

***2014-15
in Review***



**Government
of South Australia**

Office of the Guardian
for Children and
Young People

***Aiming
to do better
for children
in state care***

2014-15 in Review is excerpts from the *2014-15 Annual Report of the South Australian Guardian for Children and Young People*.

Copies of *2014-15 in Review* can be downloaded from the [Guardian's website](#).

GPO Box 2281
Adelaide SA 5001
DX 115

Ph 08 8226 8570
gcyp@gcyp.sa.gov.au
www.gcyp.sa.gov.au

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The Year in Review

The seven in every thousand South Australian children who require 'state' parenting are the test of the state's resolve to create opportunity for its people. The responsibilities are huge and the need for state guardianship growing. **In the past year the growth has been 4.4 per cent and more than 70 per cent over ten years.**

We, as a broad community, represented by our government, have special responsibility for children in 'state' care but the state is not a good parent. It is not, of course, a parent. In the eyes of children, parents are the adults for whom their children are special, loved and cherished, nurtured and guided, indulged and corrected. The 'state' as a whole cannot do this. The state can provide for the physical needs of a child but not the emotional needs which rely on meaningful relationships.

Regardless, the state has accepted the job of parenting on the community's behalf and must ensure that each child is parented well. The obligations are spelled out in the children's charter of rights, specific to children and young people under guardianship of the Minister.

Among many other things, we expect parents to make sound decisions on behalf of their children but involve them in decision-making. We expect parents to create certainty and stability wherever possible and to build and nurture their children's positive identity and sense of belonging. We also expect that they will put children's interests before their own.

Part of my role is to monitor how well the 'state' looks after the children for whom it has sought, and accepted, responsibility. In so many different and sometimes difficult circumstances, most children are well provided for and receive good care. However, the 'state' can do much better and must.

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Children need certainty and stability

Too many children move too often with the consequent changes in home, rules, schools and friends. In this year's audit of the annual reviews of a child's circumstances, seven out of every ten children were in long-term stable placements. We are worried though about the three in every ten who do not have stability.

Among that number are children in interim arrangements, in rented premises and rotating carers on eight hour shifts. The number of these children has ballooned this year. The average number on any one night is now at 84 compared to 50 in the recent past. Something is seriously wrong. It is not likely to be one cause but several. We lack families who are able and capable to take another child and we lack specialist care placements for children who have high needs. Some of the use of interim care is driven by the need to keep groups of siblings together while long term arrangements are made. The answer is not to expand residential (non-family based) care, which is usually a poor option for children. South Australia already has double the proportion of children in residential care compared to most other states.

There are several short term steps to take, which I have noted in my report on interim emergency care released in February. **The long-term solution is sound planning in out of home care.** Joint planning and strategy across government and non-government agencies, commencing with discussion of values, shared direction and purpose is frequently called for by people working in out of home care. A comprehensive strategy that incorporates joint planning is long overdue.

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Children need identity and belonging

Knowing who you are and where you belong is critical to all children's wellbeing. For Aboriginal children separated from their immediate family, knowing about and connecting to their Aboriginal community is particularly significant. Almost one in three children in state care identifies as Aboriginal or Torres Strait Islander. Our audit of the circumstances of children showed that 72 per cent of Aboriginal children were placed with extended family, who may not be Aboriginal, or with Aboriginal carers. In only 64 per cent of cases was there evidence of knowledge about the child's specific cultural heritage, such as their clan group or language. For the more than one in every three Aboriginal children who did not know their clan group, the prospect of connection and belonging is significantly impaired.

Children need to know what is going on and have influence

In the consultations with children and young people my Office has done this past year a consistent theme, regardless of the topic, was their desire for more involvement in the decisions made about them. While adults have the responsibility for making major decisions on behalf of children, the authority is rarely absolute because these decisions have to take into account the views of the child.

It is difficult to balance enabling a child to make or influence a decision and protecting them from too much responsibility or information, but the worst position to take is to exclude them altogether.

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The audits of annual reviews undertaken by my Office this year demonstrate two things about children's inclusion in decision making. First, that some workers and offices do this very well, and second, that the practice is not widespread. **Over the past five years, of children who were of an age to provide their views, the proportion who were asked for their views when their circumstances were being examined has stuck at only two out of every five.**

Better decisions, confidence in decisions, and more trusting relationships with children and others, all stem from including children in decision-making. When it is not possible or desirable for some decisions to be made by children it is invariably possible that children can make associated decisions. They need to know that their views have been considered.

Children's interests are paramount

The challenge for decision-makers, who are not the parent, but who must decide in the best interests of the child, is that they work within and are required to defend a most imperfect service system. As they struggle to create what a child needs from pieces that do not fit well together, we see the consequences, such as siblings being split up so that some can have the chance to live with a family or a child languishing in a desolate foster care arrangement for want of a better option.

Many of the weaknesses in child protection and out of home care stem back decades to decisions about limiting expenditure. Child protection bears the inglorious label of 'welfare' which is often characterised now as charity or residual spending, that is, providing the minimum necessary and only what is not needed for more splendid business.

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South Australia spends less (per child) than most other states and territories on child protection services and intensive family services but more on out of home care, largely driven by the high cost of emergency and residential care. The overall budget constraints are real but the way the budget is spent represents a clear choice. **Successive governments have *chosen* to provide for the barest model in child welfare.**

People working with and caring for children in care face the pit-fall of lowering their expectations of what can be provided to match their understanding of what is available. Decisions have to take into account the likelihood of resources being available but we should never constrain our thinking before we expand. We must start with what is good and look for everything to make it happen. The compromise of 'good enough' or 'best we can do' is just a compromise, not the end.

Our aspirations for children in state care should be high. When the reality does not match, we plan for how it can, without blame or arrogance, but with purpose and intent. Every child deserves no less.

On behalf of the team at the Office of the Guardian, I thank everyone we have worked with over the past year for their cooperation and goodwill. Any progress reported here is testament to children's, workers' and carers' resolve.

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In 2014-15 the Office...

- Worked with 42 children and young people to learn what 'respect' means to them, resulting in a picture book for children.
- Produced a video of young Aboriginal people giving their views on the significance to them of community and culture and the worries of being separated from family.
- Commenced a review by children and young people of their Charter of Rights.
- Extended the network of advocates for children's rights to 296 Charter (of Rights) Champions, across 67 agencies.
- Responded to 129 requests for intervention, involving 171 children and young people in care. Of these requests, 32 per cent were from children and young people themselves.
- Audited 203 annual reviews of the circumstances of children under long term guardianship of the Minister, (9 per cent of this group of children).
- Visited children and young people living in residential care or youth justice detention in 30 announced visits.
- Growing number of subscribers and followers of the Office's news and information.
- Reported on trends in school enrolment, attendance and literacy and numeracy skills from 2007-2014 for students under guardianship compared to their age peers.
- Reported on trends for Aboriginal children who are subjects of care and protection orders.

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Statistics

As at 30 June 2015 in South Australia there were 2690 children and young people under the guardianship of the Minister through care and protection court orders, (not counting the 77 on interim or temporary orders). They had the following characteristics:

Children and young people under the guardianship of the Minister through care and protection court orders at 30 June 2015

	%
Male	51
Female	49
0-1 years	6
2-4 years	14
5-9 years	32
10-14 years	32
15-17 years	16
Aboriginal or Torres Strait Islander	29
long-term care and protection orders	85
12 month care and protection orders	15

Care arrangements for children and young people in out of home care¹ at 30 June 2014 (AIHW counting rules)

	%
Foster care	42
Relative or kinship care	44
Residential care (including emergency care)	13
Independent living	1

1. The numbers of children and young people under the guardianship of the Minister and those defined as in out of home care under Australian Institute of Health and Welfare rules are similar but not identical populations. The 2015 data becomes available in June 2016.

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Trends

- The numbers of children on short and long term care and protection court orders at 30 June 2015 was 2,690, an increase of 11.6 per cent from 2011. After a sharp decline in the second half of 2013, numbers under orders are again on the rise with an increase of 4.4 per cent in the past 12 months.
- The proportion of children in out of home care who lived in residential care increased steadily from 2.3 per cent in 2005 but has plateaued somewhat in 2013 and 2014 to 12.4 and 12.7 per cent respectively.
- The proportion of children under the guardianship of the Minister who identified as Aboriginal has increased steadily from 22.8 per cent since 2006 but has plateaued from 2014 to 2015 at 29.6 and 29.4 per cent respectively.
- A total of 426 individual children² and young people were housed in the Adelaide Youth Training Centre at some time in 2014-15 compared with 451 in 2013-14. The average daily population in the Adelaide Youth Training Centre has decreased steadily in the last few years from 61.0 in its first year of operation in 2012-13 to 57.6 in 2013-14 and 47.8 in 2014-15.³

2. Some of these young people will have been admitted several times during that period so the total admissions will be significantly higher than this figure.

3. The Guardian has responsibility for monitoring the circumstances of children and young people in youth justice facilities.

Monitoring

The Senior Advocate audited 203 annual reviews at 12 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 9.0 per cent of reviews that were to be conducted, down from 9.3 per cent in 2013-14.

A report on the audit is provided to the Minister annually. The major findings for 2014-15 were:

- Of the 203 children and young people whose cases were reviewed, 145 (71 per cent) were in stable, long-term placements.
- Of the children and young people whose cases were reviewed, 188 (93 per cent) had at least one significant adult in their lives.
- Fifteen children and young people (seven per cent) including six adolescents approaching independence did not have any significant connections beyond Families SA.
- Eighty of the annual reviews audited were for Aboriginal children and young people. Fifty-eight (72 per cent) were placed with their extended family or with Aboriginal carers.
- Of the 143 children and young people who were considered capable of directly contributing to their annual reviews, 56 (39 per cent) participated in their annual review, either by attending (15 per cent) or by completing a survey (24 per cent). Three country offices were responsible for just over half of the direct participation of children and young people in annual reviews. Sixty-one per cent of children and young people, who could have directly participated, did not.
- Thirty-three children and young people (16 per cent of those capable of presenting their views to the panel) did not have a voice, directly or indirectly in their annual reviews.

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- Of the 203 children and young people whose cases were reviewed, 163 (80 per cent) were confidently considered safe and reported to feel safe.
- Of the 168 children and young people who were of school age and attending a pre-, primary or secondary school, it was reported that 125 (74 per cent) had current Individual, or Negotiated Education Plans at the time of the annual reviews.
- Of the 203 children and young people whose cases were reviewed, 158 (78 per cent) were receiving standard health services and, where necessary, specific health and disability services to meet their needs.
- Fifty-eight children and young people (28 per cent) whose cases were reviewed did not have regular contact with the same worker. Of this group, 29 (14 per cent of the total number of annual reviews audited) who were allocated a social worker received less than the recommended monthly face-to-face contact, including 12 children who were receiving an assessed and approved differential case management response. Twenty-nine children (14 per cent) were not allocated to a social (or case) worker.
- Six of the 29 young people aged 15 years and over did not have transition plans as required by Families SA policy.
- Of the 151 children and young people who had the capacity to understand, 86 (57 per cent) had been provided with the *Charter of Rights for Children and Young People in Care*.
- Seventy-nine children and young people (39 per cent) whose cases were reviewed had a Life Story Book. This included 33 Aboriginal children and young people who have been supported to develop a culturally appropriate Life Story Book.

Requests for intervention

The 129 requests that were within our mandate were made by:

Child or young person	41
Adult in child's life (carer, parent, other relative)	28
Families SA	22
Health	9
Youth Justice	6
Other	23

The presenting issues⁴ were categorised as:

Stable and secure placement	55
Participation in decision making	32
Safety	23
Contact with significant others	19
Access to health and disability services	11
Understanding circumstances	10
Nurturing environment	9
Education	8
Relationship with social worker	3
Other	5

4. The total of issues is greater than the number of requests because there is often more than one presenting issue in a request and one issue may affect more than one child.

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Jessica

'Jessica', 13, contacted the Office of the Guardian (GCYP) to talk with an Advocate she had met during a GCYP visit to her previous residential care placement. Jessica had been moved following the closure of the house, and she was unhappy with the travel arrangements to school, which was some distance from her new placement.

Residential carers had been driving Jessica to school but could not continue to do so. They had arranged for taxi transport. Jessica said that she was nearly 14 years old and could use other public transport independently. She had worked out the route to school on two buses. Jessica agreed that it would make her school days extra long but she argued that she was only attending school part of the day anyway. Jessica said that no one listened to her views.

With her permission, the Advocate contacted Jessica's social worker. The social worker said that the decision for taxi transport was largely because of lack of staff time at the unit rather than Jessica's ability. However, there was also a safety concern because there had been problems in the school community. The social worker agreed that Jessica was of an age where she could expect to gain more independence and be trusted to use public transport.

The Advocate assisted the negotiation between Jessica and her social worker, resulting in an agreement to use a taxi to get to school and buses to return. Jessica was not aware of the safety issues in the school community. Shortly after the agreement, a decision was made by the school and Families SA to move Jessica to another campus. Jessica was invited to visit the new campus and included in decisions about her start date and classes. Jessica was satisfied with her new campus, transport arrangements and engagement in education.



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