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## Why are the Standards changing?

The Victorian Child Safe Standards (the Standards) are changing to align more closely with the National Principles for Child Safe Organisations, and to strengthen protection from child abuse.

Victoria has had mandatory Child Safe Standards since January 2016.

In 2017, the Royal Commission into Institutional Responses to Child Sexual Abuse (the Royal Commission) recommended that a new version of child safe standards be adopted by each Australian state and territory.

Since then, the version of the child safe standards [recommended by the Royal Commission](#) has been used to develop a version that could apply to all kinds of child abuse, not just sexual abuse. These are called the [National Principles for Child Safe Organisations](#).

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

In 2020, the DHHS [Review](#) recommended a number of changes to better align the Standards with the [National Principles for Child Safe Organisations](#), and made other recommendations to strengthen administration of the Standards. The Victorian Government adopted these recommendations.

In addition to providing greater national consistency, the new Standards include practical steps for each Standard, outlining the actions organisations must take to keep children and young people safe.

## When will the new Standards come into effect?

Organisations covered by the Standards will need to comply with new Standards by **1 July 2022**. Until then, the current Standards apply.

Further information and guidance will be provided by the Commission and other regulators in coming months to help organisations move to the new Standards by 1 July 2022. Organisations can subscribe [here](#) to receive emails when new information and guidance is released by the Commission.

## What is changing in the new Standards?

What organisations are already doing to keep children and young people safe will support their compliance with the new Standards. In some areas, organisations will need to change their existing child safety policies and procedures or develop new practices to ensure they align with the new Standards.

Key changes include new requirements:

- to involve families and communities in organisations' efforts to keep children and young people safe
- for a greater focus on safety for Aboriginal children and young people
- to manage the risk of child abuse in online environments
- with greater clarity on the governance, systems and processes needed to keep children and young people safe.

The two guides on the Commission's website, *What's changing? Compare current and new Child Safe Standards* and *What's new? Overview of the new Child Safe Standards*, will help you start to understand the new Standards.

Further information and guidance will be provided by the Commission and other regulators in coming months to help organisations move to the new Standards by 1 July 2022. Organisations can subscribe [here](#) to receive emails when new information and guidance is released by the Commission.

The Commission is updating its [Guide for Creating a Child Safe Organisation](#) to provide detailed guidance relating to the new Standards in time for organisations to comply by 1 July 2022. The current version still provides relevant advice for organisations.

### **How do I know if my organisation has to comply with the Standards?**

Who has to comply with the Standards is not changing. You can find an overview of who has to comply [here](#).

The Commission may be able to provide advice about whether your organisation has to comply with the Standards. If you are unsure, you can contact the Commission. You may also wish to seek your own legal advice.

For those required to comply, it is important to remember that the Standards are not voluntary and are law within Victoria. Organisations must comply with all aspects of the Standards at all times and there can be legal consequences for non-compliance. The Commission has a range of enforcement powers it can use in instances where organisations fail to comply with their obligations.

### **If my organisation is already compliant with the current Standards, will I need to do anything to comply with the new Standards?**

Yes, it is likely that your organisation will need to make some changes to comply with the new Standards.

While much of what you already have in place will continue to be relevant, there are some differences between the current and new Standards. The new Standards are more specific and prescriptive and include some additional obligations.

You should get to know the new Standards and review your organisation's current approach to child safety to work out what you need to do to comply with the new Standards by July 2022.

For a summary of what is changing and what is required under the new Standards, *What's changing? Compare current and new Child Safe Standards* and *What's new? Overview of the new Child Safe Standards*, will help you start to understand the new Standards.

Further information and guidance will be provided by the Commission and other regulators over the coming months to help organisations move to the new Standards by 1 July 2022. Organisations can subscribe [here](#) to receive emails when new information and guidance is released by the Commission.

### **How are the new Standards different to the National Principles?**

Victoria's Standards are changing to align more closely with the National Principles for Child Safe Organisations, which were informed by the findings of the Royal Commission into Institutional Responses to Child Sexual Abuse. However, the new Victorian Standards will have some unique elements:

- a standalone Standard about cultural safety for Aboriginal children and young people, emphasising the critical importance of respecting, valuing and protecting First Nations' children and young people and the importance of culture to their safety and wellbeing
- additional requirements in Standard 3 to empower children and young people. This means that organisations should support children and young people to become stronger,

understand their rights, have greater control in their lives and build confidence in themselves and the organisation. Organisations must also provide opportunities for children and young people to participate in the organisation and the decisions that affect them. The Commission's [Empowerment and participation: a guide for organisations working with children and young people](#) provides practical, accessible guidance for organisations about empowerment and participation and how to put it into practice.

There are 11 new Victorian Standards, and the numbering is different to the 10 National Principles for Child Safe Organisations.

Given that Victoria's new Standards differ in some ways from the National Principles, some organisations who work nationally or across state borders may need to comply with a number of different versions of the Standards or National Principles. If you are concerned about any inconsistencies, please contact the relevant Commonwealth agency, the Commission or your other Standards' regulator to discuss your organisation's situation.

### Who is my Regulator for the Standards?

There are a number of different regulators for the Standards in Victoria.

Currently, the Commission has powers to regulate all organisations that have to comply with the Standards and works together with other regulators to do this.

You may have an additional regulator who may lead regulation of the Standards for your organisation if you are funded or regulated by a Victorian Government department, the Victorian Registration and Qualifications Authority or the Wage Inspectorate Victoria.

Under proposed legislative changes before the Victorian Parliament, these arrangements may change. You will receive more information if these proposed changes become law.

Here are some regulators:

[Victorian Registration and Qualifications Authority \(VRQA\)](#) is a regulator for registered schools, school boarding premises, school-sector providers of courses to overseas students, student exchange organisations, non-school senior secondary providers and registered training organisations (RTOs) that are registered with VRQA. For registered schools and school boarding premises, a new ministerial order will be made to replace Ministerial Order No. 870 – Child Safe Standards – managing the risk of child abuse in schools.

[Quality and Regulation Division \(QARD\)](#) in the Department of Education and Training is a regulator for early childhood education and care providers, including children's services within the meaning of the *Children's Services Act 1996* and approved providers within the meaning of the Education and Care Services National Law (Victoria). This includes organisations such as registered early childhood education and care providers, out of school hours care and family day care, as well as registered creche, occasional or short-term care services.

[Department of Families, Fairness and Housing \(DFFH\)](#) is a regulator for providers of out of home care, youth services, housing services, family violence and sexual assault services, and support services for parents and families.

[Department of Health](#) is a regulator for hospitals, community health services, mental health services, drug and alcohol treatment services, and maternal and child health services.

[Wage Inspectorate Victoria](#) is a regulator for organisations that employ children and young people and hold a permit under the *Child Employment Act 2003*.

The [Commission for Children and Young People](#) is the primary regulator for the Standards and, where there is no other regulator, takes the lead for regulating that sector or organisation.

If you are unsure of the regulator for your organisation, you may contact the Commission.

### **Can we implement the new Standards now if we do not want to wait until 1 July 2022?**

Yes, if an organisation updates its policies, procedures and practices to meet the new Standards before 1 July 2022, it will be accepted as compliant by the Commission.

The new Standards include additional obligations that build on existing protections for children and young people under the current Standards. This means that if you transition to the new Standards early you should still be compliant with your legal obligations under the current Standards.

The following organisations should check any specific advice on this issued by their regulators:

- registered schools, school boarding premises, student exchange organisations, school-sector providers of courses to overseas students, non-school senior secondary providers and registered training organisations should check specific information issued by the [Victorian Registration and Qualifications Authority](#)
- early childhood education and care providers, including children's services within the meaning of the *Children's Services Act 1996*, and approved providers within the meaning of the Education and Care Services National Law (Victoria) should check specific information issued by the [Department of Education and Training](#)
- out of home care, youth services, housing services, family violence and sexual assault services, and support services for parents and families should check specific information issued by the [Department of Families, Fairness and Housing](#).

The two guides on the Commission's website, *What's changing? Compare current and new Child Safe Standards* and *What's new? Overview of the new Child Safe Standards*, will help you start to understand the new Standards.

Further information and guidance will be provided by the Commission and other regulators over the coming months to help organisations move to the new Standards by 1 July 2022. Organisations can subscribe [here](#) to receive emails when new information and guidance is released by the Commission.

The Commission is updating its [Guide for Creating a Child Safe Organisation](#) to provide detailed guidance relating to the new Standards in time for organisations to comply by 1 July 2022. The current version still provides relevant advice for organisations.

The national [Child Safe Organisations](#) website related to the [National Principles for Child Safe Organisations](#) also has information and resources that will be of assistance. However, organisations need to be aware there are some differences between the new Victorian Standards and the National Principles for Child Safe Organisations (see FAQ: How are the new Standards different to the National Principles?).

### **How should our organisation start moving to the new Standards?**

It's time to start planning for the changes your organisation needs to make by July 2022.

How your organisation needs to approach the new Standards will depend on how well you have already implemented the current Standards.

Remember that all of the new Standards must be implemented and are equally important to supporting child safety in organisations.

Organisations can make a start by:





- getting to know the new Standards
- reviewing your organisation's current approach to child safety and starting to plan what you need to change or do to comply with the new Standards – the Commission's *What's changing? Compare current and new Child Safe Standards* and *What's new? Overview of the new Child Safe Standards*, will assist with this planning process
- reading new guidance from the Commission and regulators as it is released over the next 12 months.

Organisations should also update their understanding of the specific risks of child abuse in the organisation's services, programs, activities and facilities. Understanding the specific risks of child abuse in your organisation will mean the action you take to implement the new Standards will have a greater chance of improving safety for children. Page 54 of the Commission's [Guide for Creating a Child Safe Organisation](#) will help you conduct a risk assessment.

The two guides on the Commission's website, *What's changing? Compare current and new Child Safe Standards* and *What's new? Overview of the new Child Safe Standards*, will help you start to understand the new Standards.

Further information and guidance will be provided by the Commission and other regulators over the coming months to help organisations move to the new Standards by 1 July 2022. Organisations can subscribe [here](#) to receive emails when new information and guidance is released by the Commission.

The Commission is updating its [Guide for Creating a Child Safe Organisation](#) to provide detailed guidance relating to the new Standards in time for organisations to comply by 1 July 2022. The current version still provides relevant advice for organisations.

The national [Child Safe Organisations](#) website related to the [National Principles for Child Safe Organisations](#) also has information and resources that will be of assistance. However, organisations need to be aware there are some differences between the new Victorian Standards and the National Principles for Child Safe Organisations (see FAQ: How are the new Standards different to the National Principles?).

### **What is expected of my organisation during the transition period?**

Organisations required to comply with the Standards should start to plan how they will update their child safety policies and practices to align with the new Standards.

Organisations must have taken all necessary actions including updating any policies, procedures and practices by 1 July 2022 when the new Standards come into effect and become mandatory.

Your regulator for the Standards can provide information and advice as you make the transition.

The following organisations should check for specific advice issued by their regulators:

- schools, school boarding premises, school-sector providers of courses to overseas students, student exchange organisations, non-school senior secondary providers and registered training organisations (RTOs) should check specific information issued by the [Victorian Registration and Qualifications Authority and the Department of Education and Training's PROTECT website](#)
- early childhood education and care providers, including children's services within the meaning of the *Children's Services Act 1996*, and approved providers within the meaning of the Education and Care Services National Law (Victoria) should check specific information issued by the [Department of Education and Training](#)



- out of home care, youth services, housing services, family violence and sexual assault services, and support services for parents and families should check specific information issued by the [Department of Families, Fairness and Housing](#).

The Commission will also provide information and guidance throughout the 12-month transition period to support organisations to implement the new Standards. Organisations should consider [subscribing](#) to receive emails when new information and guidance is released by the Commission. Otherwise, please check the Commission's website regularly.

The Commission and other Standards' regulators will continue to monitor compliance with the current Standards during the transition period and will take action if necessary to support compliance.

### **My organisation is small, I am concerned that I can't do this**

Information and guidance from the Commission and your Standards regulator will be available to support you.

While small or volunteer-led organisations may be smaller in size, the risk of child abuse is still present and children have a right to be protected. The Royal Commission heard about abuse in many different settings, regardless of the size, available resources or structure of the organisation.

Organisations can approach implementation of the Standards in different ways provided all Standards and minimum action areas are implemented. Implementation for smaller organisation can look different to larger organisations. Some smaller organisations may find it easier to make changes to their child safe frameworks and culture, without having to work through the more complex governance structures of many larger organisations.

Some smaller organisations may wish to come together and collaborate to share ideas about implementing the new Standards. Many smaller organisations will also have peak bodies, industry associations or other sorts of umbrella organisations that may be able to offer support and assistance. These bodies will need some time after the release of the new Standards to develop their approach to providing guidance and support to members.

Some peaks and associations that have previously provided guidance, advice or templates around child safety include:

- [VicSport](#) - the peak body for sport and active recreation
- [Faith Communities Council of Victoria](#) and the [Victorian Council of Churches](#) - supporting faith communities
- [Centre for Excellence in Child and Family Welfare](#) - Victoria's peak body for child and family services
- [Independent Schools Victoria](#) - represents registered independent schools
- [Catholic Education Commission Victoria](#) - supports Catholic schools in Victoria.

The two guides on the Commission's website, *What's changing? Compare current and new Child Safe Standards* and *What's new? Overview of the new Child Safe Standards*, will help you start to understand the new Standards.

Further information and guidance will be provided by the Commission and other regulators over the coming months to help organisations move to the new Standards by 1 July 2022. Organisations can subscribe [here](#) to receive emails when new information and guidance is released by the Commission.



## What if I'm a new organisation that wasn't operating before 30 June 2021, do I have to comply with the current or the new Standards?

If your organisation is new, the Commission recommends you move straight to complying with the new Standards. If an organisation meets the new Standards, it will be accepted as compliant by the Commission.

The new Standards include additional obligations that build on existing protections for children and young people under the current Standards. This means that if you move to the new Standards early you should still be compliant with your legal obligations under the current Standards.

The following organisations should check for specific advice on this issued by their regulators:

- Registered schools, school boarding premises that have to comply with Ministerial Order No. 870 – Child Safe Standards – managing the risk of child abuse in schools, student exchange organisations, school-sector providers of courses to overseas students, non-school senior secondary providers and registered training organisations (RTOs) should check specific information issued by the [Victorian Registration and Qualifications Authority and the Department of Education and Training's PROTECT website](#)
- Early childhood education and care providers, including children's services within the meaning of the *Children's Services Act 1996*, and approved providers within the meaning of the Education and Care Services National Law (Victoria) should check specific information issued by the [Department of Education and Training](#)
- Out of home care, youth services, housing services, family violence and sexual assault services, and support services for parents and families should check specific information issued by the [Department of Families, Fairness and Housing](#).

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The national [Child Safe Organisations](#) website related to the [National Principles for Child Safe Organisations](#) also has information and resources that will be of assistance. However, organisations need to be aware there are some differences between the new Victorian Standards and the National Principles for Child Safe Organisations (see FAQ: How are the new Standards different to the National Principles?).

Further information and guidance will be provided by the Commission and other regulators over the coming months to help organisations move to the new Standards by 1 July 2022. Organisations can subscribe [here](#) to receive emails when new information and guidance is released by the Commission.

## What if implementation of the new Standards in my organisation is still in progress when they come into effect on 1 July 2022?

Organisations **must** comply with the new Standards by 1 July 2022.

The Commission takes a graduated approach to regulating organisations' compliance with the Standards.





We educate organisations to support their compliance, and usually reserve more serious enforcement actions for organisations that are uncooperative, have repeated serious failings in compliance, or represent greater harm or significant risk of harm to children.

If you are identified as not compliant with the new Standards after 1 July 2022, the Commission will decide what action to take based on our [Regulatory Approach](#).

### **How will these changes affect organisations that are funded by the Commonwealth government and required to comply with the Victorian Standards?**

Some organisations will have to comply with both Victoria's Standards and the Commonwealth Government's child safe framework.

The Commonwealth has a [child safe framework](#) that may encourage or require organisations to put in place measures to promote the protection of children in services and activities they fund. Clauses in funding contracts organisations may have with Commonwealth Government agencies may ask that:

- all staff who may be working with children undergo appropriate screening and recruitment practices
- the organisation takes appropriate child safety measures (e.g. through the implementation of the National Principles for Child Safe Organisations), and
- that the third party's obligations relating to child safety are replicated in subcontracts and secondary subcontracts where relevant.

Organisations that have such clauses in contracts with Commonwealth agencies still have to comply with the Victorian Standards, even if the requirements are different. Compliance with Victoria's Standards is **mandatory**.

Victoria's Standards are changing to align more closely with the National Principles for Child Safe Organisations.

However, the new Victorian Standards include a standalone Standard about cultural safety for Aboriginal children and young people and some additional requirements to empower children and young people, informing them of their rights and supporting them to have greater control in their lives, and provide opportunities for them to participate in the life of the organisation and the decisions that affect them (Standard 3).

If you are concerned about any inconsistencies, please contact the relevant Commonwealth agency, the Commission or your Standards' regulator to discuss your organisation's situation.

### **Organisations are already so busy. How will the new Standards impact the burden already on organisations?**

In Victoria, relevant organisations in Victoria have been required by law to comply with the Standards since 2016. The new Standards do not alter who has to comply with the Standards, or the existing ongoing burden on organisations subject to the Standards.

Properly complying with the Standards already requires organisations to regularly review and revise their systems to ensure that a culture of child safety is maintained.

To become compliant with the new Standards, many organisations will be required to make adjustments to their child safe policies, procedures and practices during the 12-month transition period. Organisations will likely need some initial dedicated focus and effort to make these changes.

While becoming a child safe organisation takes effort, governments around Australia recognise that it is a critical and necessary effort to ensure our children and young people are safe from harm.



## Are there changes to the legislation for the Child Safe Standards?

Yes. The Child Wellbeing and Safety (Child Safe Standards Compliance and Enforcement) Amendment Bill was passed by Parliament in June 2021 and it makes changes to the legislation for the Child Safe Standards. A copy of the Bill is available on the [Victorian Legislation](#) website.

These new laws are currently not due to come into effect until **1 January 2023**.

Changes in the Bill include new powers for the Commission and other regulators to take action for non-compliance with the Standards, for example there will be the ability for the Commission to issue infringement notices for non-compliance with a notice to comply with the Standards.

Organisations do not need to take any action yet in relation to the changes to the legislation. The Commission will publish more information about these law changes over the next 12 months and organisations can subscribe [here](#) to receive emails when new information and guidance is released.

## Do the new Standards change organisations' obligations in relation to mandatory reporting to child protection and police, the Reportable Conduct Scheme, the Working with Children Check, the Child Information Sharing Scheme or other child safety laws?

No.

Organisations must continue to comply with their obligations in relation to mandatory reporting, the Reportable Conduct Scheme, Working with Children Checks, the Child Information Sharing Scheme and other child safety laws. For information relating to these Victorian child safety obligations see:

[Reportable Conduct Scheme](#)

[Child Information Sharing Scheme](#)

[Mandatory Reporting](#)

[Working with Children Check](#)

[Victoria Police](#)