

NEWSLETTER

GPO Box 2281, Adelaide, South Australia, 5001
email gcp@gcyp.sa.gov.au
website www.gcyp.sa.gov.au



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.

In this edition >

Letter from
the Guardian

What's been done

New indicators will support
Aboriginal culture
and connection.

Posters of rights for Aboriginal
children and young people
coming soon.

7 young people –
7 things about having a say.. ...

Ngarrindjeri woman Olivia Brownsey and Wagadagam woman Loyola Wills hit upon the idea of providing overnight bags containing essential items to Aboriginal and Torres Strait Islander children and young people coming into emergency care.



Dreamtime bags

Children and young people first come into care unprepared, with little notice and sometimes with not much more than the clothes they are wearing.

Two young people decided to help. Ngarrindjeri woman Olivia Brownsey and Wagadagam woman Loyola Wills hit upon the idea of providing overnight bags containing essential items to Aboriginal and Torres Strait Islander children and young people coming into emergency care.

They called it Dreamtime Bags.

'It's all being done with grants and donations and volunteer labour, a lot from our friends and family members', explains Olivia, 'and everybody has been incredibly generous.'

'We started out with a \$5,000 grant from Oxfam's ChangeCourse program and then started asking around to find out just what sort of things needed to go into the bags.'

'The ones for toddlers needed to be quite different from those for children and teenagers and the ones for girls and boys had to be different as well.'

'We sent letters requesting help to major retailers and many were very generous.'

'Just as an example, we had gift vouchers, toys from unsold magazines and other offers and a big box of perfectly good products that couldn't be sold because the packaging was damaged.'

'We've now filled up two spare rooms and will probably fill a third before we finish shopping in the next couple of weeks.'

'We will be packing between 100 and 150 bags and tagging them with the age and the gender of the people they are for.'

Olivia and Loyola are partnering with Aboriginal Family Support Services who will arrange for the distribution via social workers as children come into care, starting in August.

You can find out more about Olivia and Loyola's work on the [Dreamtime Bags Facebook page](#).

Oxfam ChangeCourse is a community development program led by Aboriginal and Torres Strait Islander young people. Details are on their [website](#).



Olivia Brownsey loads the products of a recent shopping trip



Amanda Shaw
Guardian

I sustain my faith in the future with the hope that we can be better, as a system, as a government and as a state, than we have been before.

Letter from the Guardian for Children and Young People

You will have noticed that we decided delay this edition of the newsletter a couple of weeks awaiting the release of *The life they deserve, Child Protection Systems Royal Commission Report*.

The report with 850 pages and 260 recommendations is a major achievement for Commissioner Margaret Nyland and her team. It paints an accurate picture of the system that I know. I commend Commissioner Nyland on her ability to so thoroughly immerse herself and represent the problems, challenges and opportunities so well.

Each of the 260 recommendations will be considered in the next few months but here are a few that stand out for me.

I am particularly pleased with the recommendation to amend the *Children's Protection Act 1993*, section 51, to require that children and young people, to the extent that they are capable and willing, must be included in decisions made in accordance with a guardianship order and their views given due weight reflective of their age and maturity.

I am also heartened by the repeated emphasis on the importance of supporting and encouraging voice for children and young people and listening to their experiences and views. Since this office was created we have learned so much from children and young people including what is important to them, the significance of relationships, their views on what makes a good social worker and what makes a good carer. We've used their words to advocate for changes to the system, structures and policies, as well as influence practice, training and development. We anticipate that others who design and administer the child protection system may hear these messages too and use them to keep children safe, promote their wellbeing and support them to reach their full potential.

Out of home care rises or falls on the commitment, skills and passion of foster carers and I am pleased to see a number of recommendations made to strengthen and support this important group of people.

Looking more broadly, I expect that the vision for the future that Commissioner Nyland inspires us to pursue will not be achieved quickly, cheaply and easily. We will need to work together, department with department, government with non-government, openly and generously as never before. We will need to collect data and plan and review and plan again over many cycles, each time rigorously favouring evidence and transparency over self-interest, rank or habit.

And we will need to sustain this effort for a long, long time. The current situation illustrated in the litany of failings and the moving case studies collected by Commissioner Nyland arose from a sustained period of neglect and mismanagement that will not be rectified in a few months with a spray of announcements. Can we sustain the investment of time, energy and interest necessary? We do not have a good record in this regard. The excellent work of Robyn Layton QC and the late Ted Mullighan QC has not been matched by sustained commitment and excellence in governance in the past.

I want to see recommendations and the subsequent implementation prioritised based on consultation and analysis of what will have the biggest impact for positive change, not just what will get wins on the board.

I sustain my faith in the future with the hope that we can be better, as a system, as a government and as a state, than we have been before.

What's been done

June – August 2016

The life they deserve, Child Protection Systems Royal Commission Report was provided by Commissioner Nyland to Governor Le on 5 August and released to the public on 8 August. The Office released a press statement after an initial review of the report and has since made comment about the need to prioritise children's voices and the closure of large residential care environments and the role of a Children's Commissioner.

Following the successful launch of the revised Charter of Rights for Children and Young People in Care, key materials with a new look were distributed to all residential care properties across the state. Agencies, government, non-government and private, that provide services to children and young people in care have been required to endorse the revised Charter, including those who endorsed the original Charter. To date, 40 agencies have endorsed the revised Charter, and an additional 20 agencies have commenced the endorsement process.

Prior to the release of the Youth Justice Administration Regulations 2016 Exposure Draft, the Office was consulted about the content. In both the consultation and response to the Exposure Draft, the Office provided advice about key measures associated with definitions, the use of isolation and segregation and safeguards to promote the rights and safety of children and young people held in custody.

In this quarter, the Office also completed a number of submissions including comment on the proposed enhancements to the service delivery framework for the Child and Family Health Service, as well as its cultural response for Aboriginal children, families and communities. Our submission stressed that considerations by the state government about where budget savings are made in the health portfolio would have significant implications for the effectiveness and feasibility of reform in the child protection and wellbeing arena.

The Office provided feedback on Families SA's draft *Who can say OK, Making decisions about children in care 2016*, the revised *Interagency Code of Practice, Investigation of suspected child abuse or neglect* and the draft *Children's Protection (Access to Personal Information) Amendment Bill 2016*.

The Office's annual *Children and Young People in State Care in SA Government Schools, 2008-2015* report was released.

During 2015-16 there were 145 requests for intervention about children under guardianship, involving 193 children. Requests for intervention for children and young people in care increased by 12 per cent from the previous year. Additionally, the Office received another 23 enquiries that were beyond the mandate for our office. The demands on our office have continued to increase since July.

The Senior Advocate audited 152 annual reviews for children under long-term orders and the Advocates made 21 official visits to residential or youth justice facilities in 2015-16. The Office's ability to undertake more audits of annual reviews and monitoring visits was reduced by systemic advocacy project work, an increase in complex individual advocacy and summons to provide evidence to the Child Protection Systems Royal Commission. There will be more detail in the *Guardian's 2015-16 Annual Report* to be published in October.

The GCYP welcomed Tony Minniecon to the [staff team](#) as an Advocate.



Tony Minniecon
Advocate



New indicators will support Aboriginal culture and connection

New indicators to be rolled out by the Guardian's Office in the last quarter of 2016 will strengthen and sharpen the focus on Aboriginal culture and community connection in its monitoring of residential care.

In her report *The Life They Deserve*, Commissioner Margaret Nyland recognised the over-representation of Aboriginal young people in the child protection system and the significance of maintaining community and culture for them and for those from CALD backgrounds.

Aboriginal children flourish best when they can *safely* enjoy their land, language, community and culture.

... some Aboriginal children need to reside with non-Aboriginal carers. Supporting the cultural needs of these children is not tokenistic, but profoundly important.

There is a need to re-focus cultural support in Families SA (...) to ensure that all practitioners have access to advice and support in specific cases, as well as more strategic guidance and training.²

Commissioner Nyland proposed that Families SA should "report to the Minister quarterly on the following service criteria that form part of Standard 3.1.4, 'Each young person's indigenous cultural, spiritual and religious heritage is respected, strengthened and maintained'." Her recommendation 198 proposes that the Guardian also should be provided with quarterly reports.

The new indicators have been in development since 2015 when a [consultation with young people](#) and the Murraylands community and a [review of the literature](#) made clear the importance of maintaining cultural connections in the development of a healthy identity in young Aboriginal people in care.

Senior Policy Officer Alan Fairley said, 'The indicators align with the Standards of Alternative Care in South Australia which emphasise the right of Aboriginal children in care to know about their cultural identity and their community and to live in a place where people understand and respect their culture.

'The new Indicators will help us decide whether a house:

- makes the child or young person central by helping them understand their current situation and how they can contribute to decision making
- promotes contact with appropriate people and activities
- uses appropriate service methodologies and tools
- enables the effective involvement of a range of carers and other service providers, and
- has a culturally supportive physical and social environment.

'And most of all Advocates will be listening and talking with young people and reporting on about how they see their cultural connection being supported.'

For further information about the development of the new Culture and Community Indicators, contact Alan Fairley, GCYP Senior Policy Officer, at alan.fairley@gcyp.sa.gov.au

¹ We will use the term Aboriginal to include people of Torres Strait Islander descent in this article.

² From Chapter 16 of the Child Protection Systems Royal Commission, *The life they deserve: Child Protection Systems Royal Commission Report, Volume 1: Summary and Report* (Government of South Australia, 2016) available at <http://www.agd.sa.gov.au/child-protection-systems-royal-commission>

Posters of rights for Aboriginal children and young people - Coming soon!

The Guardian's Office previous experience talking with Aboriginal children and young people was confirmed by our consultation with young people earlier this year. They told us that the same messages and artwork that appeal to other young people may not connect with Aboriginal and Torres Strait Islander young people.

Charter of Rights coordinator Nicole Pilkington said 'We wanted to create something that Aboriginal and Torres Strait islander young people, all Aboriginal people, would not only read but would be happy to have on their walls.'

'We were fortunate to connect with Ramindjeri/Ngarrindjeri artist Teresa Walker.

'Teresa's work has strong cultural influences but has a modern vibrancy and energy that makes it stand out.

'The messages about the rights of children and young people in care will be essentially the same but tailored to the culture and aesthetics of Aboriginal and Torres Strait Islander people.'

Teresa's work will form the basis of a large poster that talks about four main rights and breaks down into smaller posters. She will be working closely with designers Sue and Chris from SD Design who produced the new booklets and posters for the 2016 re-launch of the Charter of Rights.

The posters will be published in October and will be available to agencies that have endorsed the Charter of Rights via the Guardian's materials ordering page.



There was robust discussion and some powerful guidance for designers, Sue and Chris.

'hand drawn images - they are made by heart, computer generated images are made by nothing'

Aboriginal young person at the Tandanya consultation in January 2016

7 young people - 7 things about having a say

Here are seven things that young people in care told us while discussing Having a Say at our youth consultation in July. ¹



1 *I do need to talk with you. I need to let you know what is important to me, to get what I want and need and to be kept safe.*

2 *Some ways of communicating with me don't work:*

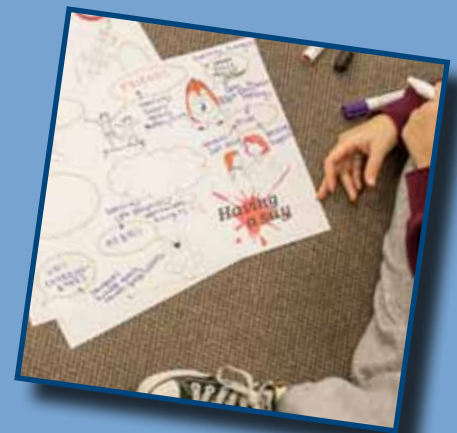
- *suggestion boxes are not private and sometimes nothing happens*
- *certificates and awards can be nice but I might not like being singled out and paraded in front of everyone*
- *I'm not going to share my feelings at house meetings if everyone is having a go at each other*

3 *I have ways of sending messages to you that you may not understand, for example:*

- *I may have my earbuds in but this is not always to listen to music. It can also be so I am left alone or so I can avoid joining in before I am ready*
- *I may be dismissive but that's because I am still working out what is going on and if I can trust you*
- *I may be quiet and withdrawn for the same reason*
- *I may tell you how I am feeling by what I wear*

4 *I may find it easier to use pictures rather than words:*

- *pointing at emoticons on cards or posters can tell you how I'm feeling without words*
- *I can tell you things about myself and my life with my camera*
- *I can show you things about myself from my Life Story Book*



5 *I can have a say most easily with people I know and trust and with whom I have a relationship.*



6 *I am not the same as every other young person in care.*

7 *I need you to understand where I have come from and how I am dealing with this situation so that you can understand me when I have a say.*

This article first appeared as a website post on July 26, 2016. We would like to hear your comments via the reply facility at the foot of [that post \(click here\)](#).

¹ These are not all the exact words of the young people but as respectful and faithful a representation of their intent, as we can make it. Huge thanks to the seven young people who shared and showed us so much last week. Also thanks to the management and staff of HYPA for their help in putting the consultation together.

[< back to front page](#) 