

NEWSLETTER

GPO Box 292, Adelaide, South Australia, 5001
email gcyp@saugov.sa.gov.au



Introducing the Office of the Guardian

What is the Office of the Guardian for Children and Young People?

The Office of the Guardian advocates for and promotes the best interests of young people and children under the care of the Minister for Families and Communities.

Why was it set up?

Children and young people who are in out of home care may not only experience the harmful effects of abuse and neglect in their home but also 'systems abuse'. This can be, for example, the consequences of gaps in services, multiple placements, a lack of belonging and connection. The Office is part of the State Government's Child Protection Reform Program announced in 2004.

Who do we work for?

We are an independent office reporting to the Minister for Families and Communities. Our main client group is children and young people in out of home care including, relative or kinship care, foster care, residential care, independent living, a health facility and secure care. A priority focus is given to Aboriginal and Torres Strait Islander children and young people and those with disabilities.

What does the Office of the Guardian do?

The Office of the Guardian has several main responsibilities:

- Provide independent monitoring of the circumstances of children and young people in out of home care.
- Assess the quality of their care.
- Advise the Minister, as the statutory Guardian, on whether the needs of children in his care and guardianship are being met, particularly on systemic issues affecting the quality of their care.

How does the Office of the Guardian do its work?

Our aim is to improve the quality of life and safeguard the rights of children and young people in out of home care. We proactively monitor standards of care. We can investigate the circumstances of a child or young person in out of home care who may be at risk of harm. We can initiate inquiries into systemic issues. We can examine care plans and review reports. We consult with children and young people in out of home care, their representatives and others with a direct interest in their welfare.

Contact us – ph (08) 8207 0794 or gcyp@saugov.sa.gov.au



Pam Simmons
Guardian

Letter from the Guardian for Children and Young People

This is the first public report from the Office of the Guardian for Children and Young People. In future this will be issued every quarter to update you on our activities. This first report covers the first six months of our activity. (Even I know a quarter of a year is three months!) With so much else to establish in this office we decided to defer the first report. Now that we have pens, paper, computers and phones we're steaming ahead.

The early months went by in a rush of meeting people, introducing the office and ourselves, and talking child protection non-stop. I take this opportunity to thank you all for your great generosity in sharing your experience and knowledge so readily and in welcoming the establishment of this Office. If I haven't visited you yet, remind me and I'll do so.

Following my early induction visits I was left with a strong impression of very committed people working hard to achieve the best they can for the children entrusted to their care and of families struggling to do what's expected of them. What I learnt in listening to people was that, despite best intentions, there are significant hurdles.

One of the many things I learnt about in my work at SACOSS was the under-expenditure in welfare particularly over the past 12 years. We have not just been treading water but sadly being swept backwards. While this has had an impact on workers with heavy workloads the greater impact is of course felt by those who need the services. I was reminded of this in hearing of one sole parent who had no community support or assistance in managing her mental illness and, as a consequence, was unable to care for her only child. This is just one story among many of the tragic results of the run-down in public and community services.

The increased expenditure on child protection in the last two State budgets is welcome and there is evidence of its impact already, though I expect for some it is too little too late. It is of great relief to see different models of alternative care re-introduced, a government commitment to priority access to services for children in state care, and a child protection policy with clear goals and across government responsibility and accountability.

But the job in child protection and family support has only just begun. Along with many other advocates this Office will be identifying need and arguing for response. The answer partly lies in additional budget allocations. The answer also partly lies in good work practice, supportive management and coordinated services. Part of the answer surely rests with the community as a whole sharing responsibility for the care of children. If this sounds too obvious and indistinct, examine it again, because it was one of the core messages I heard you say. Our challenge is to turn that in to

The Office of the Guardian works to improve services to children in care, promote and protect the rights of children and to strengthen their voice.

something concrete and clear. And there are plenty of examples where it happens. It's the private psychiatrist who commits to spending a half day a week with children in out of home care, it's the before school breakfast club run by volunteers, and it's the discussion about how we might better listen to what children have to say.

More on this later, but for now I hope you enjoy reading this first report and I welcome your response.

Pam Simmons, Guardian for Children and Young People

What's been done?

September 2004 – February 2005

In future issues of this report we will have fewer 'lists' of activities and explain in a little more detail the more interesting activities. For this first report we thought you may want to see the range of things we have done in these early days of establishing the Office.

Establishment

- Office set-up
- Annual budget
- Work plan for the first year
- Staff recruitment
- Policies and procedures (ongoing)
- Introductions and consultation

Consultation

- 76 interviews or workshops held
- 48 significant issues raised in the consultation requiring some follow-up

Advocacy

- Oral submission to the juvenile justice inquiry
- Mapping of complaints process
- Public speaking and media work
- Commenced revision of charter of rights of children and young people in care
- Contribution to discussion on legislative change, child safe organisations, annual reviews, CYFS complaints process, special investigations, information exchange and rapid response
- Intervention in individual matters

Monitoring

- Draft protocols for access to information (in consultation)
- Commenced attending annual review panels
- Implementation of rapid response commitment
- Development of the profile of children and young people in care

Investigation

- Individual matters (ongoing)
- Responsibilities for children housed temporarily in hotels
- Commenced investigation of issue of sexual abuse in care

We believe that children and young people in the care of the Minister can have the best services, be safe, well cared for and have their views heard and acted on.

The Guardian's role in Annual Reviews

One of the roles of the office is to provide independent monitoring of the circumstances of children and young people in out of home care. One means by which we can do this is to participate in the Annual Reviews of children and young people under Guardianship of the Minister.

As part of our orientation to this, we will be requesting that we 'sit in' on Reviews being conducted in several District Centres. After that, we will randomly select six Reviews to participate in each quarter. We will also participate in reviews of some cases that have been brought to our attention by someone advocating on behalf of a child or young person. Being part of a Review gives us an opportunity to see how things are going, or if there are any changes or improvements in the circumstances of that young person.

We will provide some level of external scrutiny and accountability to the process of Reviews and it is also an opportunity to identify systems issues that are affecting children and young people in care. It is an opportunity to advocate for those systems changes and to understand more fully the issues which workers and families have to deal with.

In the Review process itself, we are interested in ensuring that the voice of children and young people is heard and incorporated into decisions made, that children and young people under guardianship are receiving priority access to services and that case management plans reflect the renewed emphasis on interagency collaboration.

We look forward to the opportunity to get out and about a bit more, to meet staff and to exchange ideas and information on issues for children and young people who are under Guardianship.

Who are we working for?

The Profile Project

In the early months of our work we have been asked many questions about the group of children and young people under the Guardianship of the Minister. Questions such as what is their average age, how many are reunified with their families, are they safe in out of home care, how many succeed at school and what happens to them when they turn 18. Only some of these questions can we answer.

In order to understand better who we are working for and what changes over time for this cohort of children the Office is developing a profile of children and young people under Guardianship. To date we have drawn on existing data sources with the expectation that this will grow over the next few years into something more substantial and consistent.

Here's part of the profile:

- There were 1,362 children under Guardianship or custody of the Minister as at June 2004.
- 18.7% of them were Aboriginal or Torres Strait Islander children and young people.
- 48.5% were girls.
- 5.5% (75 children) had significant intellectual or physical disabilities and were receiving disability services.
- In mid 2004 78% were in foster care (national average is 53%), 16% with relatives or kin (national average 40%) and 1% in other home-based care (same as national average). Only 4% were in residential care with the national average also at 4%.
- Across Australia, 38% stated that they had been suspended or excluded from school. Fifteen per cent were achieving above average or well above average in school.

Let us know what you want to know about children and young people in care in South Australia.

Contact Angela Andary on 8207 0797 or andary.angela@saugov.sa.gov.au



Angela Andary
Senior Project Officer

Introducing Angela Andary Senior Project Officer

I am the Senior Project Officer with the OoG. I really wanted this job because it seemed to be a natural progression given my background and work experience. Also, having worked and advocated for the rights of adults, I saw this as an opportunity to work at the other end of the spectrum, advocating for the rights of children. It's also exciting to be part of the changes and reforms in the child protection system and to see the possibilities as a consequence of these changes.

My training is in social work and Family Therapy. I have worked in a variety of settings and I began my career in the Department for Community Welfare as a Community Welfare Worker (now CYFS for those who haven't been around as long as I have). I then moved on to being a mental health worker for a large country region, women's health worker in a community health centre and researcher in a large country hospital. I also worked for many years in the area of systems advocacy with the Office of the Public Advocate, advocating for the rights of people with a mental incapacity, investigating matters before the Guardianship Board and developing educational material on the legislation in 'user-friendly' language. More recently I joined the Department for Families and Communities and undertook a range of tasks including the drafting and preparation of CYFS Ministerials, assisting in the development of the guidelines for the Special Investigations Unit and conducting a Review of Special Investigations. In a sense I have come full circle, I am back in the area that I started in almost 20 years ago!

Not only do I have a fulfilling work life, but a very full and extremely satisfying home life. I live in bushland in the Adelaide Hills, have two children and at some stage in the future, I want to make goat's cheese.