



*The
Year
in
Review*

*Office of the Guardian
for Children
and Young People*

The Year in Review is excerpts from the Guardian for Children and Young People's latest Annual Report.

Copies of *The Year in Review* can be downloaded from the Office's website.

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There are rising numbers of children in state care

This year has seen continuing growth in the numbers of children under guardianship or custody of the Minister. At 30 June 2011 there were 2,410 children, excluding those on investigation court orders, up from 2,302 the year before. This represents a 5 per cent rise in 12 months and a 35 per cent rise over five years.¹ This growth trend is similar to most other Australian states and territories.

Continuing growth in the number of children coming into care has many implications. Children coming into care are dealing with both the impact of the harm they have suffered prior to coming into care and the uncertainty of their immediate future. They are therefore very dependent on the adults around them for making sound decisions in the child's best interests.

The second implication of the rise is that the adults working in child protection feel under more pressure, with available time for sound decision making seeming to shrink while demand grows.

Third is the strain on those providing and supporting alternative care for children. Nobody is comfortable with some of the measures resorted to in the lack of family-based placements, such as staff engaged on a casual basis to care for children in rented rooms or houses. In general, the quality of care in these makeshift circumstances leaves a lot to be desired.

And finally there is an increasing number of angry and alienated parents of children who have been removed and who believe they could have kept them safe.

1. The figures provided at time of publication are subject to adjustment and often are adjusted upwards.



There are different views about what is to be done

There are several reasons for the growth in numbers of children in care and these reasons are the topic of heated debate. More children are coming into care at a younger age, that is, the decision to remove them from family is being made sooner rather than later. On its own this is generally a good thing, if the decision has been made on sound information, assessment and review.

A second reported reason is that children are staying longer in care, so there are fewer returns to the immediate family once removed. If this is a sign that cycling of children between family and alternative care is happening less often this may be beneficial for children (provided the decisions are fair and sound). However, it is not acceptable if it is because attempts to reunify families are being made too late or for too short a time to be effective.

One controversial proposal is to increase the use of adoption of children in state care. Also controversial is the slim effort made to support families to be better able to care for their children. At the heart of both is what is of most benefit to children. Clearly stability, security and a sense of belonging are critical to children's healthy development and the best place to provide this is with a family who loves and cares for them.

At first glance, adoption should be good for children who cannot return to their birth family. They would have a new family and they would be out of state care. Adoption is more often used in other countries than in Australia, as a permanent arrangement with transfer of guardianship to another family. It is less favoured in Australia, partly because of the goal to preserve the connection between children and the family they were born into which many young people seek out as they get older. The question of adoption and its benefits to children will not easily be resolved. My concern is that talk of increasing the rate of adoption often comes up in the context of reducing costs rather than improving the stability of care for children.

The level of effort to support families to better care for their children appears to be mixed in South Australia. There is a good range of services for families who only require advice and occasional assistance. There is much less available for families who need more intensive help. Since the 1990s South Australia has lagged well behind other Australian states in its expenditure on intensive family services and the demand for such services has reportedly risen.

In 2009-10, the latest figures available nationally, South Australia spent one-fifth of the national average on intensive family services per child. In the 2010-11 budget, the funds available in the Family and Community Development Program were cut by 23 per cent (\$3million). This cut will take effect this year and continue into next. It was a welcome surprise when \$4.7million per annum for the next four years was added back to reunification services in the 2011-12 budget. **The approach to family services seems disjointed, opaque and unplanned. Money is taken out and put back in to family services, but the reasoning for withdrawal and investment is unknown. There is need for an articulated plan and sound approach to assisting families who have high need, as this is an area of public responsibility that would benefit most from increased investment in South Australia.**



The quality of care is more closely monitored

There is increasing emphasis on reporting on quality of care issues and outcomes for children in state care.

High quality care of children in alternative care is threatened by the need to stretch resources further to accommodate more children. In this case at least, the planning ahead for alternative care has recognised this and the 2011 state budget saw another injection of funds for meeting the expected growth in children requiring care over the next few years. This was a little over \$10 million per annum.

There are now state and national standards for the provision of out-of-home care. The national standards were adopted by all governments in late 2010 as part of the *National Framework for Protecting Australia's Children 2009-2020*. While there is clearly a long way to go in ensuring high quality care, the expectations are now much clearer. This is a good step forward because it focuses attention on the impact on children of poor or mediocre service and de-emphasises the budgetary arguments of organisations providing services.

Our monitoring suggests that:

Placement instability is increasing, resulting in more children in tenuous care arrangements.

One in three young people approaching adulthood do not have a plan for their leaving state care.

Much more needs to be done to ensure children and young people have a record of their history and achievements, and to include them in decisions about their lives.



Building more large residential facilities is a poor decision

The state government has responded to the growth in the numbers of children requiring state care by expanding residential care for children, because too few family-based placements are available for children and young people. If emergency care is included in the count, there are now 357 children living in residences with rotating carers (13.8 per cent of all children in care). This compares with 211 five years ago (12.6 per cent).

Residential care is rarely an ideal home environment for children. It is therefore incumbent on us to provide the very best residential care possible. A great deal is known about what works best for children who live in residential care and it is clear that smaller, more home-like residences for three or four children are safer and more effective.

In the recent state budget the government announced plans to build two more residential facilities accommodating up to 12 children at each site. This is in addition to the six large facilities built in the 1980s and two more which opened in 2009-10.

I am deeply disappointed at the decision to expand the number of larger facilities. My advice in 2005, made in the context of preventing sexual abuse in care, was to progressively replace the large units with more home-like residences of a smaller number of children. This advice has been repeated every year since, with mounting evidence of lack of safety and security for the young people housed in larger units.²

As there is no evidence to support an argument that housing larger numbers of high-need young people together is in their best interests I can only assume that this is chosen because it is cheaper.

2. 9 November 2011: The Minister for Education and Child Development advised the Guardian that the older style community residential care facilities will be replaced. The first two will be replaced by the end of 2013 with replacement of all six by mid-2016, subject to timely completion of land sales, planning approvals and building.

Discussion about the design and service model for the replacement residential services has commenced.



No shortage of goodwill and commitment

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 children's, workers' and carers' resolve.



In 2010-11 the Office of the Guardian:

- Inquired about children's experience and views of contact with their siblings.
- Facilitated discussion and reports on community visitors, mental health, children's rights and children in immigration detention.
- Worked with four major government departments and 24 non-government organisations and peak bodies in incorporating good information sharing into their policy and practice to better protect children.
- Distributed 3,952 copies of the *Charter of Rights* to children, accompanied by other 'being in care' products.
- Reported on agencies' implementation and support for children's rights in accordance with the *Charter of Rights*.
- Produced a DVD in partnership with young people about children's views of their social workers.
- Audited 246 annual reviews of the circumstances of children under guardianship.
- Responded to 111 requests for assistance involving 168 children and young people in alternative care. Twenty-nine per cent of these requests came from children or young people themselves.
- Visited 362 children and young people living in residential care or youth training centres, with 75 announced visits.
- Commissioned an independent review of the Office's performance and impact, leading to new strategic directions for 2011 and beyond.



As at 30 June 2011 in South Australia there were 2,410 children and young people under the guardianship of the Minister through care and protection court orders, not counting the 56 on interim or temporary orders.³ Updated statistics are published each six months. Go to the Guardian's website www.gcyp.sa.gov.au and search under publication type 'Statistics'.

The most notable changes were:

- The numbers of children on 12 month and long term care and protection orders has risen from 1,791 in June 2007 to 2,410 in June 2011, an increase of 34.6 per cent. In the 12 months of 2010-11 the increase was 4.7 per cent, significantly lower than the 9.1 per cent and 8.7 per cent of the preceding two years.
- The number of children 0-17 years on care and protection orders has grown from 4.8 per thousand in June 2006 to 7.1 per thousand in June 2010, the latest figures available.
- The proportion of children and young people in alternative care who are in family-based care has remained steady at around 86 per cent in the last four years but the proportion of those who are in relative/kinship care has increased from 37.7 per cent to 48.7 per cent in the same period.⁴
- The proportion of Aboriginal children placed with Aboriginal and Torres Strait Islander relatives, in Aboriginal residential care and with Aboriginal foster carers remains about the same as last year at 71 per cent. However, the proportion placed with non-relative Aboriginal and Torres Strait Islander carers continues to decline from 33.6 per cent in June 2007 to 17.1 per cent in June 2011.
- The total number of admissions of children and young people to youth training centres increased from 1,013 in 2009-10 to 1,044 in 2010-11. The rate of average daily occupancy remained almost the same in 2010-11 as last year at 69.4 young people.
- The number of children and young people in interim emergency accommodation (motel and bed and breakfast style accommodation) has declined from 3.7 per cent at June 2007, with a high of 3.8 per cent at June 2008, to 2.1 per cent at June 2011.

3. The figures provided in time for publication are subject to subsequent adjustment by Families SA.

4. Comparable Families SA data for June 2007 is not available due to a change in counting rules.



In 2010-11 the Office of the Guardian received 111 requests for intervention representing 168 children and young people who fell within our mandate. We reviewed 15 matters, affecting 20 children and young people and others were assisted with information and short-term advocacy.

The 111 requests that were within our mandate were made by:

Child or young person	32
Parent / guardian	16
Carer (foster / relative)	15
Families SA	14
Other relative	9
Alternative care agency	9
Health	2
Education	1
Legal	1
Housing	1
Other ⁵	11

The presenting issues⁶ were:

Care arrangements	48
Lack of appropriate support services	25
Family contact (sibling and parent)	21
Participation in decision making	19
Safety	12
Relationship with social worker	8
Education	7
Staff conduct	7
General health services	6
Mental health services	4
Leaving care arrangements	4
Disability services	4
Identity	4
Other	20

5. Those categorised as 'other' identified as advocates for the individual child(ren) for whom they were making contact, and included friends, mentors and former carers.

6. There is often more than one presenting issue in a request and one issue may affect more than one child. Our reporting is the number of children directly affected by the issue.



The Senior Advocate audited 246 annual reviews at 16 Families SA offices. Some offices scheduled regular reviews and were visited on more than one occasion. Annual reviews are conducted for children and young people placed under long-term guardianship orders. The Office audited 12 per cent of reviews that were to be conducted, up from 10.8 per cent in 2009-10.

A report on the audit is provided to the Minister annually. The major findings for 2010-11 were:

- Placement instability is increasing, resulting in greater numbers of long-term placements at risk and more short-term, temporary and inappropriate placements.
- Nine out of ten children and young people whose cases were reviewed had at least one significant adult in their life.
- Nine out of ten children and young people whose cases were reviewed were receiving services to meet their needs.
- Four out of five eligible children and young people had current Individual Education Plans.
- One out of three adolescents approaching adulthood, and the expiration of their guardianship order, did not have a transitioning from care plan to coordinate and facilitate actions and services.
- One in three children and young people had received, and are developing, a Life Story Book.
- There is considerable work to be done to ensure the active participation of children and young people in decisions and in the annual review, as well as the inclusion of others significant to the child in decision-making.



The GCYP Advocates conducted 54 visits to residential facilities to meet and talk with the residents and staff. Written feedback was provided promptly to the relevant manager and any specific concerns were quickly responded to.

'Corey', 14, had lived in residential care for about two years. His kinship group is Pitjantjatjara. During a visit to the unit by the Office of the Guardian, Corey said that he missed his family and had 'not seen them for a long time'. His residential care plan documents that he felt 'very detached from not only his family, but also his land and people'. Family contact had been arranged but was often cancelled because his family would not travel far. On one occasion Corey had refused to go because he said that the time with his family was too short to make the trip worthwhile.

Corey had heightened anxiety and appeared emotional and angry. His case worker was four hours drive away and could rarely visit. Corey said he wanted to move closer to his family. At Corey's request and with advice from an Aboriginal consultant, an advocate from the Office of the Guardian attended a review meeting to represent his views. The outcome was a renewed focus on his Aboriginal identity, agreement to look for a placement nearer family and a more detailed family contact plan.