



Annual Report 2015–2016



COMMISSION FOR CHILDREN AND YOUNG PEOPLE



Language used in this report

The term 'Aboriginal' refers to both Aboriginal and Torres Strait Islander peoples. The term 'children' (or 'child') refers to children and young people under the age of 18 years.

Case studies

Case studies have been included to illustrate the work of the Commission and key themes arising from our inquiries. Pseudonyms have been used and the details of some of the cases have been altered to protect privacy.

Logo

The Commission for Children and Young People logo represents our vision for all children to be strong in health, education, culture and identity, and facing the world with confidence. The people are connected, equal in size and importance, and there is a fluidity that binds them together. The symbol is a Koori design by Marcus Lee for the Commission.

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This report can also be downloaded from the Commission's website at www.ccyp.vic.gov.au.

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The Commission for Children and Young People respectfully acknowledges the Traditional Owners of the country throughout Victoria and pays respect to the ongoing living cultures of First Peoples.



COMMISSION FOR CHILDREN AND YOUNG PEOPLE

1 September 2016

The Hon Jenny Mikakos MLC
Minister for Families and Children
Minister for Youth Affairs
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 2016.

Yours sincerely

A handwritten signature in black ink, reading "Liana Buchanan". The signature is fluid and cursive, with a large loop at the end.

Liana Buchanan
Principal Commissioner





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From the Principal Commissioner

What happens to us when we are children shapes the rest of our lives. When children experience violence and abuse, neglect, poverty, discrimination or other breaches of their rights, the impact is profound and often reverberates down to future generations.

Every day, I listen to the extraordinary stories of children and young people. These stories range from despairing to hopeful, heartbreaking to heartening, shocking to all-too-familiar. Many young people I speak to are failed initially by those closest to them, but far too many are failed again by the systems set up to protect them from harm.

I feel honoured to be appointed Victoria's new Principal Commissioner for Children and Young People. I look forward to providing independent oversight and scrutiny of the services, policies and practices that affect children and young people, and advocating for reforms that promote their rights and best interests.

This year we have witnessed growing community awareness and understanding of the impact that abuse, violence, neglect and mistreatment has on children. This increased awareness has been aided by the Royal Commission into Family Violence, which confirmed that children have too often been the invisible, unsupported victims of family violence. The Commonwealth Royal Commission into Institutional Responses to Child Sexual Abuse, which is building on the Victorian Parliament's landmark Betrayal of Trust inquiry, continues to uncover the number of children victimised as a result of failures to put children's safety above organisational interests.

The corollary to the heightened community interest and awareness of harms done to children is a growing appetite to tackle these harms. This creates urgency and opportunity for the Commission's work. We have a responsibility to ensure this growing momentum translates into meaningful, lasting change. The Commission's daily work scrutinising services provided to vulnerable children equips us with unique first-hand perspectives that are crucial to shaping policies, designing services and implementing reforms that benefit young people.

We also continue to learn more about the extent of harm done to some children when they are removed from their families and placed in out-of-home care. The Commission's report, "*...as a good parent would...*", drew much needed attention to the plight of children subjected to sexual abuse and exploitation in our residential care system, and revealed systemic failures in preventing such abuse. This report also revealed broader problems and deficiencies within the residential care system that result in young people not receiving the care and support they need. Since the Commission's report was tabled, we have been heartened to see many children moved from residential care supported by new targeted care packages, and a firm government commitment to radically transform residential care as part of the Victorian Government's Roadmap for Reform strategy. We have also seen some measures to improve responses to children who are abused or at risk of exploitation, and we will continue to monitor these efforts closely.



Liana Buchanan Principal Commissioner and Andrew Jackomos PSM Commissioner for Aboriginal Children and Young People

In the past year, the Commission has started preparing for new functions that flow from the Betrayal of Trust inquiry, which stressed the need to embed child safety and harm prevention at the heart of organisations that have contact with children. To support this, we have been working with tens of thousands of organisations to make sure they are aware of newly legislated Child Safe Standards and are properly supported to meet them. We have established a Child Safe Standards information line, developed a range of resources and delivered information sessions for organisations across the state. New functions likely to commence in the coming year will see the Commission administering a centralised reporting scheme for child abuse in organisations.

Meanwhile, the Commission continued its ongoing and busy schedule of vital work. We completed 50 inquiries into the services provided to children known to the Child Protection system who have tragically died. These inquiries ensure that any shortcomings in the way that risks to safety are identified and managed are remedied and never repeated. We also completed or initiated inquiries into the treatment of individual children, in order to highlight the need for improvement. Our visitor programs into youth justice, secure welfare and residential care operated throughout the year. These programs give children an independent avenue to raise issues and provide the Commission with direct information about their experiences, which supports our monitoring efforts.

Legislative amendments passed in early 2016 increased the Commission's capacity to monitor Victoria's youth justice centres by requiring that we receive reports of all serious incidents in these facilities. The Commission has now increased its oversight of youth justice, initiating two inquiries while also conducting broader advocacy for humane, evidence-based responses to young people who become involved in crime.

In December last year, in the midst of all of this important work, the Commission farewelled Bernie Geary OAM, the inaugural Victorian Child Safety Commissioner and subsequent Principal Commissioner. For over 11 years, Bernie championed the safety and wellbeing of Victoria's children and young people, with a dedicated focus on children living in residential care or youth justice centres.

During that time, he led the Commission in delivering a significant number of child death inquiry reports, established independent visitor programs in youth justice, secure welfare and residential care and a community integration program for those living in out-of-home care, and contributed to state and national policy reform. Bernie left the Commission renowned as someone prepared to stand up and speak out for children and young people. He leaves a lasting legacy as a passionate advocate for vulnerable children.

The Commission was also fortunate to welcome retired Supreme Court Judge Frank Vincent AO QC, as Acting Principal Commissioner for four months of the year. I thank Frank for contributing his exceptional drive and intellect to ensure the Commission's scrutiny of services to vulnerable children did not falter in the months leading up to my appointment.

I have been grateful to the many people who have welcomed and supported me in my early months as Commissioner. These include my valued colleague Andrew Jackomos, Commissioner for Aboriginal Children and Young People, the dedicated CEO and staff of the Commission, and the many stakeholders from organisations, agencies and departments who also work to improve conditions for children and young people.

There is no question we have a full year ahead at the Commission for Children and Young People. We will consolidate our role as a rigorous, independent oversight body, explore how to further embed participation by children and young people in our work, prepare for substantial new functions to prevent child abuse in organisations, and continue to advocate strongly for the rights of children and young people.

As a community, we know more than ever about the harms done to children and young people in the family, in organisations and even in services provided by the state. This knowledge means we also have an obligation to stop these harms and ensure that the rights of all children and young people are recognised, respected and defended. I look forward to playing my part.

Liana Buchanan
Principal Commissioner

From the Commissioner for Aboriginal Children and Young People

The right of our children to their culture, along with the other core human rights of children – to life, to family, to protection – are non-negotiable. A child’s cultural rights directly impact on their ability to meaningfully enjoy every other human right and freedom. Like all human rights, they are universal, indivisible and interdependent. Our children’s rights, as for all children, are mandatory and sacred.

The most powerful and durable resilience factors for Koori children from their early years through to young adulthood are a good family and attachment, culture and community, early education and schooling. These are powerful building blocks that form the foundations for strong children.

When parents are supported to nurture their babies and children in their culture, they grow strong, loving, smart children with aspirations and contribute to building a strong Koori community for the future. Services must wrap around the entire family. This is how we close the gap for our children.

There are many positive initiatives that will improve the outcomes for Aboriginal children in out-of-home care in Victoria. As the Commissioner for Aboriginal Children and Young People, I am proud to be part of that process. There is renewed and empowered advocacy and leadership from the community in respect of our children. There is a State Government and Minister for Families and Children who have a reform agenda and want to drive change. There is strong partnership building with the Aboriginal community. These are all positive steps and signs of a brighter future.

However, the goodwill has not made a positive difference to the staggering statistics that continue to dominate the lives of too many of our vulnerable children. The growth in Aboriginal children and young people in out-of-home care has averaged 10 per cent over the past decade. This number has steadily increased and as at 30 June 2016, the number of Aboriginal children in out-of-home care is approximately 1,700. Sadly, when many of our children come into care, their cultural rights are immediately threatened and inaccessible – not through practice guidelines, but through poor practice and practitioners’ ignorance of the cultural needs of our children.

Although there is a steady downward trend in the overall numbers of Aboriginal children in youth justice, the over-representation remains unacceptable. Between January and March 2016, Aboriginal children represented about 16 per cent of all children in youth detention and on youth justice community orders, although only two per cent of 10-17 year olds in Victoria are Aboriginal.

The Minister for Families and Children, at the request of the Aboriginal community and supported by the broader community sector, established the Aboriginal Children’s Forum. The Forum, which has a membership drawn from the Koori community, Child Protection and non-Koori service organisations, has agreed to nine key priorities. I hope that, when they are fully implemented, this will begin to change the numbers impacting on the lives of our children.

Over the past 18 months, through Taskforce 1000 – a joint project with the Victorian Department of Health and Human Services - I have heard in detail the life stories of close to 1,000 Aboriginal children in out-of-home care, from one end of the state to the other. I knew many of their families and saw genograms that illustrated intergenerational trauma and the effects of past government policies and social practices.

The majority of the 1,000 Aboriginal children in out-of-home care were case managed by the Child Protection system or community service organisations, and were in non-Aboriginal placements. Only a small proportion of our children in out-of-home care are case managed by an Aboriginal organisation. When our children are removed by the state and are in the care of the Secretary, then the Secretary has a duty of care to protect and promote the rights of those children as their very own.

Around 90 per cent of our children are in care because of family violence. Many of these children will go on to become perpetrators and life-long victims of trauma unless we provide them with the right love, care, engagement and appropriate counselling today.

Over the coming year I will table two inquiries that I have been working on during this year:

- 'In the child's best interests': Inquiry into compliance with the intent of the Aboriginal Child Placement Principle in Victoria
- 'Always was, always will be Koori children': Systemic inquiry into services provided to Aboriginal children and young people in out-of-home care in Victoria.

I look forward to the response from the Department of Health and Human Services about the recommendations in these reports and I will monitor their implementation.

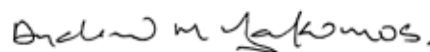
I will continue to work with and through the Aboriginal Children's Forum to promote the building of the Aboriginal community controlled organisation sector and prioritise the transfer of case management of our children from community service organisations and the Department of Health and Human Services to Aboriginal community controlled organisations. Through the Forum, I have committed to reviewing at least 10 per cent of Aboriginal children in out-of-home care, and I also support a review of the minimum age of children leaving care, to examine the option of increasing this from 17 to 21 years.

When I see the over-representation of Koori children on remand and in youth justice detention, I am distressed by the low age of criminal responsibility in our state. Two things need to happen. As a community, we must demand that the criminal age of responsibility be increased to at least 12 years of age and that commitment is given to establishing more Aboriginal community based diversion programs for our young people.

We must also insist that the over-representation of our children in statutory services is viewed as a national disgrace that needs bipartisan and sustainable national effort and support to address. The Council of Australian Government's Close the Gap agenda must develop and monitor targets on youth justice and out-of-home care. We also need to recognise that whole-of-family and community responses are required, and that these need independent oversight. Many of our families are disadvantaged, and homelessness is an increasing issue for young people.

I would like to thank Lois Peeler OAM, who acted as Commissioner for Aboriginal Children and Young People during my leave in April 2016.

The past year has been filled with activity and the goodwill of many people, Koori and non-Koori, from both government and community. I want to thank everyone who has contributed to improving outcomes for Koori babies, children and young people.



Andrew Jackomos PSM
Commissioner for Aboriginal Children and Young People

About the Commission for Children and Young People

The Commission for Children and Young People is an independent statutory body established in 2013 to promote improvement and innovation in policies and practices affecting the safety and wellbeing of children and young people. We have a particular focus on vulnerable children and young people, including those in youth justice, out-of-home care and child protection.

The Commission for Children and Young People Act 2012 (available at www.legislation.vic.gov.au) provides the legislative mandate for the Commission for Children and Young People.

The Commission for Children and Young People:

- provides independent scrutiny and oversight of services for children and young people, particularly those in out-of-home care, child protection and youth justice
- advocates for best practice policy, program and service responses to meet the needs of children and young people
- supports organisations that work with children and young people to prevent abuse and implement child-safe practices
- brings the views and experience of children and young people to the attention of government and the community
- promotes the rights, safety and wellbeing of children and young people.

The Commission's vision is that the rights of all children and young people in Victoria are recognised, respected and defended.

Aboriginal Inclusion Action Plan 2016–2019

Aboriginal children and young people have the right to quality services that actively encourage access through inclusive practice and programs. As a result of a tragic, enduring legacy and past government policies, many Aboriginal people today are excluded from many programs and services and the positive life outcomes they deliver. Commission staff see the effects of this every day through their work.

All Commission operations and interactions are required to be consistently inclusive of the needs of Aboriginal people. Victoria's *Charter of Human Rights and Responsibilities Act 2006* also requires public authorities, such as the Commission, to act in a manner that is compatible with human rights.

In February 2016, the Commission's Aboriginal Inclusion Action Plan 2016-2019 was launched by the Minister for Families and Children and Professor Muriel Bamblett AM, Chief Executive Officer of the Victorian Aboriginal Child Care Agency.

The publication features the artwork 'Coming Home' by Eileen Harrison, a Gunai/Kurnai woman, artist and respected Elder from south-east Victoria. The painting represents Aboriginal people keeping their people together and Aboriginal children safe in the knowledge of their place in community and Country.

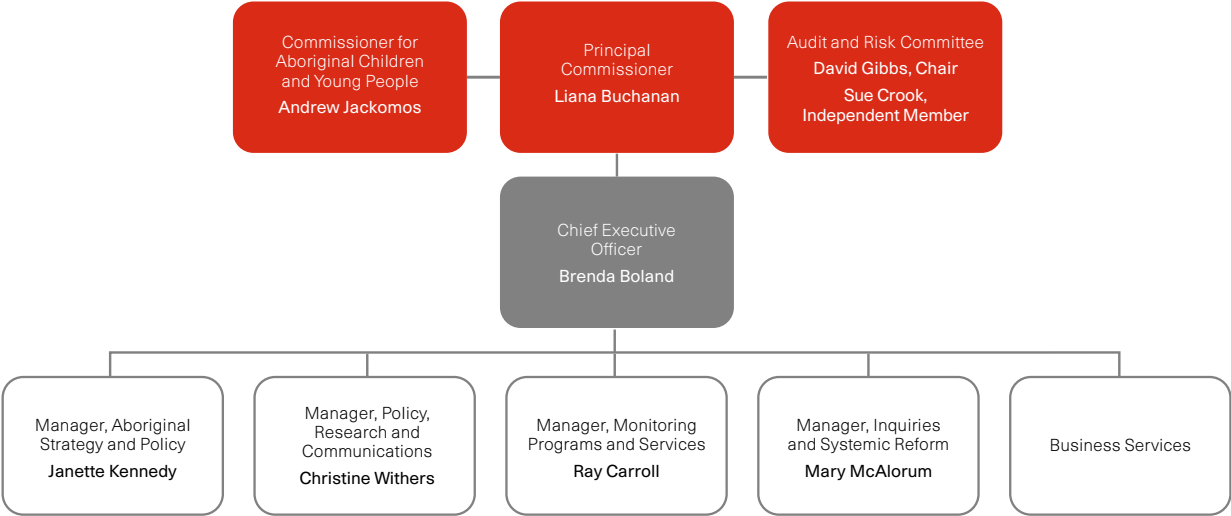
A working group of Commission staff is overseeing implementation of the plan, and the Commissioner for Aboriginal Children and Young People has sought engagement of community members from the Aboriginal Children's Forum to be engaged as external critical friends.

The Commission's Aboriginal Inclusion Action Plan 2016-2019 aligns with the Victorian Government Aboriginal Inclusion Framework and is strengthened by its policy of self-determination. It includes a number of actions related to five focus areas:

- Leadership and Governance
- Policy and Research
- Programs Inquiries and Reviews
- Workplace Diversity
- Communications.

The plan includes an aspirational target of 16 per cent Aboriginal staff and challenges us to search for more innovative, better and inclusive ways to actively capture and amplify the voice of Aboriginal children and young people in Victoria.

Organisational chart



Eileen Harrison with her artwork 'Coming Home'.

Significant achievements in 2015–16

Children and young people in out-of-home care

- Tabled the Commission's first systemic inquiry, "...as a good parent would...": Inquiry into the adequacy of the provision of residential care services to Victorian children and young people who have been subject to sexual abuse or sexual exploitation whilst residing in residential care.
- Completed a significant inquiry into the services provided to and treatment of 'Xavier', a vulnerable Aboriginal child who is a dual client of Child Protection and youth justice, making a total of 37 recommendations to the Department of Health and Human Services and other agencies.
- Conducted a pilot Independent Visitor Program at 13 residential care houses and a pilot Visitor Program at two Secure Welfare Service units.
- Progressed two major systemic inquiries related to Aboriginal children and young people in out-of-home care in Victoria:
 - > 'In the child's best interests': Inquiry into compliance with the intent of the Aboriginal Child Placement Principle in Victoria
 - > 'Always was, always will be Koori children': Systemic inquiry into services provided to Aboriginal children and young people in out-of-home care in Victoria.

Youth justice

- Ran the Independent Visitor Program at the Parkville Youth Justice Precinct and the Malmsbury Youth Justice Centre, with 20 community visitors visiting the centres regularly to speak to children and young people.
- Commenced two inquiries into youth justice, including a systemic inquiry into the use of isolation, separation and lockdowns in youth justice centres.
- Increased monitoring and oversight of youth justice, using new legislation that requires the Department of Health and Human Services to provide the Commission with all reports of adverse events from youth justice, as well as from out-of-home care.



Child death inquiries

- Completed 50 inquiries following the death of children and young people who were involved with Child Protection in the 12 months prior to their death, making 12 recommendations and sharing our findings with all relevant government departments to improve services to vulnerable children and young people.

Preventing the abuse of children in organisations

- Started working to support organisations that will be covered by legislated Child Safe Standards on 1 January 2017.
- Developed and produced new publications, including the updated *Guide for creating a child safe organisation*, and a series of tip sheets for parents, carers and organisations.
- Completed the annual review of the administration of the Working with Children Check.
- Provided input into the Royal Commission into Institutional Responses to Child Sexual Abuse on different issues throughout the year to ensure the Royal Commission is informed by the unique information and perspectives we hold.

Policy advocacy

- Influenced the broader policy agenda for children and young people by contributing to the Royal Commission on Family Violence, participating in Roadmap for Reform consultations, raising concern about the impact of 2013 bail reforms and providing written submissions on the education, health, engagement and sexualisation of children and young people.
- Presented and contributed to more than 60 committees, community events and professional forums.



Improving outcomes for Aboriginal children and families

- Completed area panels of Taskforce 1000 across the state, hearing the individual stories of close to 1,000 Aboriginal children in out-of-home care.
- Launched the Commission's three-year Aboriginal Inclusion Action Plan 2016-2019.
- Contributed to the establishment of the Aboriginal Children's Forum and its priorities, and participated in the Aboriginal Justice Forum ensuring whole-of-government and sector focus on emerging issues impacting on Aboriginal children in the youth justice system.

Providing oversight and advocacy for vulnerable children

Children and young people in out-of-home care

"...as a good parent would..."

In 2015 the Commission for Children and Young People tabled "*...as a good parent would...*", our first Commission-initiated, systemic inquiry. Then Principal Commissioner, Bernie Geary OAM, initiated the inquiry because of grave concerns about the ongoing prevalence of reported sexual abuse and exploitation in residential care, and the apparent inadequacy of measures to prevent and respond to this harm.

The "*...as a good parent would...*" report found that the residential care system in Victoria:

- creates opportunities for the sexual abuse of children and young people
- does not prevent sexual abuse or offer consistent responses when abuse occurs
- has structural problems, poor data monitoring and insufficient accountability.

The report called for an urgent redevelopment of residential care services in Victoria, the introduction of specialised care options, the establishment of an independent complaints body for children, greater accountability by community service organisations providing out-of-home care, ongoing funding for a statewide sexual exploitation strategy and improvements to data systems and departmental structures and processes.

Recommendations were accepted in principle by the government. A number of the Commission's proposed reforms have since been incorporated into the Victorian Government's Roadmap for Reform strategy, including allocation of funding for the transformation of residential care into a treatment model, improvements to the physical environment of residential care, and plans to increase the qualifications and skill base of residential care workers.

However, reports relating to incidents of sexual exploitation of children and young people living in residential care continue to rise, indicating the need for urgent action on all of the inquiry's recommendations. The Commission continues to monitor progress by government and its funded agencies in improving responses to children and young people at risk of sexual abuse or exploitation.

Review of Category One client incident reports from out-of-home care

The Department of Health and Human Services requires all funded service providers to comply with its client incident management and reporting processes. The most serious incidents relating to children and young people are referred to as Category One. These are allegations of incidents that have resulted or could result in a serious outcome or trauma.

The Commission receives copies of all Category One client incident reports relating to out-of-home care from the Department of Health and Human Services. The Commission analyses the reports, identifies trends and patterns relating to incident types, demographics of young people involved in incidents and the involvement of Aboriginal children and young people.

From 1 July 2015 to 30 June 2016, we received 2,833 reports of Category One client incidents. This was an increase of 28 per cent compared to the previous financial year. These reports involved a total of 4,088 children (incident reports often relate to multiple children). This included six reports relevant to Secure Welfare Services. Three of the reported incidents occurred in the Young Women's Unit and three in the Young Men's Unit.

The majority of reported Category One client incidents involved children in residential care (62 per cent of all reports), followed by home-based care (20 per cent of all reports).

Across all categories of out-of-home care incidents, those involving 'behaviour – sexual exploitation' were the most prevalent in 2015-16, followed by dangerous behaviour, physical assault and absent/missing persons (as shown in Table 2).

Incidents relating to 'behaviour – sexual exploitation' increased from 162 incidents in 2014-15 to 412 incidents in 2015-16. The Department of Health and Human Services has advised the increase is the result of enhanced knowledge and awareness amongst those working with young people at risk, following the government's endorsement of the Keeping Children Safe from Sexual Exploitation strategy, which was launched in July 2015. The strategy included four priority action areas to strengthen responses to sexual exploitation, including responding to children in out-of-home care.

TABLE 1: Percentage of Category One client incident reports received by the Commission compared with children in out-of-home care, by placement type (2015-16)

PLACEMENT TYPE	CHILDREN IN OUT-OF-HOME CARE	CATEGORY ONE CLIENT INCIDENT REPORTS RECEIVED BY THE COMMISSION
Residential care	5%	62%
Permanent care	17%	- *
Other	0.5%	3%
Lead tenant	0.5%	2%
Kinship care	60%	12%
Home-based care	17%	20%

*The Commission does not receive Category One client incident reports for children in permanent care.

TABLE 2: Category One client incident reports received by Commission, by incident type (2015-16)

INCIDENT TYPE	NUMBER	PERCENTAGE
Behaviour – sexual exploitation	412	15%
Behaviour – dangerous	345	12%
Physical assault	337	12%
Absent/missing person	289	10%
Behaviour – sexual	269	9%
Sexual assault – indecent	200	7%
Illness	176	6%
Sexual assault – rape	138	5%
Poor quality of care	134	5%
Injury	96	3%
Community concern	93	3%
Self-harm	76	3%
Breach of privacy/confidentiality	71	3%
Suicide attempted	69	2%
Medical condition (known)	45	2%
Drug/alcohol	41	1%
Death – client	15	1%
Property damage/disruption	14	0%
Behaviour – disruptive	8	0%
Death – other	5	0%
TOTAL	2,833	100%

As shown in Table 3, most incident categories increased in number this year, with the exception of suicide and self-harm incidents.

TABLE 3: Number of Category One client incident reports received by Commission, by incident theme (2014-15 and 2015-16)

INCIDENT TYPE	2014-15	2015-16
Absent/missing person	236	289
Behaviour concern	233	353
Community concern/privacy	124	164
Death	8	20
Medical concern	247	317
Physical assault	272	337
Poor quality of care	128	134
Property damage	4	14
Sexual	719	1,019
Substance abuse	27	41
Suicide/self-harm	215	145
TOTAL	2,213	2,833

Independent Visitor Program for Residential Care Services

During 2015-16 the pilot Independent Visitor Program for Residential Care Services involved 27 independent community volunteers visiting children and young people in 13 residential care houses in metropolitan and regional areas within the South Division of the Department of Health and Human Services.

Visits to residential care houses occur monthly. During the visits, the independent visitors speak to children and young people about their everyday experiences and any issues the young people want to raise. Visitors also make general observations and ask staff about the services provided to young people.

Almost a quarter of the issues the young people raised with visitors were about maintenance and the home environment. Other issues raised included education, activities, behaviour management, health, case management, staff, absconding, phone and internet access, placements and safety.

Clothing

When visitors attended a house on a 30 degree day, there was one young person present who told the visitors that they could not go to the local swimming pool with the other children because they did not own a pair of bathers. The visitor reported that the lack of clothing inhibited the young person's ability to engage in social activities at the local pool with other young people and made the young person feel isolated and embarrassed.

The visitors raised this issue with house staff and were initially told that the agency provides a half-yearly clothing budget of \$200 and this would be followed up in a care plan meeting. On the next visit, the visitors were told that the young person had received their clothing allowance of \$200 and it was the young person's decision whether to purchase bathers with this allowance. When the visitor spoke to the young person they indicated they were trying to decide whether to spend the money on bathers or a jumper.

The Independent Visitor Program raised this issue with the Department of Health and Human Services and met with senior staff regarding clothing allowances. They were advised that there is no \$200 clothing allowance and this is an arbitrary figure. The Department of Health and Human Services advised the Commission that out-of-home care services providing residential care are expected to provide children and young people living in residential care with clothing that complies with community standards and expectations.

Raising these issues with the Department of Health and Human Services has resulted in the Department undertaking to clarify with service providers what is expected more broadly. The Department will now monitor this issue in their spot audits.

A young person's voice can directly impact on broader practice, in this case, by ensuring other vulnerable young people don't find themselves excluded from community activities due to a lack of appropriate clothing. A pair of bathers might not seem like a high level policy matter for the involvement of the Commission. However, the result was an opportunity to highlight broader policy and practice changes needed by using the voice of young people's lived experiences.

Visitor Program for Secure Welfare Services

Secure Welfare Services comprises two ten-bed, gender-specific residential units for Child Protection clients (aged 10-17 years) in Victoria who are considered to be at substantial and immediate risk of harm. The service is considered an option of last resort, where containment is deemed necessary, and when the broader protection and care network cannot manage or reduce the risks to the child. Placement at Secure Welfare Services is the most extreme form of protective intervention.

The Visitor Program for Secure Welfare Services involves Commission staff regularly visiting the two residential units. Visitors attend fortnightly and are available to talk to young people, observe general routines and make enquiries with staff relating to the services provided.

The issues most frequently raised by children and young people in Secure Welfare Services in 2015-16 were:

- case management – case planning, post-release planning, information on the rationale for placement, worker contact and follow up
- health – illness, access to drug and alcohol services, and medication.

Providing oversight and advocacy for vulnerable children

Case management

A girl advised visitors that she had been in Secure Welfare Services for two weeks. During this time she had not been given adequate information on what was planned for her, particularly around her release date. She also advised that as part of her case management plan, her residential care workers should be visiting her twice a day. This wasn't happening. She reported that when she called the residential care workers she was told that they were busy and unable to either visit or speak to her.

The Visitor Program raised the issue with Secure Welfare Services and the relevant Department of Health and Human Services Division. Regular visits began, and communication between her case manager and those responsible for caring for her was restored.

Health

On her first day in a secure welfare unit, a young person advised visitors that she would like to see a doctor regarding her various medical needs. She had experienced bad headaches over the previous four months and had not seen an optician or dentist for years. She had also been prescribed glasses, but no longer had them. She was anxious to get medication for her headaches as soon as possible.

The young person's request to have her medical needs assessed were arranged by Secure Welfare Services staff that afternoon. Concerns around her long-term health issues were raised with the Department of Health and Human Services Division who responded appropriately.

Community Integration Program

The Community Integration Program was developed as a result of concerns that young people in out-of-home care have limited opportunities for community connections outside their care environment. It is overseen by the Commission and delivered by Whitelion Inc. The program involves volunteers developing relationships with young people and providing them with opportunities to gain skills and confidence through connection with a local activity, group or interest. There are approximately 30 young people participating in the program.

In 2015-16 the program focused on increasing the number of Aboriginal young people and volunteers participating in the program. Whitelion recruited an Aboriginal Community Integration Leader in Gippsland, ran targeted volunteer recruitment, and focused on supporting a residential home where Aboriginal children live. The Community Integration Program team has developed a culturally inclusive toolkit to assist with the promotion of the program.

'Abbie'

Abbie lives in residential care. She was referred to the Community Integration Program in the middle of 2015 and met two volunteers, but neither of the relationships progressed. The Community Integration Leader continued to keep in touch with Abbie, encouraging her to participate in a number of events hosted by Whitelion and the CREATE Foundation, which built her confidence. Early in 2016, Abbie decided she was ready to meet another volunteer and they 'clicked'. They have been meeting weekly and have completed a course together. Abbie is growing in confidence and has expanded her networks into the local community.

'Mason'

Mason is a young Aboriginal boy living with his extended family. He was referred to the program in early 2016 and has tried a number of activities with his carers but struggled to stay focused on any activity. Mason expressed an interest in soccer, having played a few times in 2015. The Community Integration Leader linked him with a volunteer who is also interested in soccer which enabled Mason to become involved with the local club. Mason is now playing with a local team. Mason's carer and volunteer take turns accompanying Mason to training and attending games to watch him play. Mason loves this.

Individual inquiry – ‘Xavier’

Xavier first came to the attention of the Commission through the Independent Visitor Program in July 2014. He was a dual client of the Department of Health and Human Services Child Protection and youth justice services and was identified in isolation at a youth justice facility. As a result of immediate concerns about his care, the Commission initiated an inquiry into services provided to Xavier and conducted a complete review of his experiences within the Department of Health and Human Services Child Protection and the youth justice service system between 2002, when Child Protection first received a report on Xavier as an infant, to January 2015.

The inquiry considered the Child Protection response to Xavier’s situation, his early contact with the police, his progression to youth justice supervision and detention as the subject of a Guardianship to Secretary Order, the assistance afforded by Child Protection and youth justice along the youth justice continuum, and his treatment at the Parkville Youth Justice Precinct. The Commission’s inquiry sought to understand Xavier’s early life and experience with Child Protection and to view his later experiences of incarceration, isolation and the services provided to assist in his rehabilitation within this context.

The inquiry highlighted the trajectory from Child Protection client to youth justice client that is all too common, especially for Aboriginal children, and that has been reported publicly through a number of reports.

- > **‘All children remanded at ages 10-12 years of age were known to Child Protection; 30 per cent were Aboriginal’.** – *Jesuit Social Services, Thinking Outside: Alternatives to Remand for Children, 2013*

In June 2016, the inquiry report was provided to the Minister for Families and Children, the Minister for Education and the Minister for Police. The report included 37 recommendations relevant to Xavier’s support in the future and to the need for systemic reform across a number of services and agencies.

Major inquiries into services provided to Aboriginal children in out-of-home care in Victoria

The Commission focused on two major, systemic inquiries regarding Aboriginal children in the Child Protection and out-of-home care systems in 2015-16. These will be tabled early in 2016-17.

‘In the child’s best interests’: Inquiry into compliance with the intent of the Aboriginal Child Placement Principle in Victoria

The Aboriginal Child Placement Principle, provided for under section 13 of the *Children, Youth and Families Act 2005*, applies to all decision-makers, including the Department of Health and Human Services, its Child Protection program, funded community service organisations, Aboriginal community controlled organisations and courts, whenever a decision has been made to place an Aboriginal child in out-of-home care. The Commission initiated the inquiry into compliance with the intent of the Aboriginal Child Placement Principle in Victoria because of persistent and systemic concerns about the failure of government and agencies to meet this intent. The inquiry reviewed Child Protection policy and practice guidelines, analysed system-level data, reviewed a sample of children’s files, met with stakeholders and considered public submissions. It will:

- define the intent of the Aboriginal Child Placement Principle and what should constitute compliance with its intent
- assess the level of compliance in Victoria with the intent of the Aboriginal Child Placement Principle over the period 1 January 2013 to 31 December 2014
- identify systemic barriers to compliance with the intent of the Aboriginal Child Placement Principle
- recommend changes to improve systemic compliance with the intent of the Aboriginal Child Placement Principle.

‘Always was, always will be Koori children’: Systemic inquiry into services provided to Aboriginal children and young people in out-of-home care in Victoria

The Commission’s systemic inquiry into services provided to Aboriginal children and young people in out-of-home care in Victoria has drawn upon the work of Taskforce 1000 and the stories of close to 1,000 Aboriginal children heard during Taskforce 1000 area panels, as well as a range of other data available, to form an assessment of Victoria’s response to Aboriginal children removed from their parents.

Providing oversight and advocacy for vulnerable children



Increased oversight of youth justice

Legislative amendment

The *Children Legislation Amendment Act 2016* came into effect on 15 March 2016 and provides for the Secretary to the Department of Health and Human Services to:

- >disclose to the Commission any information about an adverse event relating to a child in out of home care or a person detained in a youth justice centre or a youth residential centre if the information is relevant to the Commission's functions.

This amendment increased the Commission's capacity to provide independent monitoring, particularly in relation to the youth justice system, as the Commission had not previously received reports of serious incidents in youth justice in a consistent way.

The Commission received Category One client incident reports from youth justice centres from April 2016. From April to June 2016, 44 reports were received. Most of the incidents (almost 80 per cent) occurred at Parkville Youth Justice Precinct. The reported incidents involved 66 different children, and most were male (97 per cent). The Commission will continue to analyse longer-term trends relating to the incidents at both Parkville and Malmsbury Youth Justice Centres.

This legislative reform enabled the Commission to initiate an inquiry into the use of restraint against a child in a youth justice facility.

Independent Visitor Program for Youth Justice Centres

This year, the Independent Visitor Program for Youth Justice Centres continued to operate in Victoria's two youth justice centres at Parkville and Malmsbury. During their monthly visits, volunteer independent visitors, including Aboriginal independent visitors, talked to young people about their experiences in custody, assisted them to raise and resolve matters in relation to programs and services within the centres, and reported on conditions and issues to the Commission.

Issues about food, health and the physical environment continued to be frequently raised with independent visitors.

Isolation, separation and lockdowns

The independent visitors have also identified a number of systemic issues which have been considered by the Commission and brought to the attention of the Department of Health and Human Services and other relevant stakeholders. These include the increased use of remand and its impact on children and young people and the use of isolation and lockdowns in youth justice centres.

In May 2016, as a result of these concerns, the Principal Commissioner established a systemic inquiry into the use of isolation, separation and lockdowns in youth justice centres.

Food

Food continued to be one of the most regularly identified concerns for young people in youth justice centres.

This year, the independent visitors used questionnaires to gather the views of young people about the food provided. Their feedback was passed onto the food services provider and the Department of Health and Human Services, generating positive results. The food services provider now includes menu options suggested by young people and continues to consider their feedback in meal preparation.

During meetings with the Department of Health and Human Services, the Commission also identified successful meal programs that exist in other areas of Secure Services, and recommended that these be considered in youth justice centres.

Air conditioning

For the last few years, the independent visitors have expressed their concerns about the high temperatures in rooms and units in youth justice centres during summer.

The Commission brought the issue of cooling and air conditioning at the Parkville Youth Justice Precinct to the attention of the Department of Health and Human Services. The installation of new air conditioning units has now commenced at both the Parkville and Malmsbury Youth Justice Centres. This will provide more humane living conditions for young people during summer, particularly when they are placed in their rooms for periods of up to 12 hours at night.

Independent visitors also undertake exit interviews with young people prior to their release. Using questionnaires, young people have the opportunity to give anonymous feedback about their experiences in custody. This provides the Commission with frank information from young people about their experience in custody and enables the Department of Health and Human Services to review and improve the services being provided.

An evaluation of the Independent Visitor Program for Youth Justice Centres was completed in February 2016 and found that the program is frequently used and valued by young people. All youth justice stakeholders consulted expressed the view that the Independent Visitor Program has a positive impact on young people by giving them an 'ally'. They also acknowledged that the program helps empower young people by providing them with a voice and a channel to express their views to the centre's management.

- > **'...when visiting these kids, they immediately relate and connect with me for just being Aboriginal – it is like they relax and can speak their mind freely with me...When I see them, I see my own children and realise how lucky they have been to have strong family bonds, something that many of these kids have never experienced...the Independent Visitor Program is so important – they need to know that even though they have made mistakes they are still valued and loved by our community...'**
– Visitor, Independent Visitor Program for Youth Justice Centres

A significant number of young people who were consulted reported that the independent visitors were proactive, easy to talk to and that they felt the visitors were listening to what they were saying:

- > **'...they just seem to actually genuinely care about the problem and the couple of times I have spoken to them it's actually helped'** – *Young person at youth justice centre*

The Commission works closely with the Department of Health and Human Services to resolve matters raised by young people. The Commission will continue to enhance the operation and procedures of the Independent Visitor Program to ensure the best outcomes are achieved for the young people who access it, and to ensure the information received through the program informs the Commission's broader oversight activity.

New inquiries relating to youth justice

In May 2016, the Commission initiated two inquiries in relation to youth justice:

- a systemic inquiry into the use of isolation, separation and lockdowns in youth justice centres, following concerns raised through independent visitors and a review of isolation records
- an inquiry into the services provided to an individual child who was injured during a restraint at Parkville Youth Justice Precinct.

Child death inquiries

The Commission for Children and Young People Act requires the Commission to conduct an inquiry in relation to children who have died within 12 months of being known to Child Protection. Child death inquiries are conducted for all deaths within this defined scope. The aim of these inquiries is to improve policies and practices relating to Child Protection and other services to strengthen responses to vulnerable children and young people.

- > **'Through our child death inquiries, we review the services provided to each child to make sure their experiences result in improvements for other babies, children and young people across Victoria. This work couldn't happen without the generous contribution and participation of families, friends and professionals across the service system, and we are grateful to you all.'** – *Liana Buchanan and Andrew Jackomos PSM*

Child deaths notified to the Commission in 2015-16

The Department of Health and Human Services notified the Commission of 38 deaths occurring in 2015-16 that were in scope for a child death inquiry. Of those 38 deaths, four of the children (11 per cent) were Aboriginal.

The category of death noted in Table 4 is based on information from Child Protection client files, medical reports, autopsy reports, forensic reports and coronial findings (when available). Sometimes coronial investigations have not concluded or category of death findings remain pending at the time of reporting. In other cases, there may be a finding of 'unascertained' when the coroner is unable to determine the cause of death. Significant variations in the number and categories of deaths occur, so a cautious approach to interpreting the data is required.

In the 2015-16 period, seven children (18 per cent) died as a result of an acquired or congenital illness. Deaths from external causes such as accident, suicide, or non-accidental trauma accounted for 17 deaths (45 per cent). Of the seven deaths attributed to accidents, two involved drowning, and four related to motor vehicle accidents. Six deaths (16 per cent) were attributed to non-accidental trauma – this is an increase over previous years. The cause of death is not yet clear for 12 deaths (32 per cent) and these are categorised as 'pending determination'. Over time, as more information becomes available, this group of 'pending determination' deaths will be recategorised, which will alter numbers in the other death categories.

Babies and preschool-aged children accounted for 21 deaths (55 per cent) and 14 deaths (37 per cent) were of young people aged between 13 and 17 years.

The majority of children (55 per cent) were the subject of Child Protection involvement at the time of death, with most of these in the intake (13 per cent), investigation (24 per cent) and protection intervention phases (11 per cent). Of the 45 per cent where Child Protection cases were not active at the time of death, most had been closed at intake (59 per cent).

Eight (21 per cent) of the reports were made to Child Protection after the injury or incident that resulted in death.

There were an average of 30 deaths per year from 2011 to 2016.

TABLE 4: Deaths of children known to Child Protection, by category, age and Aboriginality (2015-16) n=38

	0-5 MONTHS	6-11 MONTHS	1-3 YEARS	4-12 YEARS	13-17 YEARS	ALL CHILDREN		ABORIGINAL CHILDREN	
						NO	%	NO	%
Illness	3	1	2	-	1	7	18%	1	25%
Accident	-	1	2	1	3	7	18%	-	-
Non-accidental trauma	2	1	2	-	1	6	16%	1	25%
Suicide/self-harm	-	-	-	-	4	4	11%	1	25%
Drug/substance related	-	-	-	-	-	-	-	-	-
SUDI (sudden unexpected death of an infant)	1	-	-	-	-	1	3%	-	-
Unascertained	1	-	-	-	-	1	3%	-	-
Pending determination/not known	2	2	1	2	5	12	32%	1	25%
Total number	9	5	7	3	14	38	100%	4	100%
Percentage	24%	13%	18%	8%	37%	100%	-	11%	-
Aboriginal children (no.)	1	2	-	-	1	4	-	-	-
Aboriginal children (%)	11%	40%	-	-	7%	-	-	-	-

TABLE 5: Deaths of children known to Child Protection, by category and Aboriginality (2011-16) n=150

	2011-12	2012-13	2013-14	2014-15	2015-16	ALL CHILDREN		ABORIGINAL CHILDREN	
						NO	%	NO	%
Illness	10	12	12	15	7	56	37%	6	43%
Accident	5	6	3	3	7	24	16%	1	7%
Non-accidental trauma	1	2	5	1	6	15	10%	1	7%
Suicide/self-harm	2	1	4	4	4	15	10%	3	21%
Drug/substance related	1	1	3	-	-	5	3%	1	7%
SUDI (sudden unexpected death of an infant)	1	1	2	-	1	5	3%	1	7%
Unascertained	5	3	7	-	1	16	11%	-	-
Pending determination/not known	-	-	1	1	12	14	9%	1	7%
Total number	25	26	37	24	38	150	100%	14	100%
Aboriginal children by year	1	3	2	4	4	-	-	-	-
Aboriginal children by year %	4%	12%	5%	17%	11%	-	-	-	-

TABLE 6: Deaths of children known to Child Protection, variation over five years (2011-16)

	2011-12	2012-13	2013-14	2014-15	2015-16	TOTAL
Number of deaths	25	26	37	24	38	150
Variation from previous year	- 14%	-	+ 43%	- 35%	+ 59%	-

Child death inquiries finalised in 2015-16

From 1 July 2015 to 30 June 2016 the Commission finalised reports relating to 50 children who were in scope for a child death inquiry. Eighteen per cent of the reviewed cases related to children who died between 1 July 2015 and 30 June 2016.

Four of the child death inquiry reports involved Aboriginal children.

Of the 50 child death inquiries reviewed in this period, 21 children (42 per cent) died as a result of an acquired or congenital illness. Fourteen (67 per cent) of these 21 children had a limited life expectancy. Seven of these 21 children (33 per cent) spent their short lives in hospital.

Deaths from external causes such as accident, suicide or non-accidental trauma accounted for 20 deaths (40 per cent) in the reports reviewed in this period. Three of the six deaths attributed to accidents involved car accidents, and one related to a home drowning. There were eight deaths from suicide in this cohort of child death inquiries reviewed. Three child deaths (6 per cent) were categorised as unascertained as the coroner was unable to determine the cause of death.

Babies and preschool-aged children accounted for 24 deaths, and 20 deaths were of young people aged between 13 and 17 years.

The majority of children (66 per cent) were the subject of Child Protection involvement at the time of death.

Themes identified

Consistent with our legislative mandate, the Commission's child death inquiries take a broad view of services provided throughout the life of the child. We do not confine our reviews to the services delivered immediately before the child died, so any issues identified through the child death inquiry process should not be interpreted as being associated with the circumstances of the death.

The child death inquiries also seek to identify examples of good practice, and elements of sound practice were specifically identified in 18 child death inquiries (36 per cent). As in previous years, good practice was observed in cases where significant health issues had been identified and a number of those children remained in hospital from birth.

The inadequate practices identified in many of the cases considered by the Commission in 2015-16 are similar to those previously highlighted by the Commission and the former Victorian Child Death Review Committee. Table 7 provides a summary of the issues.

Of the 50 inquiry reports finalised in 2015-16, concerns relating to risk assessment were highlighted in 40 cases, information gathering in 37 cases, and service coordination and collaboration in 28 cases. These areas of practice have been identified as significant challenges for many years.

In some cases, repeated case closures at intake meant that workers had minimal or no contact with the family or the child. This limited the gathering of crucial information. A lack of information gathering can lead to inadequate assessments and an underestimation of the risk or likelihood of risk to the child.

In many of the cases reviewed, multiple reports were made to Child Protection that did not result in adequate assessment or sustained intervention. One young person was the subject of 20 reports, beginning when she was an infant. Of these reports, ten were closed at intake.

For some years, Child Protection has identified effective responses to cumulative harm as a priority, yet the Commission continues to see examples of inadequate risk assessments with an episodic rather than an holistic focus. In some cases, the previous pattern and history in families indicated that protective issues had been longstanding and were likely to be repeated, despite recent claims by parents that matters had been addressed.

TABLE 7: Practice issues and themes identified in child death inquiry reports considered by the Commission in 2015–16

THEME	TYPES OF PRACTICE ISSUES	NUMBER OF RELEVANT CASES	PERCENTAGE OF RELEVANT CASES
Risk assessment	<ul style="list-style-type: none"> - Episodic - Inadequate - Absence of analysis - High risk status not identified - Insufficient contact with client/family - Over reliance on other professionals/agencies input 	40	80%
Information gathering	<ul style="list-style-type: none"> - Family history not obtained - Case files not adequately considered - Insufficient contact with client/family - Carer background not adequately considered 	37	74%
Service coordination and collaboration	<ul style="list-style-type: none"> - Absences of case conferences - Unclear roles/responsibilities - Lack of shared understanding of case direction - Lack of effective interagency communication/collaboration 	28	56%
Case management	<ul style="list-style-type: none"> - Lack of case progress - Inability to facilitate case plan goals - Inadequate engagement of worker with client/family - Insufficient understanding/analysis/monitoring of case issues 	23	46%
Case planning	<ul style="list-style-type: none"> - Lack of cultural planning - Lack of long-term planning - Lack of short-term planning - Lack of appropriate case plan - Unclear respective roles/responsibilities 	18	36%
Case closure	<ul style="list-style-type: none"> - Premature case closure - Inadequate closure plan - Absence of case closure meeting with agencies - Closed prior to effective engagement of services 	17	34%
Record management	<ul style="list-style-type: none"> - Inadequate case recording - Client information system case recording issues 	13	26%

Providing oversight and advocacy for vulnerable children

'Max'

Max was a young man who lived with his blended family. He was attending school regularly and, although he struggled academically, he was well engaged and supported by the school.

Max committed suicide in early 2015. Max had experienced significant trauma during his life, including emotional and sexual abuse, as well as cumulative harm. Child Protection was involved several times; however, despite multiple reports with similar concerns, there had been limited direct contact between Child Protection and either Max or his parents.

There were many missed opportunities for intervention and support from Child Protection that could have altered the trajectory of Max's life. Decisions made by Child Protection to close reports prior to investigation were premature, especially considering that community services had been unable to engage with his family, despite repeated referrals.

A thorough and holistic assessment that included historical information could have led to a decrease in Max's trauma. In particular, there were many times Child Protection did not conduct assessments of the parents and the impact of their behaviour on Max.

The inquiry recommended the Department of Health and Human Services amend its Best interests case practice model: 'Cumulative harm' to improve Child Protection practitioners' responses to a child's adverse experiences. Recommendations were also made about incorporating case histories when making referrals to services and for the Department of Education and Training to consider establishing an escalation mechanism for resolving concerns when children are believed to remain at risk after case closure by Child Protection. The Commission anticipates receiving a response on these recommendations from the Department of Health and Human Services and the Department of Education and Training.

Influencing policy and practice

Child death inquiries identify issues that are brought to the attention of the Department of Health and Human Services, and other services, that have the potential to make an enduring difference to the lives of children at risk. Some examples of significant policy and practice changes during 2015-16 are included below.

High risk infant practice

The Department of Health and Human Services revised the 'high risk infant' practice guidance and Child Protection practice manual to include the following requirements:

- specialist workers are consulted before 'high risk infant' status is removed
- the rationale for removal of 'high risk infant' status is documented.

This was in response to three child death inquiry reports that identified the importance of these decisions being clearly documented in case records.

These changes are expected to improve practice for these highly vulnerable children.

Use of care teams

A care team is a group of professionals who manage the day-to-day care of children placed in out-of-home care. A number of deficits in the functioning of care teams was highlighted in a child death inquiry report, including concerns related to information gathering and sharing, assessment and case planning, managing high risk behaviour, responding to behaviours associated with sexual exploitation (including contact with unknown adults), and communication and collaboration.

As a result, Child Protection practice advice about the use of care teams has been revised. These revisions include:

- outlining the roles and responsibilities of Child Protection managers, placement staff and carers from community service organisations
- development of an agency risk assessment tool
- implementation of overnight safety plans and after hours responses
- client incident report training
- the establishment of a person of interest database to highlight persons of concern regarding vulnerable children and young people.

In the future, other high risk young people should benefit from these strategies put in place to address shortfalls.

Protocol for sharing information

We undertook a child death inquiry that identified the need for a protocol to guide the sharing of information between domiciliary nurses and maternal and child health services.

As a result, the local government authority developed an agreement on handover arrangements from hospitals to maternal and child health services in its regional area. This was undertaken to ensure greater transparency of the handover process and clearly identify any concerns.

When information is effectively shared between services it enables comprehensive assessments, and improved service delivery to children, young people and their families.

Summary of recommendations made in 2015-16

The Commission made 12 recommendations during this period and provided these to relevant ministers and departments. The recommendations focus on opportunities to enhance practices and procedures within Child Protection and other services for vulnerable children and young people.

The Commission noted that extensive Child Protection practice guidance material is in place, however compliance is inconsistent. The Commission recommended that the Department of Health and Human Services:

- utilises the learnings from child death inquiries to strengthen compliance with relevant practice guidance materials
- monitors compliance with Child Protection's practice guidance material, including the use of supervision as a monitoring tool
- ensures that when an Aboriginal child is unsafe at home, the decision to place them in out-of-home care is made in accordance with the Aboriginal Child Placement Principle and that an Aboriginal family-led decision-making conference is held with extended Aboriginal family and relatives to support the placement
- utilises the findings in child death inquiries, where children have complex medical needs and disability, to inform service delivery when responsibility is transferred to the National Disability Insurance Scheme
- ensures that children with complex medical needs who are highly vulnerable to abuse and neglect receive intervention that is commensurate with their vulnerability to immediate and cumulative harm, and a lead and coordinating role is clearly identified in the case management process

- reviews the case history prior to referring a family to an external service, to assess whether they have previously engaged with support services
- develops a process to be included in first home visits, to confirm who lives at the family home and incorporate this information into the risk analysis.

The Commission also recommended to the Department of Health and Human Services that a child death inquiry completed for a young Aboriginal boy could be developed as a case study to contribute to strengthening the service system's response to family violence and inform the implementation of the recommendations of the Royal Commission into Family Violence.

The Commission made one recommendation to the Department of Education and Training to consider including in its policies relating to making a report to Child Protection, an escalation mechanism when it is believed that a child continues to be at risk following closure of the Child Protection report.

Enquiries and contacts with the Commission

The Commission is not a formal complaints body, and we do not have explicit functions or powers relating to grievance resolution. We have an agreed protocol for forwarding these to the Department of Health and Human Services and seeking a response. We also provide additional assistance and closely monitor some situations to work toward a solution focused on the safety and wellbeing of the child or young person.

We recorded approximately 652 formal contacts from parents, carers, professionals, children and young people between 1 July 2015 and 30 June 2016. Of these, 251 (nearly 40 per cent) related to Aboriginal children and young people, reflecting the over-representation of Aboriginal children and young people in the statutory system. Approximately 70 per cent of the calls received by the Commission related to children or young people in out-of-home care. These numbers are similar to those in 2014-15, when 630 formal complaints were recorded.

Influencing the broader policy agenda for children and young people

Preventing the abuse of children in organisations

Child Safe Standards

Children have the right to feel safe and be protected from physical, sexual and emotional abuse, and it is everyone's responsibility to make sure this happens.

Child safe organisations are an important part of protecting children from harm, as highlighted in *Betrayal of Trust: Inquiry into the handling of child abuse by religious and other non-government organisations*.

The introduction of compulsory Child Safe Standards is one of many actions the Victorian Government has taken to keep children safe. Under Victorian law, organisations that work with children are required to meet Child Safe Standards by 1 January 2017.

To develop and maintain a child safe organisation, organisations must have in place:

- strategies to embed an organisational culture of child safety, including through effective leadership arrangements (Standard 1)
- a child safe policy or statement of commitment to child safety (Standard 2)
- a code of conduct that establishes clear expectations for appropriate behaviour with children (Standard 3)
- screening, supervision, training and other human resources practices that reduce the risk of child abuse by new and existing personnel (Standard 4)
- processes for responding to and reporting suspected child abuse (Standard 5)
- strategies to identify and reduce or remove risks of child abuse (Standard 6)
- strategies to promote the participation and empowerment of children (Standard 7).

To Meet Child Safe Organisations

Safety of children with a disability

All children are vulnerable but some children need special care and protection to ensure they are safe. Children with a disability have an increased risk of being abused.

It is your responsibility to ensure children with a disability and all other children with a disability have the right to participate in decision-making that affects them.

In many instances, children with disabilities have been introduced to help protect children from abuse in organisations. It is your responsibility to ensure that you are not introducing children with a disability to your organisation without the right to participate in decision-making that affects them.

What you can do to help keep children with a disability safe in your organisation:

- Ensure your organisation has a child safe culture in which abuse and harm is not tolerated and always is reported.
- The most critical culture is your risk assessment processes.
- Ensure you have sound recruitment and screening processes in place for staff and volunteers.
- Ensure your code of conduct for staff and volunteers clearly outlines boundaries about staff and volunteer interaction with children with a disability, including any special needs.
- Have a robust complaint process, including a clear feedback and reporting process that is accessible to children with a disability.
- Engage children with a disability in reporting their views and opinions.

A child's disability does not reduce their need for cultural respect and competency.

Each child's culture and self-identity are important to their safety and well-being. It is your responsibility to ensure that children with a disability have the right to participate in decision-making that affects them.

To Meet Child Safe Organisations

Cultural safety for Aboriginal children

Keeping our children and youth connected to their culture is essential to their wellbeing and their ability to thrive in our society.

It is the right of every Aboriginal child to be connected to their culture. The right to culture includes the right to be connected to their language, traditions, customs, and practices. It also includes the right to be connected to their family and community.

What is cultural safety?

Cultural safety is an environment that works for people where there is no racial, cultural or ethnic prejudice or discrimination. It is a safe and respectful environment where people can be themselves and their culture is respected.

Key elements of cultural safety include:

- Recognition of the cultural differences between people from different backgrounds.
- Respect for the cultural values, beliefs, and practices of all people.
- A commitment to ongoing learning and development to ensure cultural safety is maintained.

To Meet Child Safe Organisations

Safety of children from culturally and linguistically diverse backgrounds

Victoria is a culturally diverse community made up of many different cultural, ethnic, and linguistic groups. It is important to ensure that all children from culturally and linguistically diverse backgrounds feel safe and supported in our organisations.

Key elements of cultural safety include:

- Recognition of the cultural differences between people from different backgrounds.
- Respect for the cultural values, beliefs, and practices of all people.
- A commitment to ongoing learning and development to ensure cultural safety is maintained.

To Meet Child Safe Organisations

Empowerment and participation of children

Children have the right to give their views and opinions about decisions that affect them and to be listened to.

Empowerment and participation are essential to ensuring that children feel safe and supported in our organisations. It is important to ensure that all children have the opportunity to give their views and opinions about decisions that affect them.

Key elements of empowerment and participation include:

- Creating a safe and supportive environment for children to give their views and opinions.
- Ensuring that children's views and opinions are taken into account in decision-making.
- Providing children with the information and resources they need to give their views and opinions.

These standards must be applied in a manner that promotes:

- the cultural safety of Aboriginal children
- the cultural safety of children from a culturally and linguistically diverse background
- the safety of children with a disability.

The Child Safe Standards apply across a diverse range of organisations including education, health and community services as well as sporting clubs, youth groups, religious organisations, creative industries and businesses that run activities for children.

In April 2016 the Commission commenced working with organisations to raise awareness of the new standards and strengthen their capacity to create and maintain a safe environment for children. We are achieving this by providing quality information, advice, resources and other supports, as well as working in partnership with government agencies, peak bodies and industry leaders. We have been mapping and meeting with peak bodies, government agencies and industry leaders to align activities and jointly support capacity building efforts and have established a Child Safe Standards information line and email address that is available to organisations, their representative bodies, parents, carers, children, young people and the broader community.

We have also developed a comprehensive set of resources that provide practical guidance for organisations to understand and apply the standards, as well as assess their readiness. These include the updated *'Guide for creating a child safe organisation,'* and a number of clear, easily understood tip sheets for organisations, parents and carers, including:

- Cultural safety for Aboriginal children
- Safety of children from culturally and linguistically diverse backgrounds
- What to look for in a child safe organisation
- Safety of children with a disability
- Empowerment and participation of children.

Reportable conduct scheme

Another commitment in line with the recommendations of the Betrayal of Trust inquiry was the establishment of a reportable conduct scheme. The inquiry recommended the Victorian Government authorise an independent statutory body with relevant powers and legal and operational resources to oversee and monitor, undertake independent investigations, scrutinise and audit, monitor and report, and build skills and knowledge in relevant organisations.

In February 2016, the government announced the Commission would become responsible for a reportable conduct scheme to improve the handling of allegations of child abuse within government and other organisations. The government stated:

- > **'...the scheme will require the centralised reporting of allegations of child abuse by workers or volunteers in organisations with a high level of responsibility for children – including out-of-home care, youth justice services, school, and child care.**
- > **Under the scheme the Commission will be empowered to monitor investigations into abuse and report on trends, share information with key organisations to lift child safety and hold the power to inquire into the safety systems of organisations engaged in child-related work.'**

The government committed to a process of consultation on the design of the scheme, with stakeholders invited to comment on what and whose conduct should be reportable, the potential obligations of organisations, the possible role of an oversight body and organisations to be in scope. These consultations revealed general stakeholder support for a reportable conduct scheme, and strong support for an active regulator to be in place supported by legislative functions and powers.

The Commission has been working with the Department of Health and Human Services as the policy and legislative framework for the scheme is finalised and is preparing to administer the scheme.

TABLE 8: Working with Children Check data 2015-16*

	DURING 2015-16	TOTAL AT 30 JUNE 2016
Working with Children Check cardholders	230,143 (cards issued)	1,067,539
Negative Notices issued	472	2,711
Working with Children Check cards issued after review by Victorian Civil and Administrative Tribunal	23	122

* Data supplied by the Department of Justice and Regulation

Review of the administration of the Working with Children Check scheme

The Working with Children Check scheme is administered by the Department of Justice and Regulation, consistent with the *Working with Children Act 2005*. The check helps protect children from physical and sexual harm. It does this by screening criminal records and professional conduct and preventing people who pose an unjustifiable risk to children from working with or caring for them.

A Working with Children Check is valid for five years and remains the property of the individual. It is transferable between employers or volunteer organisations, unless the person moves from a volunteer to an employee position – a volunteer card cannot be used to engage in paid work.

A Working with Children Check is different from a police check because cardholders are monitored on an ongoing basis for any new relevant offences or adverse professional conduct reports from prescribed professional bodies. New charges, convictions or findings relevant to the Working with Children Check will prompt a reassessment of the person’s eligibility to hold a card.

A Working with Children Check is a starting point, and just one part of building a child safe organisation. It does not assess a person’s suitability to work with or care for children in a particular role, and is not a substitute for robust child safe strategies. Organisations must ensure they continue to undertake detailed recruitment practices, reference and background checks, together with maintaining sound, ongoing supervision practices.

In accordance with section 25 of the Commission for Children and Young People Act, the Commission undertakes an annual review of the administration of the Working with Children Act by the Department of Justice and Regulation. The objectives of annual reviews are to:

- determine if the Department of Justice and Regulation is administering the Working with Children Act in accordance with the provisions and intent of that Act
- determine the level of compliance with the Working with Children Act in respect to the integrity, appropriateness and adequacy of the systems, processes and controls that have been designed and implemented to support administration of that Act
- identify opportunities for improvement in the quality, efficiency and effectiveness of the work practices and processes implemented.

The Commission completed a report on the 2015 review of the administration of the Working with Children Act and provided it to the Minister for Families and Children, the Attorney-General and the Secretary to the Department of Justice and Regulation, as required by legislation. The 2015 review considered design and operational processes and controls that were in effect from 1 July 2014 to 30 June 2015. The Commission found that the Department of Justice and Regulation continues to effectively administer the Working with Children Act and had been responsive to issues raised in the Betrayal of Trust inquiry as they related to the operation of the Working with Children Checks as one component of keeping children safe. The Commission made three recommendations for improvement, all of which were accepted by the Department of Justice and Regulation.

Royal Commission into Institutional Responses to Child Sexual Abuse

During 2015-16, the Commission provided input in relation to a number of issues under consideration by the Royal Commission into Institutional Responses to Child Sexual Abuse.

Addressing the risk of child sexual abuse in primary and secondary schools

In this submission, we outlined that the lack of systematic research makes it difficult to assess the effectiveness of policies, procedures and practices to prevent, report and respond to instances of child sexual abuse. We also highlighted it is critical that:

- all students receive education to assist them to recognise grooming and inappropriate behaviours and how to seek assistance
- all school staff undertake mandatory and comprehensive training
- students are involved in the development and evaluation of child sexual abuse policies, practices and procedures
- compliance with legislative obligations and Child Protection policy requirements is positively encouraged through mandatory staff training and continuous improvement processes
- all schools are subject to ongoing compliance monitoring in relation to child safe policies and procedures, and non-compliance by individuals or governing bodies should be subject to a range of criminal, civil and administrative sanctions
- legislative obligations and policy requirements relating to Child Protection should be applied equally to government and non-government schools
- links on how to recognise the indicators of sexual assault and family violence, and how to respond to concerns or disclosures, should be provided as part of the National Safe Schools Framework.

A Victorian redress scheme for institutional child abuse

In our submission, we commended the Victorian Government on its willingness to go beyond the scope of the original Betrayal of Trust inquiry, particularly in considering the establishment of a redress scheme that covers abuse that occurred in both government and non-government institutions, to ensure equal accountability.

We advocated for the creation of an inclusive and culturally appropriate approach for Aboriginal claimants and felt this might be best achieved through the creation of a Koori List, perhaps modelled upon the Koori Victims of Crime Assistance Tribunal. The Commission submitted that the redress scheme should be retrospective only, given the need for the availability of a supportive and less costly option for claimants in the future.

Advocacy, support and therapeutic treatment services

Our submission responded to the issues paper referencing the publicly released *"...as a good parent would..."* report. Broadly, the Commission was concerned about the lack of formal advocacy for the needs of sexual abuse victims living in residential care.

Support and therapeutic treatment services were generally not child specific, and were not part of a distinct response for children who live in the care of the state. This was especially the case for Aboriginal children, who lack access to culturally appropriate support services, therapeutic treatment and healing programs.

Concerns were also raised about the capacity to meet the specific needs of survivors who:

- have a disability
- come from a culturally and linguistically diverse background, especially those who have recently arrived or have refugee or asylum seeker experiences
- are lesbian, gay, bisexual, transgender or intersex
- have been in a custodial setting.

The challenges are compounded when there are not enough professionals with sufficient expertise to provide appropriate support for clients with multiple identifiers or risk factors.

Best practice principles in responding to complaints of child sexual abuse in institutional contexts

In our submission, the Commission reiterated that there is consistency between the findings of the Royal Commission and the principles for child safety in organisations developed by the Australian Children's Commissioners and Guardians. We proposed:

- strengthening the need for culturally appropriate responses and being inclusive of Aboriginal communities and their experiences
- designing complaint systems to ensure that children and young people feel they have been heard and believed
- focusing on the nature and scope of information sharing.

Ensuring family violence reforms recognise children's needs

Victorian Royal Commission into Family Violence

The Commission made a written submission to the Royal Commission into Family Violence. The submission focused on promoting an understanding of family violence and the impact it has on children throughout their lives, and the role of transmission of intergenerational trauma. Our recommendations included that:

- consideration be given to redefining what is meant by children's exposure to family violence, beyond being physically present or in the vicinity of a family violence incident
 - comprehensive data collection be established in relation to adolescent violence in the home
 - in all cases investigated by Child Protection, screening for family violence should be completed and referrals to specialist family violence services made accordingly
 - specialist family violence services be involved as a key stakeholder in case planning and other functions undertaken by Child Protection
 - Child Protection fully explore the family dynamics and potential intergenerational violence when a kinship care placement is being proposed and a family violence offender has been identified within the family
 - Child Protection ensure the safety of a foster care placement when a family violence offender has been identified within the child's family
 - consideration be given to providing therapeutic trauma counselling for any child placed in residential care, where it has been established that family violence is one of their abuse factors
 - the Family Violence Intervention Order application form be amended to include a mandatory section to explain the family violence the children have witnessed and the impact it may have had on them
- all children who have witnessed family violence be placed on the relevant Family Violence Intervention Order, unless special circumstances exist
 - an outcomes framework for Aboriginal family violence be developed, as part of any ongoing strategy, and that data be collected and published that identifies the use of services and the unmet demand.

Both Commissioners attended hearings of the Royal Commission into Family Violence. On 14 July 2015, the Commissioner for Aboriginal Children and Young People attended a hearing and discussed the impact of family violence on Aboriginal children and young people. On 14 October 2015, the then Principal Commissioner, Bernie Geary OAM, attended a hearing and discussed the impact of family violence on children known to Child Protection.

The final report of the Victorian Royal Commission into Family Violence made 227 recommendations in relation to systemic improvement in the response to family violence. There were a number of specific recommendations relevant to children and young people embedded throughout the report.

What we have learned from the Royal Commission into Family Violence in regard to children and young people is that:

- they are victims of family violence in their own right and their needs must be acknowledged and addressed
- their needs are different to those of adults, and must be identified and incorporated into planning and delivering family violence service responses
- their individual strengths need to be identified and built upon with services tailored appropriately
- interventions should focus on safety, recovery from the effects of family violence and the provision of the right level and type of support as required
- Child Protection responses to children affected by family violence need to be improved
- services should be accessible, inclusive and responsive to their needs.

The Royal Commission into Family Violence agreed with the position of the Commission for Children and Young People that children are currently marginalised in most responses to family violence, despite widespread recognition that a child's safety and wellbeing is intrinsically linked to the mother's.

Nine of the 227 recommendations related specifically to reducing the prevalence and severity of family violence in Aboriginal families and communities. In his witness statement to the Royal Commission into Family Violence, the Commissioner for Aboriginal Children and Young People declared:

- > **'...until we address family violence, we will not address the over-representation of Aboriginal babies, children and young people in out-of-home care'**
–Andrew Jackomos PSM, Commissioner for Aboriginal Children and Young People, July 2015

The Commissioner also wanted it acknowledged that Aboriginal children and their mothers are the primary victims of family violence within our community. Eighty-eight per cent of the 980 Aboriginal children in out-of-home care whose files were reviewed for Taskforce 1000 were found to be impacted by family violence. The Royal Commission into Family Violence's final report acknowledged that successful early intervention and prevention strategies already operating within Aboriginal communities had been learnt from Aboriginal Elders, statewide community organisations and community members.



The Principal Commissioner and the Commissioner for Aboriginal Children and Young People are members of the Family Violence Steering Committee established to progress an agenda for family violence reform, and the Commissioner for Aboriginal Children and Young People is also a member of the Indigenous Family Violence Partnership Forum. The Commissioners will focus on ensuring that the needs of children and young people exposed to family violence are a key element of the current reform processes.

Influencing the broader policy agenda for children and young people



Policy advocacy

Policy submissions

During the past year, the Commission prepared a number of policy submissions relating to the delivery of education to vulnerable children in response to the Department of Education and Training's emphasis on the Education State, as well as submissions on a number of other issues related to children's safety and wellbeing.

Bail reforms

Following concerns raised by the Commission and a number of other stakeholders, the government introduced the Bail Amendment Bill 2015 in November 2015. The Commissioner for Aboriginal Children and Young People issued a media release publicly welcoming the proposed reform and calling on all members of parliament to support the changes, given his concern about the significant increase in the number of Aboriginal children being held on remand and impacted by the law as it existed then. In particular he supported the proposed amendments relevant to:

- the requirement that courts must take into account child specific factors when making bail decisions
- the exemption of children from the breach of bail condition offence
- the presumption in favour of initiating criminal proceedings against children by summons, rather than arrest.

Both Commissioners welcomed the reforms when they took effect in May 2016, noting that the reforms were needed to tackle an unacceptably high number of children on remand and that, despite some media concern, the reforms did nothing to prevent a child who breached bail from being brought before a magistrate and held on remand.

Education State Consultation Paper

Our submission to the Education State Consultation Paper focused on how the term 'disadvantaged' should include children and young people who are clients of Child Protection; living in out-of-home care; involved with youth justice; of Aboriginal or Torres Strait Islander background; or members of culturally and linguistically diverse communities, especially those who are newly arrived. Also included should be children who have experienced family violence; have a disability, including mental health issues or chronic illness; parents with drug, alcohol or mental health issues; or parents who are incarcerated or in immigration detention.

We raised concerns about the lack of comprehensive data collection; lack of monitoring of those undertaking home schooling; and importance of supportive initiatives for same-sex attracted, intersex and gender diverse students. We reinforced the importance of teacher pre-service training to provide skills in trauma-informed practice; increased accessibility of early childhood services; equity in school funding allocation; and considering the needs of students with autism and dyslexia who can present with challenging behaviour being part of a planned review of the Program for Students with Disabilities.

Review of the Program for Students with Disabilities

The Commission reaffirmed its support for this review and the human rights obligations inherent in providing education to children and young people with a disability. This submission:

- raised concerns about inequities in the availability of funding, and the inadequate identification of disability amongst children, especially when behavioural difficulties were evident
- endorsed the Victorian Auditor General's concerns about the review of funding for students occurring in the final year of primary school, and the impact upon transition to secondary school
- supported calls for improved teacher training to improve schools' capacity to respond to students with a disability, including through independent monitoring and oversight of the use of restrictive practices

- highlighted the importance of providing alternative education pathways, addressing rural and regional disadvantage, and ensuring the accessibility and clear accountability of complaints processes
- highlighted lessons of the Closing the Gap framework, including the impact of significant disadvantage experienced by Aboriginal children and young people, and the importance of attendance monitoring, cultural competency and an inclusive environment
- suggested that innovative strategies were required to support students from refugee backgrounds who may have experienced interrupted education.

Education State Early Childhood Consultation

This submission emphasised the importance of multiple gateways to access prevention and early intervention programs, including maternal and child health services. This submission:

- proposed the need for a system to ensure the births of all children in Victoria are registered
- argued that the small proportion of children not attending kindergarten, including Aboriginal children, were potentially the most vulnerable
- suggested that data from the Australian Early Development Census seemed under-utilised in supporting the transition of vulnerable children to school
- cited a number of innovative models for vulnerable families, including right@home, West Heidelberg Child and Family Centre, New Parent and Infant Network, Bubup Wilam and Dala Yooro Aboriginal Child and Family Centres
- identified workforce development as critical for improving service engagement with Aboriginal communities, those from culturally and linguistically diverse communities and children of imprisoned parents.

LOOKOUT Education Support Centres

In this submission, we argued that inclusion of trauma and healing approaches are integral to the development of the model, along with adherence to the Aboriginal Child Placement Principle. The impacts of family violence and sexualised and anti-social behaviour also need to be understood and managed. We recommended that educational needs assessments be expanded to all children in out-of-home care, and that contribution to cultural support plans, care plans and Aboriginal family-led decision-making processes by LOOKOUT Centre staff was critical.

Review of Education and Training Regulations 2007

The Commission focused on a preventative approach to ensure there is not a disproportionate impact on Victoria's most vulnerable children. This included Aboriginal children and young people, who are at greater risk of being marginalised and achieving poorer educational achievements and outcomes. We emphasised the importance of effective implementation of the Out-of-Home Care Education Commitment Partnering Agreement, and recommended that the Department of Education and Training be formally obliged to provide every child with an education. We expressed our particular concerns about the regulation and oversight of home schooling in Victoria and proposed strengthening the approval of registration, ongoing monitoring, assessment and visibility of children.

Harm being done to Australian children through access to pornography on the internet

In our submission to the Senate Standing Committees on Environment and Communications, the Commission acknowledged that the ability of carers to properly monitor access and exposure to pornography by children was becoming increasingly difficult as technology advances. We also examined the impact of gender-based behavioural influences, including aggression and sexual risk taking.

The Commission concluded that the harmful and pervasive influence of pornography needs to be counteracted by well-informed sexuality and health education, with resources available for parents and carers. It was also argued that the particular needs of traumatised children in out-of-home care must be addressed through initiatives such as the Victorian Policy Advisory Group on Sexual Health Education for Children and Young People in Out of Home Care, which aims to promote better sexual health and relationship outcomes.

Inquiry into services for people with Autism Spectrum Disorder

In response to the Victorian Family and Community Development Committee's inquiry, the Commission highlighted the transition from primary to secondary school as a particular point of vulnerability, with a need to focus on tailored, intensive support for children with Autism Spectrum Disorder.

We argued that children with Autism Spectrum Disorder who live in out-of-home care need strong advocacy to navigate the complexity of the service system. We also noted concerns about the ability of Aboriginal children with Autism Spectrum Disorder in kinship care to access early intervention and support packages, and the need to ensure their cultural safety and wellbeing.

Influencing the broader policy agenda for children and young people

Victoria's 10 year Mental Health Plan

We supported the goal of this plan – to achieve the best possible mental health for Victorians by focusing on the inclusion of those who are most disadvantaged and vulnerable. However, we raised the following concerns:

- children with a disability had been omitted from a list of groups which would be specifically targeted
- the lack of expert consultation on the needs of those from culturally and linguistically diverse backgrounds, including refugees and asylum seekers
- the absence of a strategy for diverting people with a mental illness away from the youth justice system.

Most critically, the Commission was concerned at the continued failure to address the urgent need for a dedicated forensic mental health youth facility.

What's Important to YOUth?

The Commission contributed to the *What's Important to YOUth?* discussion paper as part of the development of a youth policy by the Victorian Government. We welcomed the focus on young people who are disadvantaged, disengaged or facing significant challenges, and highlighted the following:

- the importance of listening to children and young people, and how we achieve this through our Independent Visitor and Community Integration Programs
- the urgent need for redevelopment of the residential care system
- the characteristics of youth justice offenders, the over-representation of Aboriginal children and young people, and the key features to be considered in system reform
- disadvantages faced by young people from culturally and linguistically diverse communities, including disengagement from education
- treatment of young people on public transport by Authorised Officers and Protective Services Officers.

Media and communications

This year, the opinions, comments and advice of our Commissioners were regularly sought from local, state and national media. We also engaged with stakeholders and the broader community through our website and a range of social media channels. These communication tools give us the opportunity to provide updates on the work we are undertaking, share what we have learned and provide commentary on relevant issues.

During 2015-16, we distributed 10,000 copies of our printed resources to parents, carers, professionals and organisations, and also made these available as free downloads from our website. The highest demand for resources continues to be information for parents on choosing child safe carers, and information on the impact of trauma on children and young people and how school communities can best support them.



CALD Strategic Partnership Advisory Committee

The Culturally and Linguistically Diverse (CALD) Strategic Partnership Advisory Committee is a joint partnership between the Commission and the Ethnic Communities Council of Victoria. The committee comprises of key stakeholder agencies and aims to identify strategic responses to enable government and non-government organisations to focus on the specific needs of children from CALD and refugee backgrounds and their families.

The committee meets four times a year and responds to both current policy initiatives and specific issues raised by stakeholder representatives. This year, we have invited speakers with particular expertise to present on topics such as orphan relative visas, education support, forced marriage and female genital cutting, and to discuss recommendations arising from the Royal Commission into Family Violence and the specific implications for CALD background communities. The committee was also privileged to hear a presentation from a young asylum seeker who is successfully accessing further education and attempting to rebuild his life in Victoria.

The CALD Strategic Partnership Advisory Committee represents a valuable opportunity for the impact of various policy developments to be considered in relation to CALD background children. Membership of the committee has continued to increase, and this year it includes services working with young asylum seekers. Stakeholders communicate that the committee offers an important open forum for debating contemporary issues, identifying gaps in service provision, and providing opportunities for high-level advocacy, evidence-informed actions and linking with other service providers.

Australian Children's Commissioners and Guardians

Our Commissioners are members of the Australian Children's Commissioners and Guardians. The group meets twice a year to discuss and share national and jurisdictional information about children's rights and participation, and public policy issues.

This year, the Australian Children's Commissioners and Guardians have formally raised a number of issues of concern at the federal level in regard to children and young people, including:

- children living in out-of-home care who have experienced difficulty in obtaining passports
- lack of support for children arriving in Australia who have been born through overseas surrogacy arrangements
- continued engagement with the Royal Commission into Institutional Responses to Child Sexual Abuse, building on an earlier formal joint submission and an Australian Children's Commissioners and Guardians joint set of principles for a child safe organisation.

The Australian Children's Commissioners and Guardians also developed a paper on *Examination of excessive or inappropriate responses to behaviour management in youth justice facilities*. This paper is available on our website.

Improving outcomes for Aboriginal children and families



The Commission has a strategic focus on Aboriginal children and young people. Aboriginal children and young people are significantly over-represented in both the Victorian Child Protection and youth justice systems.

The number of Aboriginal children in out-of-home care each year has increased by an average of 10 per cent over the past decade. There was a 14 per cent increase from 30 June 2014 to 30 June 2015, raising the number of Aboriginal children in out-of-home care to 1,500. As at 30 June 2016, the number of Aboriginal children in out-of-home care is around 1,700. While there is a steady downward trend in the overall number of Aboriginal children in youth justice, the over-representation remains unacceptable. Between January and March 2016, Aboriginal children represented about 16 per cent of all children in youth detention and on youth justice community orders, although only two per cent of 10-17 year olds in Victoria are Aboriginal.

The necessary changes to attitude and practice in response to this increasing over-representation are not happening quickly enough, and these numbers continue to rise. Aboriginal children are still largely invisible within a system that is predominantly staffed and designed by non-Aboriginal people. This is a paradigm that is consistent with the findings of the Royal Commission into Aboriginal Deaths in Custody in 1991.

Any interaction with, or work on behalf of, a vulnerable Aboriginal child must include an understanding of their fundamental human right to culture, the intergenerational impact of historical dispossession and the context of their family and community.

The Commission has been involved in a number of projects and forums to support stronger and culturally appropriate programs for vulnerable Aboriginal children. The Commission provides innovative solutions to government and ministers through active participation in quarterly meetings of the Aboriginal Children's Forum, the Aboriginal Justice Forum, the Indigenous Family Violence Partnership Forum and a number of Aboriginal co-design working groups and regional interdepartmental committees.

During 2015-16, Taskforce 1000 was completed and four inquiries were being undertaken with a specific focus on Aboriginal children in out-of-home care or the youth justice system.

Taskforce 1000

Taskforce 1000 was an action research project that was established in response to the significant over-representation of Aboriginal children and young people in out-of-home care. The Taskforce commenced in 2014, when there was close to 1,000 Aboriginal children in care (922) and finished in February 2016 with close to 1,500 Aboriginal children in out-of-home care.

The Taskforce Steering Committee was co-chaired by the Commissioner for Aboriginal Children and Young People and the Secretary to the Department of Health and Human Services.

The purpose of Taskforce 1000 was to critically examine the circumstances of all Aboriginal children in out-of-home care to identify and respond to particular issues that impact on their stability, development and cultural connectedness. Taskforce 1000 took a collaborative approach by identifying and inviting appropriate organisations, key stakeholders and individual members to attend and actively participate in the area panel meetings held across the 17 areas of the Department of Health and Human Services to critically analyse the situation of 980 Aboriginal children in out-of-home care.

Taskforce 1000 demonstrated the need for reform and ongoing collaborative work to mitigate the drivers for Aboriginal children's escalating entry to care, improve the experience for Aboriginal children who require out-of-home care and prevent the cycle of abuse for future generations, by ensuring that cultural safety and enrichment is the foundation for service provision. Approximately 90 per cent of children reviewed during Taskforce 1000 had been exposed to family violence and parental alcohol or substance abuse, indicating the urgent need for greater early intervention and assistance to address these issues. Parental mental illness and homelessness were also a prominent feature for many of the children reviewed during Taskforce 1000.

At times, the Taskforce's work was distressing. Through an examination of the lived experience of Aboriginal children, the flaws in the system designed to protect them were revealed, as were the impacts on the child's cultural rights and wellbeing.

- > **'We did see a lot of goodwill by practitioners, we also saw some good practice that resulted in good outcomes for our children – but sadly we unpacked more issues in practice, supervision, and systems than was desirable – we really saw a system that was not culturally attuned and needed significant change.'** – *Andrew Jackomos PSM, Commissioner for Aboriginal Children and Young People*

Enabling stronger advocacy

The Commissioner for Aboriginal Children and Young People and the Aboriginal Strategy and Policy team actively represent the Commission and advocate for vulnerable Aboriginal children on a number of external committees, forums and working groups, including:

- Aboriginal Children's Forum (Department of Health and Human Services)
- Aboriginal Justice Forum (Department of Justice and Regulation)
- Alcohol and Other Drug and Mental Health Koori Working Group (Department of Justice and Regulation)

- Change the Record Coalition – Steering Committee
- Aboriginal Child Health Roundtable (Royal Children's Hospital)
- Indigenous Family Violence Partnership Forum
- Smart Justice for Young People
- Victoria Police – Youth Portfolio Reference Group
- Family Matters Champions Group
- Latrobe Local Aboriginal Community Partnership Project Steering Committee
- Victoria Police Koori Reference Group.

The Commission aims to be at the forefront of advocacy, innovation and monitoring of government policies that affect Aboriginal children and young people.

This year, the Commissioner attended many events, including the Aboriginal Family Violence Prevention Legal Service's Sisters Day Out program that engages with Aboriginal women to prevent family violence. The Commission also supported the pilot of their Young Luv program, an innovative and engaging program developed by and for young Aboriginal women that promotes healthy relationships. The Koorie Youth Council held their annual summit in April and the Commissioner was pleased to hear the views and ideas generated by young Aboriginal people in this forum.

Reflecting on the work of the past year, the Commissioner for Aboriginal Children and Young People often talks of the 'stars aligning to enable stronger advocacy'. This year has seen the voice of the Aboriginal community controlled organisation and community service organisation sectors at the forefront of reforms initiated through the Victorian Government. In particular, the commitment from the Minister for Families and Children has created a platform for positive systemic change for Aboriginal children and young people in out-of-home care. In this unique environment, the Commissioner has described his role as an agitator and provocateur who works with agencies and the community to ensure improved lives for our Aboriginal children and young people, their families and communities.

Improving outcomes for Aboriginal children and families



Importance of being strong in culture

- > 'After all that I have witnessed, I remain convinced that culture – which embodies knowing one's identity, being able to live your culture and being connected to community – is the most powerful and resilient factor, along with education, in protecting and nurturing our children.' – Andrew Jackomos PSM, Commissioner for Aboriginal Children and Young People

Much of the work of the Commissioner for Aboriginal Children and Young People focuses on the cultural rights of Aboriginal children and young people.

The 2013 *Koorie Kids: Growing Strong in their Culture* submission found that less than 10 per cent of Aboriginal children in out-of-home care had cultural support plans. The Taskforce generated considerable activity in cultural planning and reported 75 per cent of children who were required to have a cultural support plan, had one in place.

Prior to March 2016, every child subject to a guardianship or long-term guardianship order was required to have a cultural plan prepared by the Secretary to the Department of Health and Human Services. From 1 March 2016, following amendments to section 176 of the Children, Youth and Families Act, the Secretary must now prepare a cultural plan for all Aboriginal children in out-of-home care.

This is a significant acknowledgement of both the human and cultural rights of all Aboriginal children in out-of-home care, and the responsibilities of the agencies that provide and manage out-of-home care to uphold and enable these rights.

It will be a major challenge for the Department of Health and Human Services, Aboriginal community controlled organisations and community service organisations to ensure every Aboriginal child in out-of-home care is provided with a meaningful cultural plan, cultural experiences and relationships that are relevant to their age, development and circumstances. The challenge has been made even greater by the need for all cultural plans to be reviewed annually or whenever the child's circumstances change.

As part of the working group to co-design a new approach to cultural planning, the Commission advocated strongly for an approach based on forging strong relationships between the child and their family, siblings and community. The child's sense of belonging and identity must be nurtured through immersion in their culture, just as Aboriginal children living within families enjoy. This may be achieved by attending events, regular attendance at an Aboriginal health service or early years programs, enjoying recreational activities with other Aboriginal children and accessing support services through schools, gathering places and Aboriginal community controlled organisations.

Next year, the Commission will monitor the quality of cultural support plans through sample desktop reviews and conversations with young people, Aboriginal families and the community.

Self-determination

The Victorian Aboriginal Children and Young People's Alliance

The *Koorie Kids: Growing Strong in their Culture* submission stated that, 'it was recognised that there is a need for a strong, collective voice to drive better outcomes for Aboriginal children and young people.'

The collective voice of Victorian Aboriginal families and children was strengthened in 2015 with the establishment of the Victorian Aboriginal Children and Young People's Alliance (the Alliance). The Alliance, auspiced by the Victorian Aboriginal Community Controlled Health Organisation, consists of 14 Victorian Aboriginal community controlled organisations that provide out-of-home care services. The Alliance has been active in 2015-16 and has brought a new perspective to policy and strategic discussions that impact on Aboriginal children.

The Alliance's vision is to positively influence the future of Aboriginal children and young people to be raised safely and thrive in Aboriginal families and communities. Their strategic plan outlines eight priorities to action over the next three years in collaboration with communities, Aboriginal community controlled organisations and community service organisations, government and the Commission.

The Commission welcomes the establishment of the Alliance and looks forward to working together towards the same goals including a strong focus on improving the cultural safety of children in out-of-home care, and transitioning case management of Aboriginal children to Aboriginal community controlled organisations.

Treaty conversations

The Victorian Premier spoke of Aboriginal leadership being decided by and for Aboriginal people at a Closing the Gap event in March 2015. This signalled the Victorian Government's commitment toward advancing self-determination for Aboriginal Victorians. In December 2015, the government announced that it would facilitate a number of forums across the state with Aboriginal communities to discuss what self-determination means to and for Aboriginal Victorians. A statewide forum, attended by over 400 people and watched by more than 4,000 online viewers across two days in May 2016, followed four regional forums held in Mildura, Horsham, Shepparton and Bairnsdale, as well as a session at the Koori Youth Summit in April 2016.

Key topics of discussion included the need for strong governance towards achieving self-determination, with overwhelming support for a Treaty to be well and truly on the agenda. An Aboriginal Treaty Interim Working Group was established to explore treaty models and options, with another forum planned in six months to discuss the outcomes of these actions and the next steps. The Commissioner for Aboriginal Children and Young People attended the statewide forum and, like many others, left feeling optimistic that this new relationship between the Victorian Government and the Aboriginal community will empower Aboriginal communities to achieve long-term generational change and better outcomes.

Section 18, Children, Youth and Families Act

Section 18 of the Children, Youth and Families Act enables the Secretary to the Department of Health and Human Services to authorise the principal officer of an Aboriginal agency to perform specified functions and powers of the Secretary in relation to an Aboriginal child subject to a protection order.

In 2013, the Victorian Aboriginal Child Care Agency, in partnership with the Department of Health and Human Services North Division, undertook a metropolitan section 18 'as if' pilot to test and refine the arrangements required for an Aboriginal agency to accept authorisation. The pilot was evaluated in October 2015 and a report released. Positive outcomes for the children involved in the pilot were noted in the report, including the fact that a number of children involved in the pilot were reunited with their family.

In October 2015, an expression of interest process commenced to canvas interest from rural Aboriginal community controlled organisations to undertake a 12-month section 18 pilot. Following the submission and interview process, the Bendigo and District Aboriginal Cooperative was selected. The Bendigo and District Aboriginal Cooperative pilot will manage up to 15 children in the Dja Dja Wurrung regions 'as if' authorisation had occurred. The pilot will involve children at risk of entering care and those with a plan for family reunification. The Commissioner for Aboriginal Children and Young People is part of a statewide section 18 governance group along with the Alliance, Victorian Aboriginal Child Care Agency and Bendigo and District Aboriginal Cooperative, which commenced in March 2016. The Commission also supports the Mallee District Aboriginal Services bid to deliver a section 18 pilot in their community.

Improving outcomes for Aboriginal children and families

Aboriginal Children's Forum

The Commissioner for Aboriginal Children and Young People, along with the Alliance and the Victorian Aboriginal Child Care Agency in partnership with the Victorian Government, was a driving force behind the establishment of the Victorian Aboriginal Children's Forum in June 2015.

The Aboriginal Children's Forum's intention is to build the capacity of Aboriginal organisations to shape practices and policies in order to promote stronger Aboriginal families in which children can thrive.

The forum meets quarterly at different locations in Victoria and is co-chaired by the Minister for Families and Children, and the chief executive officer of the relevant local Aboriginal community controlled organisation. Membership includes Aboriginal community leaders, chief executive officers of community service organisations that provide services for Aboriginal children and government representatives.

Nine key priority issues were devised at a summit in August 2015 to guide the future work of the Aboriginal Children's Forum. The Commission considers that the Aboriginal Children's Forum has a crucial and pivotal role in advocating for self-determination and in bringing together government and community to provide policy direction and monitor the implementation and accountability of outcomes for Aboriginal children in out-of-home care. The Aboriginal Children's Forum is well-placed to oversee many of the recommendations of Commission-initiated inquiries, as well as other work that directly affects the outcomes of Aboriginal children and young people across Victoria.



Beyond Good Intentions statement

One of the key priorities of the Aboriginal Children's Forum is the transfer of case management of Aboriginal children in out-of-home care from community service organisations and the Department of Health and Human Services to Aboriginal community controlled organisations. Planning has begun for a staged approach to implement this.

In October 2015 the Aboriginal Children's Forum formally endorsed the Beyond Good Intentions statement, declaring the commitment of community service organisations to:

- > **'drive collaboration and reform and create a fair, just and restorative child and family welfare service system for Aboriginal and Torres Strait Islander children.'**

A high priority is support for a restorative approach to transferring resources, services, programs and authority of service provision from community service organisations and government to Aboriginal community controlled organisations. While the intention of the statement is supported, the reality is that this will take several years to implement fully.

Each area should develop a plan and set milestones to be reached before the full transfer of targets and resources. One likely scenario is the development of Memorandum of Understandings and partnerships between community service organisations and Aboriginal community controlled organisations. In the meantime community service organisations must become more culturally responsive and inclusive through their employment and career development practices, recruitment of Aboriginal foster carers and development of an Aboriginal cultural understanding within their organisation.

Youth justice

The Commission continues to advocate for a shift in the thinking around youth justice. We continue to be concerned about the low minimum age for criminal responsibility (10 years) in Victoria, which has an adverse impact on Aboriginal children. Aboriginal children are younger at all stages of the youth justice system, with significant numbers being dual clients of Child Protection and youth justice. We also know that the younger a child is when they first come into contact with the justice system, the more quickly they come back into contact.

- > **'50 per cent of young people aged between 10-16 years who were released from sentenced detention in 2012-13 returned within six months, and 76 per cent returned within 12 months.'** – *Australian Institute of Health and Welfare. Young people returning to youth justice supervision, 2015.*

Urgent action is required to divert children from this first contact and there needs to be a concerted effort to reduce the over-policing of children in out-of-home care.

The Commissioner for Aboriginal Children and Young People is a member of the Aboriginal Justice Forum and the Aboriginal Strategy and Policy team represents the Commission on a number of working groups. Incarceration is largely a consequence of poverty and disadvantage, along with cumulative harm from violence, abuse and trauma. The passage of trauma from generation to generation and the devastating impact of historical dispossession are well-documented.

The Aboriginal Justice Forum noted, and the Commissioner supports, the need for Victoria to establish an Aboriginal Social Justice Commissioner to tackle familial disadvantage and the systems which continue to compound it.

National Congress of Australia's First Peoples

In June 2016 in Redfern, the National Congress of Australia's First Peoples released a statement. The key message was that the disadvantage faced by First Peoples affects and is the responsibility of all Australians.

- > **'We stand here as Aboriginal and Torres Strait Islander peak representative organisations with a deep concern:**
 - that in 2016 First Peoples continue to experience unacceptable disadvantage;
 - that the challenges confronting Aboriginal and Torres Strait Islander people continue to be isolated to the margins of the national debate;
 - that Federal Government policies continue to be made for and to, rather than with, Aboriginal and Torres Strait Islander people; and
 - that the transformative opportunities for Government action are yet to be grasped.

Stand with us to let this statement and call for Government action be heard and acted upon by our nation's leaders.' – *National Congress of Australia's First Peoples, 9 June 2016.*

The Commissioner for Aboriginal Children and Young People supports this statement, which calls upon the government to recommit to Closing the Gap in this generation, by and in partnership with the Council of Australian Governments and Aboriginal and Torres Strait Islander people. It is essential to set targets and develop evidence-based prevention and early intervention oriented national strategies that will drive activity and positive outcomes for Aboriginal children. There are currently no targets relating to youth justice, child safety and wellbeing or out-of-home care. This must be remedied.

Financial summary

Under section 53 of the *Financial Management Act 1994*, on 20 July 2016 the Minister for Finance approved the Commission's financials to be included in the accounts of the Department of Health and Human Services in its annual reporting.

The table below provides a summary of the Commission's expenditure for 2015-16.

Funding sources and expenditure

The Commission for Children and Young People receives a government appropriation directly from the Department of Health and Human Services.

	2015-16
Expenditure	
Salaries and on costs	\$4,350,560
Grants and other transfers	\$356,260
Operating Expenses	\$1,736,657
Depreciation	\$10,156
Total Expenditure	\$6,453,634

Appendix 1: Disclosure Index

LEGISLATION	REQUIREMENT	PAGE REFERENCE
Ministerial Directions		
Charter and purpose		
FRD 22G	Manner of establishment and the relevant Ministers	8-9, 48
FRD 22G	Objectives, functions, powers and duties	8-9
FRD 22G	Key initiatives and projects	10-11
FRD 22G	Nature and range of services provided	8-9
Management and structure		
FRD 22G	Organisational structure	9
Financial and other information		
FRD 10A	Disclosure index	43
FRD 12A	Disclosure of major contracts	N/A
FRD 15C	Executive officer disclosures	48-49
FRD 22G	Employment and conduct principles	46
FRD 22G	Occupational health and safety policy	46
FRD 22G	Summary of the financial results for the year	42
FRD 22G	Significant changes in financial position during the year	46
FRD 22G	Major changes or factors affecting performance	N/A
FRD 22G	Subsequent events	N/A
FRD 22G	Application and operation of <i>Freedom of Information Act 1982</i>	47
FRD 22G	Compliance with building and maintenance provisions of <i>Building Act 1993</i>	48
FRD 22G	Statement on National Competition Policy	N/A
FRD 22G	Application and operation of the <i>Protected Disclosure Act 2012</i>	48
FRD 22G	Application and operation of the <i>Carers Recognition Act 2012</i>	46
FRD 22G	Details of consultancies over \$10,000	47
FRD 22G	Details of consultancies under \$10,000	47
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Appendix 1: Disclosure Index

LEGISLATION	REQUIREMENT	PAGE REFERENCE
Financial and other information (continued)		
FRD 22G	Statement of availability of other information	50
FRD 25B	Victorian Industry Participation Policy disclosures	48
FRD 29A	Workforce data disclosures	45
SD 4.5.5	Ministerial Standing Direction 4.5.5 compliance attestation	50
Financial Directions		
SD 4.2 (g)	Specific information requirements	10-52
SD 4.2 (j)	Signoff requirements	1

Commission for Children and Young People financial statements are now included in the accounts of the Department of Health and Human Services and therefore disclosures under 'Financial statements required under Part 7 of the *Financial Management Act 1994*', 'Other requirements under Standing Directions 4.2' and 'Other disclosures as required by FRDs in notes to the financial statements' are referenced in the Department of Health and Human Services report of operations and disclosure index.

Legislation

Freedom of Information Act 1982

Building Act 1983

Protected Disclosure Act 2012

Carers Recognition Act 2012

Victorian Industry Participation Policy Act 2003

Financial Management Act 1994

Appendix 2: Compliance and accountability

Our people – overview

We employ 33 staff (21 full-time and 12 part-time positions).

Ninety per cent of our ongoing staff hold a tertiary degree. We employ staff with degrees in social work, early childhood development, law, nursing, psychology, public sector administration, arts, media and communications and business.

TABLE 9: Workplace data

	ONGOING EMPLOYEES				FIXED TERM AND CASUAL	
	Number	Full time	Part time	FTE	FTE	
June 2015	32	18	14	27.6	1	
June 2016	31	20	11	26.64	2	
	JUNE 2015			JUNE 2016		
	ONGOING		FIXED TERM AND CASUAL	ONGOING		FIXED TERM AND CASUAL
	Number	FTE	FTE	Number	FTE	FTE
GENDER						
Male	3	3	-	3	3	-
Female	29	24.6	-	28	23.64	2
AGE						
25-34	3	3	-	1	1	1
35-44	7	5.3	1	8	5.93	1
45-54	13	10.6	-	11	9.31	-
55-65	9	8.4	-	11	10.4	-
CLASSIFICATION						
VPS 3	4	3.4	-	3	2.6	-
VPS 4	1	1	-	2	2	1
VPS 5	16	13.5	-	16	13.03	1
VPS 6	8	7.1	-	9	8.01	-
Child Protection	2	1.6	-	-	-	-
Executives	1	1	-	1	1	-

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

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

FTE means full time staff equivalent.

Excluded are 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 appointees to a statutory office, as defined in the *Public Administration Act 2004*.

Appendix 2: Compliance and Accountability

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.

The Code of Conduct for Victorian Public Sector Employees of Special Bodies applies within the Commission.

Carers Recognition Act

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
- distribution of a range of resources designed to assist carers, particularly those who provide care to children in the out-of-home care system, and informal kinship carers.

Audit and Risk Committee membership and roles

The Audit and Risk Committee consists of the following members:

- David Gibbs, Chairperson
- Sue Crook, Independent Member

The primary role of the Audit and Risk Committee is to review and advise the executive of the Commission on matters of financial accountability, internal financial 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
- Commission's financial reporting processes, both internal and external
- development, operation and implementation of the Commission's risk management framework
- charter, scope of work, performance and independence of the Commission's internal audit function
- scope of work of the Commission's external auditor
- matters of accountability and internal control affecting the financial operations of the Commission
- effectiveness of management information systems and other systems of internal financial control
- acceptability, disclosure of and correct accounting treatment for significant transactions which are not part of the Commission's normal course of business.

Occupational health and safety

No injuries were recorded during 2015-16.

We are committed to the goal of 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*. We have implemented strategies to enhance the occupational health and safety of staff, including:

- making occupational health and safety issues a standing item on fortnightly staff meetings
- organising annual workplace inspections
- providing individual ergonomic assessments upon request.

We have two first aid officers and two health and safety representatives.

Consultancy expenditure

In 2015-16 there was one consultancy where the total fees payable to the consultants were \$10,000 or greater. The total expenditure incurred during 2015-16 in relation to this consultancy was \$60,000 (excluding GST). Details are outlined below.

In 2015-16 there were four consultancies where the total fees payable to the individual consultants was less than \$10,000. The total expenditure incurred during 2015-16 in relation to these consultancies was \$19,845 (excluding GST).

TABLE 10: Individual consultancies valued at \$10,000 or greater

CONSULTANT	PURPOSE OF CONSULTANCY	START DATE	END DATE	TOTAL APPROVED PROJECT FEE (EXC. GST)	EXPENDITURE 2015-16 (INC.GST)	FUTURE EXPENDITURE
KPMG Australia	Phase 1 of transition management for Commission	April 2015	June 2016	\$60,000	\$66,000	-

Freedom of Information Act

Compliance

The *Freedom of Information Act 1982* enables the public to apply to access certain documents held by public sector agencies, including the Commission for Children and Young People. For the period 1 July 2015 to 30 June 2016, we received five Freedom of Information requests. Three of these requests were from a Member of the Parliament of Victoria, with partial access granted for one request and access not proceeded with for two requests. The two remaining requests received by the Commission were personal, with access granted in part.

Requests for documents in the possession of the Commission for Children and Young People should be addressed to:

Freedom of Information Officer
Commission for Children and Young People
Level 20, 570 Bourke St
Melbourne Victoria 3000

Access charges may apply once documents have been processed and a decision on access has been made (for example, photocopying and search and retrieval charges). Further information regarding Freedom of Information can be found at www.foi.vic.gov.au.

Making a Freedom of Information request

An application seeking access to documents may be made in writing to the Commission, as detailed in section 17 of the Freedom of Information Act.

In summary, the requirements for making a request are:

- it should be in writing
- it should identify as clearly as possible the document being requested
- it should be accompanied by the appropriate application fee (the fee may be waived in certain circumstances).

Appendix 2: Compliance and Accountability

Protected Disclosure Act

The *Protected Disclosure Act 2012* encourages and assists people in making disclosures of improper conduct by public officers and public bodies. The Act provides protection to people who make disclosures in accordance with the Act and establishes a system for the matters disclosed to be investigated and rectifying action to be taken.

We do not tolerate improper conduct by employees, nor the taking of reprisals against those who come forward to disclose such conduct. We are committed to ensuring transparency and accountability in our administrative and management practices and support 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.

We will take all reasonable steps to protect people who make such disclosures from any detrimental action in reprisal for making the disclosure.

We are not able to receive disclosures under the Protected Disclosure Act. Disclosures about the Commission or our staff may now be made to the Independent Broad-based Anti-corruption Commission (IBAC). Other public officers or bodies that can receive protected disclosures are listed on IBAC's website at www.ibac.vic.gov.au.

Further information about the Protected Disclosure Act is available from:

Independent Broad-Based Anti-corruption Commission
Level 1, North Tower, 459 Collins Street
Melbourne Victoria 3000
Phone: 1300 735 135
www.ibac.vic.gov.au

Our procedures under the Protected Disclosure Act are published on our website.

Victorian Industry Participation Policy Act

The *Victorian Industry Participation Policy Act 2003* requires departments and public sector bodies to report on the implementation of the Victorian Industry Participation Policy (VIPP). Departments and public sector bodies are required to apply VIPP in all procurement activities valued at \$3 million or more in metropolitan Melbourne and for statewide projects, or \$1 million or more for procurement activities in regional Victoria. Departments must report on VIPP implementation. We did not engage in any applicable tenders during the reporting period.

Building Act

We neither own nor control any government buildings and are therefore exempt from the requirement to notify our compliance with the building and maintenance provisions of the *Building Act 1993*.

Government advertising expenditure

Our expenditure in the 2015-16 reporting period on government advertising did not exceed \$100,000.

Executive officer disclosures

In accordance with the Ministerial Directions issues by the Minister for Finance under the *Financial Management Act 1994* the following disclosures are made for the responsible persons for the reporting period.

a) Names

The person who held the position of responsible minister for the Commission was as follows:

- Minister for Families and Children, Minister for Youth Affairs, The Hon. Jenny Mikakos MLC, 1 July 2015 to 30 June 2016.

The persons who held the position of accountable officer were as follows:

- Principal Commissioner, Bernie Geary OAM, 1 July 2015 to 4 December 2016
- Principal Commissioner, Hon. Frank Vincent AO QC, 7 December 2016 to 1 April 2016
- Principal Commissioner, Liana Buchanan, 4 April 2016 to 30 June 2016.

b) Remuneration

Remuneration received by the accountable officers in connection with the management of the Commission during the reporting period was in the range:

TABLE 11: Remuneration of accountable officers

INCOME BAND	TOTAL REMUNERATION (i)		BASE REMUNERATION (ii)	
	2016	2015	2016	2015
Under \$100,000	2	-	3	-
\$220,000 - \$229,999	-	1	-	1
\$350,000 - \$359,999	1	-	-	-
Total (iii)	3	1	3	1
Total Remuneration	\$479,175	\$221,465	\$222,926	\$221,465

Amounts relating to ministers are reported in the financial statements of the Department of Premier and Cabinet.

Note:

(i) Total remuneration includes long service leave payments and annual bonus payments. These bonus payments depend on the terms of the individual employment contracts.

(ii) Base remuneration excludes bonus payments and leave payments.

(iii) Remuneration amounts relating to acting responsible persons are included in remuneration of executives.

c) Other transactions

The Commission did not make any payments to contractors with significant management responsibilities for the year ending 30 June 2016.

d) Remuneration of executives

The number of executive officers, other than ministers and accountable officers, and their total remuneration during the reporting period are shown in the first two columns in the table below in their relevant income bands. The base remuneration of executive officers is shown in the third and fourth columns. Base remuneration is exclusive of bonus payments, long-service leave payments, redundancy payments and retirement benefits. The total annualised employee equivalent provides a measure of full-time equivalent executive officers over the reporting period.

The Commission has one executive officer position.

TABLE 12: Remuneration of executives

INCOME BAND	TOTAL REMUNERATION		BASE REMUNERATION	
	2016	2015	2016	2015
Under \$100,000	-	1	-	1
\$220,000 - \$229,999	1	-	-	-
Total number of executives	1	1	1	1
Total amount	\$207,137	\$32,024	\$207,137	\$32,024

Appendix 2: Compliance and Accountability

Information and Communication Technology expenditure

For the 2015-16 reporting period, our total Information and Communication Technology expenditure was \$3,255, with the details shown below.

TABLE 13: Information and Communication Technology expenditure

BUSINESS AS USUAL (BAU) ICT EXPENDITURE	NON BUSINESS AS USUAL (NON BAU) ICT EXPENDITURE	OPERATIONAL EXPENDITURE	CAPITAL EXPENDITURE
\$3,255	-	-	-

Statement of availability of other information

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 Freedom of Information Act:

- 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 20, 570 Bourke Street
Melbourne Victoria 3000

Attestation of compliance with Ministerial Standing Direction 4.5.5

I, Liana Buchanan, certify that the Commission for Children and Young People has complied with Ministerial Standing Direction 4.5.5 – Risk Management Framework and Processes, and has the appropriate internal controls in place. This process has been verified by the Audit and Risk Committee.



Liana Buchanan
Principal Commissioner
Commission for Children and Young People

Appendix 3: Committees, presentations and working groups that support research activity

Committees

Aboriginal Child Health Roundtable

Aboriginal Children's Forum

Aboriginal Justice Forum

Alcohol and Other Drug and Mental Health Koori Working Group

CEASE (Intervention Network for Children and Young People Displaying Sexually Abusive Behaviour)

Change the Record Coalition – Steering Committee

Chief Commissioner of Police Human Rights Advisory Committee

Chief Magistrate's Family Violence Taskforce

Child Employment Entertainment Industry Working Party

Children of Incarcerated Parents Advisory Committee

Children's Court Diversion Steering Committee

CREATE Foundation – Celebration Day for Child Protection Week

Department of Health and Human Services Review of Guidelines for Responding to Quality of Care Concerns in out-of-home care

Family Matters Champions Group

Family Violence Steering Committee

Family Violence Taskforce

Indigenous Family Violence Partnership Forum

Latrobe Local Aboriginal Community Partnership – Project Steering Committee

National Justice Coalition

Parkville College Board

Parkville College School Council

Roadmap to Reform Implementation Ministerial Advisory Group

Services Connect Evaluation Reference Group

Sexual Health for Children and Young People in Out-of-Home Care Policy Advisory Group

Smart Justice for Young People

Unaccompanied Minors Network Group

Victorian Forced Marriage Network

Victoria Police Koori Reference Group

Victoria Police Young People's Portfolio Reference Group

Young Offenders Transfer Review Group

Presentations

Aboriginal Family Violence Prevention and Legal Service – Celebrating the 100 Sisters Day Out

Annual National Indigenous Legal Conference 2015 – Culture, Connection and Community: How cultural rights can build resilience in our vulnerable Koorie kids

Australian and New Zealand Association for the Treatment of Sexual Abuse 7th Biennial International Research, Theory & Practice Conference

Australian Youth AOD Conference 2015 – A Powerful Future for a Radical Tradition

Berry Street Executive Management Team Meeting – Taskforce 1000 Presentation

Beyond Tomorrow Early Childhood Conference – Expert Panel

Catholic Ladies' College Eltham – Father's Day Breakfast

Centre For Excellence in Child & Family Welfare – 5th Annual Sector Research Symposium

Changing the Narrative: Lessons from the Royal Commission into Family Violence

Child and Adolescent Mental Health Services and Child and Youth Mental Health Services Clinical Leaders Meeting – Taskforce 1000 Presentation

CREATE Foundation – Youth for Change Conference

Department of Health and Human Services Aboriginal Staff Support Network

Eastern Community Legal Centre Annual General Meeting

Family Matters Gathering

Family Violence Has No Boundaries: Cultural Diversity and Prevention Conference

Appendix 3: Committees, presentations and working groups that support research activity

Gippsland Lakes Community Health Annual General Meeting

Indigenous Family Violence Partnership Forum – Taskforce 1000 Presentation

Latrobe Local Aboriginal Community Partnership Project Joint Steering Committee Meeting Presentation

Launch of the Anglicare Victoria Reconciliation Action Plan

Launch of the Impact Analysis Report of the Bouverie Family Therapy Training Program for Aboriginal and Torres Strait Islander Workers

Launch of the Moreland Early Years Strategy 2016-2020

Law and Advocacy Centre for Women – Launch

Law Institute of Victoria – Youth Imprisonment Forum

Melbourne City Mission Statewide Youth Homelessness Conference

Prison Legal Education and Assistance Project – Youth Justice Matters Forum

Recognising Excellence Awards for Delivering Youth Services 2015

Royal Commission into Family Violence

Royal Women's Hospital – Learning from child death inquiries

Talking Justice – Celebrating and Safeguarding Cultural Identity

Victorian Aboriginal Community Controlled Health Organisation Board Forum

Victorian Children's Council Meeting – Taskforce 1000 Update

WEstjustice – Launch of 'The High School Lawyer'

Women and Mentoring – Law Week Event

World Scout Dinner

Youth Affairs Council of Victoria, Youth Participation Practice Network – Inclusive participation: How do we involve more young people?

Working groups that support research activity

The Commission participates as a member of a number of working groups established to support research activity.

Children of prisoners: Care planning for children of incarcerated parents, an Australian Research Council linkage project led by Monash University was completed with the presentation of final research and evaluation reports at a launch and colloquium on 3 March 2016.

Longitudinal research into children domiciled in prison, led by researchers from Monash University is progressing with data collection from maternal and child health nurses involved with the program.

Young and Well Cooperative Research Council (CRC) has collaborated with young people, researchers, practitioners and policy makers to explore the role of technology in young people's lives and how it can be used to improve their mental health and wellbeing. The CRC is in the process of being redeveloped.

Defining the Status of Culturally and Linguistically Diverse (CALD) Young People is a new Australian Research Council linkage project being led by the University of Melbourne. The project is a collaboration of nine Australian organisations aiming to improve the social cohesion of Australian society and the living standards of a significant group of our young people by enabling governments to meet their specific needs and enhance their opportunities through:

- critically defining the status of culturally and linguistically diverse youth
- developing the first national status reporting framework that will generate new social, economic and cultural indicators
- building a knowledge hub to store and curate culturally and linguistically diverse youth data.

Kinship Care Advisory Group is a steering committee for two ongoing research projects led by researchers from the University of Melbourne which investigate the support needs for non-familial kinship carers and young kinship carers. The Commission considers this research to be an important component to ensuring specific service responses for children and young people and providing an evidence base for resources being targeted for appropriate assessment, training, support and monitoring of kinship carers.

