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Government
of South Australia
Office of the Guardian
for Children and
Young People



The Year in Review is excerpts from the Office of the Guardian's latest Annual Report.

Copies of this report can be obtained by writing, telephoning or emailing the Office of the Guardian for Children and Young People or from the Office's website.

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time to take stock

In South Australia, we are not short of knowledge of what needs to be done to protect children from harm and to provide high quality care to children in state care. There is no shortage of commitment in the workforce and amongst carers. Children demonstrate great strength and ability to heal and achieve. We are short, though, of ambition, aspiration and investment. South Australia could lead the nation in sound child protection practice. South Australians could aspire to provide the best care for children and young people under guardianship. We would need investment to deliver on these goals.

Seven years ago a comprehensive review of the child protection system was finalised. The review, sought by the newly-elected state government and conducted by Robyn Layton QC, had a deep and abiding impact on the shape of things in child protection. The Layton Review Report drew attention to the benefits of looking after our most vulnerable children. It pointed to significant deficits in meeting our responsibilities.

More recently the Children in State Care Commission of Inquiry report (the Mullighan Inquiry) provided stark evidence of past failures to protect children from abuse while in state care. Its findings and recommendations strengthened the case for further reform, particularly in the quality of care provided.

The state government responded positively to the findings of both inquiries. The legislation has been strengthened and child protection policy has been modernised. There have been two significant boosts to budget in this time, the first in 2004-05 and the second in 2006-07. However, the next steps in seeing through the promise of good protection for children are yet to be fully realised.

There is no denying the depth of the challenges in creating a sound sustainable child protection system. Others have referred to the shifts required as like turning the Titanic out of danger. That is how it feels. The looming ice cap, the creaking pace of turn and the terrible cost in lives if we do not succeed.

Evidence of a perilous journey is seen in the 33 per cent rise since 2004-05 in notifications of concern about children and in the 52 per cent rise in the number of children in state care over that same period. It is difficult to believe, but, in a class of 17 and 18 year olds, more than one in four of these young people would have been the subject of a child abuse or neglect report. The good news in this rise in demand for a child protection response is that the community is taking note of children's welfare and we have a child protection system that will respond to the most serious concerns. Our child protection and alternative care expenditure had increased 83 per cent in the five years to 2008-09 most of this in the provision of alternative care. This 2008-09 expenditure is still only 89 per cent of the national average spent per child because South Australia had started from such a low base.

Sadly the expenditure on intensive family support services remains low, at \$3.6million in 2008-09. Real expenditure per child in South Australia on intensive family services in 2008-09 was 20 per cent of the national average.

A child protection system cannot be fully effective if it operates mainly on reports of abuse, investigations, and taking children into state care. Such a system risks neglecting the preventative and early intervention services that are crucial if the escalating social and economic costs of child abuse are to be contained.

Strengthening our family support services, our early childhood and parenting, drug and alcohol, mental health, disability and homelessness services is critical to responding better to families in need and children who are unsafe.

The Titanic challenge is to provide better services to families and children when serious problems first arise, do better at working with Aboriginal communities for child wellbeing, improve the consistency of response and the quality of professional practice, ensure that we are more responsive to children's needs and views and have high quality alternative care for children when removed.

Unlike the fate of the Titanic, it is not too late.



SA could be a leader

South Australia could lead the way with a break-through policy on children, a core part of which would be child safety. It could be based on the rights of children and young people to protection, participation, identity and family. It would include new goals to reduce inequalities in early childhood development and in education and employment outcomes. Child and youth-friendly social and urban planning would be front and centre of all development. All government departments would incorporate outcomes for children and young people in their business planning. A more comprehensive child and youth advocacy structure would be adopted.

The 2004 *Keeping Them Safe* child protection policy launched a different era for child protection services in broadening the planning and responsibility, and improving accountability and transparency. In 2009 the Council of Australian Governments released a national framework for child protection which reinforced the need for a different approach in sharing responsibility, providing earlier intervention for families in crisis and enhancing transparency in performance.

In the core business of child safety, top of my list for action would be intensive services for families with high need. Our most vulnerable children live in families grappling with drug and alcohol dependence, mental illness and violence, sometimes compounded by isolation and poverty. Some of these children may not need to spend their childhood in state care if there was more intensive support to their families.



set our sights high

In June 2006 there were 1,497 children and young people in alternative care. Five years on in June 2010, there were 2,157. This is an average 8.8 per cent growth per annum. The rate of admission, that is the numbers of children brought into care for every thousand children in South Australia, has changed only slightly. Rather, children in care are staying longer and decisions to take action are being made when children are younger. I have seen no evidence of children being in care for no good reason or poor judgement.

In the Office's recent *Report on the Wellbeing of Children and Young People in Care in South Australia* we found that most children in care are safe, live in nurturing environments and have stability in their home life.

The children we are most worried about are those who are not safe, are not treated with kindness, and who have no sustained relationship with a trustworthy adult.

Where deficits were found the report noted areas for attention. Among these were closing the large residential facilities, investigating the timeliness and adequacy of mental health services for children who have suffered trauma, improved planning and quality of rehabilitation programs for young people who have broken the law and increased participation of children in decisions about their lives.

The mandate of the Guardian includes children and young people in custody for alleged and convicted criminal offences. Here too, the numbers have increased, from a daily occupancy of 53 in 2005-06 to 69 in 2009-10. Almost half of these young people are on remand for *alleged* offences.

The average length of time spent on remand in South Australia increased from 19 days in a year in 2005-06 to 31 in 2007-08, the last figures available. The median stay for any one episode of remand in 2007-08 though was only six days. Of the remanded group, 41 per cent were Aboriginal or Torres Strait Islander young people.

The problem of high rates of young people remanded to custody is not unique to South Australia. Indeed South Australia does better than most other Australian states and territories in the length of time on remand. However, the trend of young people remanded to detention centres is rising steadily and we could do more to reverse this. Specialist foster care, bail accommodation services and support to find family members who can temporarily care for young people on remand would all help further reduce the time in custody.



a robust, safe system

It is clear from the rate of growth in numbers of children needing alternative care that the pressure on the alternative care system is significant. Numbers alone though are only half the challenge. Making the alternative care system high quality and more flexible and responsive to children's needs is the other half.

Very recently a consultation document was released by Families SA with strategies for improved alternative care provision. This is an important step in delivering a more robust, responsive system of care.

While there have been two boosts to budget, the last in 2006-07, it is predominantly 'catch-up' expenditure. That is, the additional funding is meeting the previous years' deficits rather than allocations for projected growth. The risk is that the department and non-government organisations will not be able to meet the demands for secure and stable alternative care in the short term or the long term.

The consequence is that inappropriate alternative care options are used, such as carers employed on shifts looking after children in motel rooms and rented houses, vulnerable children being placed with other children who have serious behavioural problems and siblings living long distances apart. The intention is always that these are short-term arrangements, but too often they stretch on for months, and sometimes years. The department's response has been to do the best with what they have got, by expanding their own residential care facilities and working with non-government organisations to expand both foster and residential care. This has been modestly successful.

It has, though, resulted in a rising proportion of children and young people accommodated in residential care. There was very good reason why we as a community moved away from accommodating children in large residential facilities. They were often more like workplaces for staff than homes for children. We know now to guard against this. Today good quality residential care will suit some young people at some times but it should only ever be a positive purposeful choice in home-like settings.

Of all children in alternative care in South Australia in 2009 we already had 8.6 per cent in residential care compared with the national average of 4.8 per cent. We also have some inappropriate facilities here which accommodate up to 12 children. Among the strategies in the Families SA Directions for Alternative Care draft document it is proposed that residential care will in the future provide accommodation for between four and six young people in each residence. I look forward to supporting an action plan that delivers on this strategy and ask that the timeframe be short for replacing the large residential facilities.

The commitment by government to provide priority access to public services for children and young people under guardianship has been successful on many counts, particularly in greater awareness of their circumstances and needs. This has been most evident in schools and pre-schools, in hospitals and dental services, disability services and housing providers. Improved access to services, though, has had mixed results.

Returning to the theme of ambition and aspiration, there is more to be done in timely access to services. If I had to choose priority areas, they would be mental health and leaving care services, and more robust case management to ensure that services were closely related to need. This is not a comment on the people who work in these areas but rather about demand on their time.



no shortage of goodwill

In our work in the Office of the Guardian, I am reminded every day of the strength of children and young people to recover, strive and achieve and the professional and personal commitment of their carers and workers in child protection and youth justice. At times our relationships are tested by different viewpoints, scrutiny and our intervention. I thank everyone my Office has worked with over the past year for your cooperation and goodwill. The progress reported here is testament to your resolve.

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In 2009-10 the Office of the Guardian:

- Inquired about the policy and practice in the use of physical restraint of children and young people in residential facilities
- Reported on the wellbeing of children and young people in care based on our monitoring of their circumstances
- Assisted four government departments and four non-government organisations to incorporate good information sharing into their policy and practice to better protect children
- Distributed over 2,500 copies of the Charter of Rights to children and young people, accompanied by other 'being in care' products
- Audited 201 annual reviews of the circumstances of children under guardianship of the Minister
- Responded to 120 requests for assistance involving 162 children and young people in alternative care. More than one in four of these requests came from children or young people themselves
- Visited over 350 children and young people living in residential or secure care, with 79 announced visits
- Developed a new website with enhanced search capacity and a new information management system

As at 30 June 2010 in South Australia there were 2,306 children and young people under the guardianship of the Minister through care and protection court orders, not counting the 47 on interim or temporary orders. Updated statistics are published each six months. Go to the Guardian's website www.gcyp.sa.gov.au and look under the publication type 'Statistics'.

The most notable trends were:

- The numbers of children on 12 month and long term care and protection orders has risen from 1,552 in June 2006 to 2,306 in June 2010, an increase of 48.6 per cent. From July 2009 to June 2010 the increase was 9.1 per cent.
- In 12 months, the number of children in South Australia aged 0 to 17 years on care and protection orders has increased from 6.2 per thousand in 2008, to 6.7 per thousand in 2009, the latest figure available at the time of publication.
- The proportion of children and young people in family based alternative care has declined steadily from 88.3 per cent in December 2006 (when the current counting rules were introduced) to 85.0 per cent in June 2010. In the same period, the proportion in residential care has risen from 6.0 per cent to 8.0 per cent and the proportion in all forms of emergency short term care has risen from 5.8 per cent to 7.0 per cent.
- The proportion of Aboriginal children placed with Aboriginal and Torres Strait Islander relatives, in Aboriginal residential care and with Aboriginal foster carers decreased from 75.9 per cent in June 2006 to 70.3 per cent in June 2010. However, the proportion placed with Aboriginal relatives increased from 32.6 per cent to 37.7 per cent in the same period.
- The proportion of children under 12 month and long term orders who are Aboriginal grew from 22.8 per cent in June 2006 (4.4 per cent unknown) to 24.8 per cent in June 2010 (1.0 per cent unknown).
- The total number of admissions of children and young people to secure care increased from 1,025 in 2005-06 to 1,097 in 2008-09 and declined to 1,013 in 2009-10. The rate of average daily occupancy increased from 53 in 2005-06 and declined from 72 in 2008-09 to 69 in 2009-10.

In 2009-10 the Office received 120 requests for assistance, representing 162 children who fell within our mandate, that is, they were requests about children and young people under guardianship, or in the custody, of the Minister.

The 120 requests that were within our mandate were made by:

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| Child/young person | 34 |
| Families SA | 21 |
| Carer (foster/relative) | 11 |
| Parent/guardian | 11 |
| Other relative | 9 |
| Alternative care | 8 |
| Legal services | 8 |
| Health services | 6 |
| Member of Parliament | 2 |
| Others (advocates for children not listed above) | 10 |

The presenting issues were:

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|-------------------------------------|----|
| Care arrangements | 59 |
| Support services (not specified) | 33 |
| Family contact (sibling and parent) | 21 |
| Mental health services | 21 |
| Education | 11 |
| General health services | 10 |
| Leaving care arrangements | 9 |
| Relationship with social worker | 8 |
| Disability services | 7 |
| Staff conduct | 7 |
| Other | 20 |

In 2009-10, the advocates made 27 visits to residents in different units within Magill and Cavan youth training centres. As an example, the Office's advocate became aware of the situation of 15 year old 'Jodi' during one such visit.

'Jodi', 15, had been remanded in custody on allegations of assault. She had previously been assessed as having an Autism spectrum disorder. In the youth training centre Jodi was having significant difficulties with sensory overload from other residents yelling and witnessing physical aggression. Despite efforts by staff, she also had difficulties in following instructions and at times was in trouble for not communicating with staff. She became more withdrawn and unresponsive.

The advocate was informed that the other residents often spoke about Jodi in front of her, as if she was not there, but otherwise they were protective of her. Further enquiries confirmed that Jodi had been remanded in custody while further psychological assessments took place. Jodi was known to external services such as CAMHS, Autism SA and Disability SA, although she had not been allocated a Disability SA worker.

The advocate spoke to a Disability SA manager and a case worker was allocated. A case conference soon followed. Liaison continued between the youth training centre, Families SA and Disability SA. Jodi was released from secure care to live with her family, with Disability SA providing support.