

Submission in Response to the Child Safe Standards Review

Djirra
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Submitted by email to cssreview@dhhs.vic.gov.au.

Implementing the Victorian child safe standards

1. How have you found implementing the Victorian child safe standards in your organisation? Have any of the standards been particularly difficult or easy to implement?

Djirra always strives to create a safe space where all people who access our services are empowered and taken seriously. As an Aboriginal Community Controlled Organisation (ACCO) working primarily with Aboriginal women, safety of Aboriginal women and their families, including children, is at the core of everything we do, from our service design, policies and procedures, to our staff recruitment, training and organisational culture. As such, Djirra has not found the standards particularly difficult to implement. That said, the implementation process has absorbed significant time and resources, and we would like to see better resourcing to assist us to implement new standards, so as not to syphon our limited resources away from our important frontline work.

As shown in our responses to the Child Safe self-audit tool, thirteen of the activities required under the Child Safe Standards were already firmly in place in our organisation. For example, pursuant to standard 5, interviews and reference checks are undertaken for all employees and volunteers as per Djirra's Recruitment Selection and Appointment Policy, as are Police Checks and Working With Children checks. The remaining thirteen activities were designated as already "partially in place", and required only formalisation and strengthening of existing processes. None of the activities were designated as 'not in place.'

The "partially in place" activities that required the most work to complete were:

1. Developing a specific Child Safety Policy and Procedures document (this activity involved linking existing practices into a central document). Djirra's Child Safety Policy and Statement of Commitment 2018 was ratified at our Board meeting held on 20 November 2018 and promptly shared with all staff and volunteers. The document outlines our Code of Conduct for Appropriate Behaviour with Children and we recognise that it is an important policy to have in place.
2. Securing a provider to deliver Child Safe Standards Training (under Standard 3: A code of conduct that establishes clear expectations for appropriate behaviour with children) which will be mandatory for the

small cohort of our staff that work with children¹. Implementation has not been particularly difficult, with training scheduled to be delivered to all staff at our biannual staff in service in April 2019.

As stated above, while Djirra has not found compliance with the standards particularly difficult, the time taken to implement new policies and procedures puts further strain on already stretched resources. While Djirra has a strong track record in compliance, the impact on an ACCO of navigating culturally inaccessible frameworks cannot be underestimated. In light of this, we would like to see better resourcing to assist us to implement the new standards.

Is there anything that would have made it easier for your organisation to implement and comply with the Victorian child safe standards? Please tell us what would have helped and what you think would help you to comply in future.

The new regulatory scheme has been presented in a way that is culturally inaccessible, requiring a high degree of literacy in the language of compliance and regulation. The existing publications do not always represent a good understanding of the target audience and their needs. Clear communication is not restricted to text. A video may help make compliance with the standards easier to understand. Guidance should be as concise as possible and organisations should be able to tell quickly whether the regulatory scheme is likely to apply to their organisation. A video message could act as a quick-start guide and serve as an entry point for organisations required to implement policies and procedures under the scheme. As far as possible, guidance should be organised around common organisation processes, making it clear what actions should be taken under each Child Safe Standard. The current list of “core components” that are meant to guide organisations in the implementation of each standard could be more helpful if actions were presented in a separate document in the form of key steps or a checklist.

For Djirra, the process of developing a specific Child Safety Policy and Procedures document was made much easier by utilising an existing DHHS template that we selected after reviewing a number of templates that we found online. It would have been helpful to have been provided with an appropriate template from the outset. As it was, we directed significant resources into researching and reviewing external examples and finding the most appropriate document to tailor to our needs. While Djirra is strong in compliance, ACCOs including Djirra face an extra layer of effort working within culturally inaccessible frameworks. This highlights the need for extra resourcing to implement and comply with new standards.

- 2. The seven Victorian child safe standards are intended to include the three principles. Please explain how you understand these seven standards and three principles are applied in your organisation.**

¹ Note: Generally Djirra staff do not work directly with children as clients. The exception is staff delivering our Young Luv workshops directly with groups of young women and girls aged from 12.

At this stage Djirra has no comment.

Effectiveness of the Victorian child safe standards

- 3. Do you think the Victorian child safe standards have made your organisation safer for children? How? Have any of the individual standards been particularly helpful?**

At this stage, Djirra has no comment.

- 4. Have Victoria's three principles resulted in changes to improve the cultural safety of Aboriginal children and culturally and linguistically diverse children and the safety of children with a disability within your organisation? How?**

Principle 1- promoting cultural safety of Aboriginal children.

Principle 2- promoting the cultural safety of children from culturally and/or linguistically diverse backgrounds

Principle 3- promoting the safety of children with a disability.

At this stage, Djirra has no comment.

- 5. The three principles recognise that Aboriginal children, culturally and linguistically diverse children and children with a disability are especially vulnerable. Are there any other groups of children that should be recognised as being especially vulnerable? If so, please tell us which groups of children.**

At this stage, Djirra has no comment.

- 6. Do you have other suggestions for how Victoria could improve the design of its child safe standards to better protect children and young people?**

At this stage, Djirra has no comment.

Compliance with the Victorian child safe standards

- 7. What has been your experience with Victoria's exemptions? Do you understand which organisations would be exempted from the child safe standards? Do you think these exemptions are appropriate? Is there a better way to frame the exemptions to provide greater clarity or certainty about which types of organisations are exempt? Please provide reasons for your answer.**

At this stage, Djirra has no comment.

- 8. Are there any other types of organisations not identified by the Royal Commission and not currently required to comply with Victoria's child safe standards that you believe should be subject to a mandatory child safe standards regulatory scheme? If so, please tell us which types of organisations and your reasoning.**

At this stage, Djirra has no comment.

- 9. Are there any types of organisations currently required to comply with Victoria's child safe standards that you believe should not be subject to a mandatory child safe standards regulatory scheme? If so, please tell us which types of organisations and your reasoning.**

Djirra falls under the banner of “Category 1 organisations” being a “family violence or sexual assault service funded under a State contract” that “provides services and/or facilities specifically for children.”

Djirra’s legal team does not work directly with children as clients (although our work benefits children through the assistance we provide to their mothers). On occasion, a child might accompany a parent to a legal appointment, however this is not encouraged. Just one of our early intervention and prevention programs, “Young Luv”, is directly aimed at children, specifically girls aged eleven and older. We note that the Royal Commission identified “medical centres not providing children’s health services” as an example of an organisation not required to implement and meet the child safe standards, and with the exception of our “Young Luv” program, Djirra’s service provision is analogous to that of “a medical centre not providing children’s health services.” We are in part a legal centre not providing children’s legal services. In an ideal world, it would only be our Young Luv program that is subject to mandatory child safe approaches, thereby avoiding much of the onerous compliance for our programs and staff that have no direct and regular contact with children.

Regulation of the Victorian child safe standards

With regards to the below questions – from 11 to 17 - in relation to regulation, Djirra has no input at this stage. We have not had any specific contact with the Department in a regulatory capacity or in relation to self-audits that have been submitted by Djirra.

- 10. What has been your experience of the monitoring, compliance and enforcement scheme for the child safe standards? What, if anything, do you think could be improved?**
- 11. What has been your experience working with the Commission for Children and Young People and relevant authorities? Do you consider having two layers of regulatory oversight efficient and appropriate? Are these functions mutually reinforcing or is there duplication?**
- 12. What has been your organisation's experience of having compliance with the child safe standards included as a requirement of government funding agreement or contract? Please provide reasons for your answer.**
- 13. Are the role and functions of the Victorian Commission for Children and Young People clearly and appropriately defined in relation to the child safe standards? What, if anything, do you think could be improved?**
- 14. Do you think that the Victorian Commission for Children and Young People has adequate powers to enforce compliance with the child safe standards? If not, what powers do you think the Victorian Commission for Children and Young People should have?**
- 15. Are the role and functions of 'relevant authorities' clearly and appropriately defined in relation to the child safe standards? What, if anything, do you think could be improved?**
- 16. Do you think that relevant authorities have adequate powers to promote and require compliance with the child safe standards? If not, what powers do you think the relevant authorities should have?**

Towards national harmonisation of child safe standards in Australia

17. What would be the advantages and/or the disadvantages (including the benefits and costs) for your organisation if Victoria's child safe standards were amended to more closely align with the National Principles?

This would be welcomed by Djirra as it would streamline our compliance requirements. We receive funding from both the State and Federal Governments and therefore we are required to comply with both the National Principles and Victorian Standards. One set of reporting requirements would simplify our compliance load.

18. Do you consider that the 'action areas' in the National Principles provide helpful guidance for organisations in relation to the implementation of each principle? If so, why?

At this stage, Djirra has no comment.

19. Do you consider that the three additional National Principles would improve your organisation's approach to child safety and wellbeing? If so, to what extent?

- **Principle 3 – Families and communities are informed, and involved in promoting child safety and wellbeing**
- **Principle 8 – Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed**
- **Principle 9 – Implementation of the national child safe principles is regularly reviewed and improved.**

At this stage, Djirra has no comment.

20. Do you consider that Victoria should replace its three principles with a standard equivalent to National Principle 4 or keep them as separate cross-cutting principles? If so, why?

We believe it is imperative to separately acknowledge the special needs and vulnerabilities of Aboriginal children as per Principle 1 of the Victorian Child Safe Standards, rather than grouping Aboriginal children together with children with other “vulnerabilities and diversities” as per National Principle 4. It is important for mainstream services to provide a culturally safe choice for Aboriginal people and they must recognise that specific additional work must be undertaken to ensure Aboriginal community trust, ownership and engagement. Cultural safety requires special attention and expertise to achieve. It is not enough for organisations to simply state that they prioritise it.

The Issues Paper states (at p.36) *“National Principle is drafted to require diverse needs to be respected in policy and practice, rather than more generally taken into account as per RC Standard.”* Further, *“National Principle clarifies that staff and volunteers are to anticipate and respond to diversity/vulnerability, not just the organisation as per RC Standard.”*

We believe the Victorian Child Safe Standards should be framed to mandate that organisations invest in real capacity building in their staff to ensure Aboriginal cultural awareness. Organisations cannot promote the cultural safety of Aboriginal children if ALL staff do not understand what this means. Mainstream organisations must ensure all

staff are properly equipped to promote a feeling of acceptance at all levels for Aboriginal clients, which includes not being denied their heritage and assurance that social and emotional well-being are taken into account. It is about meeting people's requests, making them feel valued, and being compassionate and welcoming.

Whilst cultural safety it is an important framework for all organisations to embrace, we believe there should be greater investment in specialist ACCOs like Djirra, who are usually the best-placed organisations to deliver best practice for Aboriginal people, who often feel removed from and dominated by Western culture and mainstream services.

21. Are there risks or issues specific to the Victorian contexts that are not addressed by the National Principles?

At this stage, Djirra has no comment.