	7
Conduct outside Scheme	34	46	41	21	26	8	101	17
Physical violence	79	100	626	100	1,080	100	1,785	100
Substantiated	27	34	223	36	320	30	570	32
Unsubstantiated – insufficient evidence	22	28	151	24	277	26	450	25
Unsubstantiated – lack of evidence of weight	10	13	136	22	276	26	422	24
Unfounded	3	4	43	7	88	8	134	8
Conduct outside Scheme	17	22	73	12	119	11	209	12
Sexual misconduct	61	100	214	100	349	100	624	100
Substantiated	20	33	45	21	100	29	165	26
Unsubstantiated – insufficient evidence	12	20	58	27	98	28	168	27
Unsubstantiated – lack of evidence of weight	9	15	38	18	55	16	102	16
Unfounded	5	8	15	7	31	9	51	8
Conduct outside Scheme	15	25	58	27	65	19	138	22
Sexual offences	12	100	48	100	104	100	164	100
Substantiated	0	-	7	15	24	23	31	19
Unsubstantiated – insufficient evidence	4	33	14	29	18	17	36	22
Unsubstantiated – lack of evidence of weight	4	33	13	27	37	36	54	33
Unfounded	4	33	11	23	21	20	36	22
Conduct outside Scheme	0	-	3	6	4	4	7	4
Significant neglect of a child	24	100	140	100	197	100	361	100
Substantiated	14	58	68	49	75	38	157	43
Unsubstantiated – insufficient evidence	4	17	31	22	50	25	85	24
Unsubstantiated – lack of evidence of weight	1	4	17	12	28	14	46	13

Reportable Conduct Scheme

continued

Table 25. Findings per reportable conduct type 2017–20 – continued

Reportable conduct type and finding	2017–18		2018–19		2019–20		Since the start of the Scheme	
	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)
Unfounded	0	-	12	9	20	10	32	9
Conduct outside Scheme	5	21	12	9	24	12	41	11
Total	250	100	1,220	100	2,061	100	3,531	100

Substantiated reportable conduct^{72 73}

Ninety per cent of substantiated reportable conduct incidents in 2019–20 occurred in three sectors, being the education sector (42 per cent), the out-of-home-care sector (32 per cent) and the early childhood education sector (16 per cent).

Table 26. Substantiation rate of reportable conduct incidents by sector by year of finalisation by the Commission 2017–20

Sector	2017–18		2018–19		2019–20		Since start of Scheme	
	No.	Sub. rate % ⁷⁴	No.	Sub. rate %	No.	Sub. rate %	No.	Sub. rate %
Out-of-home-care	39	37	216	35	189	28	444	31
Education	28	22	134	33	247	36	409	34
Early childhood education	0	0	19	22	96	22	115	22
Religious body	3	38	3	43	24	32	30	33
Disability	4	33	6	19	13	18	23	20
Youth justice	0	0	0	0	10	14	10	10
Other	2	67	3	15	2	11	7	17
Child protection	0	0	2	13	4	27	6	19
Victorian Government Departments	1	100	2	50	1	100	4	67
Accommodation	0	0	0	0	1	100	1	33
Health	0	0	0	0	0	0	0	0
Total	77	31	385	32	587	28	1,049	30

⁷² This year the Commission has not prepared analysis on victims of substantiated reportable conduct or persons found to have engaged in substantiated reportable conduct as in previous annual reports due to the resources required for this analysis and the impact on staffing of COVID-19.

⁷³ Two figures reported in the 2018–19 Annual Report have been revised. On page 96, in the Victims of substantiated reportable conduct analysis, the report stated that the majority of victims (53 per cent) had only one substantiated incident. This should be 74 per cent had one substantiated incident. On page 97 in the analysis of persons found to have engaged in substantiated reportable conduct, the report states that the majority had one substantiated mandatory notification (96 per cent), and only five individuals had three or more substantiated mandatory notifications. This should be 98 per cent had one substantiated mandatory notification, and none had more than two.

⁷⁴ Substantiation rate is the percentage of all findings in the sector that were substantiated by the organisations conducting investigations.

The largest category of substantiated reportable conduct in 2019–20 was physical violence (55 per cent).

Table 27. Substantiated reportable conduct incidents by conduct type and year of finalisation by the Commission 2017–20

Conduct Type	2017–18		2018–19		2019–20		Since start of Scheme	
	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)
Physical violence	27	35	223	58	320	55	570	54 ⁷⁵
Sexual misconduct	20	26	45	12	100	17	165	16 ⁷⁶
Significant neglect of a child	14	18	68	18	75	13	157	15
Behaviour that causes significant emotional or psychological harm to a child	16	21	42	11	68	12	126	12
Sexual offences	0	-	7	2	24	4	31	3 ⁷⁷
Total	77	100	385	100	587	100	1,049	100

Historical allegations

An historical allegation is an allegation of reportable conduct where the alleged conduct occurred prior to the organisation that engaged the subject of allegation coming into the Scheme.⁷⁸

The Scheme requires certain allegations of past or historical reportable conduct to be reported to the Commission and investigated by organisations.

Since the Scheme commenced, 10 per cent of mandatory notifications (254) have involved alleged conduct which is historical, involving 554 allegations. Just under half of these historical notifications relate to alleged conduct that occurred in the three years prior to the Scheme (46 per cent). However, 14 per cent of these historical notifications

refer to alleged conduct that occurred prior to 1980. Of the allegations raised concerning conduct prior to 1980, 61 per cent related to sexual offences, a further 14 per cent related to sexual misconduct.

Sharing information

A key element of the Scheme is the sharing of information about allegations, findings and other information to assist organisations to take action to support safety for children. 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.

In 2019–20, the Commission progressed discussions with both the Australian Health Practitioner Regulation Agency

⁷⁵ Includes physical violence against, with or in the presence of a child. Since the start of the Scheme, of the 54 per cent physical violence allegations, 38 per cent have been allegations regarding conduct against a child, 16 per cent conduct in the presence of a child and <1 per cent conduct with a child.

⁷⁶ Includes sexual misconduct against, with or in the presence of a child. Since the start of the Scheme, of the 16 per cent sexual misconduct allegations, 12 per cent have been allegations regarding conduct against a child, 3 per cent conduct in the presence of a child and <1 per cent conduct with a child.

⁷⁷ Includes sexual offence against, with or in the presence of a child. Since the start of the Scheme, of the 3 per cent sexual offence allegations, 3 per cent have been allegations regarding conduct against a child and <1 per cent conduct with a child.

⁷⁸ For example, religious bodies were brought into the Scheme on 1 January 2018. An 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 under-estimation of historical allegations.

as the regulator of health professionals and the NDIS Quality and Safeguards Commission as the regulator of disability providers, to further support information sharing in these sectors and establish an information sharing protocol.

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.⁷⁹

Of the 939 notifications of reportable allegations made to the Commission in 2019–20, 56 per cent were reported to Victoria Police by either the organisation or the Commission due to possible criminal conduct.⁸⁰

For the period 1 July 2017 to 30 June 2020, Victoria Police conducted an investigation into 58 per cent of notifications disclosed to them; 53 per cent have been completed and five per cent remain in progress.

For the period 1 July 2017 to 30 June 2020, the Commission referred 320 notifications that had not previously been reported to police. In addition, the Commission referred 40⁸¹ matters that involved conduct that may be criminal in nature that were not within the jurisdiction of the Scheme.

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

- terms of imprisonment, including suspended sentences
- good behaviour bonds

- intervention orders, including family violence intervention orders granted
- community correction orders
- diversion
- adjournment without conviction.

Table 28. Status of all notifications of reportable allegations reported to Victoria Police since the start of the Scheme 2017–20

Victoria Police status of notification	Number of notifications	Percentage
Awaiting update from Police ⁸²	45	3
Investigation complete (no further police action) ⁸³	620	46
Investigation complete (criminal charges laid/pending)	91	7
No further police action ⁸⁴	526	39
Under investigation	67	5
Total	1349	100

Referrals to Working with Children Check Unit

An important part of the Commission's role in supporting safety for children is to refer substantiated allegations of reportable conduct to the Secretary to the Department of Justice and Community Safety (DJCS). This enables DJCS to assess whether the person should retain a Working with Children Check under the *Working with Children Act 2005*.

⁷⁹ This section is based on the Commission's analysis of data provided by Victoria Police and its own data.

⁸⁰ Of all the mandatory notifications received by the Commission since the commencement of the Scheme 53 per cent were reported to Victoria Police due to possible criminal conduct.

⁸¹ There were an additional 31 notifications that were referred to Victoria Police as the conduct may be criminal in nature. At the end of the financial year, these 31 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.

⁸² This reflects where the Commission has disclosed a notification that may be criminal in nature to Victoria Police and has not yet received an update on the outcome of that disclosure.

⁸³ The term investigation is applied broadly. This includes where Victoria Police commence an investigation and subsequently conclude no further action is required. It also includes matters where the subject of allegation was exonerated, or no criminal offence was detected; the alleged victim withdrew their complaint; family violence was identified with no criminal offence; the subject of allegation was deceased, or the subject of allegation was interviewed but there was insufficient evidence to prosecute.

⁸⁴ This includes where Victoria Police consider a notification and determine no investigation and/or further police action is required.

In 2019–20, 267 unique individuals found to have committed substantiated reportable conduct were referred to DJCS in relation to 575 substantiated allegations of reportable conduct.

Since the start of the Scheme, a total of 485⁸⁵ unique individuals found to have committed reportable conduct have been referred to DJCS in relation to 1,036⁸⁶ substantiated allegations of reportable conduct.

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

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 2019–20.

In 2019–20 the Commission advised VIT of 191⁸⁷ notifications of reportable allegations in relation to registered teachers.⁸⁸ Since the start of the Scheme, the

Commission has advised VIT of 520 notifications relating to 503 unique registered teachers.

In 2019–20 the Commission shared information with VIT about the findings in 189 finalised notifications, with information about 363 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 2019–20, public notifications came from a range of sources including workers in organisations subject to the Scheme, parents, Victoria Police, other regulators and members of the general public.

The Commission received 163 disclosures of potential reportable allegations from persons other than the head of an organisation for the period 1 July 2019 to 30 June 2020. This represents a 39 per cent increase in the number of public notifications received by the Commission during 2018–19.

In 2019–20, 21 per cent of 'public disclosures' to the Commission were from Victoria Police.

Between January and March 2020, during significant media coverage of misconduct in schools, the Commission received 60 public notifications. This is almost double the average of 30 per quarter for April 2018 to June 2020.

⁸⁵ There was a reduction in the total number of individual notifications following the withdrawal of two notifications to DJCS where revised findings were made by the organisation and submitted to the Commission. The figure reported in the 2018–19 annual report was the total number of matters referred to the WWCC Unit not the unique individual subjects of allegation.

⁸⁶ There was a reduction in the total number of substantiated allegations of reportable conduct, following the withdrawal of four substantiated allegations where revised findings were made by the organisation and submitted to the Commission.

⁸⁷ This includes one notification that was subsequently withdrawn as the subject of allegation had been incorrectly identified. This refers to notifications of reportable allegations, not individual teachers. Individual teachers could have more than one notification of reportable allegations made against them.

⁸⁸ Different organisations can have different counting rules for reporting purposes. There is a variance of less than 1 per cent between the figures published in the 2018–19 annual report and this report that were not able to be resolved at the time of publishing this report.

Figure 6. Public notifications by month received 2017–20

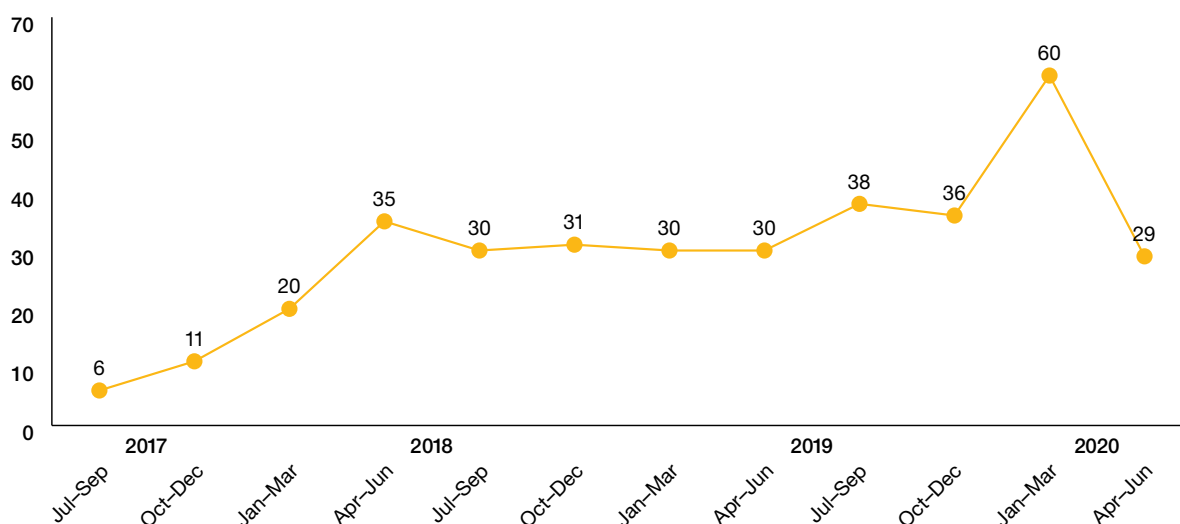


Table 29. Public notifications received by sector 2017–20⁸⁹

Sector	2017–18		2018–19		2019–20		Since start of Scheme	
	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)	No.	Prop. (%)
Education	39	53	53	44	77	47	169	48
Out-of-home care	7	10	24	20	27	17	58	16
Other	10	14	12	10	18	11	40	11
Religious body	4	6	13	11	18	11	35	10
Early childhood education	1	1	7	6	12	8	20	6
Disability	4	5	6	5	6	4	16	5
Child protection	1	<1	2	2	3	2	6	2
Health	2	3	1	<1	2	1	5	1
Victorian Government Departments	3	4	2	2	0	-	5	1
Accommodation	1	<1	0	-	0	-	1	<1
Youth justice	0	-	1	<1	0	-	1	<1
Total	72	100	121	100	163	100	356	100

⁸⁹ 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 as one notification.

Public enquiries

A critical component of the Commission's approach to supporting organisations to comply with the Reportable Conduct Scheme, and to also drive thorough and effective reportable conduct investigations, is providing advice and guidance in response to contact made by individuals and organisations. The Commission responded to at least 697 enquiries about the Scheme from July 2019 to June 2020, a 29 per cent increase when compared with 2018–19.⁹⁰

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.

In 2019–20, the Principal Commissioner decided it was in the public interest to conduct one own motion investigation with the subject of allegation being engaged in the education sector.

As at 30 June 2020, the Commission had three open own motion investigations.

Table 30. Reportable Conduct Scheme compliance action 2019–20

Action type	Number
Section 16K – recommendation for action regarding reportable conduct systems	0
Section 16O – own-motion investigation concerning a reportable allegation or the handling of a reportable allegation	1
Section 16ZG – notice to produce	0

Table 31. Reportable Conduct Scheme enforcement action 2019–20

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

Table 32. Reportable Conduct Scheme decisions reviewed 2019–20

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

⁹⁰ Data capture issues this year mean some enquiries were not recorded in a form enabling analysis in 2019–20.

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 DHHS in its annual report.

Table 33 provides a summary of the Commission's expenditure for 2019–20.

Table 33. Commission expenditure 2019–20

Expenditure	2019–20 (\$)	2018–19 (\$)	2017–18 (\$)
Salaries and on costs	10,127,896	9,063,503	7,545,580.23
Grants and other transfers	-	-	396,040.84
Operating expenses	2,544,170	3,514,349	3,007,654.08
Depreciation	-	-	-
Total	12,672,066	12,577,852	10,949,275.15

Appendices

Appendix 1.

Disclosure index

Commission for Children and Young People financial statements are now included in the accounts of DHHS 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 DHHS report of operations and disclosure index.

Table 34. Commission disclosures

Legislation	Requirement	Page
Standing Directions and Financial Reporting Directions		
Report of operations		
Charter and purpose		
FRD 22H	Manner of establishment and the relevant ministers	7, 13
FRD 22H	Purpose, functions, powers and duties	13
FRD 22H	Key initiatives and projects	16
FRD 22H	Nature and range of services provided	13–17
Management and structure		
FRD 22H	Organisational structure	106
Financial and other information		
FRD 10A	Disclosure index	103
FRD 12B	Disclosure of major contracts	113
FRD 15E	Executive officer disclosures	111
FRD 22H	Employment and conduct principles	107
FRD 22H	Occupational health and safety policy	106
FRD 22H	Summary of the financial results for the year	101
FRD 22H	Significant changes in financial position during the year	N/A
FRD 22H	Major changes or factors affecting performance	N/A
FRD 22H	Subsequent events	N/A
FRD 22H	National Competition Policy	N/A
FRD 22H	Application and operation of <i>Freedom of Information Act 1982</i>	113
FRD 22H	Compliance with building and maintenance provisions of the <i>Building Act 1993</i>	114
FRD 22H	Application and operation of the <i>Protected Disclosure Act 2012</i>	114
FRD 22H	Application and operation of the <i>Carers Recognition Act 2012</i>	114
FRD 22H	Details of consultancies over \$10,000	112
FRD 22H	Details of consultancies under \$10,000	112
FRD 22H	Disclosure of government advertising expenditure	111
FRD 22H	Disclosure of ICT expenditure	112
FRD 22H	Statement of availability of other information	114

Appendix 1.
Disclosure index
continued

Table 34. Commission disclosures – continued

Legislation	Requirement	Page
Standing Directions and Financial Reporting Directions		
<i>Financial and other information – continued</i>		
FRD 22H	Compliance with the <i>Disability Act 2006</i>	115
FRD 24C	Reporting of officebased environmental impacts	119
FRD 25C	Local jobs first	111
FRD 29C	Workforce data disclosures	109
SD 5.2	Specific requirements under Standing Direction 5.2	1 – 116
<i>Compliance attestation and declaration</i>		
SD 3.2.1.1	Audit committee membership and roles	106
SD 3.7.1	Financial management attestation statement	116
SD 5.2.3	Declaration in report of operations	1
<i>Freedom of Information Act 1982</i>		113
<i>Building Act 1983</i>		114
<i>Protected Disclosure Act 2012</i>		114
<i>Carers Recognition Act 2012</i>		114
<i>Local Jobs First Act 2003</i>		111
<i>Occupational Health and Safety Act 2004</i>		106

Appendix 2. Governance and organisational structure

The commissioners

Principal Commissioner

Liana Buchanan was appointed Principal Commissioner for Children and Young People in April 2016. The Principal Commissioner has all the functions and powers of the Commission and any other powers or functions conferred on her by the CCYP Act or any other Act.

Commissioner for Aboriginal Children and Young People

In May 2018, Justin Mohamed was appointed to the role of Commissioner for Aboriginal Children and Young People. The Commissioner is responsible for leading the functions of the Commission relating to Aboriginal children and young people.

Executive officers

Annie Tinney

In September 2018, Annie Tinney commenced as the Chief Executive Officer of the Commission. Annie provides operational leadership to the Commission and ensures its effective and efficient management.

Emily Sanders

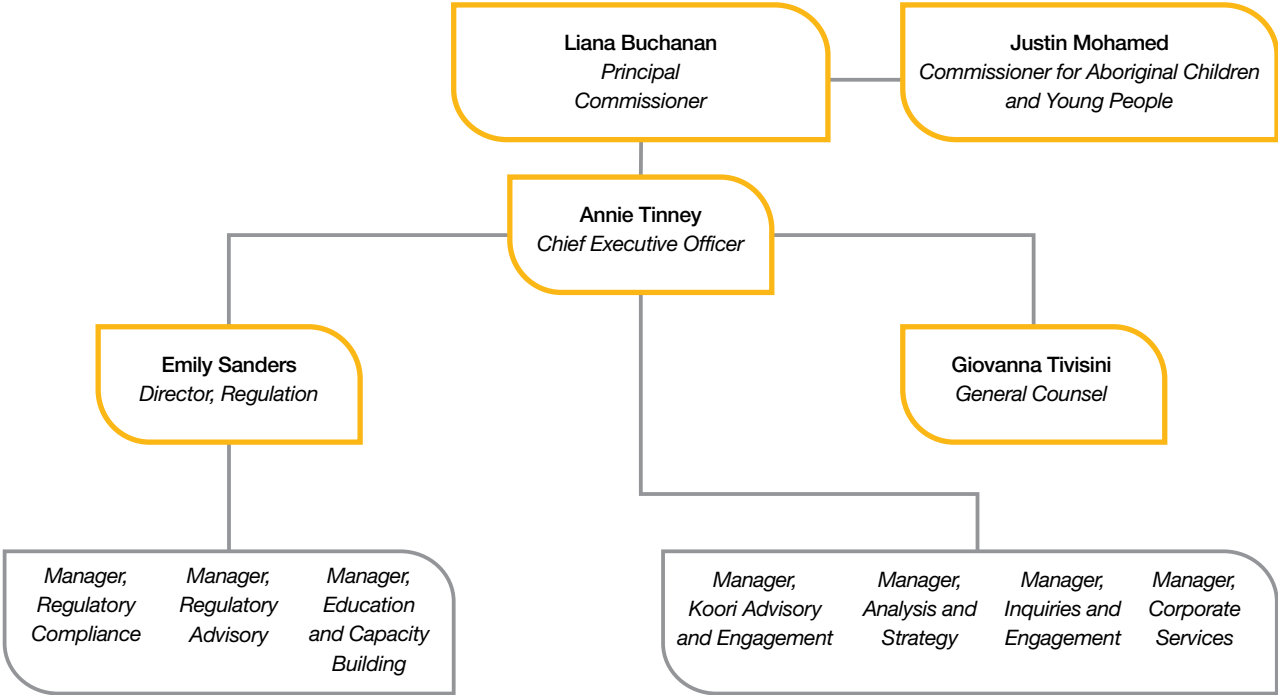
Emily Sanders was appointed Director, Regulation in February 2018. Emily is responsible for managing the operational components of the Reportable Conduct Scheme and Child Safe Standards.

Giovanna Tivisini

Giovanna Tivisini is the Commission's General Counsel and was promoted from VPS staff to an executive officer in September 2019. Giovanna ensures the delivery of legal services across the Commission's portfolios.

Organisational structure as at 30 June 2020

Figure 7. Organisational structure as at 30 June 2020



Audit and Risk Committee membership and roles

The Audit and Risk Committee consists of the following members:

- David Gibbs, Chairperson
- Tony Nippard, Independent Member
- Fiona Green, Independent Member.

Previous Independent Member, Sue Crook completed her term as an Independent Member in November 2019.

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 control, 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 control
- the acceptability, disclosure of, and correct accounting treatment for, significant transactions that are not part of the Commission's normal course of business.

Occupational health and safety

We are committed to ensuring all staff remain safe and healthy at work in accordance with the Commission's obligations under the *Occupational Health and Safety Act 2004* and the Occupational Health and Safety Regulations 2007.

In 2019–20 we continued our ongoing internal safety reporting process, workplace inspections, ergonomic assessments for staff and an employee assistance program.

For the fourth consecutive year, we also continued our 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, or any personal concerns. The frequency of counselling sessions can be increased if required.

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 2019–20, four Occupational Health and Safety Committee meetings were held.

Injuries and incident management

During 2019–20 there were eleven reported minor injuries. Comparatively, in 2018–19 there were two reported minor injuries.

The injuries were classified as Incidents (rather than Hazards).

The Incidents related to staff members tripping or walking into stationary objects, work-related stress, the collapse of shelving on a desk and a small cut to a hand from

a kitchen knife. Whilst the eleven were reported, none of them required any ongoing management or formal follow-up.

In 2019–20 there were no recorded major incidents.

Employment and conduct principles

We are committed to applying merit and equity principles when appointing staff. Our selection processes ensure that applicants are assessed and evaluated fairly and equitably on the basis of the key selection criteria and other accountabilities without discrimination. Employees have been correctly classified in workforce data collections.

Our commitment to child safety

We are committed to providing a child-safe and child-friendly environment, where children and young people with whom we have contact are safe and feel safe and are able to participate in decisions that affect their lives. Our 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

We employed 79 people as at 30 June 2020, which is an increase of 4 people at the same time last year (Table 35a and 35b).

Two new staff were VPS 2 employees. One was a graduate via the Victorian Public Sector Commission graduate program, and another a new employee under the Barring Djinang VET/TAFE graduate program.

The split between ongoing and fixed term and casual staff over the two financial years is consistent.

Table 35a. Workforce data as at 30 June 2020

30 June 2020		All employees		Ongoing			Fixed term and casual	
		Number (headcount)	FTE	Full-time (headcount)	Part-time (headcount)	FTE	Number (headcount)	FTE
Demographic data	Gender							
	Men	21	21	13	0	13	8	8
	Women	58	51.9	27	13	35.1	18	16.8
	Self-described	n	n	n	n	n	n	n
	Age							
	15-24	1	1	0	0	0	1	1
	25-34	24	22.8	12	0	12	12	10.8
	35-44	27	24.6	12	5	14.6	10	10
	45-54	13	12.2	6	5	10.2	2	2
	55-64	12	10.7	9	2	9.7	1	1
65+	2	1.6	1	1	1.6	0	0	
Classification data	VPS 1-6 grades	76	69.9	40	13	48.1	23	21.8
	VPS 2	2	2	0	0	0	2	2
	VPS 3	5	4.6	2	1	2.6	2	2
	VPS 4	19	18	9	1	9	9	9
	VPS 5	30	26.4	15	7	19.6	8	6.8
	VPS 6	20	18.9	14	4	16.9	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	79	72.9	40	13	48.1	26	24.8	

*n=nil

Appendix 3. Workforce data continued

Table 35b. Workforce data as at 30 June 2019

30 June 2019		All employees		Ongoing			Fixed term and casual	
		Number (headcount)	FTE	Full-time (headcount)	Part-time (headcount)	FTE	Number (headcount)	FTE
Demographic data	Gender							
	Men	24	23.7	13	1	13.8	10	9.9
	Women	51	46.9	25	10	32.7	16	14.2
	Self-described	n	n	n	n	n	n	n
	Age							
	15–24	1	1	0	0	0	1	1
	25–34	21	20.9	13	0	13	8	7.9
	35–44	28	25.5	11	6	15.3	11	10.2
	45–54	14	13.8	10	2	11.8	2	2
	55–64	11	9.4	4	3	6.4	4	3
65+	0	0	0	0	0	0	0	
Classification data	VPS 1–6 grades	73	68.6	36	11	44.5	26	24.1
	VPS 3	7	5.5	2	2	3.5	3	2
	VPS 4	16	15.9	10	1	10.9	5	5
	VPS 5	32	30.1	13	6	17.2	13	12.9
	VPS 6	18	17.1	11	2	12.9	5	4.2
	Senior employees	2	2	0	0	0	2	2
	Executives	2	2	0	0	0	2	2
	Other	0	0	0	0	0	0	0
Total employees	75	70.6	36	11	44.5	28	26.1	

*n=nil

The figures in Tables 35a and 35b excludes those on leave without pay or absent on secondment, external contractors/consultants, temporary staff employed by employment agencies, and a small number of people who are not employees but are appointees to a statutory office, as defined in the *Public Administration Act 2004*.

All figures reflect employment levels during the last full pay period of each year.

'Ongoing' employees means people engaged on an open-ended contract of employment and executives engaged on a standard executive contract who are active in the last full pay period of June.

Executives and other non-executive senior staff

Table 36 discloses the annualised total salary for senior employees of the Commission, categorised by classification.

Table 36. Annualised total salary by \$40,000 bands for executives and other senior non-executive staff

Income band (salary)	Executives	Other
\$160,000–199,000	1	0
\$200,000–239,999	2	0
\$240,000–279,999	0	2
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 37, and Table 38 provides a reconciliation of executive numbers in 2019–20 and 2018–19.

Table 37. Total number of executive officers for the Commission by gender

Class	Total		Men		Women		Self-described	
	No.	Var.	No.	Var.	No.	Var.	No.	Var.
EO 2	1	(1)	0	0	1	(1)	n*	n
EO 3	2	0	0	0	2	0	n	n
Total	3	(1)			3	(1)	n	n

*n=nil

Table 38. Reconciliation of executive and non-executive senior staff numbers

	2019–20	2018–19
Executives	3	3
Non-executive senior staff	1	1
Accountable Officer	1	1
Less Separations	(0)	(1)
Total executive numbers at 30 June	5	4

Table 38 lists the actual number of executive officers and non-executive senior staff over the reporting period. Separations are executives and non-executive senior staff who have left the Commission during the reporting period.

Local jobs first

The *Local Jobs First Act 2003* introduced in August 2018 brings together the Victorian Industry Participation Policy (VIPP) and Major Project Skills Guarantee (MPSG) policy, which were previously administered separately.

Departments and public sector bodies 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, or \$1 million or more for projects in regional Victoria.

MPSG applies to all construction projects valued at \$20 million or more.

We did not engage in any applicable tenders or projects during the reporting period.

Advertising expenditure

In 2019–20, we have not commissioned any advertising campaigns.

Appendix 4.

Other disclosures

Consultancy expenditure

Consultancies \$10,000 or greater

In 2019–20 we engaged eight consultancies with individual costs greater than \$10,000. The total value of those consultancies was \$351,853 (Table 39).

Table 39. Consultancies valued at \$10,000 or greater

Consultant	Purpose of consultancy	Total approved project fee (excl. GST)	Expenditure 2019–20 (excl. GST)	Future expenditure (excl. GST)
Justitia Lawyers & Consultants	Own Motion Investigation Reportable Conduct Scheme	\$27,809	\$27,809	-
				\$9,420
Ernst & Young	Consultancy Services for the Koori Youth Justice Taskforce	\$68,389	\$58,969	
Holly Charles Ireland	Inquiry into Government services	\$25,510	\$25,510	-
Jenny Dwyer Associates	Inquiry into Government services	\$72,000	\$72,000	-
K Murray Consulting	Systematic Inquiry into Children and Young People who are absent or missing from care	\$76,500	\$42,500	\$34,000
K Murray Consulting	Review of Working with Children Check Unit	\$49,555	\$45,050	-
Jack Nyhof	Social media consultancy	\$13,000	\$13,000	-
University of South Australia	Child Safe Standards – Empowering Children Guidance	\$19,090	\$19,090	-
Total		\$351,853	\$303,928	\$43,420

Consultancies less than \$10,000

In 2019–20, we engaged seven consultancies in this category, for a value of \$40,563.

Information and communication technology expenditure

For the 2019–20, reporting period we had a total ICT expenditure of \$251,213, the details of which are shown in Table 40.

Our non-business as usual expenditure was focused on further improvements relating to our case management system to capture and report on Child Safe Standards and Reportable Conduct Scheme cases, as well as design improvements to the Commission's website. Funds were also spent on IT equipment to support staff working remotely during COVID–19 restrictions.

Table 40. Commission ICT expenditure

Business as usual	Non-business as usual	Operational expenditure	Capital expenditure
(Total)	(Total = Operational expenditure and capital expenditure)		
\$13,062	\$238,151	\$92,650	\$145,501

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 function.

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 our website. An application fee of \$29.60 applies. 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 what types of material/documents are being sought.

Requests for documents in the possession of the Commission should be addressed to:

Freedom of Information Officer
Commission for Children and Young People
Level 18, 570 Bourke St
Melbourne Victoria 3000.

Freedom of Information statistics/timeliness

During 2019–20, the Commission received six applications from members of the public. All decisions were made within the statutory 30-day time period.

Appendix 4. Other disclosures *continued*

Three decisions were reviewed by the Office of the Victorian Information Commissioner. No decisions were referred to the Victorian Civil and Administrative Tribunal.

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 *Protected Disclosure Act 2012*

The *Protected Disclosure 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.

Protected disclosure statistics

During 2019–20, no known disclosures were made to the Independent Broad Based Anti-corruption Commission by individuals regarding the Commission and/or its staff.

Compliance with the *Carers Recognition Act 2012*

We support the principles of the *Carers Recognition Act 2012* and demonstrate this through our commitment to providing flexible working arrangements for our staff to support their roles as carers.

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 Department of Health and Human Services has developed a *Disability Action Plan 2018–2020* to outline the department’s commitment to enhance the health and wellbeing of people with a disability. The Commission supports the department’s approach to complying with the *Disability Act 2006* and through the current corporate services arrangement with the department, looks forward to continuing to implement relevant action items and recommendations that arise from the plan.

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 encourages double-sided printing.

The Commission also separates waste systems into recycled, landfill and compost and bins are cleared daily.

During COVID–19 restrictions, Commission staff have been working from home for an extended period during 2020. Electrical appliances and lights that are not in use whilst staff work from home, have all been turned off at power points and switches.

The Commission does not have any assigned government vehicles and staff are encouraged to use public transport in undertaking business activities.

Appendix 4.
Other disclosures
continued

**Attestation for Financial
Management Compliance with
Standing Direction 5.1.4**

I, Liana Buchanan, certify that the Commission for Children and Young People has no Material Compliance Deficiency with respect to the applicable Standing Directions under the *Financial Management Act 1994* and Instructions.



Liana Buchanan

*Principal Commissioner
Commission for Children and Young People*

Commission for Children and Young People

Level 18, 570 Bourke Street
Melbourne, Victoria, 3000

DX210229

Phone: 1300 78 29 78

Email: contact@ccyp.vic.gov.au

ccyp.vic.gov.au



COMMISSION FOR CHILDREN
AND YOUNG PEOPLE