

Guardian for Children  
and Young People

**Report on the Wellbeing of  
Children and Young People in  
Care in South Australia**

**2010-11**

March 2012



Government  
of South Australia

March 2012

Office of the Guardian for Children and Young People

GPO Box 2281

Adelaide SA 5001

DX 115

Ph 08 8226 8570

Fax 08 8226 8577

[gcyp@gcyp.sa.gov.au](mailto:gcyp@gcyp.sa.gov.au)

[www.gcyp.sa.gov.au](http://www.gcyp.sa.gov.au)

# Contents

<b>Background .....</b>	<b>1</b>
<b>1. This child is safe and feels safe.....</b>	<b>2</b>
1.1. Key message .....	2
1.2. Monitoring activity .....	2
1.3. Findings in 2010-11 .....	2
1.4. Response in 2010-11 to areas for attention .....	5
1.5. Discussion .....	6
1.6. Areas for attention.....	7
<b>2. This child is cared for in a placement that is stable and secure.....</b>	<b>8</b>
2.1 Key message .....	8
2.2. Monitoring activity .....	8
2.3 Findings in 2010-11 .....	8
2.4 Response in 2009-10 and 2010-11 to areas for attention .....	10
2.5 Discussion .....	10
2.6 Areas for attention.....	11
<b>3. This child has contact with family, friends and cultural community who provide emotional support and identity .....</b>	<b>12</b>
3.1 Key message .....	12
3.2 Monitoring activity .....	12
3.3 Findings in 2010-11 .....	12
3.4 Response in 2009-10 and 2010-11 to areas for attention .....	15
3.5 Discussion .....	16
3.6 Areas for attention.....	17
<b>4. This child has knowledge of and participates in decisions that affect him or her.....</b>	<b>16</b>
4.1 Key message .....	18
4.2 Monitoring activity .....	18
4.3 Findings in 2010-11 .....	18
4.4 Response in 2009-10 and 2010-11 to areas for attention .....	22
4.5 Discussion .....	22
4.6 Areas for attention.....	23

## Background

One of the statutory functions of the South Australian Guardian for Children and Young People is to monitor the circumstances of children under the guardianship, or in the custody, of the Minister.

The Wellbeing Report brings together the observations and data gathered by the Office of the Guardian in 2010-11 to report on the wellbeing of children and young people under the guardianship or in the custody of the Minister/s (children and young people in care). Monitoring data is collected under 12 quality statements derived from the 37 rights in the *Charter of Rights for Children and Young People in Care*. For 2010-11, the Office has focussed its reporting on four quality statements.

The Office calculates that it has some knowledge of almost one in three of the 2,400 children in care and the nature of the Office's outreach activities means the Office sees proportionally more in residential settings than in private homes. We are aware of the need not to detract from the good work done by so many adults caring for children while at the same time highlighting areas of concern.

The information in this report is collected from:

- Observations and conversations with children, young people and workers during visits to residential care and youth training facilities.
- Audits of annual reviews conducted in Families SA offices. In 2010-11 the Office of the Guardian attended reviews of 12 per cent of children and young people on long-term orders.
- Analysis of requests to this Office for intervention some of which required restricted action and some of which were investigated further.
- Data provided by the then Department for Families and Communities and the then Department of Education and Children's Services.<sup>1</sup>
- A bi-annual review of safety records in youth training centres.
- A survey of participation by children and young people in decisions made about them.
- An inquiry into contact among siblings who are in state care.

---

<sup>1</sup> In October 2011, Families SA (child protection and family welfare) was moved to a new Department for Education and Child Development. The Department for Families and Communities is now the Department for Communities and Social Inclusion, and includes Youth Justice.

## 1. This child is safe and feels safe

### 1.1. Key message

Most children in care are safe. More than nine out of ten children and young people have a trustworthy adult present or available to them. Young people in large residential facilities appear to be the most vulnerable to harm or risk, for a number of reasons. The use of physical restraint in response to incidents of non-compliance or violence, remains stubbornly high in the youth training centres.

### 1.2. Monitoring activity

The findings are based on an audit of 12 per cent of annual reviews for children under long-term care and protection orders, regular but infrequent visits to residential and secure facilities, record of presenting issues in requests to the Office for assistance, review of written records in youth training centres, and record of allegations of sexual abuse in care.

Some of the data reported here is subject to adjustment by the Departments as more information becomes available. The conclusions should be treated with caution because of the Office's limited capacity for active monitoring and the provisional nature of the data.

### 1.3. Findings in 2010-11

#### 1.3.1 Requests for assistance

Of the 111 requests for assistance made to the Office, 10.8 per cent of callers had concerns for the child's safety as a significant factor, well down from the 38 per cent of callers in 2009-10 but similar to the 11 per cent in 2008-09.

#### 1.3.2 Allegations of sexual abuse in care

The Office is notified by the Department's Special Investigation Unit of *allegations* of serious sexual abuse of children in care. The role of the Office is to monitor the progress of the investigations and to ensure that the child has an advocate. This is done in cooperation with the Special Investigations Unit, the South Australian Police and the Office of the Director of Public Prosecutions.

In 2010-11, 67 notifications were referred to GCYP for monitoring. In the reporting period, the Office received more than one notification for five individual children and young people. The record here is of allegations only which would then be investigated. It is *not* a record of substantiated abuse.

The Office's record of allegations of serious sexual abuse in care (N= 67) shows that 43 per cent of the children, who were subjects of the notifications, lived in foster care. Twenty two (33 per cent) of the allegations involved children and young people in residential care which is disproportionately high, with about six per cent of all children in care living in some form of residential care, excluding interim emergency care. The reasons for this are complicated and part of the explanation lies with an increased scrutiny and likelihood of reporting. However part of the explanation, supported by closer review of the nature of the incidents, is the increased risk of abuse between peers when accommodating young people with very high needs together.

When analysing *peer on peer* serious sexual abuse over a longer time frame of 30 months, notifications occurred 1.3 times more often in a large residential facility than in other residential care.<sup>2</sup> The risk comparison escalates when compared to family based care, with an incident occurring 4.5 times more often in a large residential facility. Of the 76 notifications of peer on peer serious sexual abuse, 36 occurred in the facilities accommodating between 10 and 12 young people. This abuse is occurring despite safety measures such as door alarms, locks and policies of children not entering others' rooms.

### 1.3.3 Visits to residential care

Record of observations and comments during the Office's visits to children and young people in residential care suggest that residents have varied experiences of feeling safe in their placements and in the community. Many residents gave positive reports about feeling safe in their residence and the advocates recorded that, in most settings, the staff have developed individualised strategies for protecting residents from harm. The advocates observed sound supervision in many residential settings but some locations appeared to tolerate bullying and more rarely, incidents of violence. Residents who had disabilities were more often the target of the bullying and violence than residents without disabilities.

There appears to be a persistently high number of reports of 'missing persons' but we did not seek the data on this in 2010-11 to confirm or deny the impression.

*Families SA, Department for Education and Child Development response, March 2012*

*An assessment tool and new practice guidance to assist staff in responding to young people who run away has been introduced. This includes improved collaboration with SA Police.*

---

<sup>2</sup> The large residential facilities have lower staff to resident ratios which heightens the risk because of constraints on supervision and one-on-one interaction.

*The Families SA practice guide and residential operating procedures provide guidance on intervention in instances of bullying and violence. This includes cyber bullying.*

#### **1.3.4 Visits to training centres**

In the youth training centres for young people on remand or detention for offences, there continues to be improvement in responding to residents' concerns about safety and other matters. The complaints system is well used, with 139 written complaints in the year, compared to 93 in 2009-10.<sup>3</sup> There were some issues of significant time lags between complaint and response at the Magill site which have now been addressed. Residents' advisory groups met throughout the year. On limited evidence it appears that investigations of formal allegations of abuse or deficiency in care have been completed promptly.

In 2010-11 Families SA undertook a thorough review of their behaviour management training, partly in response to the 2009 Guardian's report and recommendations on the use of physical restraint.

The number of critical incidents is a crude indicator of safety, but incidents are almost always a threat to safety or perceived safety. How critical incidents are responded to is a better indicator of safety. The number of incidents in the two youth training centres totalled 274 in 2010-11, down from 311 the year before (267 in 2008-09). At Magill there were 25 records of incidents missing. The use of physical restraint in responding to incidents rose again to 148 occasions, from 134 in 2009-10 (119 in 2008-09).

The incident reports at Magill Training Centre suggest that 24 hour separation was used as a standard response to poor behaviour but few reports included plans for addressing the behaviour issues, reviews of the decision, or assisting with re-integration on completion of the separation.

Residents' views about the incidents and responses to incidents are now usually sought, although there remain persistent issues about the timeliness of seeking their views.

The length of stay in detention cabins is now only for short periods, that is, under an hour, which is a significant difference to the early days of monitoring in 2006. Both centres have adopted a risk assessment and review procedure which requires greater cooperation among staff in responding consistently to residents at high risk of harm. This appears to be well accepted by staff.

---

<sup>3</sup> Due to the timing of the official visits to review records, the 'year' refers to September 2010 to August 2011.

No regular resident surveys have been undertaken which would monitor perceptions of safety, and the exit interviews are rarely conducted.

Visits to the Centres by GCYP advocates have unearthed some significant issues of bullying behaviour among residents at both sites. This is not unexpected. However, the systemic response to bullying behaviour is patchy and not integrated with information and communication strategies.

*Youth Justice, Department for Communities and Social Inclusion response, March 2012*

*From 27 February 2012, monitoring and review of critical incidents in Training Centres will be significantly enhanced with a new Incident Recording system. Operational procedures are also being reviewed in relation to incident reporting to ensure that senior management review all serious incidents.*

### **1.3.5 Audit of annual reviews**

Safety cannot be guaranteed by the presence of a trustworthy adult in a child's life but it can be enhanced. The Office's audit of annual reviews for 2010-11 suggests that most children in care have the presence of a trustworthy adult but a significant minority do not. This observation is based on:

- Eight per cent of children and young people, (19 of a total 246), including ten adolescents approaching independence, did not have any significant connections beyond Families SA.
- Twenty-one (nine per cent) who were allocated a social worker received less than the recommended monthly face-to-face contact, including 13 children who were receiving a differential case management response. Eighteen children (seven per cent) had been allocated to their current worker for less than three months and eight children (three per cent) were not allocated. In total then, 19 per cent of children and young people whose cases were reviewed did not have regular contact with the same case worker.

## **1.4. Response in 2010-11 to areas for attention**

The 2009-10 report had two critical areas for attention in the chapter on safety.

### **1.4.1 A commitment to replace the large residential facilities in the near future and, in the meantime, to reduce the number of residents in the six older-style facilities.**



The commitment to replace the six older large residential facilities was made by the Minister for Education and Child Development in early November 2011 with the replacements to commence in mid-2013 and completed in 2016. There was no commitment to reduce the number of residents in the meantime.

**1.4.2 A different approach to staff training on ‘use of force’ in the two youth training centres, adopting an intervention model that favours non-physical approaches and professional behaviour management.**

In 2011 the behaviour management training in the youth training centres was thoroughly reviewed. While new training is being arranged, Youth Justice (DCSI) suspended the ‘use of force’ training provided by SAPOL.. *Youth Justice, Department for Communities and Social Inclusion response, March 2012*

*Youth Justice has recently endorsed a framework which supports innovative behaviour arrangement and approaches based on structured assessment and case planning. Since November 2011, Non Violent Crisis Intervention training is now conducted for all staff with an emphasis on de-escalation.*

## **1.5. Discussion**

The audit of annual reviews suggests that most children in care are safe. Evidence from other sources suggests that young people in residential care are at higher risk of being unsafe. This is partly explained by an increased likelihood of reporting allegations of abuse or running away and because the young people accommodated in residential care usually have very high needs, including disabilities. The government’s decision in November 2011 to gradually replace the large old residential facilities was welcomed by many.

The use of physical restraint remains stubbornly high in the state’s training centres for young people who have, or are alleged to have, offended. The impact of a new approach to behaviour management has yet to be felt. The missing records of critical incidents at the Magill site is worrying for a number of reasons, not least because there are no documents to confirm or deny allegations of abuse or non-compliance with procedures.

## **1.6. Areas for attention**

**1.6.1 The planned reform in residential care would include a strong commitment to therapeutic services and approach, highly skilled residential workforce and small facilities of only three or four residents.**

**1.6.2 Closer monitoring of critical incidents by youth justice managers and a timely review by supervisors to all incidents of use of restraint so that alternatives are thoroughly considered. (see response in 1.3.4)**

## **2. This child is cared for in a placement that is stable and secure**

### **2.1 Key message**

The majority of children are in stable and secure placements but the audit of annual reviews suggests that there has been a worrying decline in security of placements with more long term placements under strain.

### **2.2. Monitoring activity**

The findings are based on an audit of 12 per cent of annual reviews for children under long-term care and protection orders, receipt of data and information from Families SA, regular but infrequent visits to residential facilities, and record of presenting issues in requests to the Office for assistance.

Some of the data reported here is subject to adjustment by the Departments as more information becomes available. The conclusions should be treated with caution because of the Office's limited capacity for active monitoring and the provisional nature of the data.

### **2.3 Findings in 2010-11**

#### **2.3.1 Audit of annual reviews**

The Office's audit of annual reviews showed that 68 per cent of children or young people were in stable, long-term placements.<sup>4</sup> This is a considerable decline from 83 per cent in 2009-10. The audits indicated a sharp rise in the number of longer term placements experiencing stress and an increase in short-term placements. Of most concern were four young people whose circumstances were unknown and six young people who had 'self-placed' and were reported to be moving between family and friends.

Nine per cent (23 children) had experienced ten or more placement changes during their time in care, including emergency, short-term and respite while waiting on longer-term placements. Six of the 23 children and young people had a history of running away from placements.

---

<sup>4</sup> The assessment of instability includes recent or pending placement changes and those long term placements which are under strain and there is high likelihood of a placement change.

Unsurprisingly, children aged 6 to 14 years, who had experienced significant trauma and exhibited challenging behaviours had the most placement instability.

### **2.3.2 Requests for assistance**

Of the 111 requests for assistance made to the Office, 43.2 per cent of callers had concerns about placement stability as a significant factor, down slightly from 49.1 per cent in 2009-10 but risen slightly from 40.4 per cent in 2008-09.

### **2.3.3 Children in emergency care**

The number of children in emergency placements has steadily risen over the past four years from 132 in June 2008 to 172 in June 2011. However, the greater proportion is now accommodated in government and non-government residences, rather than in commercial motel-type accommodation.

In June 2008 there were 70 children accommodated in motel-type accommodation which had fallen to 54 by June 2011.

### **2.3.4 Aggregate data**

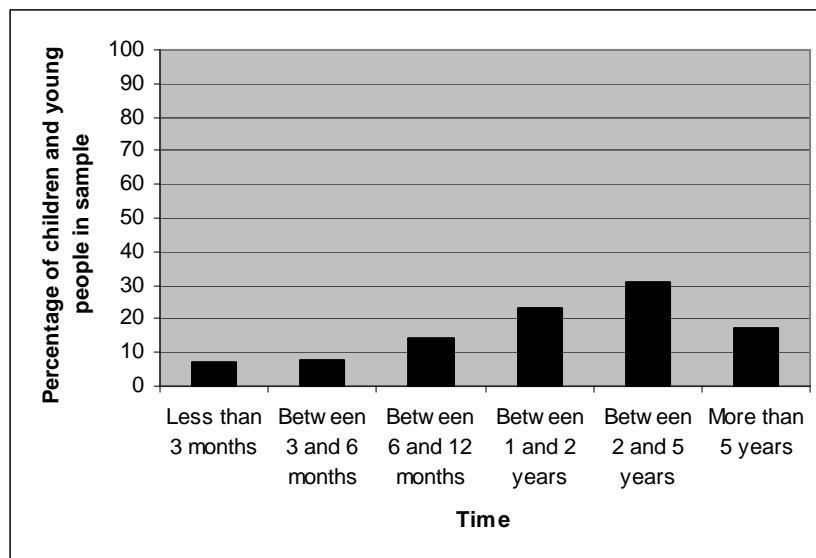
From data provided by Families SA, there has been little significant change in the past four years in the number of placements children in care experience, although there has been a fall from 18.0 per cent who had more than ten placements in June 2008 to 14.4 per cent in June 2011. (See 2.4.1 for further detail.)

### **2.3.5 Case file evidence**

In 2011 GCYP conducted an inquiry into what children say about contact with their siblings and the impact sibling contact has on their wellbeing. As part of the inquiry 100 case files of children were examined. Background data included information about the length of time in their current placement.

Forty-eight per cent of the children and young people within the sample had been living in their current placement (at the time of the data collection) for at least two years. Fifteen per cent of children and young people were in newly-established or temporary placements (six months or less). *Graph 1* illustrates the length of time children and young people had been in their placements at the time of data collection.

Graph 1 – Length of placement



### 2.3.6 Visits to residential care

Most children and young people in residential care had definite ideas about where they wished to live and why. Unsurprisingly, residents on short term court orders talked of a high sense of instability and lack of certainty about their immediate future. Staff appeared to recognise this insecurity and to support residents as best they could. Older residents often spoke about trying to prepare themselves physically and emotionally for moving to independent living, with some considerable anxiety and frustration with delays in answers to questions.

## 2.4 Response in 2009-10 and 2010-11 to areas for attention

The **2008-09 report** had two critical areas for attention in placement stability and security.<sup>5</sup>

### 2.4.1 Further falls in the number of children staying temporarily in motel-type accommodation.

As at the end of 2008-09 there were 49 children in motel-type accommodation and 37 had been in this emergency placement for over 60 days. At the end of 2010-11 the number was 54 and 45 had been there for over 60 days. The numbers at this 'point in time' have therefore risen. The total number fluctuates significantly from one day to the next and this is in the context of an average eight per cent growth per annum in numbers of

<sup>5</sup> This topic was not reported on in the 2010-11 wellbeing report.

children in care. The trend from 2008 is a slow decline overall. Of greater concern is the small rise in the number of children who have been in their emergency motel placement for over 60 days.

#### **2.4.2 The development of an alternative care plan that articulates the future directions for alternative care in achieving security, choice and stability.**

In September 2011, the then Department for Families and Communities released its *Directions for Alternative Care in SA 2011-2015*.

### **2.5 Discussion**

Based on the audits of annual reviews and requests for assistance to the Office, placement instability is an issue for a sizeable minority of children, and a *pressing* issue for an increasing number of children and young people.

The number of children in emergency care continues to rise. The greater proportion of emergency placements are now provided by alternative care providers rather than arrangements with commercial business for casually employed carers.

The trend data for the number of placements a child experiences suggest that a smaller proportion of children have a very high number of placement changes.

### **2.6 Areas for attention**

**2.6.1 No child or young person resides in motel-type emergency accommodation for over 60 days, unless it is in her or his best interests to do so.**

**2.6.2 An implementation plan to accompany the alternative care directions document would say how and when the strategies will be implemented and how the critical outcomes will be measured.**

### **3. This child has contact with family, friends and cultural community who provide emotional support and identity**

#### **3.1 Key message**

Good efforts are made to ensure children have contact with their family, particularly with parents and grandparents. Frequent and regular contact with their siblings is less assured. There is some evidence to suggest that one in five Aboriginal children do not have specific information about their cultural heritage.

#### **3.2 Monitoring activity**

The findings are based on an audit of 12 per cent of annual reviews for children under long-term care and protection orders, a case file audit of contact with siblings, regular but infrequent visits to residential facilities, and record of presenting issues in requests to the Office for assistance.

Some of the data reported here is subject to adjustment by the Departments as more information becomes available. The conclusions should be treated with caution because of the Office's limited capacity for active monitoring and the provisional nature of the data.

#### **3.3 Findings in 2010-11**

##### **3.3.1 Audit of annual reviews**

The Office's audit of 246 annual reviews recorded that in 227 cases (92 per cent) the panel was able to identify at least one significant adult in the child's life. The significant adult was the mother or father, a carer or a relative who provided emotional support. This is consistent with results from the last three years.

For the remaining 19 children and young people (eight per cent) the panel could not identify significant connections beyond that of their siblings and/or Families SA social workers. Ten of this group were adolescents approaching independence.

For the most part, good efforts, and in some cases exceptional efforts were made to ensure family contact was maintained. However, for 28 children and young people (11 per cent) there were significant difficulties in maintaining family contact. The difficulties comprised of:

- Three children and young people who did not want contact with birth parents, and this was respected by Families SA.

- In eight cases there was evidence that the birth parents refused contact with their children, the parents' whereabouts were unknown, and/or there had been significant time without contact between Families SA and the birth parent(s). In three of these cases, the panel recommended Families SA initiate contact with birth parent(s) seeking to promote a future relationship with the child.
- In five cases information was presented that indicated carers undermined contact arrangements.
- In the remaining 12 cases, the panel recommended actions, including consultations, for example with Principal Social Workers, Principal Aboriginal Consultants or the child's counsellor/therapist to improve the child's sense of belonging and connections with family.

The connections between siblings in separate placements remain an issue. A variety of contributing factors were noted. The separation of multiple siblings across regions within the state had contributed to a lack of formal contact arrangements for children. Where formal contact plans were lacking, planning and coordinating ad hoc arrangements did not tend to be a case management priority. In three cases, it was reported that the carers made repeated attempts to facilitate sibling contact but had encountered a lack of cooperation and coordination with siblings' carers. In some cases, sibling connections had been thwarted by transport issues, often reported as a lack of volunteer drivers.

Thirty-seven cases of Aboriginal children and young people were reviewed, or 15 per cent of the total number of reviews audited. Twenty-three Aboriginal children (62 per cent) were placed with their extended family or with Aboriginal carers at the time of their annual review.<sup>6</sup> Ten of the remaining 14 children and young people resided in non-Aboriginal placements which was either foster care or residential care.

In 28 of the 37 cases, there was evidence that the children and young people were provided with information about their cultural heritage and had opportunity to engage in activities to promote their cultural identity (this included children and young people placed with non-Aboriginal carers). In 17 cases a cultural identity plan had been prepared.

However, in eight cases of the 37 Aboriginal children and young people, Families SA did not have documented information on the cultural heritage of the child.

The Aboriginal Life Story Books were introduced in 2009. In 13 cases the Aboriginal Life Story Book had been commenced. In seven cases, it was reported

---

<sup>6</sup> In 2009-10, 73 per cent of the Aboriginal children were placed with their extended family or with Aboriginal carers.



that due to the child's age and/or their living in community, a Life Story Book had not been provided. Of those children and young people in non-Aboriginal placements (excluding four living independently) only five of the 14 children and young people had an Aboriginal Life Story Book.

Eight children and young people of former refugee backgrounds had their cases reviewed. All of the children were placed with their extended family or with carers within their culture. All of the children had connections with their cultural communities.

### **3.3.2 Case file evidence**

In 2011 GCYP conducted an inquiry into what children say about contact with their siblings and the impact sibling contact has on their wellbeing. As part of the inquiry, 100 case files of children who had siblings were examined for evidence of how sibling relationships were defined, and the decision making and planning for sibling contact.

Relevant to the topic of family contact the following evidence was recorded:

- Of the 100 files examined, the topic of family contact had been discussed in the prior 12 months in supervision sessions in 57 cases. Predominantly supervisory discussion was a review of existing arrangements. Only four cases recorded a discussion about the child's views of family contact.
- Within the sample group of 100, 34 children and young people resided with all of their siblings, 25 resided with some siblings, but not all, and 41 children were separated from all siblings.
- Nearly 50 per cent of the children were members of large sibling groups of four or more children.
- Of the 66 children and young people who were separated from at least some of their siblings, there were 18 cases that documented that the separation was in the best interests of the child. In 34 cases (of the 66) there was other information that explained the separation of siblings. In 16 cases there was no explanation for the separation.
- In 45 per cent of the total 100 cases, the child or young person's views about residing with their siblings was documented in the prior 12 months. The child or young person's views would not have been available in 15 per cent of cases due to the child's age and/or capacity. Therefore, 40 per cent of files did not document the child's views in the preceding 12 months.
- Forty-six children and young people (of the 66 separated from siblings) had sibling contact arrangements detailed on their case records. Just over half of

those were arranged on a monthly basis and in only 11 cases was the arrangement more frequent than monthly.

- Of the 46 with contact plans, Families SA supervised the sibling contact in 26 cases. In eight of these cases the sibling contact coincided with contact with other family members.
- Carers facilitated sibling contact in 16 cases (of the 46 with contact plans). There were two additional cases (to the 46) that noted informal contact arrangements facilitated by the children's carers. Three case records indicated that there was some level of obstruction to sibling contact from carers.
- A professional opinion, provided by a psychologist, Aboriginal consultant, senior social worker or therapist, regarding sibling contact was documented in 45 of the 66 cases where siblings were separated.

### **3.3.3 Visits to residential care**

The Office of the Guardian's advocates report that most children and young people in residential care were having regular contact with friends and family. Some sought more consistency or frequency in family contact. A number of Aboriginal young people were connected to their culture through family, mentors or cultural activities but again, some were seeking greater connection and information about their histories.

### **3.3.4 Requests for assistance**

Of the 111 requests for assistance, contact with family, friends and cultural community was relevant to 22.5 per cent of matters. This compares with 17.5 per cent in 2009-10 and 47.5 per cent in 2008-09.

## **3.4 Response in 2009-10 and 2010-11 to areas for attention**

The **2008-09 report** had two critical areas for attention in relation to contact with family, friends and cultural community.<sup>7</sup>

### **3.4.1 Annual reviews should note a child's satisfaction with contact with their siblings, where they are separated.**

A child's satisfaction with contact with their siblings is not systematically considered in annual reviews. The 2011 Guardian's inquiry into the significance of sibling contact recommended that children's views be sought and considered (Recommendation 1) and decisions about contact be reviewed at least annually (Recommendation 4).

---

<sup>7</sup> This topic was not reported on in the 2010-11 wellbeing report.

### **3.4.2 Review the access to mentors to identify why there is reported inconsistency.**

Access to mentors has been better coordinated in the past two years through centralising the approval and payments. Families SA report that there is no shortage of mentors, but some inconsistency in quality of service and length of time the mentors remain engaged.

## **3.5 Discussion**

Based on the audits of annual reviews, good efforts are made by Families SA and carers to ensure that contact with family members is maintained. Frequent contact between separated siblings is harder to ensure. Most of the contact appeared to be monthly. Sixty six of the 100 children whose case files were viewed, were separated from at least some of their siblings. Nearly half of the 100 children whose case files were viewed were members of large sibling groups of four or more. In most cases sibling separation was because of lack of placement choices and only 18 of the 100 files had evidence that the decision to separate was in the best interests of the child.

The child's views about the situation with their siblings were recorded in 45 per cent of cases in the prior 12 months. The Office's visits to young people in residential care suggest that some young people want more consistency and frequency of contact with family.

Visits to young people in residential care also found that most Aboriginal young people (of a small number) were connected to their culture and community through family, mentors and cultural activities but some wanted closer connections. The audits of annual reviews, which included 37 Aboriginal children and young people, found that 28 of them had been provided with information about their cultural heritage and in 17 cases a cultural identity plan had been prepared. For eight of the 37 children, Families SA did not appear to have information on the cultural heritage and background of the child.

*Families SA, Department for Education and Child Development response, March 2012*

*Families SA acknowledges that every child in care should have a Life Story Book, including cultural and heritage information for Aboriginal and Torres Strait Islander children and young people. Families SA can commit by 2012-13 to 90 per cent of Aboriginal children having documented information on their cultural heritage and genograms (family maps).*

*Families SA need to rethink the structuring of Cultural Identity Plans and Life Story Books and cannot commit to 90 per cent in that timeframe.*

### **3.6 Areas for attention**

**3.6.1 Children's views about contact with their siblings be sought and considered as part of the annual review process and decisions about contact arrangements be reviewed at least annually.**

**3.6.2 By 2012-13, 90 per cent of Aboriginal children have specific information on their cultural heritage and background, though cultural identity plans, up-to-date genograms and Aboriginal Life Story Books. (see 3.5 above)**

## 4. This child has knowledge of and participates in decisions that affect him or her

### 4.1 Key message

Almost three in four children and young people are satisfied with their participation in major decisions but there is limited record of their views. Their views are not routinely considered when their circumstances are being discussed.

### 4.2 Monitoring activity

The findings are based on an audit of 12 per cent of annual reviews for children under long-term care and protection orders, a case file audit of contact with siblings, regular but infrequent visits to residential and secure facilities, record of presenting issues in requests to the Office for assistance, and a survey of children's views.

Some of the data reported here is subject to adjustment by the Departments as more information becomes available. The conclusions should be treated with caution because of the Office's limited capacity for active monitoring and the provisional nature of the data.

### 4.3 Findings in 2010-11

#### 4.3.1 Audit of annual reviews

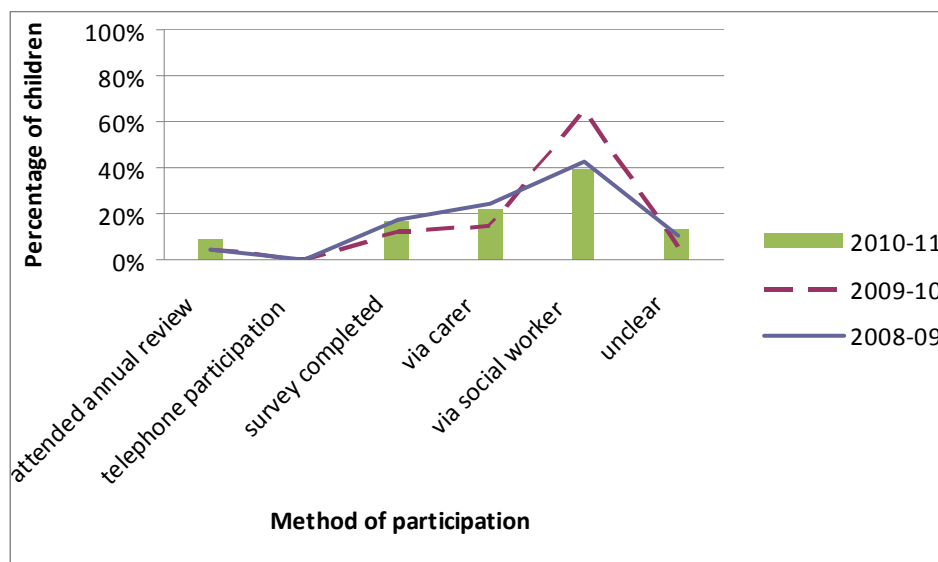
Twenty-two children and young people (nine per cent) were supported to attend the annual review of their circumstances.<sup>8</sup> Additionally 40 children and young people (16 per cent) participated by completing a survey.<sup>9</sup> At 25 per cent direct participation, this is an improvement on the rates obtained previously<sup>10</sup>. Graph 2 illustrates the child's means of participation in their annual review. The audit looks for evidence of effort to include children and young people in ways appropriate to their age and development. For example, a child of five years who has the opportunity to express their views to the social worker, who in turn, represents these views to the panel is considered to have indirectly participated. A child of eight years who is assisted to complete the survey has directly participated.

---

<sup>8</sup> In 2009-10, eight children and young people (four per cent) attended their annual review.

<sup>9</sup> Guardianship Annual Review, Appendix B – Child or Young Person Survey, available to all case workers on the Families SA Intranet>Guardianship and Alternative Care>Forms and templates.

<sup>10</sup> In 2009-10, 16 per cent, and in 2008-09, 21 per cent of children and young people directly participated in the annual review of their circumstances.

**Graph 2 Child's means of participation in annual review**

It was reported that surveys were distributed to another 15 children and young people but not returned at the time of the annual review. Based on this, the participation rate could have been 30 per cent. There were a number of cases in which it was acknowledged that the child and carers had not been told about the annual reviews.

In 96 cases (39 per cent) the social worker spoke in detail about the child or young person's involvement in case decisions and demonstrated a thorough knowledge of the child's views.

The voice of the child was absent or unclear in a total of 31 cases (13 per cent), for a number of reasons. There were 11 instances of the allocated social worker having no knowledge of the child's or young person's views, often due to a lack of contact with the child or young person. There were also six cases in which it was reported that the carers prevented or blocked independent contact between the child and social worker or refused to engage with Families SA. There were five cases in which young people expressed their desire to not have Families SA involved in their lives and therefore declined the invitations to participate.

#### **4.3.2 Requests for assistance**

Of the 111 requests for assistance made to the Office, 17.1 per cent of callers had concerns about participation of children and young people in decisions.

#### 4.3.3 Survey of children's views

In 2011 GCYP undertook a survey of children and young people's views about participation in decisions. Ninety-two completed the survey and they were aged between 4 and 18.

- In answer to the question: *Does your social worker ask for your views on important things like school, home, seeing your family or sport?*, 39 per cent said they were asked most of the time and another 33 per cent said they were asked all of the time.
- In answer to the question: *Does your carer ask for your views on important things like school, sport, when you must be home, clothes and photos?*, 43 per cent said they were asked all of the time and another 33 per cent said most of the time.
- In answer to the question: *Do people explain decisions made about you?*, 36 per cent said all of the time and another 33 per cent said most of the time.
- In answer to the question: *Do people listen to what you want?*, 40 per cent said all of the time and 33 per cent said most of the time.

#### 4.3.4 Views about sibling contact

In 2011 GCYP conducted an inquiry into what children say about contact with their siblings and the impact sibling contact has on their wellbeing. As part of the inquiry 100 case files of children who had siblings were examined for evidence of how sibling relationships were defined, and the decision making and planning for sibling contact.

Relevant to the topic of participation the following evidence was recorded:

- In 45 per cent of the total 100 cases, the child or young person's views about residing or not with their siblings was documented in the prior 12 months. The child or young person's views would not have been available in 15 per cent of cases due to the child's age and/or capacity. Therefore, 40 per cent of files did not document the child's views in the preceding 12 months.
- Of the 46 cases that documented sibling contact arrangements, 29 case records contained the child or young person's views about sibling contact. The child or young person's view was not documented in another two cases, and fifteen children were not able to express a view due to their age and/or capacity to contribute their view. In 24 of the 29 cases documenting the child's views, the arrangements reflected these views.
- Forty-eight cases documented the child or young person's satisfaction with their circumstances of care related to placement and family contact. However, another 13 cases documented the child or young person's dissatisfaction. Fifteen children and young people, due to their age and/capacity limitations,

were not able to contribute their views regarding satisfaction. Therefore, in 24 cases the child or young person's satisfaction with their circumstances of care had not been documented in the preceding 12 months.

#### **4.3.5 Visits to residential care**

Children and young people's participation in decision making varied across residential settings. Some held regular residents' meetings or had other methods for seeking residents' ideas. In other houses young people sought more opportunities for a say and negotiation. Many residents were satisfied with their participation in decision making with their social worker and reported being provided with choices and frequent consultation. Some were frustrated with their lack of involvement in decision making and sought more timely communication about decisions such as placement changes or schooling.

#### **4.3.6 Visits to youth training centres**

In the youth training centres there continues to be improvement in responding to residents' concerns. The complaints system is well used, with 139 written complaints in the year, compared to 93 in 2009-10.<sup>11</sup> There were some issues of significant time lags between complaint and response at the Magill site which has now been addressed. Some residents said they had little faith in the complaints process and, to some extent, there is a view that complaining is "dobbing" and to be discouraged. There have been a few reports from residents about intimidation from staff when the residents want to make a complaint but this did not appear to be widespread.

Residents' advisory groups met throughout the year and residents reports that they value the opportunity to talk to the Manager about conditions in the Centre.

Residents' views about critical incidents and responses to incidents are now usually sought, although there remain persistent issues about the timeliness of seeking their views.

No regular resident surveys have been undertaken and the exit interviews are rarely conducted.

Residents have regularly sought more choice in projects undertaken in the education centre. Residents appear to have good knowledge of court dates, process and upcoming court issues.

*Youth Justice, Department for Communities and Social Inclusion response,  
March 2012*

---

<sup>11</sup> Due to the timing of the official visits to review records, the 'year' refers to September 2010 to August 2011.



*Training Centres are reinforcing a number of initiatives to ensure that resident feedback is considered and reviewed, including the completion of exit surveys.*

#### **4.4 Response in 2009-10 and 2010-11 to areas for attention**

The **2008-09 report** had two critical areas for attention in relation to participation in decisions.<sup>12</sup>

##### **4.4.1 Increase the rate of direct participation in the annual review process, through attendance or surveying views.**

In 2008-09, 21 per cent of children and young people participated in the annual review process through attendance or via survey. In 2009-10 this had fallen to 16 per cent but revived again to 25 per cent in 2010-11.

##### **4.4.2 Improve the rate of recording on file the views of children about circumstances and decisions.**

The case file evidence in 2008-09 told us that in 52 per cent of cases some attempt had been made by the case worker in the prior three months to include the child in major decisions.

In a follow-up case file audit in 2010, this proportion had fallen to 42 per cent.

No comparable case file audit was conducted in 2011.

#### **4.5 Discussion**

Considering the evidence as one, children and young people have greater satisfaction with their involvement in decisions than the documented evidence suggests they should. The survey of their satisfaction with participation found that almost three out of four said that their views were sought by social workers and carers on important matters and 69 per cent said that people explained the decisions made about them. This is reinforced by residents' views during visits to residential care, that is, many residents said they were satisfied with their participation in decisions made by their social worker.

Residents' meetings were held in the training centres and in some community residences. The complaints system in the training centres is now well used.

In the annual review of their circumstances, only 25 per cent had direct participation by attending or submitting their views on paper. Even if all children

---

<sup>12</sup> This topic was not reported on in the 2010-11 wellbeing report.

had responded to invitations, this would still only reach 30 per cent because 70 per cent of children and young people were not informed about the review or were too young to contribute their views. During panel discussion though, 39 per cent of case workers would speak in detail about the child's involvement in major decisions and also demonstrated a thorough knowledge of the child's views.

In the case file audit for evidence of sibling co-placement and contact arrangements, 40 per cent of the 100 files did not document the child's views about their siblings in the prior 12 months.

#### **4.6 Areas for attention**

**4.6.1 The rate of direct participation in annual reviews increase to 50 per cent by 2013-14.**

**4.6.2 All residential settings have regular residents' advisory meetings and other prominent feedback and complaints mechanisms for residents.**