



YWCA CANBERRA



Submission to the National Child Safety Review (2025)

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Acknowledgement of Country

YWCA Canberra proudly recognises the rights of Aboriginal and Torres Strait Islander peoples to own and control their cultures and pays our respect to these rights. YWCA Canberra acknowledges the need to respect and encourage the diversity of Indigenous cultures and to respect Indigenous worldviews, lifestyles and customary laws. We extend our respect to the Aboriginal and Torres Strait Islander women who for thousands of years have preserved the culture and practices of their communities on country. This land was never surrendered, and we acknowledge that it always was and will continue to always be Aboriginal land.

About YWCA Canberra

YWCA Canberra is a feminist not-for-profit organisation that has provided community services and represented women's issues in Canberra since 1929. Our mission is 'We strengthen communities by supporting girls and women through our services and advocacy' and our vision is 'Girls and women thriving'.

We provide essential, quality services for women, girls and families in the ACT and surrounding regions. We work in the areas of children's services, community development, homelessness and affordable housing, youth services, personal and professional training, women's leadership and advocacy.

We are externally accredited against the [Quality Improvement Council \(QIC\) Health and Community Service Standards \(7th Edition\)](#). Accreditation against the QIC standards support us to improve client and community engagement, diversity and cultural appropriateness, management systems, governance and service delivery, while committing to a cycle of continuous quality improvement. In addition to the QIC standards, we are accredited against the following external client-related service standards for our key areas of work:

- [Australian Charities and Not for Profit Commission](#)
- [National Quality Standard for Early Childhood Education and Care and School Aged Care](#)
- [National Regulatory System for Community Housing](#)
- [Registered Training Organisations Standards](#)

Through our national Affiliate Association with YWCA Australia, we are part of the World YWCA network, which connects 120 countries across the globe.

Introduction

YWCA Canberra welcomes the opportunity to provide feedback towards the 2025 *National Child Safety Review*. We are committed to a culture of continuous improvement in our services, where the safety and wellbeing of children, staff and visitors is paramount. As a non-profit provider of Early Childhood Education and Care (ECEC), School Aged Care (SAC) as well as vacation care, we employ 350 staff to provide services to more than 2000 children each week. We also deliver services to children with special needs and have previously contributed to reviews of the *National Disability Standards in Education*.

For several of the themes outlined in the Consultation Regulation Impact Statement (CRIS), YWCA Canberra goes beyond the minimum requirement, and our internal policies and procedures are subject to routine review. We understand, however, that this is unlikely to be the case across the board and, in some thematic areas, regulation could be necessary.

We use this submission to draw attention to the following key themes of the review and share information on our internal policy and procedures as well as advocacy to improve and standardise the regulatory environment in the interests of child safety:

- **Management of digital devices**
- **Working With Vulnerable Person checks**
- **Responding to educator and staff member conduct**
- **Improving the safety of the physical service environment**

1) Management of digital devices

YWCA Canberra recognises the growing role of digital technology in early learning services. These devices serve as valuable tools for educators to document and share children's progress, daily activities, and important updates with families. To support this, each of our services are supplied with service-specific devices, the use of which are guided by internal policies that are subject to routine reviews. For example, we are currently reviewing the privacy and storage policies of third-party platforms used by our services to share updates, to ensure they also align with our requirements.

We recognise that this is an evolving space, however, and that services and the regulatory framework need to be agile in responding to emerging devices, particularly smart watches. At present, there are limited mechanisms for proactive review and thus issues are generally addressed reactively, often in response to specific incidents, concerns or emerging technologies.

We also recognise that children themselves are developing in a period where access to personal technology is common and their confidence is growing with regards to using digital technology. Children who attend our services, especially in the school age care setting often have their own devices which have the ability to take photos, make phone calls and access the internet. This emerging landscape, and the access children have to their own discrete technology whilst in our services, needs to be considered in the framework going forward.

Within our early learning services, the use of an educator's personal electronic devices within the classroom is not permitted at any time. We believe that the regulation of digital devices in early learning settings is primarily an organisational responsibility rather than a regulatory one.

As a non-profit provider committed to the safety and wellbeing of children, we already exceed the existing minimum regulatory requirements regarding the use of digital devices. Despite this, it is our view that it would be challenging for the regulatory authority to externally monitor and enforce device use or penalties at the service level. Our services strictly follow internal policies regarding the use of digital devices, and we consider it incumbent on providers to be proactive to ensure the safe use of technology. We welcome the regulatory changes that will come into effect from 1 September 2025, which will require services to have clear policies around the use of digital devices, including storage and data security.

Recommendation: Pursue non-regulatory reforms to improve guidance and support to approved providers in managing the use of electronic devices among staff.

2a) Working with Children Checks: Requiring an approved check before commencing work

YWCA Canberra has consistently advocated for sensible and overdue reform to the Working with Vulnerable People (WWVP) checks in the ACT. The final report from the Royal Commission into Institutional Responses to Child Sexual Abuse (2017) made a suite of recommendations about the centralisation, application, and assessment of WWVP checks across Australia. The introduction of these reforms continues to vary across jurisdictions. During COVID-19, the ACT Government introduced temporary changes to extend the period where a non-card holder was able to work with vulnerable persons while their application was being processed. YWCA Canberra did not support this change arguing that they were not in the interests of child safety. Likewise, we have advocated that the current ACT framework permitting employment or other access to vulnerable people prior to the finalisation of the WWVP check be amended in-line with the regulation elsewhere.

Organisationally, we require all staff (regardless of whether their role requires contact with children or other vulnerable persons) to undertake a police check and be a holder, or willing to acquire a WWVP card on recruitment. As part of the recruitment process, all new employees must apply for registration to work with vulnerable people prior to the commencement of employment. The cost of application is at the employee's own expense, and commencement is not permitted prior to successful notification. This is in addition to the baseline requirement of the ACT Government for an employee or volunteer to hold or be in the process of acquiring a WWVP card when working with children.

As a provider of early learning in both NSW and the ACT, there are differences in both the application process, status update obligations as well as variations in whether the card is provided in a digital format or as a physical card. (and if there is a photo on the card to verify the person) There is an abundant need for consistency across jurisdictions, and for information to be searchable and shared between jurisdictions, as recommended by the Royal Commission.¹ Our advocacy portfolio has worked with ACT Government to reform WWVP checks and processes for some years and we have consistently drawn attention to how government delays in processing, under resourcing of regulatory offices and inconsistencies in applications have the potential to impact safety.

Recommendation: Relevant regulatory amendments take place in WA, the ACT and the NT to prohibit commencement of employment, volunteering or other engagement prior to the successful completion of a Working With Vulnerable People check.

2b) Working with Children Checks: Requiring approved providers and Regulatory Authorities to be notified about changes in WCC status

We support regulatory reforms that require regular status checks of WWVP card holders in those jurisdictions where the card-holder is not currently obligated to update the employer regarding changes to their status.

In line with recommendation 31(c) of the Royal Commission², we also support reforms that deliver national consistency to the role of screening agencies in notifying a person's employer of any change in the person's WWCC status. We note, however, that there is no mechanism to detect that an existing Working with Vulnerable People Card is being contested. Given that in a handful of states, staff or volunteers undergoing the application

¹ https://www.childabuseroyalcommission.gov.au/sites/default/files/final_report_-_recommendations.pdf, (p. 24, *Recordkeeping and information sharing recommendations (2015)*).

² https://www.childabuseroyalcommission.gov.au/sites/default/files/final_report_-_recommendations.pdf (p 71, *Working With Children Checks report recommendations (2015)*)

process can still work with and around children and vulnerable people, this oversight creates a risk as employers are wholly reliant on self-disclosure by an applicant. Under-resourcing of the regulatory authority can also impact on the quality and timeliness of status updates where the WWVP agency is authorised to notify an employer of a change in status.

Recommendation: Introduce regulatory reforms that require regular status checks of WWVP card holders in jurisdictions where the card-holder is not obligated to disclose changes to their status.

Recommendation: Introduce guidance on conducting formal auditing processes to strengthen regular compliance checks and oversight.

Recommendation: Reforms to WWVP minimum obligations coincide with improved resourcing for authorities to ensure timely turn-around on applications and updates.

3) Improving the safety of the physical service environment

The physical environment can contribute to children's wellbeing, happiness, creativity and promote exploration and independence. The choices made in services about resources, materials, spaces, layout, air and light quality and access to a range of experiences in the indoor and outdoor environments, have a direct impact on the learning opportunities available to children. Our internal policy guidelines serve to ensure the environment of our children's services is safe, well maintained and selected with the best interests of children in focus.

Our early learning services for children aged 0-5 are contained within five ACT Property Group owned facilities, one building owned by the Commonwealth Government and one which is in a private commercial operation. These leasing arrangements are relevant in considering the upgrade obligations and limitations under any proposed reforms. We also operate School Age Care services that are hosted using existing school facilities. As the ACT Government is the proprietor of these buildings, upgrades to the physical environment require layers of approval and planning involving third parties. Through submissions to the *National Disability Standards in Education* reviews, we have consistently raised how this dynamic severely restricts our capacity to perform basic upgrades or access facilities elsewhere in the school that may be beneficial to children with special needs.

As holders of the Licence for Children's Services Programs, YWCA Canberra is responsible for ensuring the building in which it operates and the equipment within these buildings is safe at all times and report to appropriate authorities if issues arise. For example, ACT Property

Group for buildings owned by the ACT Government, and relevant school principals where programs are managed in school buildings.

While we support the existing non-regulatory framework that permits waivers for unavoidable considerations such as heritage or emerging environmental circumstances, we urge the development of guidance and best practice to approved services on the selection, design and fit-out of potential sites to enhance the safety and wellbeing of children, staff and visitors.

Recommendation: Pursue non-regulatory reforms to develop guidance promoting the importance of facility design, maintenance and environmental checks in a way that facilitates supervision and safety of children at all times.

Recommendation: All newly designed and constructed schools must have a dedicated Outside School Hours space for School Age Care operations.

4) Responding to educator and staff member conduct

Child safety is a priority for YWCA Canberra's early learning services. We are accredited against the Australian Childhood Foundation's Safeguarding Children Accreditation Program. We support reforms to introduce a child safety focus, in addition to the existing child protection framework, into national standards.

As a provider of early learning services in both NSW and the ACT, YWCA Canberra has reporting obligations across both jurisdictions in the interests of child welfare and protection. The reportable conduct scheme is mandatory and requires all allegations to be reported to a regulator and investigated. In the ACT, YWCA Canberra is required to report allegations of child abuse and misconduct to the ACT Ombudsman and in NSW, to the Children's Guardian. Further to this, our internal policies and procedures are in place to help prevent and respond to allegations and instances of child abuse or maltreatment.

We understand that child safety training, however, is not mandated in any jurisdiction, and variations between the triggers for reportable conduct across jurisdictions create a patchwork of standards. Compared to NSW, the ACT's reporting obligations are limited, focusing primarily on ill-treatment and sexual and physical abuse whereas the NSW legislation encompasses a broader range of offences and maltreatment as well as the failure to intervene in or concealment of a child becoming a victim of abuse.

Inconsistent obligations create concerns that some reportable conduct is not being appropriately reported. This is particularly relevant in border regions where staff may work

across jurisdictions and reporting authorities. Internally, YWCA Canberra has a reportable conduct policy that applies to all employees employed by YWCA Canberra regardless of whether they work directly with children or not. Our policy is guided by principles of procedural fairness and privacy. We encourage staff to report suspicions of maltreatment to their line managers, regardless of whether it meets the threshold for reporting, allowing internal enquiries to commence. All allegations made by children, employees, volunteers or members of the public are taken seriously and investigated in line with this policy and the guidelines provided by the ACT Ombudsman and NSW Children's Guardian. Confusion, however, can arise when multiple investigatory bodies become involved, such as the ACT Ombudsman and the Children's Education and Care Assurance Authority (CECA). We address this in the section below under *additional recommendations*.

Recommendation: Pursue regulatory reform to introduce and outline inappropriate conduct as an offence applicable to approved providers, nominated supervisors, educators, other staff members, volunteers and FDC educators as outlined in the CRIS.

Recommendations: Mandate specifically identified annual child safe training that is recommended by and compliant with ACECQA

5) Additional recommendations

The multiple investigatory bodies can create confusion when meeting reporting obligations, noting that YWCA Canberra reports to CECA in the ACT, the Department of Education in NSW and the Australian Children's Education and Care Quality Authority (ACECQA) federally and to Access Canberra about WWVP obligations. The volume of compliance reporting, in addition to reporting obligations relating to safety, can create a bottleneck where the regulator triages responses. This can create delays for services undergoing accreditation. Given the emphasis on child safety and conflicting advice that may emerge between authorities, there is a need for child safety reporting to be distinctly resourced and prioritised within the regulatory framework. YWCA Canberra urges consideration for the creation of a third reporting tier to direct issues relating entirely to safety, which would have a similar role to an ombudsman.

Recommendation: Mitigate confusion by streamlining reporting obligations for child safety related issues to a dedicated entity which reports, on behalf of the Provider, to other relevant regulatory bodies.

