

# Audits of Annual Reviews 2007- 2017

## - children, systems and practice

This report looks at observations and data from 10 years of the Office's audits of Annual Reviews. Reviewing audit reports from the previous nine years we found mention of many of the same issues. This report is a retrospective to identify long standing issues, map trends in the circumstances of children<sup>1</sup> whose cases were reviewed , the quality of the Annual Reviews and systemic issues for child protection as a whole.

### Summary of findings

- Annual Reviews are not being conducted for all children, with somewhere between 30 percent and 40 percent missing out.
- Where Annual Reviews are conducted, the quality of the review is very variable. Deficits in the representation of children's views, the preparation by social workers and the presence of non-Departmental staff lead to inadequate consideration of the child's circumstances and planning for their needs.
- Up to 80 percent of children were assessed to be in a long-term, stable and appropriate placement.
- Numbers of children are not allocated a social worker and, where a worker is allocated, other circumstances prevent the provision of a quality service to children.
- The cultural needs of many Aboriginal children are not being adequately supported.
- Significant numbers of children remain in unsuitable placements.
- Contact between siblings separated in placement is not always facilitated.
- Life Story Books are implemented for about half of the children.
- The proportion of children with IEPs has not progressed beyond 80 percent.
- Of the children who are able to comprehend it, many do not receive information about their rights and the proportion who do appears to be declining.

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<sup>1</sup> In this report, 'children' is used to designate both children and young people except where noted.

## About Annual Reviews

An annual review of a child's circumstances is required by law<sup>2</sup> when a child is under the long-term guardianship of the state.

Annual reviews are an important means of monitoring the quality of services provided and outcomes achieved for children in care. They are intended to be more than an administrative process. A good annual review focuses on the quality of the child's care arrangements as a whole, giving consideration to:

- stability of placement
- sense of belonging connectedness to carer and birth families
- cultural identity
- physical safety
- emotional security
- development opportunities
- academic achievement
- wishes now and for the future.

A review properly undertaken requires the active participation of the child, their carers, relevant agencies and, where appropriate, the birth family.<sup>3</sup>

## Why the Guardian's Office audits Annual Reviews

The Guardian's role by law is to monitor and advocate for the wellbeing of children in care and to advocate for improvements in the systems that provide for them. The Office attends Annual Reviews to:

- provide external accountability on review panels
- provide external scrutiny of case management practice and interagency collaboration
- advocate for quality outcomes for individual children whose circumstances are being reviewed
- collect data for the Office's systemic advocacy

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<sup>2</sup> It is a legislative requirement that there will be a review at least annually of the circumstances of each child under the guardianship of the state until the child attains 18 years of age (Children's Protection Act 1993, Section 52(1)). The review panel must consider whether the existing arrangements for the care and protection of the child continue to be in the best interests of the child

<sup>3</sup> The Department for Child Protection and previous responsible departments have policies and procedures that emphasise the active involvement of others. The relevant document for this period was the Families SA *Guardianship and Alternative Care Manual of Practice*(v.6 pp.105-115).

## Sample size and conclusions

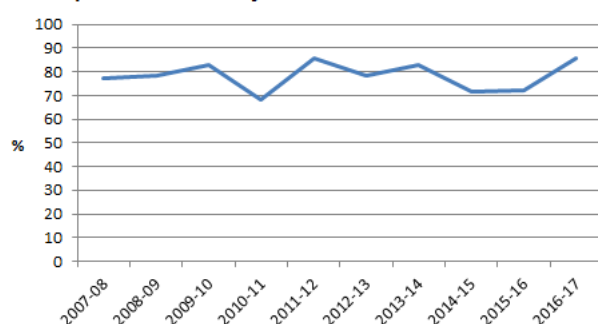
The Office was able to audits only a small proportion of the Annual Reviews that took place, generally 10 percent or less.<sup>4</sup> The nature of the sample was dictated by those Department offices that responded and was not able to be controlled for any characteristics. The data presented should therefore be treated conservatively, as indicative of general trends only.

## The circumstances of children

### Placement stability

This chart indicates the proportion of children assessed as being in long-term, stable and appropriate placements.

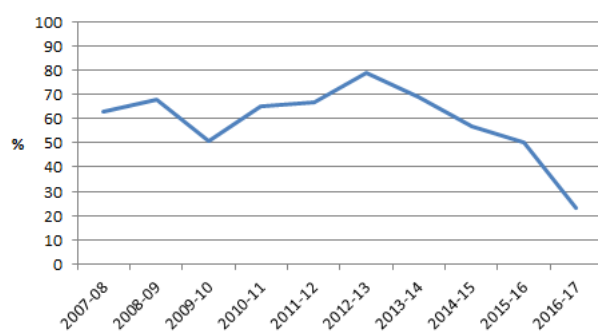
Chart 1. placement stability



Overall, around 80 percent of children in care in this state are in stable placements but South Australia lags all other states with its high rate of placement change.

### Provision of information about being in care

Chart 2. children receiving information about rights



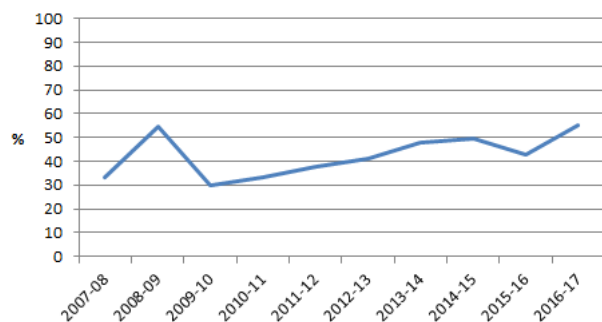
This chart indicates the proportion of children who it was reported had been provided with the *Charter of Rights for Children and Young People in Care*. The Office's staff were not always able to determine the extent to which the child's social workers had engaged with them about the Charter to explain what it meant and how it applied to them.

<sup>4</sup> The proportion of Annual Reviews audited by the Office decreased progressively as the number of children in care increased outstripping the resources available to conduct audits.

## Life Story Books

The disrupted family life of children and young people who come into care often means they also lose knowledge of their history, the documents and the photographs and the significant memories and associations that come with them. Life Story Books are a means to safeguard children's histories and make it available to them.

**Chart 3. children with life story books**

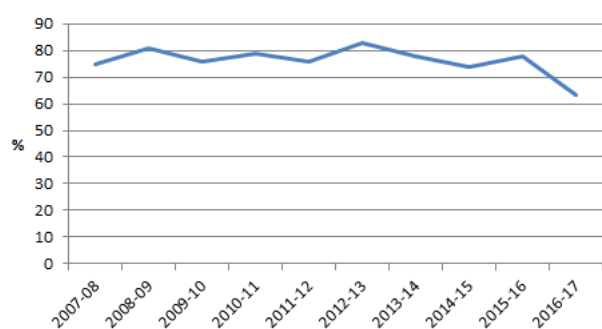


Since they were introduced we estimate that only about half of the children who could benefit from Life Story Books have been supported to develop one.

## Individual Education Plans

The Individual Education Plan (IEP) provides a process for sharing relevant information and supporting a child who is in state care to achieve their potential.<sup>5</sup>

**Chart 4. children attending schools with IEPs**



The proportion of children in state care with IEPs has stuck at around 80 percent until recently when it appears to have declined. Neither of the responsible departments have been able to offer an explanation for the failure to achieve a substantial improvement in the proportion of children with IEPs over the 10 years of this report.

<sup>5</sup> IEPs or Negotiated Education Plans (NEPs) which are for children with disabilities, identify:

- academic and social-emotional goals
- strategies and action to achieve them
- people responsible for implementation
- progress towards goals

## The coverage and quality of Annual Reviews

### The number of Annual Reviews completed

Each year prior to 2013-14, the proportion of children whose cases were reviewed was consistently around 80 percent. In 2013-14 the proportion dropped to 53 percent. In 2015-16, the last year for which figures are now available, it had risen to 63 percent.

Annual Reviews are important for children in care and the Department is required to conduct them by law. Allowing for inevitable administration problems compliance with this requirement should be at or close to 100 percent.

### Consistency of practice across the Department

#### *Scheduling*

Each office of the Department develops its own schedule for reviews and the Guardian's Office works to accommodate this. Some offices provided an annual schedule, others sent invitations on an ad-hoc basis as reviews were arranged. Some Department offices didn't respond to approaches by the Guardian's Office at all, leading us to conclude that Annual Reviews were not conducted for children allocated to those offices. Anecdotal reports were consistent with that conclusion.

#### *Constitution of panels*

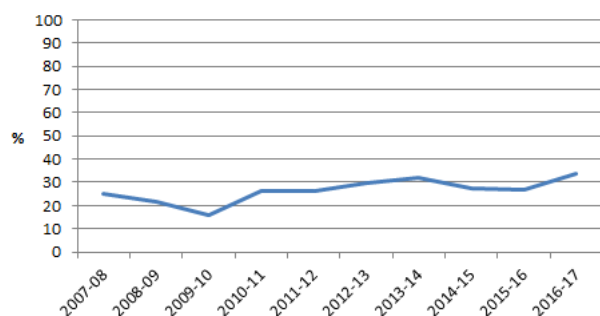
The constitution of review panels differed substantially between metropolitan and country offices. In country offices the Department's Principal Social Workers were generally highly engaged in the Annual Reviews and, on most occasions, chaired the panel. A Principal Social Worker was rarely a member of a review panel in any metropolitan location. The lack of independent members on review panels remains is an ongoing shortcoming of the Annual Review system. Aboriginal consultants were almost always present for the Annual Reviews of children who identified as Aboriginal.

### *Participation of children and non-Department staff*

The Department's annual review guidelines include prescriptions about participation of children, young people and significant others.

Children were taken to have participated if they had engaged with their Annual Reviews in person, by telephone, via survey form or via the Viewpoint survey.<sup>6</sup>

**Chart 5. children participating in their reviews**



In spite of the addition of Viewpoint to the tools available to elicit the views of children, the rate of their participation remains low. There were multiple occasions on which it was acknowledged that the child or young person and carers were not told about the Annual Reviews and were not provided with the opportunity to contribute.

The country offices at which the Guardian's Office undertook audits consistently performed much better than their metropolitan equivalents in facilitating participation by children in person and by survey.

Most offices have, over the 10 years of these audits, conducted annual reviews with only Department staff present with carers represented occasionally and birth parents and other professionals very much the exception.

### *Case worker performance at Annual Reviews*

In previous reports we have noted examples of excellent casework practice, including regular, independent face-to-face contact between the child and the social worker, extensive research into the child's familial and cultural heritage to strengthen identity and connections and active advocacy on behalf of the child. There were also too many situations where case workers had scant knowledge of their children and case files and were ill-prepared for the Annual Review.

The failings of coverage, participation and quality of the Annual Reviews we saw remained consistent over the ten years. This suggests that these faults are systemic and that a systemic response is needed such as the establishment of an independent, centrally managed body overseeing Annual Reviews.

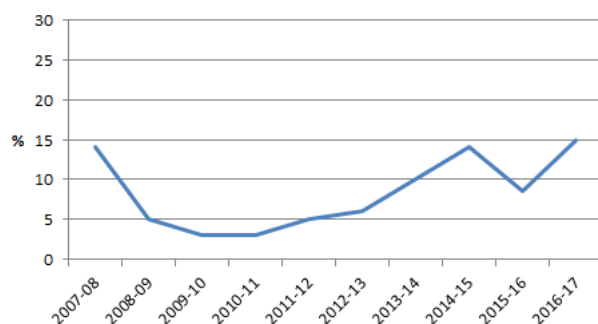
<sup>6</sup> During 2014-15 Families SA introduced a trial of ViewPoint electronic surveys to seek the views of children and young people in care. The survey has to this time had the child's input mediated through social workers.

## Systemic issues

Observations made by staff in the course of attending Annual Reviews also allow some reflections to be made about the performance of the child protection system as a whole.

### Case allocation

**Chart 6. children without a social worker**



The proportion of children without an allocated social worker seems to be on the rise in the most recent audit. This is borne out by the observations of the Office's staff when advocating on individual matters. The quality of the experience for a child is also affected by the length of time they have been with the same social worker and the amount of time the worker is able to allocate to them from their case load. This is a major and ongoing failing.

### Aboriginal children

The following indicators were developed in close collaboration with the Department's Principal Aboriginal Consultants. Because the sample was small for each year, we have aggregated the numbers for 10 years and provided an average percentage.

- Cultural placement, that is the child is placed with Aboriginal kin or with an Aboriginal family - 66%. This has been consistent across the 10 years of audits.
- Cultural information - 78%. It was noted during audits that the information provided to Aboriginal children was mostly generic, that is, not specific to their clan.
- Cultural engagement - 68%. It was noted that this mostly involved participation in generic Indigenous events such as NAIDOC Week and not events specific to clan.
- Cultural Life Story Book - 39%.

Aboriginal children were not consistently identified specific to their clan groups. This prevented planning to promote specific cultural connections and culturally appropriate activities, such as language classes, camps and visits to community. In addition, audits noted the inconsistent development of cultural identity plans and genograms and this hindered Aboriginal children and young people's connections to their family, community and culture.

### Placement options

Family-based placements were increasingly difficult to secure for children and this was not always limited to those with a history of placement instability or complex needs. A lack of family-based placements resulted increasingly in younger children being placed in residential care and children and young people remaining in emergency care arrangements for lengthy periods. Country-based children often needed to be relocated to Adelaide, causing significant upheaval and disconnection. Placements that were considered 'far from ideal' were frequently not considered for change because of a real or perceived lack of other family-based placement options.

### Separation of siblings in care

During Annual Reports, Guardian's staff observed numerous examples of situations in which siblings who were separated in different placements were not able to have meaningful contact with their brothers and sisters. Sibling contact was impeded by poor coordination across Department offices, uncooperative relationships between carers, lack of facilitation by a social worker and the exclusion of children from decisions about contact.

### Children and young people's understanding of their circumstances

Social workers and carers were not always inclined to talk with children about why they were in care and about their rights. As illustrated in Chart 2 above, the provision to children in care of information about the Charter of Rights appears to have declined in recent years. The proportion of children with Life Story Books has not reached 60 percent. Participation in person at their own Annual Reviews is a rarity and, even including the innovation of Viewpoint, the presentation of their own views in their own words rarely exceeds 30 percent.