

NEWSLETTER

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The Office of the Guardian for Children and Young People advocates for and promotes the best interests of young people and children under the guardianship or custody of the Minister.

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"... some of the worst results we see for children are when people and organisations fail to work together closely and respectfully in the child's interests. "



Penny Wright
Guardian

Letter from the Guardian for Children and Young People

When the state takes over the parenting of a child, that parent has many faces, many hands and, hopefully, many hearts.

Pointing the way to a new and better child protection system, Commissioner Margaret Nyland wrote in her preface to [*The Life They Deserve*](#).

The new agency cannot operate in isolation. It should coordinate and collaborate with all other relevant departments and organisations, both government and non-government, to give children better outcomes. It must also be proactive and engage the community to play its part in developing programs and systems...

Many of the good things we see happening for children in state care, and we do see many good things happening in our work, happen when the hearts and the hands of adults come together to recognise and understand a child's needs and stay together to work through to a good outcome. The joy for the child, but also for the adults, is palpable. It is one of the reasons we do the work we do.

Sadly, some of the worst results we see for children are when people and organisations fail to work together closely and respectfully in the child's interests.

Our recent survey of the state of cooperation and collaboration in child protection asked respondents to rate levels of cooperation and collaboration. We chose 19 different relationships drawn from those identified in the work of Commissioner Nyland as being crucial to an effective child protection system. In analysing the results, we applied the standard that cooperation and collaboration should occur either 'frequently' or 'always'. By that standard only one of those critical relationships was scored as achieving a pass mark by 30 percent of the respondents. Most of the others were scored much lower and many were in single figures. There were two areas that had improved since an identical survey conducted in June 2017 but it's fair to say the improvements were small and were from a very low base. Allowing for the limitations of the survey, it is clear that respondents thought that we are still far short of Commissioner Nyland's ideal.

Just as useful for me, were many of the comments. There were a few heartening stories of good and effective cooperation but there were many more of key stakeholders being omitted from case planning and decision-making and important information remaining unshared. Many attributed the failures to workload issues but others referred to organisational culture, policy and training.

My office observed a sample of the Annual Reviews of young people in state care over a period of ten years to 2017. Annual reviews have been long mandated in the Department for Child Protection, and its earlier incarnations, in order to review the situation of each child and young person in state care. It is a time to reflect and review and plan for the child's future outside of the day to day pressures. It is a time to place a child at the very centre of thinking and caring. Annual Reviews occurred for up to 80 per cent of children in care in most years but attendance at these planning sessions by anyone other than social workers and supervisors was rare. In our report [*Office of the Guardian Audits of Annual Reviews 2007- 2017*](#) we summarised:

Most offices have, over the 10 years of these audits, conducted annual reviews with only Department staff present with carers represented occasionally and birth parents and other professionals very much the exception.

If, as Margaret Nyland concluded, cooperation and collaboration are essential to an effective child protection system then major cultural and practice change is essential. I am looking forward to supporting and contributing to such relationships, as my office grows into its new roles.

BACKPACKS FOR SA KIDS

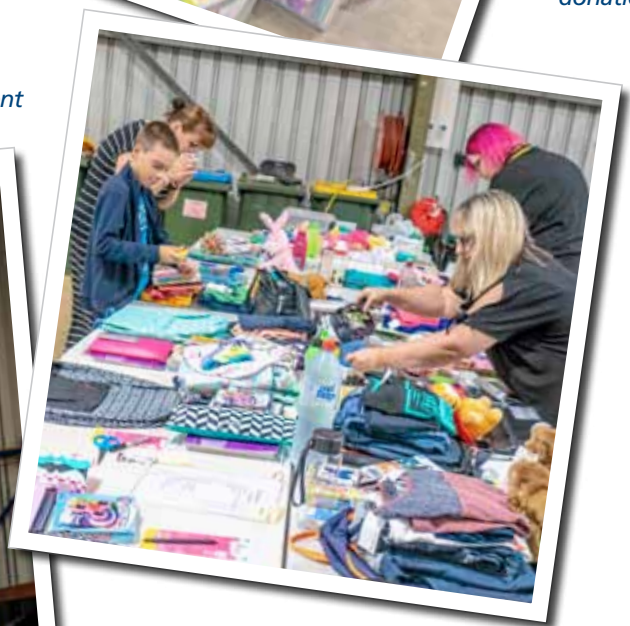
Rachael Zaltron, who set up and manages Backpacks 4 SA Kids took us on a tour of this amazing not-for-profit operating out of an industrial park north of Adelaide. It provides care packs for children and young people in state care and in homeless and domestic violence shelters.

"In 2017 we sent out 2,628 care packs to children and young people in state care and in domestic violence and homeless shelters as well as nearly 2,500 Christmas presents."



"80 per cent of what we send out comes from public donations."

"We supply to dozens of government and non-government organisations. Recently we signed an MOU with the Department for Child Protection about what we would supply and how it would be used."



"Most of the work is done by volunteers. We get 30 to 40 at each of our packing sessions."



"Backpacks contain the fun stuff like toys, games and books but also plenty of useful items like clothing and hygiene products."



"The content of each back pack is checked three times to ensure that the contents are of high quality and suitable for the child."

"Children volunteering from local schools and the community learn a valuable practical lesson in understanding and helping other young people."



"In the school holidays we are happy to see many children come in to volunteer packing the backpacks."



"We often ask young volunteers 'what would you want if this was your backpack?'"

"We are always on the lookout for another place where we can make a contribution. Last year we provided 52 'home starter packs' of everyday home items to families trying to set themselves up in new accommodation and we are doing that again this year."

"We keep in touch with our volunteers and supporters through our very active Facebook page and we have a brand new website."

"All of our back packs are matched for age or size and the gender. As adolescents seem to be getting bigger, we are now including some adult sizes."

You can get in touch with Rachael via Facebook, the website or at hello@backpacks4sakids.org or search on 'backpacks 4 sa kids'.

What's been done February – May 2018

Much of the effort of the Office had been into recruiting new staff and planning for a move into more spacious premises.

The Guardian, and Advocate Zoe Dalton, participated in a collaborative workshop with Child and Family Focus SA and Department for Child Protection (DCP) staff exploring means to build family-based care on February 16.

The Guardian presented to a DCP Frontline Workers' forum about the work of the Office on March 19 and 27 and to the DCP Registered Training Organization about the work of the office and building networks on 23 and 27 March.

Advocate Conrad Morris Conrad and the Guardian attended a meeting with the Grannies' Group as part of the Aboriginal Elders' Visiting Program on 3 April.

The Guardian and staff from the Office were invited to the end of term Assembly at Adelaide Youth Training Centre Education Centre where they were entertained by a staff and residents' band, fed by some of the residents and witnessed some of the resident's art and woodwork.

Child and young person's visitor program

The first two advocates will start in May. The protocol to evaluate the pilot has been signed off with Flinders University.

Training Centre Visitor

Intensive consultations with training centre residents will commence in mid-May to ensure their input into the design and objectives of the program. Travis and Principal Advocate Belinda Lorek already have met informally with many residents and have already responded to a number of individual resident concerns.

Belinda participated in a formal detention centre visit as a guest of the New Zealand Children's Commissioner to learn about their inspection model.

Penny Wright and the team will conduct information sessions for interested stakeholders once background material has been assembled and input received from the children and young people resident in the youth training centre.

Advocacy

In the quarter ending on 31 of March 2018, the Office received 56 in-mandate enquiries representing 74 children and young people.

Of these, 45 were request of advocacy, 10 were consultations about action that could be taken regarding children's circumstances and one enquiry was categorised as 'other'.

Another 10 were out-of-mandate enquiries and were referred on appropriately.

Monitoring of residential care

The Office's Advocates have conducted 16 monitoring visits to Department for Child Protection residential care sites and other sites managed by non-governments organisations.

During this quarter, the Advocate-Aboriginal Children, continued to focus on visiting Aboriginal Family Support Services houses and working with Aboriginal young people seeking advocacy.

Publications you may have missed

Among the publications the Guardian's office produced in the last quarter were:

A report from the January survey on the [state of collaboration and cooperation between organisations involved in child protection](#) overall and in particular [between staff of Government schools and the DCP](#) and [between foster carers and the DCP](#)

[An analysis of child protection expenditure in SA](#) drawn from the Report on Government Services 2016-17.

[A statement on the principles that should frame a model for secure therapeutic care in SA](#)

[An analysis showing the ongoing overrepresentation of Aboriginal children and young people in SA in state care and juvenile detention](#) drawn from the Report on Government Services 2016-17.



The whole team attended training on Enhancing Bi-cultural Awareness with Rosemary Wanganeen on 1 April

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The United Nations Convention on the Rights of the Child

The United Nations Universal Declaration of Human Rights is 70 in 2018 and of its many grandchildren, the most widely ratified is the [United Nations Convention on the Rights of the Child](#) (CRC). To mark the anniversary, this is the second in the [series of short articles](#) about understanding, promoting and safeguarding rights, particularly those of children growing up in care or detained in youth justice facilities.

The Universal Declaration of Human Rights is the foundation of international human rights law and has inspired more than 80 international human rights treaties and declarations. As time passed, and with reflection and experience, international human rights instruments have become more focused and specialised, to address the circumstances of specific social groups and their issues.

Before the Convention on the Rights of the Child

The CRC was not the first international attempt to protect the rights of children. It was preceded in 1924 by the Declaration on the Rights of the Child made by the League of Nations. The League was a forerunner to the United Nations which folded when it was unable to prevent the onset of World War Two. The Declaration was re-adopted in an extended version by the UN in 1959 as the Declaration on the Rights of the Child.

The date of its adoption, 20 November, has been adopted as [Universal Children's Day](#).

Like the Universal Declaration of Human Rights, the CRC is a global document that has been translated into over 500 languages and several [child-friendly versions](#). Nearly 200 countries are now party to the treaty, including every UN member except the United States. The US contributed significantly to the drafting of the CRC and signed it in 1995 but successive administrations, including those of Presidents Clinton and Obama, have failed to pass the necessary legislation to ratify it.

The CRC took 10 years to draft. It sets out the civil, political, economic, social, health and cultural rights of children. It defines a child as any human being under the age of 18, unless



the age of majority is otherwise defined locally. It was adopted by the UN in 1989. It entered into force in 1990 when it had been ratified by a required number of UN member states which had passed enabling legislation.

The Optional Protocols

In the succeeding years, three Optional Protocols (OP) have been added to the CRC to address particular issues affecting children. These are treaties in their own rights that provide for procedures with regard to the CRC or address a substantive area related to it.

The [OP on the involvement of children in armed conflict](#), sometimes known as the 'child soldier' treaty came into force 2002 at the same time as the [OP on the sale of children, child prostitution and child pornography](#).

The [OP on a communication procedure](#), which came into force in 2014, sets out an international complaints procedure for child rights violations, which enables children and their representatives to bring complaints about violations of their rights to the [UN Committee on the Rights of the Child](#) if they have not been fully addressed in national courts.

Supporting documents

The UN has also produced other documents to enhance the implementation of the CRC by member states. Two examples that are especially relevant to child protection and juvenile detention are the 1985 [Standard Minimum Rules for the Administration of Juvenile Justice](#) (known as the Beijing Rules) and the [Guidelines for the Alternative Care of Children](#).

Most UN documents tend to be discouragingly dry and text-heavy but we have a liking for the colourful material produced by the Scottish Children's Commissioner, especially this poster of the [UN Convention on the Rights of the Child](#).

Community visitor programs — what we can learn from Oakden?

[Oakden residents] lacked any voice themselves. They were entirely dependent upon others for their care and their safety”.

Commissioner Lander, p190 ¹.

There are many lessons to be learned from the report by Commissioner Bruce Lander QC on the events at the Oakden nursing home, many of which can be applied to other facilities in our state.

Residents of the Oakden facility should have been protected from abuse and mistreatment by layers of overlapping protections in the domains of many people at different levels of government, administration and service provision. They, their families and the community, would have expected government and senior departmental officers to provide adequate resourcing and oversight and have policies and procedures in place to ensure suitable levels of care, management and supervision. The training and professional standards of the staff working there should have provided another level of protection. Effective complaints procedures for residents and concerned others should have provided additional safeguards as should have accreditation inspections by external bodies. Finally, the residents of Oakden relied on community visitors to bring an independent and critical eye to the conditions they experienced.

Commissioner Lander set out in forensic detail how each of these layers of protection failed and his report sounds a warning for any organisation that provides care for vulnerable people in a closed or secure environment. He considered the operation of the relevant community visitor scheme (CVS) -

...consideration needs to be given as to whether the CVS in its current form is an appropriate safeguard for those suffering mental illness who are housed or treated in treatment centres, limited treatment centres, or authorised community mental health facilities. [p307]

Commissioner Lander’s critique of aspects of community visiting at Oakden raised questions for all such schemes, not just those visiting mental health services. The Guardian’s Office is currently in the process of establishing two separate community visitor schemes, so the issues he described are instructive as we attempt to craft models for the protection and wellbeing of young people in residential care and youth detention.

Should schemes use volunteers or paid visitors?

Volunteers are assumed to bring into the institution a set of expectations and standards reflective of those held within the broader community. Because volunteers are not paid, there can be potentially larger numbers of visitors within a given budget allowing more, and more frequent, visits. But is it reasonable or possible to expect volunteers to have or accept the rigorous selection process, training and complex tasks required of the role? Commissioner Lander noted that some visitors to Oakden may not have had the necessary skills and support to identify problems and to report and to intervene on behalf of residents. He favours a model in which visitors are paid, comprehensively trained, and operate within a rigorous model that has sound documentation and clear and effective accountability mechanisms.

¹ [Oakden: A shameful chapter in South Australia’s history](#)

This is the first part of a longer paper which also considers the use of volunteers as visitors, the concept of visiting versus inspection, unannounced visits, visitor independence and the place and value of visitor programs.

For the full version, download [Community visitor programs - what we can learn from Oakden](#) .



“... is it reasonable or possible to expect volunteers to have or accept the rigorous selection process, training and complex tasks required of the role?”