

# Guardian for Children and Young People Annual Report

2019-2020



**Guardian**  
for Children and  
Young People



October 2020

ISSN 1833-9484

**Office of the Guardian for Children and Young People**

Level 3, 111 Gawler Place, Adelaide 5000

[www.gcyp.sa.gov.au](http://www.gcyp.sa.gov.au)

Ph. 08 8226 8570

[gcyp@gcyp.sa.gov.au](mailto:gcyp@gcyp.sa.gov.au)

GPO Box 2281

Adelaide SA 5001

DX 115



The Hon. Rachel Sanderson, MP  
Minister for Child Protection  
GPO Box 1072  
ADELAIDE SA 5001

Dear Minister

I am pleased to present to you the annual report of the Guardian for Children and Young People for the year ended 30 June 2020, as required under section 28(2) of the *Children and Young People (Oversight and Advocacy Bodies) Act 2016*.

This report provides a summary of the activities and achievements for the 2019-20 financial year.

Yours sincerely

A handwritten signature in black ink that reads "Penny Wright".

**Penny Wright**  
**Guardian**

30 October 2020

*A caution*

This report contains some case examples and sensitive information that may be distressing to some readers.

If that is the case for you, we encourage you to seek support from family, friends and community or contact a service like Kids Help Line on 1800 551 800 or Lifeline on 13 11 14.

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## Notes

### *Scope*

This report refers to the activities of the Guardian for Children and Young People.

The Guardian is also the Training Centre Visitor and Child and Young Person's Visitor.

The term, 'Office of the Guardian' or OGCYP, will be used in this report to describe the combined functions and work of the office, including the Guardian for Children and Young People and the Training Centre Visitor Unit, which are co-located within the office.

Full details about the Training Centre Visitor and the Child and Young Person's Visitor are available in their individual annual reports.

### *Case studies*

Where case examples have been included to illustrate the work of the Office of the Guardian, identifying characteristics have been changed to protect the children's privacy but indicated ages are accurate.

### *Data*

Please note that some data may not add up due to decimal rounding.

### *Glossary*

ACIST Aboriginal Cultural Identity Support Tool

AYTC Adelaide Youth Training Centre (now Kurlana Tapa Youth Justice Centre)

CYP Children and/or Young People (Child and/or Young Person)

CYPV Child and Young Person's Visitor

DCP Department for Child Protection

GCYP Guardian for Children and Young People

KTYJC Kurlana Tapa Youth Justice Centre (formerly the Adelaide Youth Training Centre)

OGCYP Office of the Guardian for Children and Young People

TCV Training Centre Visitor

# 1. From the Guardian – the year in review

It seems an age since we celebrated the long-anticipated launch of new premises, and our beautiful mural, co-created by children and young people from foster and kinship care, residential care and the Kurlana Tapa Youth Justice Centre, in July 2019. That was the start of what has turned out to be an eventful reporting year. Since then, the child protection system, like all of us, has been deeply impacted by COVID-19. My staff shifted to working from home in late March and adjusted to the risks associated with physical contact by having video chats with children and young people instead of meeting with them face to face.

The Department for Child Protection (DCP) had to move quickly to keep their staff and children and young people in their care safe from a new illness, with many unknowns. We have seen resilience and adaptability throughout our community and I commend the Department on its fast development and roll out of service delivery plans tailored to the unfolding health advice and restrictions. I particularly commend those residential care workers who nominated themselves to work in a 'COVID positive' residential care home, in case it was necessary to isolate those in care who caught the virus. I understand that, fortunately, this was not necessary.

My office saw an increase in enquiries and advocacy matters about family contact. This is the result of a difficult choice that was required of child protection systems Australia-wide – to cease family contact visits and replace them, temporarily, with other options like phone contact and video conferences. There is a painful balance to be struck between minimising the risks associated with COVID-19 (as an invisible and devastating virus) and maintaining face to face family contact for children and young people in care (the absence of which can also be devastating).

Young people contacting us were quick to point out inconsistencies – they were expected to attend school as normal, but could not see their friends, siblings or other family. They felt it was not fair and the reasons for the denial of family contact were not clear to them. In some cases, boredom also seemed to be an issue in residential care units, with regular activities ceasing.

In June 2020, there were 4,370 children and young people in South Australia living in out-of-home care, an increase of 9.5 per cent<sup>1</sup> on numbers from 2019. Whilst we are living in times of great uncertainty, one thing we can guarantee is that this pandemic and the subsequent recession will result in more South Australian children and young people entering care. Many people have lost

<sup>1</sup> This was originally reported as 11.5% due to an error in comparing this year's numbers of CYP in out of home care with last year's numbers of CYP on formal care and protection orders (which are always lower as this is a narrower category)

their incomes but are able to survive on government support thanks to the added Coronavirus supplements. Banks have allowed deferrals on loans, and there is a moratorium on rental evictions but what will happen when these schemes end?

While poverty itself is not the reason children become involved in the child protection system it can certainly be a compounding factor. A longitudinal study published in 2016 found that in Australia, factors of disadvantage such as social instability, domestic and family violence, poor parental mental health and substance abuse have a strong association with increased risk of child abuse and neglect.<sup>2</sup>

By the age of ten, one in every three children in South Australia has been the subject of a child abuse or neglect notification. This statistic is deeply troubling and points to the crisis that was affecting children, families and the child protection system before the pandemic. What will this look like in the years to come?

In the Productivity Commission's report '*Rising inequality? A stocktake of the evidence*', it was demonstrated that people living in single-parent families, the unemployed, people with a disability, and Aboriginal Australians are at a higher risk of experiencing income poverty, deprivation and social exclusion.<sup>3</sup> People living in these circumstances face an increased risk of economic disadvantage becoming entrenched, which limits economic opportunities and the ability to develop necessary skills to overcome these factors.<sup>4</sup> Children in care and/or detention feature heavily in all these demographic groups.

It is widely understood that this pandemic will result in significant economic scarring on young people for years to come. In separate reports, the Create Foundation and the Care Leavers Australia Network found that when it came to care leavers, -

- 35 per cent experienced homelessness in the first year of leaving care
- 46 per cent of males were involved in the criminal justice system
- 29 per cent were unemployed
- 41 per cent of females were pregnant during their adolescence

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<sup>2</sup> J.C. Doidge et al 'Risk factors for child maltreatment in an Australian population-based birth cohort' *Child Abuse & Neglect* 64 (2017) p 47.

<sup>3</sup> Productivity Commission 2018, *Rising inequality? A stocktake of the evidence*, Commission Research Paper, Canberra, p 5.

<sup>4</sup> Ibid.

- 43 – 65 per cent had poor mental health outcomes (including depression, Anxiety, PTSD, panic attacks and sleep disorders).<sup>5</sup>

I fear that the economic impacts of COVID-19 will inevitably further entrench this disadvantage. Support must be extended to those leaving care, especially those who are not in foster and kinship care arrangements and are not eligible for the current ‘Stability in Family Based Care’ program for those over 18 who continue to live with their carers until 21.

As is evident from the work required of my office, DCP is already significantly challenged in trying to meet the growing demands of keeping children and young people safe. With an anticipated fast rate of growth of children and young people entering care in the coming months and years, and significant hardships for those leaving care, I sincerely hope DCP will be sufficiently resourced to manage the need for early intervention services, family-based placements and post care support.

This year my staff and I have continued to see systems failings in relation to inadequate and sometimes rushed placement matching, which is usually the result of limited placement options and has been exacerbated by a looming deadline for the closure of ‘commercial care’ in October 2020. The consequences for the children involved can be extremely serious: the experience of fear, bullying and/or physical harm because they are not safe in their residential care placements, being moved from their ‘home’, school and neighbourhood with little or no notice or consultation, and being separated from trusted carers or their siblings. Implementation of the Nyland recommendation for a community visiting scheme would provide support for, and greater oversight of the challenges faced by, these children who are living in residential and commercial care but the scheme, and the role of Child and Young Person’s Visitor, is not funded.

We have also identified serious gaps and failings in the current system of managing allegations of sexual abuse of children and young people in care which inhibit the detection and prevention of peer-to-peer harmful sexual behaviours and abuse by others, such as community members, who are not associated with the care environment. My office does not currently receive all information about allegations of sexual abuse, and I do not have the staff resource necessary to properly implement Recommendations 23 and 24 of the Mullighan Inquiry, which were designed to ensure that the Guardian could monitor the scale and true nature of the problem, recommend systems improvements and advocate for children who are alleged to have suffered sexual abuse in care.

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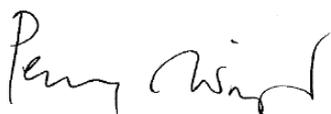
<sup>5</sup> Data referred to on the Home Stretch Campaign website <<http://thehomestretch.org.au/learnmore/>>.

As well as highlighting these serious concerns, I want to acknowledge that, while managing the risks posed by COVID, DCP has introduced or achieved various important practice developments and policy changes in the last year. These include the Disability and Development Services program which has led to greater and more systematic assessment and support for children with disabilities and a significantly increased number being granted NDIS plans; and work towards more therapeutic approaches to residential care such as the 'MyPlace' project which enables young people to make decisions and create environments within their home that reflect their preferences and culture, including layout and furnishing. I note the closure of a further large, congregate unit in the north of Adelaide as an ongoing placement option for young people, on the back of consistent advocacy by previous Guardians and the recommendations in a report from the trial Child and Young Person's Visiting Program in July 2019. I also welcome the announced roll-out of the Sanctuary Model for all DCP residential care facilities later in the year and sincerely hope this will help equip staff to create safer environments (physical and emotional) and support children and young people who have experienced adversity and trauma to grow and heal.

As always, I want to acknowledge the many people who care for, and work with, these special but vulnerable young South Australians – foster and kinship carers, youth workers and residential care staff, case managers and the many other people in DCP and other government and non-government agencies. My staff and I have the opportunity to witness some great practice by creative, empathic people who are willing to go 'above and beyond' and advocate energetically for the unique potential of the children and young people they work for. Thank you for the care you provide and for your desire to make a difference for these kids.

Thank you also to my skilled and committed staff, who each contribute to a whole that is much greater than the sum of its parts, and are always striving to ensure that children and young people are at the centre of everything we do.

And finally, a thank you to the children, young people and young adult care-leavers who have reached out to us for help, trusted us with their thoughts and feelings, shared their wisdom and insights and helped us by making beautiful art, writing scripts for videos, sharing their poetry, contributing great ideas and generally reminding us of why our work matters.



**Penny Wright**

### *In 2019-2020 the Office of the Guardian:*

- Responded to 442 requests for assistance, of which 391 were 'in-mandate', involving 520 children and young people in care. Of these requests 137 were from children and young people themselves
- Audited 461 annual reviews of the circumstances of children under long-term guardianship of the Chief Executive of DCP (10.5% of this group of children)
- Extended the network of advocates for children's rights to 90 agencies, involving 310 Charter (of Rights) Champions
- Commenced a five-yearly review of the *Charter of Rights for Children and Young People in Care*, to be finalised by February 2021
- Commenced working with Aboriginal children and young people in care to create a culturally relevant GCYP safety symbol, 'Nunga OOG'
- Reported on trends in school enrolment, attendance and literacy and numeracy skills from 2009-2019 for students under guardianship compared to their age peers
- Reported on costs and trends for children in out-of-home care, based on an analysis of the Report on Government Services, including a separate report on the circumstances of Aboriginal children in care and in detention
- Convened and co-hosted with the Commissioner for Aboriginal Children and Young People, and the Commissioner for Children and Young People, an Adelaide premiere screening of 'In My Blood It Runs', to commemorate the 30<sup>th</sup> anniversary of the United Nations Convention on the Rights of the Child
- Provided information and advice to the Department of Human Services Review of Restrictive Practices and the community in relation to children and young people in care and detention
- Provided information and advice to DCP regarding review and development of various policies and procedures including Complaints and Feedback Management, Internal reviews and the Contact Arrangements Review Panel.

## 2. The Office of the Guardian for Children and Young People

The Office of the Guardian for Children and Young People includes the activities and associated staff of the Guardian for Children and Young People, Training Centre Visitor Unit and Child and Young Person's Visitor.

We believe that children and young people have fundamental rights which include the right to feel good about themselves, the right to live in a place where they are safe and well cared for, the right to get the help they want or need and the right to understand and have a say in decisions that affect them.

These rights are contained in the [Charter of Rights for Children and Young People in Care](#) (the Charter), prepared and maintained by the Office of the Guardian, as required by Part 4 of the *Children and Young People (Safety) Act 2017*<sup>6</sup>.

The Charter is consistent with the UN Convention on the Rights of the Child (UNCRC), which Australia has ratified. Section 5 of the *Children and Young People (Oversight and Advocacy Bodies) Act 2017* provides that every State Authority in South Australia must seek to respect and uphold those rights of children in the UNCRC when carrying out its functions and powers.

### **Our vision**

Every child and young person in care and detention is – and feels – safe, respected, cared-for, can realise their full potential and engage with (and challenge) systems that impact upon their lives.

### **Our values**

- We are caring, brave and tenacious in our advocacy for children and young people.
- We are mindful of the responsibility, independence and reach of our office.
- We seek others' perspectives and take decisive action to do the right thing. We are optimistic that through this commitment change will happen.
- We are committed to ensuring the voice of children and young people informs our work and are active in pursuing their best interests. We encourage others to do the same.
- We are respectful of the challenges facing children and young people and our colleagues in pursuing their best interests.
- We act ethically, with understanding and take responsibility to create confidential, safe spaces that facilitate honest and robust interactions.
- We are playful and creative in our work and encourage innovation.

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<sup>6</sup> GCYP is in the process of conducting the five-yearly review of the Charter as required by s.13 of the *Safety Act*.

## 2.1 The role of the Guardian for Children and Young People

Penny Wright was appointed as Guardian for Children and Young People (GCYP) on 10 July 2017 until 9 July 2022.

The GCYP is an independent statutory role that is legislated under the *Children and Young People (Oversight and Advocacy Bodies) Act 2016* and reports to Parliament through the Minister for Child Protection.

The GCYP promotes and protects the rights of all children and young people under the age of 18 years who are under the guardianship, or in the custody, of the Chief Executive of the Department for Child Protection. To do this, the GCYP works in partnership with children and young people, their families and carers, government agencies and non-government organisations (NGOs).

The GCYP currently holds two further roles, which overlap with, and are complementary to, the Guardian's functions: Training Centre Visitor (TCV) and Child and Young Person's Visitor (CYPV).

## 2.2 The role of Training Centre Visitor

Penny Wright was appointed as the Training Centre Visitor (TCV) on 11 July 2017 until 9 July 2022.

The TCV is an independent statutory role established by the *Youth Justice Administration Act 2016* and reports to Parliament through the Minister for Human Services. The TCV promotes and protects the rights of children and young people sentenced or remanded in Kurlana Tapa Youth Justice Centre (formerly known as Adelaide Youth Training Centre).

The TCV's specific responsibilities under the *Youth Justice Administration Act 2016* overlap with the Guardian's responsibilities under section 26(1)(a) of the *Children and Young People (Oversight and Advocacy Bodies) Act 2016* because the category of alternative care 'includes care provided in a detention facility for a child who is held there in lawful detention,' under section 26(4) of that Act.

Full details of the TCV Unit and reporting on those children and young people who are detained in the Kurlana Tapa Youth Justice Centre, can be found in the [Training Centre Visitor's Annual Report](#) published separately.

## 2.3 The role of Child and Young Person’s Visitor

Penny Wright was appointed the inaugural Child and Young Person’s Visitor (CYPV) on 26 February 2018 until 9 July 2022.

The CYPV is an independent statutory role established by Chapter 9 of the *Children and Young People (Safety) Act 2017* and reports to Parliament through the Minister for Child Protection. The CYPV promotes the best interests of children and young people who are under court orders granting guardianship or custody to the Chief Executive of the Department for Child Protection and who are living in residential care. The CYPV’s functions include visiting and inspecting residential facilities, advocating for the residents and advising the Minister for Child Protection.

Although the functions and structure of the CYPV scheme have been legislated, the scheme has not formally commenced.

The Guardian conducted a two-year trial visiting program to inform the necessary arrangements and resourcing of the CYPV’s visiting scheme when it is ultimately established. This trial program was finalised on 30 September 2019. Findings from the trial were reported in the [Final Report on the Trial Child and Young Person’s Visiting Program](#). Although there was no formal activity on the part of the CYPV in 2019-2020, she was required to lodge the *2019-2020 CYPV Annual Report* with the Minister for Child Protection.

## 2.4 Who we work for – children and young people in care

The GCYP promotes and protects the rights of South Australian children and young people who are under the guardianship, or in the custody, of the Chief Executive of the Department for Child Protection. This includes those who are in relative or kinship care, foster care, residential care or secure custody.

Each year, the Department for Child Protection (DCP) kindly provides us with data for our Annual Report. This information allows us to publicly report on trends in the care population.

This report utilises two datasets provided by DCP – one which categorises children and young people on Care & Protection Guardianship to 12 months and to 18 Years Orders at 30 June 2020 (n: 4263), and one which categorises children and young people on Care and Protection Orders and in out-of-home care as at 30 June 2020 (n: 4370).

- This year we did not receive information relating to exits from care due to anomalies within the dataset.
- We also requested data relating to the number of Aboriginal children and young people in care with a commenced or completed Aboriginal Cultural Identity Support Tool (ACIST).
- We requested data relating to disability.

DCP provided data relating to ACISTs and disability but requested we do not publish these in this annual report.

In respect of the data about ACISTs, DCP advised that it is not currently in the public domain as they are continuing to refine their case planning processes to ensure all activity is captured. DCP advised that the Department will shortly launch a new Case Plan that will be able to be created and reviewed in C3MS (the DCP case management system) and will replace other case planning templates, including the ACIST. They advise that ‘currently ACIST data is indicative of but does not capture the quality and breadth of cultural planning currently being facilitated by the department’.

Regarding the data about disability, DCP advised that the data provided about NDIS includes children on Post 18 Guardianship Orders and includes children who are no longer in care and is not in the public domain. DCP also advised that due to the way data is stored in C3MS, they are unable to provide data on disability type and by placement.

Whilst we will respect their request at this time, publication of this information may lead to a greater understanding of how DCP is tracking under its *Aboriginal Action Plan 2019-20* and care strategy for 2020-2023, *Every Effort for Every Child*.

Where publication of this information is in the public interest, the Guardian seeks to provide relevant information to Parliament. This is consistent with transparent, accountable government and helps improve public confidence in government decision-making.

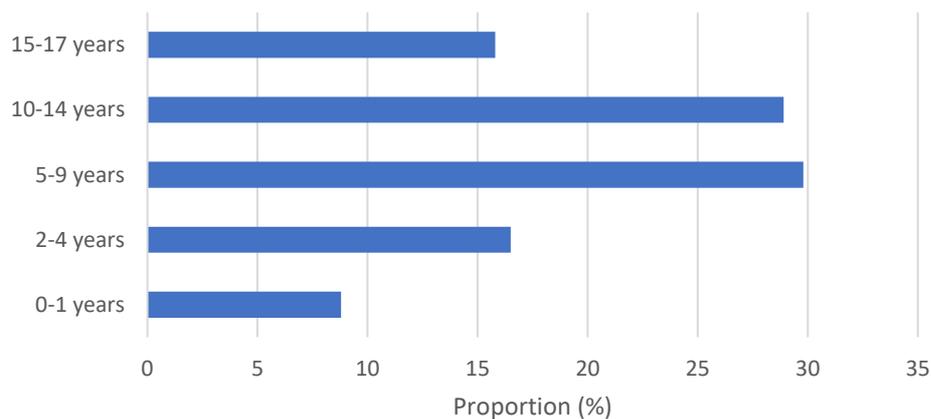
It is anticipated that with the improved processes advised by DCP, these data will be available and in the public domain before or in time for the next GCYP annual report.

As of 30 June 2020 in South Australia there were 4,263 children and young people under the guardianship of the Chief Executive through care and protection court orders.<sup>7</sup> They had the following characteristics:

***Children and young people on 12 month and 18 years orders under the guardianship of the Chief Executive at 30 June 2020 (n = 4263)***

Male	51.8%
Female	48.2%
Indeterminate	< 0.01%
Aboriginal and/or Torres Strait Islander	36.3%
Guardianship to 12 months	14.3%
Guardianship to 18 years	85.7%

***Age of children and young people on Care & Protection, Guardianship to 12 months and to 18 Years Orders as at 30 June 2020***



<sup>7</sup> This report utilises two datasets provided by DCP – one which categorises children and young people on Care & Protection Guardianship to 12 months and to 18 Years Orders at 30 June 2020 (n: 4263), and one which categorises children and young people on Care and Protection Orders and in out-of-home care as at 30 June 2020 (n: 4370). Please note that some data may not add up due to decimal rounding.

The living arrangements for children and young people in care are as follows:

***Proportion of children and young people in care by placement type at 30 June 2020 (n: 4370)<sup>8</sup>***

Foster Care	37.6%
Kinship Care	34.3%
Residential Care	9.5%
Temporary Care	8.2%
Specific Child Only Care	5.3%
Commercial Property	2.8%
Independent Living	1.4%
Family Day Care	0.9%

***Aboriginal children and young people***

Aboriginal children and young people represent 36.3 per cent of the care population although they make up only approximately 5 per cent of all children and young people in South Australia. The number of Aboriginal and/or Torres Strait Islander children and young people in care increased by 13 per cent from last year's numbers (1371 on 30 June 2019, compared to 1549 on 30 June 2020).<sup>9</sup> The disproportionate overrepresentation of Aboriginal children and young people in child protection systems across Australia has been well documented for decades and is getting worse.

The Aboriginal and Torres Strait Islander Child Placement Principle is incorporated into the *Children and Young People (Safety) Act 2017*, in section 12. It requires that a child or young person in care should, where reasonably practicable, be placed (in order of priority) with: a member of their family, a member of their community who has a relationship with them (or responsibility for them), a member of their community or a person of Aboriginal or Torres Strait Islander background.

Although the rate of kinship care is 34.3 per cent for the entire care population in South Australia, and despite the requirement to adhere to the Aboriginal and Torres Strait Islander Child Placement

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<sup>8</sup> This data relates to all children and young people in care, not just those placed on guardianship to 12 months and to 18 years orders. This data is used for the Productivity Commission's annual *Report on Government Services*. The numbers of children and young people under the guardianship of the Chief Executive of the DCP and those classed as in care for the purpose of the Productivity Commission's annual *Report on Government Services* refer to similar but not identical populations.

<sup>9</sup> A small error in 2020 data was discovered, with two different numbers of Aboriginal and/or Torres Strait Islander children and young people in care being provided. The discrepancy was by one, so the lower number has been used.

Principle,<sup>10</sup> as at 30 June 2020 only 31.5 per cent of the Aboriginal care population were placed with an Aboriginal relative or kin. A further 10.4 per cent were placed with other Aboriginal caregivers or in Aboriginal residential care.

Over one-third (36.3 per cent) of Aboriginal children and young people in care were placed with a non-Aboriginal caregiver or in non-Aboriginal residential care, contrary to the Aboriginal and Torres Strait Islander Child Placement Principle.

The overrepresentation of Aboriginal children and young people in residential care and commercial care is also marked. At 30 June 2020, 38.4 per cent of children and young people were living in residential care,<sup>11</sup> and 33.3 per cent of children and young people living in commercial care were Aboriginal.

All Aboriginal children and young people in care must be supported to maintain a connection with their family, community and land, if it is their wish to do so. To ensure this can happen, there must be correct identification for those entering care and the accurate completion of an Aboriginal Cultural Identity Support Tool (ACIST). A completed ACIST helps ensure that information used in case planning is culturally appropriate and relevant and that Aboriginal children and young people are able to express their views and interests about their family and community.

### *Children and young people with disabilities*

The GCYP is required to pay particular attention to the needs and circumstances of children and young people who have a physical, psychological or intellectual disability.<sup>12</sup> As discussed above, DCP is developing its ability to extract reliable data pertaining to the rates of those in care who have a disability. DCP is currently relying on NDIS plan data to ascertain numbers and is working to improve data. Estimates of the rate of disability vary between 25-30 per cent. This is not sufficient as many of those in care have trauma-related behaviours which currently do not fit the NDIA psychosocial pathway. This can result in children and young people moving between the child protection, health and NDIS systems seeking assessment and services, which can in turn compound trauma. Work is required to better understand the extent of, and support needed for, those in care who have a disability or complex needs, regardless of whether they meet NDIS criteria.

This year, the Department for Education has expanded its coverage on disability data collection and has, for the first time, reported under the new heading of 'complex social/emotional/behaviour needs'. It reported that 41.3 per cent of children and young people in care attending government

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<sup>10</sup> s 12 *Children and Young People (Safety) Act 2017*.

<sup>11</sup> This dataset has included independent living arrangements with residential care, as this is how it is reported in the Productivity Commission's annual Report on Government Services.

<sup>12</sup> s 26(2)(b) *Children and Young People (Oversight and Advocacy Bodies) Act 2016*.

schools had a disability.<sup>13</sup> This indicates that DCP is likely underreporting rates of disability by relying on NDIS status. It is unclear if this has then created a service-gap.

A submission was made by the OGCYP to the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability which set out concerns about those in care and/or detention with a suspected or diagnosed disability.<sup>14</sup> This work is ongoing.

### *Dual status – Children and young people in care and in detention*

In November 2019, the OGCYP released the report *A Perfect Storm*<sup>15</sup> which provided an introduction to the situation of ‘dual status’ children and young people who are caught in both the child protection and youth justice systems.

In 2019-20, 28.3 per cent of all individuals admitted to Kurlana Tapa Youth Justice Centre (KTYJC) were also in care at the time of their admission. They comprised 39.4 per cent of all admissions, however, and made up 33.1 per cent of all residents on an average day (compared to 23.4 per cent in 2018-19).

The distinctly higher proportion of total admissions compared to individuals admitted, demonstrates a higher rate of multiple admissions of children and young people who are in care: an average of 2.8 admissions per individual in care compared to 1.7 admissions per individual for those not in care.

Since the OGCYP began receiving data on the rates of admissions to KTYJC in 2018, the proportion of admissions by those in care has jumped from 30.8 per cent, to 39.4 per cent. This is indicative of systemic failure within the child protection system.

Those in care constitute approximately one per cent of the State’s children and young people, and not all of those in care have reached the minimum age of criminal responsibility. South Australia’s 2020 Report Card for children and young people, published by the Child Development Council,<sup>16</sup> identifies dual status children and young people as one of the six priorities for consideration and collective action that must be addressed.

The Department for Child Protection has previously been unable or unwilling, when approached, to provide data to the OGCYP relating to children and young people in care who also are in youth justice detention.

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<sup>13</sup> p 11, Children and Young People in State Care in South Australian Government Schools 2009-2019, Office of the Guardian for Children and Young People, June 2020.

<sup>14</sup> Available here: <http://www.gcyp.sa.gov.au/wp-content/uploads/2020/07/2020-04-29-OGCYP-submission-Disability-Royal-Commission-final.pdf>

<sup>15</sup> A PERFECT STORM? Dual status children and young people in South Australia’s child protection and youth justice systems - Report 1  
<http://www.gcyp.sa.gov.au/wp-content/uploads/2019/12/Dual-Status-CYP-in-SA-A-Perfect-Storm.pdf>

<sup>16</sup> Available here: <https://childrensa.sa.gov.au/wp-content/uploads/2020/09/How-are-they-faring-SAs-2020-Report-Card-FINAL-2020-08-05.pdf>

## 3. The functions of the Guardian

The GCYP has statutory functions defined in section 26(1) of the *Children and Young People (Oversight and Advocacy Bodies) Act 2016*:

- a) to **promote the best interests** of children under the guardianship, or in the custody, of the Chief Executive of the DCP, and in particular those in alternative care; and
- b) to act as an **advocate for the interests** of children under the guardianship, or in the custody, of the Chief Executive of the DCP and, in particular, for any such child who has suffered, or is alleged to have suffered, sexual abuse; and
- c) to **monitor the circumstances** of children under the guardianship, or in the custody, of the Chief Executive of the DCP; and
- d) to **provide advice** to the Minister on the quality of the provision of care for children under the guardianship, or in the custody of, the Chief Executive of the DCP and on whether the children's needs are being met; and
- e) to **inquire into**, and provide advice to the Minister in relation to, **systemic reform** necessary to improve the quality of care provided for children in alternative care; and
- f) to **investigate and report** to the Minister on matters referred to the GCYP by the Minister; and
- g) such other functions as may be conferred on the Guardian by or under this or any other Act.

This section reports on the work and outcomes of the office to meet the GCYP's statutory functions.

### 3.1 Promote

To promote the best interests of children under the guardianship, or in the custody, of the Chief Executive, and in particular those in alternative care

#### *Promoting the rights of children in care as expressed in the Charter of Rights*

The Office of the Guardian has responsibility for preparing, promoting and monitoring the [Charter of Rights for Children and Young People in Care](#) (the Charter) as set out in section 13 of the *Children and Young People (Safety) Act 2017*.

The Charter includes the right of children and young people to feel good about themselves, the right to live in a place where they are safe and well cared for, the right to get the help they want or need and the right to understand and have a say in decisions that affect them.

At the end of June 2020, 90 agencies had endorsed the Charter and there were 310 Charter Champions engaged to promote children’s rights in their agencies.

In April 2020 the GCYP began a project to review the Charter, a five yearly process required by s13(2)(a) of the *Children and Young People (Safety) Act 2017*.

A working group was established, consisting of the OGCYP Business Manager, the Senior Communications and Liaison Officer and two young people who used to be in care, with additional advice and input from GCYP Advocates and an external consultant with expertise in designing and facilitating child engagement.

The project will consult with children, young people and other stakeholders to review the current set of rights as to their relevance, scope and expression, and seek ideas and suggestions for further promoting the rights of children and young people in care.

In June 2020 a model of engagement had been designed, with a number of activities and materials to ensure children and young people of all ages and abilities can have their say about the revised Charter, and we launched a (rather cheesy!) [video](#) to encourage children and young people to tell us about what rights matter to them. The proposed completion date is December 2020 and the revised Charter is required to be adopted by February 2021.

### *Child and young person’s participation in designing the GCYP logo*



The GCYP’s current logo dates back to the establishment of the office in 2005. This year we embarked on the development of new branding, including two new but complementary logos for the roles of GCYP and the Training Centre Visitor.

In January 2020, we ran an art competition for children and young people in care to help design the GCYP’s logo. The competition was promoted through our weekly email blog, social media and wider

networks and we received a number of lovely entries. Staff voted on the winning entry, which was designed by a twelve year old girl who's initial is "C". We were thrilled with her design, which was then given to an external graphic designer to develop the final concept. We envisage the introduction of the new branding in the latter part of the year.

### *The 'Nunga OOG' Project*

Given the over-representation of Aboriginal children and young people entering the care system, we have been aware for some time that the current 'OOG' character<sup>17</sup>, a symbol of safety for children in care, and much loved by children of all ages, needs a friend. This year we embarked on a project to create a 'Nunga OOG' character, with, and for, Aboriginal children and young people in care.

The project commenced in February 2020 with a working group made up of a young person currently in care, Aboriginal Elders, OGCYP staff and Aboriginal staff from DCP.

We originally intended to conduct a series of art workshops across the state, to allow Aboriginal children and young people in care to design their own version of OOG. Due to COVID-19 we could not go ahead with this plan but sent out boxes of art materials to residential care properties, where two or more Aboriginal children were living. Here are a couple of the designs we received.



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<sup>17</sup> OOG is an acronym for 'Office of the Guardian'

Once COVID-19 restrictions have eased, we will recommence the workshops, both in metropolitan and regional areas. Our OOG character has been a great success and we believe Nunga OOG will be just as loved and serve as a great safety symbol for Aboriginal children and young people in care.

### *Young people's participation in recruitment of staff*

Section 27 of the *Children and Young People (Oversight and Advocacy Bodies) Act 2016* requires the GCYP to establish and maintain processes to ensure the participation of children and young people in strategic, policy or systemic practice development or review processes. During this financial year, GCYP's recruitment of all positions featured input and participation by young people or young adults who had an experience of living in care. Processes include training the young person/adult in merit selection, encouraging them to generate interview questions, having them participate on interview panels and discussion about candidates, and paying them an appropriate honorarium for their work.

### *Promoting great practice*

Each year the Guardian has the pleasure of writing to a significant number of DCP practitioners and others working in government and non-government agencies with children and young people in care, to commend them on their particularly good practice and the way they exemplify the principles of the UN Convention on the Rights of the Child and the Charter of Rights for Children and Young People in Care. These practitioners include case workers, youth workers, residential care workers, managers, and school support workers. The information usually comes from the Principal Advocate and GCYP Advocates who have witnessed their work in the field and in the course of sitting in on Annual Reviews.

Working in the area of child protection can be very challenging but every person has the opportunity to make a positive difference for the young people they encounter. Where practitioners take up that opportunity energetically, with a clear focus on the child at the centre and with a warm heart, they deserve our respect and commendation. Acknowledging their contribution helps promote the importance of the rights of children and young people that these workers strive to implement.

### *Examples of Great Practice*

- *having high quality and up-to-date case plans incorporating the views of children and young people, and carers – and signed by all interested parties; bringing a written agenda to an Annual Review, developed with the young person; case plans that strongly represent the voice of the children, with the use of ‘first person’, including drawings and quotes*
- *positive feedback about the worker’s role in supporting the child/young person from the foster carer and the agency support worker*
- *rapport and strength of relationship with children and young people*
- *trusting, supportive relationships throughout a team that have created a ‘constant’ and a safe haven for the young person to come into the office once per week*
- *intensive support to enable Aboriginal young people to live with their birth mothers, including visits three times a week*
- *persistently wrangling Centrelink requirements to support a young person to commence independent living*
- *a strong commitment to completing an ACIST for an Aboriginal child, including sourcing information on family, nation and culture from interstate*
- *working for change for a child who was being bullied at school and creating a high-quality case plan based on the child’s strengths so that their essence shone through*
- *supporting a young person by listening carefully and helping with her request for more access with her mother, also organising her ballet costume for the end of year concert*
- *advocating strongly for two siblings, 3 and 4, to have family contact and navigating complex circumstances to bring it about*
- *a case worker who managed to source a kinship placement for Aboriginal siblings by persevering in developing a relationship with a grandparent who finally provided details of potential carers – as a result the children’s behaviours settled, were more engaged at school and there had been significant improvements in their lives*
- *a case manager who went ‘above and beyond’ to support a young person through a particularly traumatic year and strongly advocated for them to remain at school rather than be transitioned out, also successfully contesting a suspension – the foster carer was ‘very impressed’ and another community member described ‘wonderful support’*
- *creation of a beautiful life-story book with photos, awards, certificates and including a piece written by the 11-year-old child about themselves and their aspirations*
- *support for a young person to maintain regular critical connection with siblings and step-father interstate which ultimately resulted in a kinship placement*

## *Promoting the rights and best interests of children in care and detention to the community*

The Guardian made the following presentations about the rights and interests of children in care and detention:

- Kurlana Tapa Youth Justice Centre staff (18 and 25 September 2019)
- Therapeutic Residential Care Network (18 October 2019)
- CREATE Foundation Conference – Voices in Action, panel on child-centred complaints and access to records – Melbourne (9 November 2019)
- Forum and roundtable on OPCAT, joint presentation with SA Ombudsman and Professor Laura Grenfell (Adelaide University) (4 December 2019)
- ‘In My Blood It Runs’, premiere showing for 30<sup>th</sup> anniversary of UN Convention on Rights of the Child, hosted by GCYP, CACYP and CCYP (5 December 2019)

Staff of the Office of the Guardian made the following presentations:

- Assessment and Referral Officer, Courtney Mostert, represented GCYP in the Reportable Conduct Scheme SA Working Group from (July – October 2019)
- Assessment and Referral Officer, Courtney Mostert, delivered two presentations to DCP social work students regarding the functions of GCYP (23 and 31 October 2019)
- Principal Advocate, Merike Mannik, represented GCYP on a Panel at a consultation on the State Youth Action Plan
- Assessment and Referral Officer, Courtney Mostert, represented GCYP at a consultation workshop to inform the design of the National Centre for the Prevention of Child Sexual Abuse (December 2019)

## *Sharing the knowledge and information of the office*

We published 52 blogs post on our [website](#).

We published one newsletter.

We appeared in the following media:

- InDaily – [SA plan to reduce number of Aboriginal children in out-of-home care](#) (8 July 2019)
- The Advertiser – Dozens of South Australian children still sleeping in emergency housing (23 July 2019)
- Sunday Mail – Alarming spike in care kids who feel unsafe (4 August 2019)
- InDaily – [SA Child Protection Dept to boost Indigenous staff](#) (22 August 2019)
- InDaily – [Netted, drugged, locked away: the damning face of child mental health in SA](#) (23 September 2019)

- ABC News online – [SA Government to ban use of spit hoods after damning report by the state's ombudsman](#) (24 September 2019)
- ABC Radio – Ombudsman SA report - spit hoods (25 September 2019)
- Radio Adelaide (The Wire) – [The use of spit hoods](#) (30 September 2019)
- ABC Radio – Parental responsibility when children commit crimes (1 October 2019)
- InDaily – [SA youth detention system breaching human rights: watchdog](#) (1 October 2019)
- The Advertiser – Filming of youths on toilet, shower under review (5 October 2019)
- AdelaideNow – <https://www.adelaidenow.com.au/news/law-order/filming-of-youths-on-toilet-shower-under-review/news-story> (5 October 2019)
- ABC News on-line – [How the child protection system failed to keep Maggie safe](#) (11 October 2019)
- ABC Radio – Raising the age of criminal responsibility (14 October 2019)
- InDaily – [Youth training centre broke law with treatment of child: watchdog](#) (1 November 2019)
- Channel 10 TV News – [System in crisis \(GCYP annual report\)](#) (28 November 2019)
- ABC TV News – System in crisis (GCYP annual report) (28 November 2019)
- ABC Radio 891 – Mornings with David Bevan – GCYP Annual Report (28 November 2019)
- InDaily – <https://indaily.com.au/news/2019/11/28/vulnerable-children-choose-prison-over-residential-care-guardian/> (28 November 2019)
- AdelaideNow – <https://www.adelaidenow.com.au/news/south-australia/south-australias-guardian-for-children-says-statecare-system-in-crisis/news-story/> (28 November 2019)
- InDaily – [State Govt announces plan to curb "concerning" child protection stats](#) (3 December 2019)
- The Advertiser – SA Government fails to recruit its promised 240 child protection workers (5 December 2019)
- ABC Radio – Fears the state's Child Protection Department is being left understaffed (5 December 2019)
- ABC Radio – Dual-involved children and young people report (5 December 2019)
- The Advertiser – State care kids face restraints (6 December 2019)
- The Advertiser – Op Ed - Children in care want input to create a safe, warm home (27 December 2019)
- InDaily – [New child abuse claims about former Families SA staff](#) (7 February 2020)
- ABC Radio – Ombudsman SA report - investigation into the treatment of young people in AYTC (10 February 2020)
- Channel 10 TV News – Ombudsman SA report - investigation into the treatment of young people in AYTC (10 February 2020)
- ABC TV News – Ombudsman SA report - investigation into the treatment of young people in AYTC (10 February 2020)
- InDaily – [Vulnerable children must be able to attend school: guardian](#) (6 April 2020)
- The Advertiser – SA's child protection costs tops the nation (29 April 2020)
- ABC Radio – SA lags behind other states in terms of the number of foster carers (4 May 2020)
- ABC TV News – ROGS data (13 May 2020)
- The Advertiser – Appalling rate of Aboriginal kids in care (14 May 2020)

- InDaily – [SA looks interstate to improve care for Aboriginal children](#) (21 May 2020)
- InDaily – [Wingard criticised over UN prison oversight rebuke](#) (5 June 2020)
- InDaily – [State Govt to review use of force, isolation in youth detention](#) (11 June 2020)

We published the following articles and reports:

- [Safety in Residential Care](#) (July 2019)
- [Guardian for Children and Young People Annual Report 2018-2019](#) (October 2019)
- [What Matters to Us](#) (September 2019)
- [A PERFECT STORM? Dual status children and young people in South Australia’s child protection and youth justice systems - Report 1](#) (November 2019)
- [A year in review 2018-19](#) (December 2019)
- [Final Report on the Trial Child and Young Person’s Visiting Program](#) (February 2020)
- [South Australian child protection expenditure from the Report on Government Services 2020](#) (April 2020)
- [Snapshot of South Australian Aboriginal Children and Young People in Care and/or Detention from the Report on Government Services 2020](#) (May 2020)
- [Children and Young People in State Care in South Australian Government Schools 2009-2019](#) (June 2020)

We made the following public submissions and responses:

- [Council of Attorneys-General – Age of Criminal Responsibility Working Group review](#) (February 2020)
- [Feedback on the draft Education and Children’s Services Regulations 2020](#) (April 2020)
- [Feedback on the Criminal Law Consolidation \(Throwing Objects at Vehicles\) Amendment Bill 2020](#) (April 2020)
- [Submission to the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability](#) (April 2020)
- [Promoting and protecting the wellbeing of children and young people during and after the COVID19 pandemic \(ANZCCG letter to the Federal Minister for Health\)](#) (June 2020)
- [Submission for SAPOL’s Disability Access and Inclusion Plan 2020-2024](#) (June 2020)

We posted content on our social media accounts:

- Twitter ([@GCYP\\_now](#) and [@GCYP\\_Penny](#))
- Facebook ([Office of the Guardian for Children and Young People](#))

## 3.2 Advocate

To act as an advocate for the interests of children under the guardianship, or in the custody, of the Chief Executive and, in particular, for any such child who has suffered, or is alleged to have suffered, sexual abuse

### *Enquiries received by GCYP*

In 2019-2020, GCYP received 442 enquiries. Of these, 391 fell within the GCYP's mandate, that is, they were requests for assistance in relation to children and young people under the guardianship, or in the custody of, the Chief Executive for the Department for Child Protection. There was a slight decrease (5 per cent) in the number of in-mandate enquiries compared to the previous year (2018-2019).

A single matter sometimes affects more than one child or young person in care. The GCYP received enquiries from, or on behalf of, 520 children and young people (a decrease of 1 per cent from the previous year). The GCYP's interventions range from providing information about policies or rights through to conducting a full review of the circumstances of a child and undertaking advocacy for change.

### *Out of mandate enquiries*

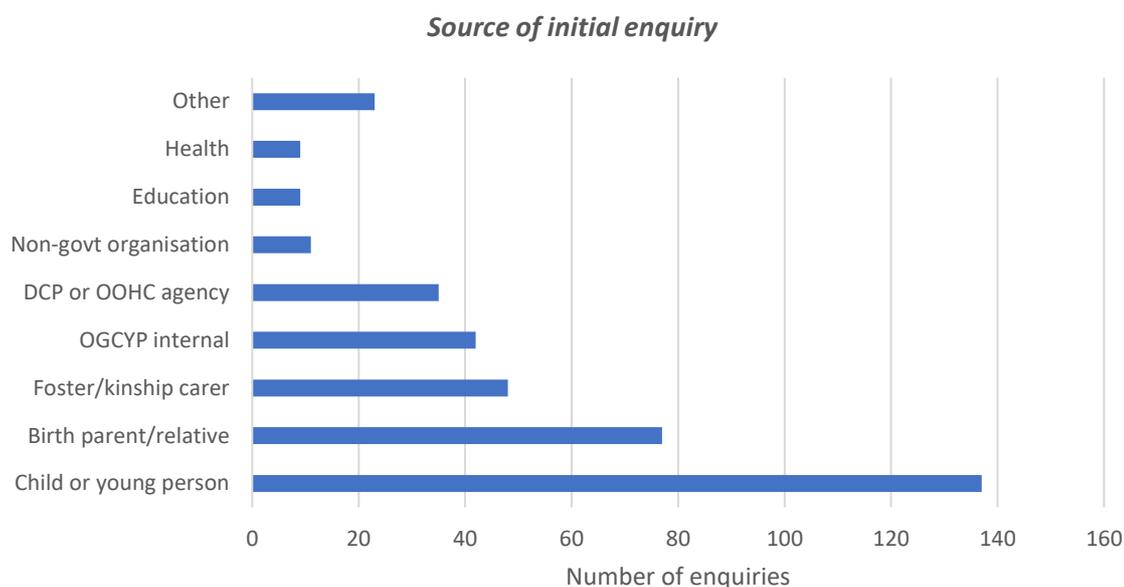
Fifty-one (51) enquiries were determined to be out of mandate (i.e. did not relate to children and young people in state care). These enquiries were primarily about the safety of young people in the community (including homelessness or abuse) or post-care supports. Where appropriate these enquirers were referred to other agencies or the Commissioner for Children and Young People. A small number of calls were also received that were intended for the Office of the Public Advocate or interstate equivalent advocacy supports.

### *In-mandate enquiries*

Each enquiry received by GCYP is assessed against a threshold for intervention. One hundred and eighty-two (182) enquiries (47 per cent) were regarding children under guardianship but did not meet the threshold for GCYP intervention. These enquirers were provided with information about other services and how to access these, including the DCP Complaints Unit.

Seventy eight (78) of in-mandate enquiries (20 per cent) were referred to an Advocate for further assessment and advocacy, with a further 50 (13 per cent) retained by the Assessment & Referral Officer for monitoring through to resolution of the presenting issues. Forty-nine (49) enquiries (13 per cent) from adults were assessed as requiring no action by GCYP unless and until direct contact was received from the young person.

## In-mandate enquiries – where did they come from?



*(‘Other’ includes Legal Services, Youth Justice, SAPOL, Politician, Anonymous and Unknown)*

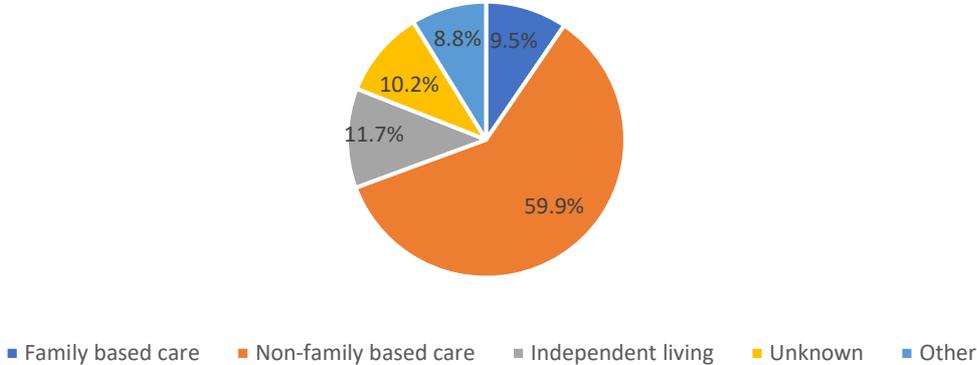
During the year, 137 children and young people in care self-referred to GCYP. In total, they initiated 35 per cent of enquiries (2 per cent less than last year’s total of 37 per cent). Birth parents or other relatives accounted for 77 enquiries and foster or kinship carers totalled 48. Internal referrals from other programs and functions within GCYP accounted for 42 enquiries, while 35 enquiries were received from DCP or out-of-home care staff.

Children and young people with disabilities were the subject of 20 per cent of the enquiries received by the GCYP. The highest prevalence was intellectual disability (33 per cent), autism spectrum disorder (26 per cent) and psychosocial disability (13 per cent).

Almost one third of enquiries (32 per cent) related to Aboriginal or Torres Strait Islander children and young people in care. Eleven enquiries (3 per cent) were regarding children identified as Culturally and Linguistically Diverse (CALD).

**Enquiries from children and young people in care – where did they come from?**

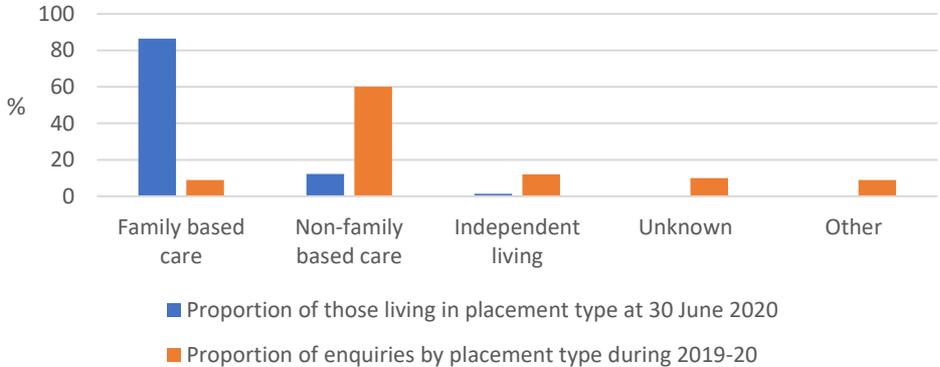
**Proportion of direct contact from children and young people by placement type**



The GCYP received a highly disproportionate number of enquiries from children living in non-family-based care (including residential and commercial care). While this cohort makes up 12.2 per cent of the care population of 4,370 children and young people, they constituted 59.9 per cent of the enquiries received from children and young people during the year.

Also, concerningly, 11.7 per cent of contacts came from young people living in independent living arrangements, who constitute 1.4 per cent of the care population. In comparison, enquiries from children and young people living in family-based care (foster, kinship, temporary, family day care, and specific child only), who constitute the majority of the care population, totalled only 9.5 per cent of enquiries received.<sup>18</sup>

**Proportion of children and young people who directly initiated enquiries with the office during 2019-20, compared to the proportion of children and young people in care, by placement type on 30 June 2020**



<sup>18</sup> Please note that these comparisons are for illustrative purposes only. GCYP advocacy data is collected over a 12-month period, whereas data relating to proportions of children and young people in placement types are captured as of 30 June 2020.

## Presenting issues – those from adult enquirers compared to those from children and young people

### Overall Presenting Issues

Across *all* enquiry types (including adult and young person enquiries), the most common presenting issues were:

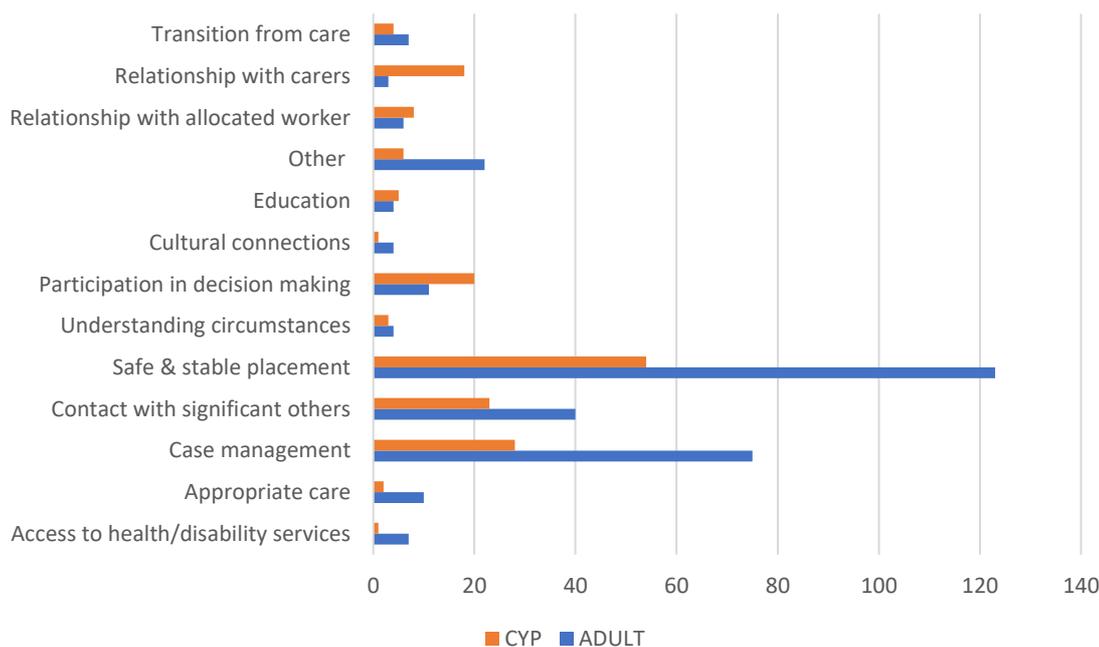
- Safe and stable placement (49 per cent)
- Case management and service coordination (26 per cent)
- Contact with significant others (16 per cent).

Some enquiries raised more than one issue. Young people living in non-family-based care often raised concerns about inter-connecting issues.

The most common presenting issues from adult enquiries, relating to children and young people in care, were about: safe and stable placement (n: 123, 48 per cent), case management (n: 75, 30 per cent), and contact with significant others (n: 40, 16 per cent).

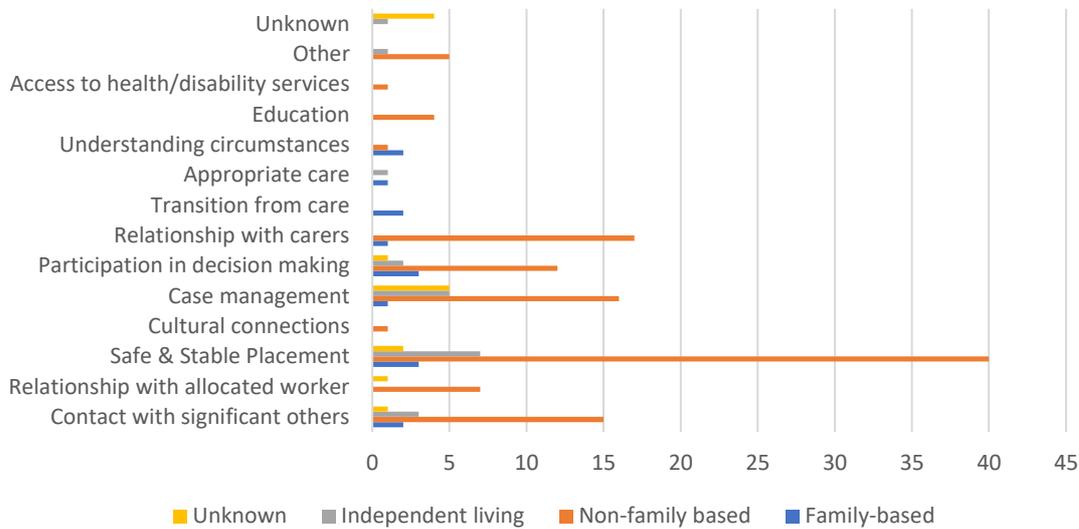
In comparison, the highest number of enquiries from children and young people in care, related to: safe and stable placement (n: 54, 40 per cent), case management issues (n: 28, 20 per cent), contact with significant others (n: 23, 17 per cent), participation in decision-making (n: 20, 15 per cent), and relationship with carers (n: 18, 13 per cent).

**Number of enquiries - by presenting issues**  
(Adult enquiries compared to child or young person enquiries)



Not surprisingly, presenting issues varied according to the type of placement.

**Number of presenting issues - by placement type  
(direct contact from young person (n=137))**



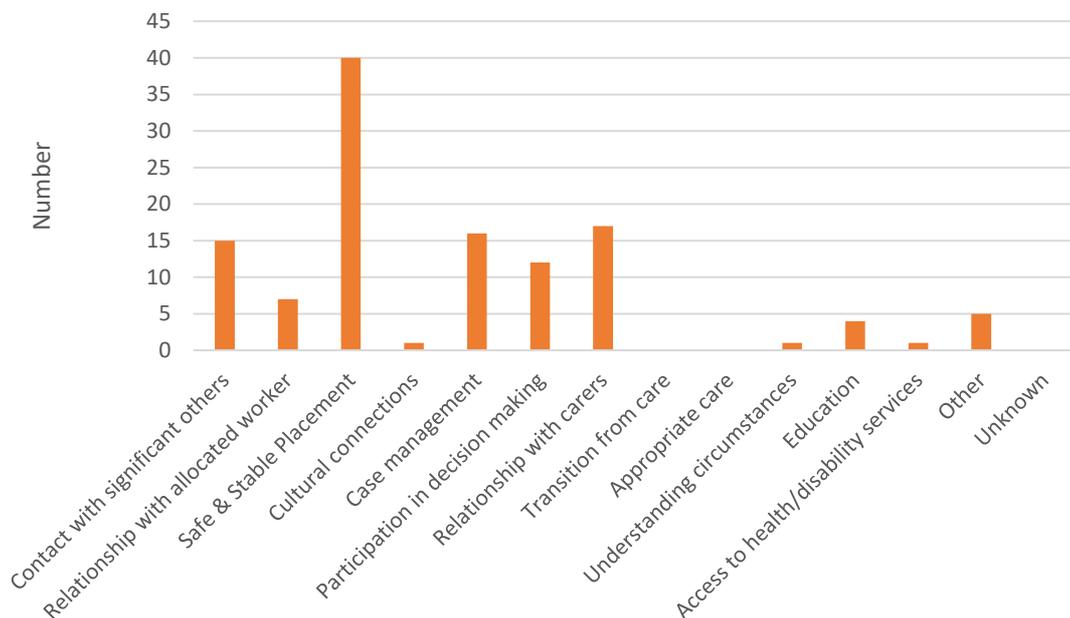
**Children and young people in non-family-based care – presenting issues**

Eighty-two enquiries (60 per cent) from young people were from those living in non-family-based care.

This increased by 8 per cent from last year’s figure of 52 per cent.

Their most prevalent issues were safe and stable placement (n: 40, 48 per cent), relationship with carers (n: 17, 12 per cent), case management issues (n: 16, 12 per cent) and contact with significant others (n: 15, 11 per cent).

**Number of presenting issues for children and young people in non-family-based care (Enquiries initiated by young people in care)**



## *The major presenting issues*

### **Placement safety and stability**

Placement safety was raised as a primary issue by young people who felt unsafe because of the behaviours of other young people or carers. The most commonly reported safety issues were fears of, and risks posed by, co-residents, due to bullying, intimidation, threats of harm, physical assaults, harmful sexual behaviour, verbal abuse, witnessing physical and verbal outbursts resulting in property damage and being pressured/coerced to engage in substance abuse and criminal activity. The majority of young people who reported feeling and/or being unsafe in their living arrangement requested advocacy support for a placement move.

Young people also expressed concerns about policies and practices that were restricting their rights, such as locking doors at placement (restricting their access to the bathroom, fridge, pantry and/or yard), restrictions to phone or internet and turning off electricity.

Key reasons for young people reporting unstable placements included a change (or pending change) of placement, uncertainty about where they would be living and change of co-residents in their house.

### **Case management**

Enquiries related to case management were about young people having difficulties contacting their case manager, not knowing who their case manager is, wanting a change of case manager, not being included in decision-making, disagreeing with decisions made by their case manager and not understanding the rationale for case work decisions that affected their lives.

### **Contact with significant others**

Children and young people whose main concern was in relation to contact with significant others, most often wished to connect with siblings (65 per cent), with the remaining enquiries related to parents or other family members, or former carers. In some instances, sibling contact had not occurred for a significant period of time or was sporadic. Factors affecting sibling contact included children and young people being managed by different DCP offices, children living in different geographic regions where distance presented a barrier and psychologist assessment recommending no contact.

### *Children and young people in family-based care – presenting issues*

Thirteen enquiries (9.5 per cent) were from those living in family-based care, with the most frequently raised concerns relating to:

- safe and stable placement (3)
- participation in decision-making (3)
- contact with significant others (2)
- understanding circumstances (2).

In the previous year, 12 per cent of enquiries were received from young people in family-based care.

### *Impact of COVID-19 on children and young people in care*

GCYP continued to receive enquiries and requests for advocacy throughout the COVID-19 pandemic. From 11 March (the declaration of the pandemic) to 30 June, GCYP received 115 enquiries. While enquiries were generally not related to the pandemic, GCYP recorded a range of impacts on young people in care.

While it is acknowledged that the broader community was impacted by COVID-19, there were some unique or specific effects on children and young people living in out-of-home care in South Australia.

#### **Wellbeing**

Children and young people in care often have high rates of anxiety because of trauma they have experienced. Throughout the pandemic, young people reported that their anxiety had increased significantly, and, in some cases, they were unable to access their usual support networks including church, sport and professional services.

Very young children and those with an intellectual disability reportedly struggled to understand the imposed restrictions and became distressed when they were unable to have contact with family or friends.

#### **Family contact (long-term orders)**

Restrictions also meant that family contact could no longer occur for young people who were under long-term orders. Initially, restrictions were placed on intrastate travel, which meant that young people could not visit non-local family members. Contact was limited to phone or video calls, including where children were very young (e.g. under 4 years).

As the pandemic progressed, all face-to-face contact was ceased, with the exception of late-stage reunification.

## Case management

DCP case management staff were restricted in their ability to visit placements. At least one enquiry received by GCYP raised potential care concerns that had gone unnoticed by case management in a kinship placement.

With restrictions on face-to-face contact with DCP case management, GCYP received information suggesting some young people did not have the opportunity to raise concerns about their placement or planning and some did not feel comfortable doing this over the phone.

## Reunification planning

Five enquiries were directly related to concerns about the impact of the pandemic on reunification. The enquiries were from birth parents, or advocates for birth parents, who were going through the reunification process with their child/ren. Four of the enquiries related to infants under 12 months where parents had been restricted from having face-to-face contact with the infant. Enquirers expressed concern about the impact this would have on attachment relationships and parenting assessments.

### *Reunification Planning - Case Example – ‘Sophie’*

*Sophie, a young mother, contacted GCYP regarding her infant son. He was removed from her care early in the pandemic, with a plan to work towards reunification. Due to COVID-19 restrictions, Sophie was advised that she was unable to have any further face-to-face contact with her son. This also meant that she could no longer breastfeed him. Sophie was very worried about how the loss of direct contact with her baby would affect their attachment, bonding and the opportunity for reunification.*

## **GCYP advocacy types and outcomes 2019-20**

GCYP's advocacy approach depends on the nature, seriousness and complexity of the presenting issues.

### **Level 1 Advocacy**

Level 1 Advocacy typically involves verbal and written communication with the relevant DCP office, at the local level, to represent and support the child or young person's voice or request.

The aim of Level 1 Advocacy is to achieve early resolution of the presenting issue/s, to avoid escalation of the concern to the next level. Many matters are able to be resolved and closed through Level 1 Advocacy, meaning that escalation to Level 2 Advocacy is not required.

### **Level 1 Advocacy Case Examples**

#### **Transition Planning – ‘Jamie’**

*GCYP received a request for advocacy for a young child’s best interests because of concerns that the child’s wellbeing was deteriorating due to the process being used to transition them from their current carer to a kinship carer living interstate. The young child was reported to be confused and highly anxious. Advocacy and monitoring from GCYP resulted in further consultation and the development of a child-focussed transition plan to meet the child’s needs, to support the child’s understanding, and to minimise the disruption and trauma associated with the move.*

#### **Education**

*GCYP received a request for advocacy for a group of siblings, due to a case management decision that they would not be returning to their current school because of the travel distance from their placement and the associated cost. School had been a place of safety and stability for the children throughout difficult times and the children were expecting to attend the following week as normal. GCYP successfully advocated for the children to remain at their current school until a transition plan to a local (closer) school was developed, with the children’s involvement, and implemented in a way that would optimise their continued attendance at school.*

#### **Placement**

*GCYP engaged in brief advocacy for two young people who had self-placed and had no DCP placement provided for them. GCYP’s advocacy resulted in DCP placement options being sourced for them.*

### **Level 2 Advocacy**

GCYP undertakes level 2 Advocacy where Level 1 Advocacy has not achieved an appropriate outcome for the child or young person, or where the matter is very serious, complex and/or time sensitive, and requires an immediate, high-level response.

Level 2 Advocacy involves a timely assessment of the presenting issues (via discussions with relevant stakeholders and requests for relevant documentation) and the development of a formal, written advocacy position that is typically submitted to DCP Management, DCP Executive or the Placement Services Unit for consideration.

## **Level 2 Advocacy Case Examples**

### **Family Connections – Keeping Siblings Together**

*A group of siblings requested advocacy from GCYP when they learned DCP planned to move them from commercial care and separate them into different residential care placements. The siblings reported feeling “really upset” about the decision and reported that they were given no opportunity to have their say. The siblings told us they felt connected and supported in their commercial care placement and did not want to move or be separated. Following extensive formal advocacy from GCYP, DCP identified an alternate residential care placement where they could live together.*

### **Placement Safety – ‘Sam’**

*Twelve-year-old Sam requested advocacy from GCYP because she felt unsafe in her residential care placement. Sam was experiencing targeted bullying by her co-residents, which was seriously damaging her mental health. This was resulting in self-harm, suicidal ideation, and difficulty going to school. Over a period of time, GCYP successfully advocated for Sam to be moved to an alternate placement, where she reported she felt “so happy”.*

### **Transition from Care – ‘Alex’**

*Alex, aged 17 and a half years, contacted GCYP requesting advocacy in relation to having a suitable house to live in after she turned 18. Alex had had a difficult experience in the care system and she had just been advised that the house she had been living in for several years, and she had been encouraged to think of as her home, would need to be vacated by her once she turned 18 and was no longer in state care. The GCYP Advocate worked closely and assertively alongside DCP and Housing SA for several months, ensuring that Alex’s voice informed the decision-making and that her request for suitable accommodation was met. A successful outcome was achieved for Alex, with a ‘forever home’ found for her in her preferred location, with yard space for her pets.*

### **Restrictive Practices**

*Level 2 advocacy from GCYP resulted in a move for a young girl who was unsafe in her placement. Advocacy in this case also resulted in a stop to the practice of locking the children inside the placement and not letting them use the backyard.*

### **Unsuitable Accommodation**

*Level 2 advocacy from GCYP resulted in a placement move for two young people and closure of the property they were living in because it was too rundown and unsuitable to accommodate children and young people.*

## Monitoring

In some cases, GCYP adopts a monitoring role, often in conjunction with, or after, initial or more sustained advocacy. Most often, we will monitor matters where consensus has been reached about the child's needs or best interests and there is a clear plan as to how to achieve resolution of the presenting issues. Monitoring involves maintaining regular contact with the child or young person and DCP to make sure that the plan is progressed and resolution achieved.

### *Jackson's story*

It was reported in last year's GCYP Annual Report that a 15-year-old young person dearly wished to meet his 2 pre-school age siblings (also in care) and get to know them –

*"I have been asking since the beginning, and nothing has really happened...I have talked to everyone about wanting to see them...I feel really sad about it and I find it really difficult and stressful...It would mean a lot to me to meet them and get to know them and see them grow and stuff."*

Strong advocacy and monitoring for this young person, over 14 months, resulted in his meeting his two younger siblings for the first time, with plans in place for regular contact to occur. The young person had been asking DCP to meet his brothers, since they were born, to no avail until GCYP's involvement in the matter. When asked by the Principal Advocate how he felt after meeting his brothers, his one word, very enthusiastic and heartfelt reply was, "Wicked!"

The young person reflected on his experience with GCYP... *"After my Mum asking every worker with the department since I came to live with her 5 years ago, I thought I would never meet my younger brothers. I was lucky enough to have (an Advocate) sit in on the first annual review I attended and I felt very comfortable talking to her. Mum suggested that I ring (the Advocate) to ask if the OGCYP could help me meet my brothers. (The Advocate) worked extremely hard on my behalf to make it happen and give me the opportunity to meet them this year. I feel that any other person in care who feels stuck should ring them as they listened to me and stood by me until I got to achieve my goal of meeting my siblings. It didn't happen quickly but they kept me up to date and always asked how I felt about the situation. If you are stuck with your worker and feel that they don't listen to you, ring the OGCYP as you will find that they will be happy to listen to you and help you in any way they can. Thank you (OGCYP) it wouldn't have happened without you."*

## *Intermediary Role*

In some cases, GCYP performs an intermediary role between the child or young person and DCP to facilitate and mediate communication between the child and young person and other parties (such as case managers, other DCP staff, schools, lawyers). The primary aim is to increase common ground and shared understanding between the child and the parties so that they can engage in mutual problem-solving but keep the central focus on the child, their needs and best interests. Sometimes there may not be a breach of the child or young person's rights or best interests but it is useful for GCYP to act as an intermediary because the relationship between the child and young person and DCP has become fractured and is hampering communication, the involvement of the child or young person in decision-making and, ultimately, positive outcomes.

The intermediary role involves attending meetings and case conferences with, or on behalf of, children and young people, as well as assisting children and young people with lodging complaints and requests for internal reviews and making Ombudsman referrals.

The Advocate, as an intermediary, helps children and young people to successfully navigate systems in their lives and to build life skills in negotiation, assertiveness and self-advocacy.

### *Intermediary Role - Case Example – 'Jesse'*

*Seventeen-year-old Jesse contacted OGCYP to request support with his attendance at a court hearing regarding administration of an order. He did not trust the court system and DCP and needed assistance from an Advocate to ensure his voice was being heard in the decision-making process.*

*The Advocate assumed an intermediary role by supporting Jesse to attend court, via tele-link, and making sure his voice was heard, validated and taken into consideration. The Advocate also played a key role in ensuring information was delivered to Jesse in a child-friendly, understandable way, so that he could participate in a better informed and more effective way in the court proceedings.*

*Having a trusted Advocate by his side, as a constant and reassuring presence, helped Jesse to feel less anxious, and more in control, about being involved in what can be a very daunting, confusing and overwhelming process.*

## *'Independent Observer' Role*

### *- Advocacy and support for children and young people involved in SACAT reviews of DCP decisions*

Under the *Children and Young People (Safety) Act 2017*, the South Australian Civil and Administrative Tribunal (SACAT) gained jurisdiction over the review of some DCP decisions. Section 62 of that Act specifically requires that in any proceedings under that Act, a child or young person to whom the proceedings relate must be given a *reasonable opportunity* to personally present to the Court their views related to their ongoing care and protection". (Noting that there may be an exception where the child or young person is not capable of doing so or it would not be in their best interests.) This has opened a pathway for children and young people in care to challenge decisions or participate in some SACAT proceedings affecting them.

If this right to participation is to be both meaningful and safe, it is vital that these children have skilled and trauma-aware support, in addition to any legal representation, to explain the process to them in a 'child-friendly' way and ensure their voice is heard, independent of the views of others such as carers, birth family or their DCP legal guardian. There is currently no specific service funded to provide this support but, from time to time, GCYP Advocates have been involved in supporting children and young people who have initiated a review or have become involved in reviews initiated by others.

Unlike the GCYP's advocacy function, which is based around a concept of 'best interests' and means the GCYP will never actively advocate for an outcome that is not considered in the child's best interests, the independent observer role does not require the Guardian or representative to *advocate* for the outcome the child may want but is there to support and assist the child to participate and have a voice in the proceedings, as is their right under section 62.

Where appropriate, GCYP Advocates may assist the child or young person to seek a review, monitor that independent legal representation is in place for the child or young person, explain the process and support them during a hearing (to assist with their co-regulation, clarification, understanding and participation). GCYP has also provided feedback to SACAT to help improve their processes involving children and young people.

This 'independent observer' role can be time-intensive and is not a legislated function for the Guardian. As the Guardian does not currently have the resources to offer this service to *all* children and young people involved in SACAT proceedings, it is subject to staff availability. However, GCYP will strive to support any child or young person who is acquainted with our office through a previous enquiry, or current advocacy. This is clearly a logical and appropriate role for GCYP Advocates and if further staff resources were to become available the Guardian would be pleased to be able to extend this support to all those children and young people who need it.

### *Independent Observer Role - Case Examples*

#### **'Kim'**

*A young person living in residential care brought an application to SACAT to challenge a DCP decision restricting her contact with an older person. Although she had her own lawyer, their attention was taken up with the legal processes in the Tribunal and the young person found the hearing process very confusing and alienating, despite the best efforts of SACAT staff. Fortunately, she was accompanied by an GCYP Advocate, who could support her and help her understand what was going on. Overall, the experience was still very distressing for her and she needed considerable post-hearing follow-up. This was an early matter in the new system and clearly demonstrated the need for skilled and child-centred practitioners if children and young people are to be able to 'personally present their views' to a Court or Tribunal in a safe way.*

#### **'Moir'**

*An Aboriginal young person invited an GCYP Advocate known to her to support her to put forward her views in a meeting with a SACAT Tribunal Member. As she also preferred to meet at a 'neutral venue' the meeting was able to take place at the OGCYP office.*

#### **'Fraser'**

*OGCYP was advised that a young person living in residential care had brought an application before SACAT to challenge a DCP decision to restrict contact with a parent. The young person had not had any contact with GCYP and the matter was already underway. The Legal Services Commission was legally representing the young person and the Public Trustee was appointed to be their 'Litigation Guardian'. Regrettably, due to limitations on staff availability, GCYP was not in a position to provide an Advocate to support the young person to participate in the process at that time.*

## **Systemic issues**

### **Large-scale residential facilities**

Since 2005, successive Guardians have been advocating for the closure of large-scale residential facilities. In 2019-20, Advocates continued to receive information about serious issues and concerns associated with these facilities, including harmful sexual behaviour between residents, assaults and bullying between residents, exposure to drugs and alcohol, predation by older people in the

community, extended periods of non-attendance at school, restrictive practices, exposure to the justice system and residents going missing for extended periods.

In last year's report, the Guardian identified that DCP's closure of Queenstown Community Unit (QCU) in May 2019 was a first step towards reducing the number of young people living in large-scale facilities. The Guardian also welcomed the Department's decision to reduce the number of children and young people who can be placed in the remaining large-scale facilities to 6 per facility (in contrast to the previous accommodation of 8 – 12).

In the 2019-20 financial year, we welcomed DCP's decision to close another large-scale facility in the northern suburbs, following recommendations made by the trial Child and Young Person's Visiting Program in late 2019. Since then, the facility has been available for use as short-term or emergency accommodation in the event it was needed for isolation/quarantine purposes for COVID-19 and to house children and young people short-term while their own residential facility was being refurbished as part of [DCP's excellent 'MyPlace'](#) initiative.

#### **Placement matching issues in residential and commercial care**

Over the past three years, through enquiries received from children and young people and others (carers, teachers, professionals) GCYP Advocates have identified significant concerns regarding the placement matching of children and young people living in DCP residential houses and units, NGO residential houses and commercial care arrangements, including:

- Placement moves occurring at short notice, without adequate planning, and/or appropriate matching for suitability of placement or co-location with other residents, and with inadequate consultation of children and young people.
- Placement moves occurring either without, or against, the advice of persons involved in the care, or otherwise supporting the needs, of the children and young people affected.
- A lack of disability-specific therapeutic placements to cater for the needs of children and young people with disabilities, as well as trauma-related behaviours.

In too many cases, these issues have resulted in immediate and/or cumulative harm to children and young people who have already experienced extensive trauma.

The Guardian again raised these concerns with the Minister in writing in August 2019 (having previously done so in July 2018), due to continuing evidence of significant harm caused by placement decisions and the matching of co-residents in residential and commercial care.

## Phasing out of commercial care

Commercial care has been relied upon by DCP for some years as a way of managing emergency placements for children when other care types (such as family-based care or residential care) have been unavailable or unsuitable. In some cases what was intended to be a short-term placement has lasted months or even years. Since 2017, and particularly in recent times, DCP has been implementing a process of phasing out commercial care with the intention that children can be placed according to their individual requirements and receive the longer-term skilled care they need, with a proposed end-date in early October 2020.

The Guardian has welcomed the ambitious and necessary reform DCP is undertaking in this space, noting that moving children and young people out of commercial care arrangements must always be managed in a carefully considered way, and in consultation with children and young people, to ensure their needs and best interests are met by the move.

Towards the end of the 2019-20 financial year Advocates received an increasing number of enquiries related to the implementation of this process and concerns about children and young people being moved from stable commercial care placements at short notice, with:

- little to no consultation with the child or young person;
- minimal evidence of placement matching;
- inadequate consultation as to whether the new placement is more suitable and stable, or how it will better meet the child or young person's needs;
- limited consideration of the child or young person's attachment to their existing care team; and
- the inappropriate separation of siblings into different residential care placements.

At the time of writing this report, the Guardian is in the process of raising these concerns with the Minister and Chief Executive of DCP to advocate that decisions and consultation are child-centred and in the best interests of the children and young people affected, irrespective of the overall policy goal.

### 3.3 Monitor

**To monitor the circumstances of children under the guardianship, or in the custody, of the Chief Executive**

The Guardian fulfils the monitoring function with a variety of activities including audit visits to residential care facilities, attendance at and auditing of annual reviews, monitoring allegations of sexual abuse against children and young people in care, and the analysis and publication of data regarding children and young people under the guardianship of the Chief Executive in out-of-home care, in the youth justice system and in education.

#### *Visits to audit residential facilities – ‘virtual visits’ as a COVID-19 response*

Since 2004, as part of the ‘monitor’ function, the Guardian has traditionally conducted visits to oversee the circumstances of the children living in residential facilities. As the number of children in care grew significantly, together with the number of children living in residential care facilities, there was a corresponding exponential increase in the number of individual facilities to be visited. In 2006 there were 18 residential facilities to visit which had grown to more than 130 in 2017, an increase of 622 per cent.

In late 2017, the Guardian’s ‘monitoring visits’ to DCP facilities ceased temporarily when the trial Child and Young Person’s Visiting scheme started. The trial came out of a recommendation of the Nyland Inquiry in 2016 that the government ‘Legislate to provide for the development of a community visitor’s scheme for children in all residential and commercial care facilities’. Intensive visits were conducted to 100 children in care over a period of two years until the trial scheme was wound up in September 2019. During that time the position of Child and Young Person’s Visitor was legislated in the *Safety Act* and the current Guardian also appointed to the role. However, no additional funding has been provided to establish or carry out a community visitor’s scheme.

In June 2020, the number of residential and commercial care properties was over 200, a further 54 per cent increase since 2017. As the community visiting scheme envisaged by Commissioner Nyland is not in place, the monitoring of residential care has been reinstated by the GCYP.

However, with so many more places and no additional Advocate resources, it is now only possible to visit and monitor a very small proportion of these facilities, primarily to obtain the views of children and young people. There is a limited capacity to undertake extensive scrutiny of critical incidents, missing person reports or facility logs, as would be required for due diligence in a visiting scheme.

Restrictions arising from the COVID-19 pandemic delayed the reintroduction of face to face visits so Advocates conducted 'virtual' visits to ten residential care houses in May and June 2020, using Zoom. Five of these were DCP properties and five were managed by NGOs, with a total of 31 children and young people participating. Three further virtual visits were scheduled but these were cancelled due to children and young people not being present or not interested in having a visit to their placement.

The purpose of the visits was to:

- increase GCYP Advocacy Team visibility and accessibility for children and young people in residential care placements; and
- obtain insight into the voice, experience and wellbeing of children and young people in residential care placements, particularly in the context of the COVID-19 pandemic

### *What did we find during our virtual visits during COVID-19 restrictions?*

#### *NGO properties*

- *Some children and young people reported COVID-19 had a limited impact upon them.*
- *Children and young people told us they had things to do at the placement including games within the home and electronic devices they could use.*
- *Children and young people told us they were not able to go and do activities like go-karting but were able to undertake activities within the home including having tech time, doing art, going for walks and playing in the backyard.*
- *Access with family was compromised due to the restrictions but contact was occurring via phone and technology such as video calls.*
- *Contact with their DCP social workers occurred regularly over the phone or through video calls.*
- *Children and young people explained they experienced limited impact on their school studies as they were about to go back to school after the school holidays.*
- *Children and young people reported issues with technology, particularly unreliable WIFI that resulted in no access.*
- *Some children and young people reported they had no phone or video contact with their family.*
- *Children and young people felt they could talk with staff at the home during COVID-19 period.*

### ***DCP properties***

- *Children and young people told us they had things to do at the placement including games within the home and electronic devices they could use.*
- *Some children and young people reported they felt lazy but had board games, colouring in activities, made food and watched movies.*
- *Children and young people reported they were able to access WIFI and play basketball outside to get fresh air.*
- *Access with family was compromised due to the restrictions.*
- *Some children and young people reported they had family contact cancelled at least once or on multiple occasions and this made them feel sad.*
- *Some children and young people reported they had some form of contact with their DCP Social Worker during the peak of COVID-19.*

### ***Children and young people's voices:***

#### ***When asked about their understanding of COVID-19 and how it affected them, children and young people said:***

- *"[The virus] causes germs and makes other people sick."*
- *"COVID-19 kills people."*
- *"[The virus is] deadly to old people, stay 1.5 metres apart."*
- *"[We] kept running out of toilet paper."*
- *"I don't like all the rules!"*
- *"I had extra homework."*
- *"[Recreational activities stopped because of] stupid Covid."*
- *"[I] had contact with family and would ring them."*
- *"[There was no impact on me] because I was out visiting friends."*
- *"I could have [contacted my Social Worker] but I don't like him."*

***When asked for their reflections about the placement, children and young people said:***

- *"[It's] good and [there are] lots of people and I have a fish tank."*
- *"I know where everyone is at."*
- *"[I] love living in the placement, it's fun, better than living at home."*
- *"There is some racism here at the placement."*
- *"Sometimes [the carers] do [listen]; it depends – if we don't do something for the carers they won't do things for you e.g. put your dishes away and if we don't, staff don't do things for you."*
- *"Some of the others don't listen to me because I am a girl and they connect better with the boys."*
- *"Yeah, [the carers] listen to me."*
- *"Most of the time [I feel listened to] pretty good, if [the carers] want to listen to you".*
- *A young person didn't feel they were listened to and preferred to "lay in bed all day – don't feel like getting ignored – been treated bad all my life."*
- *A young person said they would like to change the area the house is in, because it was full of "druggies and smoke-aholics."*
- *Young people said they would like to change the kitchen because, "[the] kitchen is too ugly – yellow cupboards", "the kitchen – it's just awful."*

**Advocacy from virtual visits:**

Two requests for advocacy were made by young people from the virtual visits, relating to safety in placement and contact with family members. Following our advocacy, one young person was moved into family-based care with kin and the other met with their Social Worker to discuss increased family contact.

**Annual review audits**

**Background**

Every child in care is entitled to have their circumstances reviewed by DCP at least once per year<sup>19</sup>. One of the key tasks of the GCYP Principal Advocate is to audit a proportion of DCP annual reviews to gain an overview of the circumstances of children in care in South Australia, and how they are faring generally.

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<sup>19</sup> Section 85 of the *Children and Young People (Safety) Act 2017*

As much of our advocacy work is on behalf of children and young people living in residential and commercial care, annual review audits are the primary way for GCYP to connect with, and monitor the circumstances of, children and young people living in foster and kinship care, as well as other care types. Being random, and not reliant on a request for help, audits provide an opportunity to hear 'good news stories' where children are thriving thanks to the love and care they are receiving. We relish the opportunity to observe and acknowledge some excellent practice and care on the part of DCP and NGO staff such as case managers and residential care workers, foster and kinship carers and Department for Education staff.

To obtain meaningful data, GCYP aims to audit 10 per cent of annual reviews. This figure was achieved in 2019-2020, with 461 audits completed. This was a massive effort, however, requiring significant amounts of dedicated staff time, and it is unlikely GCYP will be in a position to meet this benchmark in the next year, without additional staffing.

GCYP's auditing process involves the following:

- reviewing the case plan and any associated documentation (genogram, Viewpoint Survey, Aboriginal Cultural Identity Support Tool – ACIST, Caregiver Survey)
- attending the annual review and completing a GCYP-developed audit form
- clarifying information, asking questions related to the audit and providing feedback
- ensuring the care needs of children and young people are being met and that their rights are being upheld, including the right to participate in decision-making that affects their lives
- identifying any practice gaps or systems issues and acknowledging examples of good practice
- making recommendations for quality improvement in the annual review process and case plans
- assuming a monitoring/advocacy function for any child who is the subject of the review, where it is considered necessary
- collating annual review data for each DCP office and providing a written report to the Manager of the DCP office and Regional Director; and
- collating all annual review data for the state and writing an overall report for DCP Executive.

### *Annual review audits summary*

In 2019-20 financial year a total of 461 annual review audits were conducted, across all 18 DCP offices that were providing case management to children and young people in care. The audits were completed by the Principal Advocate and two GCYP Aboriginal Advocates.

### Number of Annual Reviews Audited

No.	DCP Office	ATSI to be			Other	Total
		ATSI	Confirmed*	CALD	Australian	
1	Ceduna	4	-	-	-	4
2	Cooper Pedy/APY Lands	8	-	-	-	8
3	Elizabeth	4	-	-	8	12
4	Gawler	8	-	4	9	21
5	Hindmarsh	31	1	4	52	88
6	Inner South	40	-	4	40	84
7	Kadina	1	-	1	1	3
8	Limestone Coast	8	-	-	14	22
9	Mount Barker	4	-	2	14	20
10	Murraylands	9	-	-	3	12
11	Noarlunga	2	-	-	9	11
12	Port Augusta	7	-	-	4	11
13	Port Lincoln	2	-	-	4	6
14	Port Pirie	13	-	-	8	21
15	Riverland	5	-	3	13	21
16	Salisbury	62	6	7	29	104
17	St Marys	6	-	-	-	6
18	Whyalla	3	-	-	4	7
<b>Total</b>		<b>217 (49%)</b>	<b>7 (1%)</b>	<b>25**(5%)</b>	<b>212 (46%)</b>	<b>461</b>

**NB: \*'ATSI to be Confirmed'** refers to children and young people where Aboriginality has not yet been confirmed; however, they have been identified as likely to be Aboriginal. In these cases, the children and young people have been included in the data particular to Aboriginal young people, such as ACISTs being developed and the Aboriginal Child Placement Principles followed in determining placement.

**\*\*CALD** - Three children and young people were identified as both Aboriginal and CALD but have only been included in the numbers of Aboriginal children in this table.

## CALD – Culturally and Linguistically Diverse

Of the 28 children and young people with CALD backgrounds, only six (21 per cent) had Cultural Identity Support Tools in place.

## Disability

One hundred and twenty one children and young people (26 per cent) had a diagnosed disability, with NDIS plans in place for 84 per cent of those who were eligible to receive NDIS funding. NDIS plans had been commenced for 12 of the remaining 21 children and young people in this cohort.

Annual Review Audits – Total Child and Young Person Data					
Gender		Diagnosed Disability			
Male	Female	Yes	No	NDIS Plan in place (for those eligible)	NDIS Plan commenced
225	235	121 (26%)	340 (74%)	102 (84%)	12
Age Group					
0-4	5-9	10-14	15-17	18+	
78 (17%)	137 (30%)	130 (28%)	115 (25%)	1	

## Care types

Annual review audits were conducted across all care types, with the highest number being for children and young people living in family-based care, which includes foster care, kinship care and Specific Child Only Care.

Placement Category			
Foster Care	Kinship Care	SCO	Commercial
187 (41%)	174 (38%)	12 (2%)	7 (2%)
Residential	Independent Living	Self-placed	Other
52 (11%)	9 (2%)	13 (3%)	6*(1%)
*Other = Reunified (3), Boarding school (1), temporary emergency accommodation with Muggy's (1), and 'couch surfing' due to no placement (1).			

### **Safety and stability of placement**

In terms of current placement status, the good news is that 94 per cent of children and young people were living in safe and stable placements, with only 4 per cent living in safe and unstable placements. Four (less than 1 per cent) were living in unsafe and unstable placements and two were living in inappropriate placements. Six placements (three in kinship care and three in self-placement) were requiring review with regard to safety and stability.

### **Participation by children and young people**

The attendance of children and young people at their annual reviews was low. Only 20 per cent (94) participated directly, which is consistent with last year's rate of 21 per cent. (Given this, it can be surmised that the low attendance rates are not attributable to COVID-19.) Of these, 50 (11 per cent of those audited) attended in person, 29 (6 per cent) participated by phone and 15 (3 per cent) linked in via videoconference. Due to COVID-19 restrictions, a much greater proportion of children who participated in their reviews did so by videoconference and phone this year.

### **Child and young person's voice**

Data regarding the strength of children and young people's voices in the annual review process was disappointing. Their voice was 'very strong' or 'strong' in only 20 per cent of audits. It was particularly powerful when children and young people attended their review.

Another way to obtain a child's voice about their circumstances and how they perceive their life, wellbeing, safety, connections and hopes and dreams is through completion of a survey instrument called 'Viewpoint'. However, less than one third of children and young people old enough, and with the capability to do so, had completed a Viewpoint Survey within the last 12 months. Viewpoint data was rarely incorporated into case plans, under 'Child's Views'. There were also instances where concerning Viewpoint responses from a child or young person had either not been followed up by their Case Manager or qualified through the provision of further context.

Including a photo of the child in the case plan, or providing photos at the annual review, helped to personalise the annual review process and keep it child-centred, particularly if the child was not in attendance. There were also some excellent examples of including the voice of young children at their annual review, through the provision of their drawings and photo montages showing them engaging in a range of activities (playing, digging, helping in the garden). Use of recent direct quotes from children and young people under 'Child's Views' in the case plan also increases the strength of the child's voice at their review.

Viewpoint Survey completed in last 12 months						
Yes		No		N/A (young age/developmental capacity)		
100		242		119		
Viewpoint Survey sighted at Annual Review						
Yes		No		N/A (Viewpoint not completed)		
60		40		361		
Strength of child/young person's voice at the annual review						
Very strong	Strong	Moderate	Unclear	Weak	Very weak	N/A (under 2)
15 (3%)	80 (17%)	324 (70%)	2	28 (6%)	-	12

### *Annual review audits for Aboriginal (and Torres Strait Islander) children and young people – data 'snapshot'*

- 143 out of 224 annual reviews (64 per cent) for Aboriginal children and young people were attended by an GCYP Aboriginal Advocate.
- 201 reviews (90 per cent) for Aboriginal children and young people had an Aboriginal Representative on the Annual Review Panel.
- 179 Aboriginal children and young people (80 per cent) knew their Nation.
- 59 Aboriginal children and young people (26 per cent) had a disability. Of those with a disability, only 14 (24 per cent) had an NDIS Plan.
- There was clear evidence from the annual reviews that the Aboriginal Child Placement Principles were followed in 82 per cent of cases; however, only 23 per cent of these young people were placed in Aboriginal kinship placements.
- 45 per cent of Aboriginal children and young people had a completed ACIST, and a further 45 per cent had an ACIST that had been commenced.
- 62.5 per cent of Aboriginal children and young people were being supported to connect to culture in a meaningful way.
- 45 Aboriginal children and young people (20 per cent) attended their review (either in person, by telephone, teleconference or Zoom).
- 134 Aboriginal children and young people (60 per cent) had an Aboriginal Life Story Book.

<b>Aboriginal (and TSI) Children and Young People – Placed with:</b>			
<b>Extended Aboriginal Family</b>	<b>Extended Non-Aboriginal Family</b>	<b>Aboriginal Foster Carer</b>	<b>Non-Aboriginal Foster Carer</b>
52 (23%)	31 (14%)	27 (12%)	56 (25%)
<b>Aboriginal Residential Care</b>	<b>Non-Aboriginal Residential Care</b>	<b>Commercial Care</b>	<b>Other</b>
10 (4%)	22 (10%)	4 (2%)	22* (10%)
* 'Other' = Self-placement (11), SCO placement (5), independent living (4), reunified (2).			
<i>If CYP is not placed with extended Aboriginal family</i>			
<b>The Aboriginal Child Placement Principles were followed in determining the placement:</b>			
<b>Yes</b>	<b>No</b>	<b>Unclear</b>	
183 (82%)	1 (<1%)	40 (18%)	
<b>Aboriginal Cultural Identity Support Tool (ACIST)</b>			
<b>Not commenced</b>	<b>Commenced</b>	<b>Completed (signed off)</b>	<b>Completed (not signed off)</b>
23 (10%)	101 (45%)	49 (22%)	51 (23%)
<b>CYP has been supported with cultural connection (to family, community, country and meaningful cultural activities)</b>			
<b>Yes</b>	<b>Partly</b>	<b>No</b>	
140 (63%)	62 (28%)	22 (9%)	

### **Child and young person wellbeing checklist**

The GCYP has developed 12 wellbeing statements for children and young people in care, reflecting their rights as outlined in the Charter of Rights for Children and Young People in Care.

Using the Wellbeing Checklist, we document the total number and percentage of children and young people for whom the particular wellbeing statement was assessed as being 'Met' from their annual review audit. Appendix A contains a table which sets out the results for 2019-2020 and compares them with 2018-2019.

The only decrease in a wellbeing rating from last year's figure was for the child having contact with family and significant others (a drop of 11 per cent from last year's 93 per cent to this year's finding of 82 per cent). The introduction of COVID-19 restrictions in March 2020, which resulted in the cessation of face-to-face family contact for several months, would have been a key contributing factor to the reduced statistic this year.

The lowest wellbeing rating, specific to ATSI and CALD children, was for the child having contact with their culture and community (56 per cent). This reflects the fact that less than half of the Aboriginal children, whose cases were reviewed, had a completed ACIST and that very few CALD children and young people had a Cultural Identity Support Tool in place (or information about cultural and community connection included in their case plan).

### Follow up by GCYP

Twenty one (21) of 461 cases were followed up by GCYP from the annual review (4.5 per cent), a decrease of over half from last year's figure of 10 per cent. Placement safety and stability featured as the most prevalent issue for 15 out of 21 children and young people (71 per cent). Transition to independence planning was of significant concern for four young people, with suitable current and post-18 housing yet to be sourced for three of them. These three young people had self-placed, with one young person moving between couch surfing and being placed on remand at the Kurlana Tapa Youth Justice Centre.

GCYP Follow Up, Advocacy and/or Monitoring from Annual Reviews (n:21)							
Gender			Age Range				
Male	Female		0-4	5-9	10-14	15-17	
8	13		2	4	6	9	
Culture			Placement Type				
ATSI	Other Australian	CALD	Foster/SCO Care	Kinship Care	Residential Care	Comm Care	Self-Placed
10	10	1	3	7	6	1	4

<b>GCYP Follow Up, Advocacy and/or Monitoring from Annual Reviews (n:21)</b>				
<b>Issues Identified</b>				
<b>Placement Safety and Stability</b>	<b>Transition to Independence</b>	<b>Access to Disability Assessment and Support Services</b>	<b>Child's Voice was Weak at Review (Case Worker Visit Required)</b>	<b>Connection to Culture and Community</b>
15	4	2	1	1
NB: Two young people had concerns listed for both placement safety and stability and transition to independence.				

GCYP's annual review audits achieve a number of outcomes:

- Voice of the child/young person is gained, heard, acknowledged and considered in decision-making about their care (e.g. through monitoring to ensure the child's voice is gained post-review, in instances where the child's voice was not current at annual review and issues had been identified with safety or significant changes had occurred for the child)
- Issues/concerns/requests voiced by the child (in-person at the review, in the case plan or in the Viewpoint Survey) are followed up and actioned in a timely way by the case worker
- Desired/expected outcomes are achieved for children and young people from 'best interests' advocacy and monitoring from annual reviews; examples being, sibling contact, active overnight shifts in residential care, and confirming safety in care
- Successful outcomes for children from monitoring timely progression of case work actions where this has not occurred (e.g. access to required level of funding for disability support services)
- Quality improvements to casework practice and annual review processes from GCYP feedback to DCP, via verbal feedback at the review meeting (GCYP views are taken into account and help to inform annual review report recommendations), written reports (which highlight any practice issues, examples of best practice and provide recommendations) and follow up meetings with leadership and staff teams at DCP offices
- Positive and constructive working relationships and professional credibility has been built with DCP offices, resulting in greater openness, transparency and co-operation when assessing matters or advocating for children and young people in care

- Ensuring GCYP’s 12 wellbeing statements are met by DCP for each child whose review is attended by GCYP, and, where these have not been met, that casework actions have been put into place to address issues/concerns
- Provision of an increased level of independent oversight for children and young people in foster and kinship care, given that enquiries received by CGYP for children in family-based care constitute a very small percentage of the total received.

### ***Monitoring allegations of sexual abuse of children in care - the ‘R20’ process***

This process (‘R20’) was established in response to recommendations 20 and 24 from the Mullighan Inquiry in 2008<sup>20</sup>, which had concluded that allegations of sexual abuse of children and young people in care, and their investigation, should be monitored and coordinated.

The R20 process involves working with the police, public prosecution and investigation units to ensure that children involved in investigations of sexual abuse in care have an advocate and that investigations are conducted in a timely manner.

The GCYP currently receives notifications from the DCP Care Concern Management Unit in relation to ‘Serious Care Concerns’ and all allegations of sexual abuse of children and young people in care which involve a concern about the care they have received.

GCYP’s role is to monitor the progress and outcome of the investigations and to ensure that the child has an advocate. The GCYP convenes ‘R20’ meetings quarterly which are attended by SAPOL (State Crime Assessment Centre & Public Protection Branch), the DCP Investigations Unit and the DCP Care Concern Management Unit (CCMU). The GCYP also relies on the co-operation of the Office of the Director of Public Prosecutions.

In 2019-20, 27 Serious Care Concern notifications referred to the GCYP were subject to investigation by South Australia Police and/or DCP. This compares with 44 Serious Care Concern notifications in 2018-19.

In addition, the GCYP monitored 45 investigations that were ongoing from previous years.

The GCYP also received 30 Minor and 37 Moderate Care Concern notifications. This compares with 40 Minor and 27 Moderate Care Concern notifications in 2018-19. (NB It is important to understand that the categorisation of these notifications as ‘Minor’, ‘Moderate’ and ‘Serious’ by the CCMU does not *necessarily* reflect the seriousness of the allegations, but rather the type of response assessed as appropriate at the time the allegations are raised).

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<sup>20</sup> E Mullighan, [Children in State Care Commission of Inquiry](#) pp.23-24.

**Serious, Moderate and Minor Care Concern notifications of alleged sexual abuse  
2018-19 to 2019--20**

	<b>2018-2019</b>	<b>2019-2020</b>	<b>Increase/Decrease</b>
Serious	44	27	38% decrease
Moderate	27	37	37% increase
Minor	40	30	25% decrease
<b>Totals</b>	<b>111</b>	<b>94</b>	<b>15% decrease</b>

The 94 Minor, Moderate and Serious Care Concern notifications represented a total of 187 children and young people in care (some individual children were subject to multiple different notifications, and some individual notifications related to multiple children).

**Children subject of Minor, Moderate and Serious Care Concern notifications of alleged sexual abuse, by age**

	<b>2019-2020</b>
0 to 4	17
5 to 9	48
10 to 14	75
15 to 17	47
<b>Totals</b>	<b>187</b>

**Children subject of Minor, Moderate and Serious Care Concern notifications of alleged sexual abuse by gender**

	<b>2019-2020</b>
Male	86
Female	101
<b>Totals</b>	<b>187</b>

**Children subject of Minor, Moderate and Serious Care Concern notifications of alleged sexual abuse by care arrangements**

	<b>2019-2020</b>
Residential Care (DCP & NGO)	82
Relative Care	62
Foster Care	28
Commercial Care	12
Specific Child Only Care	3
<b>Totals</b>	<b>187</b>

GCYP understands that, where allegations of sexual abuse arise in relation to one child within a placement, care concern notifications are often also raised in relation to the other children and young people who reside in the same placement (in acknowledgement of the possibility that other children and young people may also be at risk of sexual abuse). This has the potential to inflate data relating to the care arrangements of individual children who were subject of the concerns.

For comparison, the below table reflects the care arrangements for each notification (some notifications related to multiple children).

**Minor, Moderate and Serious Care Concern notifications of alleged sexual abuse 2019-20 by care arrangements**

	<b>2019-2020</b>
Relative Care	36
Residential Care (DCP & NGO)	35
Foster Care	14
Commercial Care	7
Specific Child Only Care	2
<b>Totals</b>	<b>94</b>

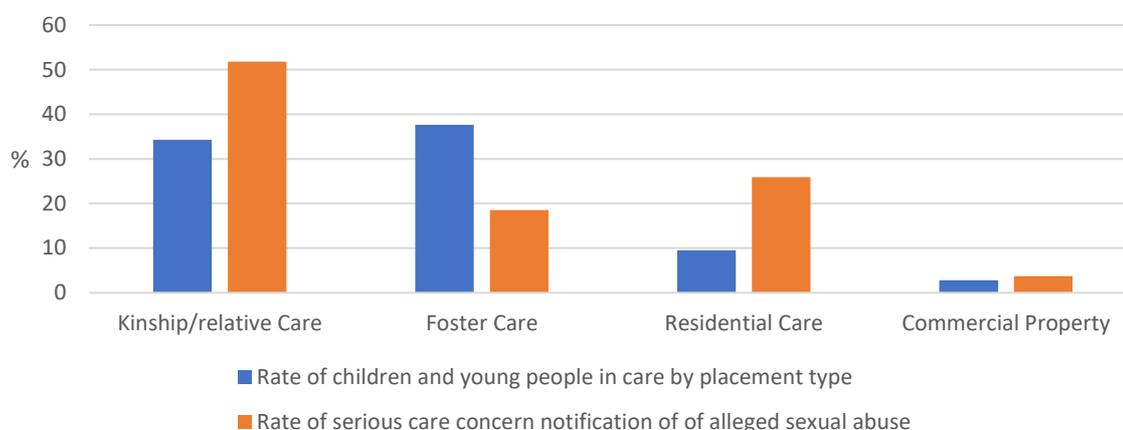
**Serious Care Concern notifications of alleged sexual abuse 2018-19 to 2019-20 by care arrangements**

	<b>2018-2019</b>	<b>2019-2020</b>
Relative care	18	14
Residential care	10	7
Foster care	11	5
Commercial care	5	1
<b>Totals</b>	<b>44</b>	<b>27</b>

These Care Concern notifications can be contextualised by comparing their prevalence with the rates of children and young people living in each care type.<sup>21</sup> As demonstrated below, kinship/relative care, and residential care represent a disproportionately high rate of serious care concern notifications of alleged sexual abuse.

<sup>21</sup> This chart is for illustrative purposes only. Care Concern data is collected over 12 months, whereas data relating to care type is taken from one day, so are not directly comparable.

**Rate of serious care concern notifications of alleged sexual abuse 2019-20 by placement type, compared to rate of children and young people living in each placement type on 30 June 2020**



The Mullighan Inquiry heard that children and young people in care suffered sexual abuse by multiple alleged perpetrator groups. Among these allegations, the Inquiry heard that children were sexually abused by other children in both family-based and non-family-based care, and that adults in the community targeted and sexually exploited children and young people who absconded from their placements.

The Royal Commission into Institutional Responses to Child Sexual Abuse (RCIRCSA) also heard that sexual abuse of children by adults does not represent all child sexual abuse that occurs within institutions<sup>22</sup>. The RCIRCSA used the term ‘harmful sexual behaviours’ to refer to the full spectrum of sexual behaviour problems in children, including behaviours that are problematic to the child’s own development, as well as those that are coercive, sexually aggressive and predatory towards others.

The RCIRCSA learned that harmful sexual behaviour by children is an ongoing problem, and that *“many of the impacts of harmful sexual behaviour by children resemble the impacts of sexual abuse perpetrated by adults. These include immediate and long-term adverse effects for victims that can be serious, and detrimental to physical and psychological health, neurobiological development, interpersonal relationships, connection to culture and sexual identity.”*<sup>3</sup>

<sup>22</sup> [Royal Commission into Institutional Responses to Child Sexual Abuse](#) (Final Report, December 2017) vol 10, 9.

Through information obtained via the R20 process, as well as individual advocacy matters managed by the Advocacy Team, GCYP has developed serious concerns about the nature and prevalence of the issue of harmful sexual behaviour between children and young people in care.

Of the 94 Minor, Moderate and Serious Care Concern Notifications received by GCYP in 2019-20, 27 (28 per cent) related to, or included, allegations of harmful sexual behaviour between children and young people in care. The concerns varied across the spectrum of harmful sexual behaviour, from sexual behaviour considered outside the normal or age-appropriate range (but not necessarily resulting in harm to another child), through to sexual offences for which the child could be held criminally responsible (if aged 10 and over).

Of these 27 cases, 13 (48 per cent) related to children and young people in non-family-based care (residential and commercial care) and 14 (52 per cent) related to children and young people in family-based care (relative, foster and specific child only care).

GCYP has identified indications of serious systemic gaps and failings that interfere with the detection and prevention of harmful sexual behaviour between children and young people in care. These include:

- A severe shortage of safe and appropriate placement options impacting on placement matching, resulting in the unsafe co-location of children and young people with known harmful sexual behaviour. This is compounded by inadequate record-keeping and communication about children and young people's individual needs, vulnerabilities and behaviour.
- The reality that many children and young people may not be able or willing to disclose abuse, depending on their age, developmental capacity, disability, whether they have developed safe and trusting relationships with adults (including via regular face-to-face visits from their allocated Social Worker), and how their disclosures have been responded to in the past.
- Insufficient carer staffing in some residential and commercial care facilities to achieve adequate supervision standards.
- The physical unsuitability of some residential and commercial care properties, which are not fit for purpose and present challenges for the supervision of children and young people.
- Inadequate training of carers in relation to identifying and responding to indicators of peer-related sexual abuse, and particularly in the assessment of whether sexual behaviour should be considered normal and age-appropriate, or harmful.
- Unclear reporting responsibilities and processes for carers and management structures (particularly when external service providers are involved).

GCYP is also concerned about the ongoing, targeted sexual exploitation of children and young people in care by adults in the community. Children and young people in non-family-based care (residential and commercial care) are particularly vulnerable in this regard. Factors contributing to the targeted sexual exploitation of children and young people by adults in the community include:

- the amplified vulnerability of children and young people in care who often have already sustained significant trauma, abuse and neglect (including sexual abuse)
- the 'push factors' that drive children and young people away from their residential and commercial care placements (in which they often report not feeling safe or supported) and into the community
- the 'pull factors' that draw children and young people towards unsafe people (such as seeking connection, and receiving money, food, possessions, cigarettes, drugs and alcohol in return for sexual acts)
- paedophiles having knowledge of, and gravitating towards, the location of residential care facilities, and
- older (or more experienced) residents introducing younger (or more vulnerable) residents to unsafe adults in the community when they abscond together.

In the context of current staffing, GCYP is not able to dedicate the necessary time and focus to the overall R20 monitoring function, and to the specific issues of harmful sexual behaviour between children in care and the targeted sexual exploitation of children in care by adults in the community. Additional resources are required if GCYP is to provide the level of individual advocacy that was intended by recommendation 23 of the Mullighan Inquiry (reflected in section 26(1)(b) of the *Children and Young People (Oversight and Advocacy Bodies) Act 2016*), and to identify the systemic change that is needed to better detect and prevent harmful sexual behaviour between children and young people in care, and protect those most at risk of sexual exploitation in the community.

#### ***Case Examples– Peer-Related Harmful Sexual Behaviour***

##### ***'Shawn' and 'Billie'***

*Over a period of several months, Shawn (15yo) engaged younger co-resident, Billie, in harmful sexual behaviour at their residential care placement. Shawn and Billie frequently absconded together, during which time there was no supervision. This exposed the young people to sexual exploitation by adults in the community, resulting in a sexual assault. GCYP strongly advocated for an urgent placement move for one of the young people, which was not actioned by the Department until 5 months later.*

### *Case Examples– Peer-Related Harmful Sexual Behaviour*

#### **'Sage' and 'Quinn'**

*Two young people with known histories of harmful sexual behaviour, Sage and Quinn, were placed together in a residential care placement. Their co-location, and a lack of safety planning, provided the young people with opportunities for unsupervised contact, during which time one young person committed sexual offences against the other young person. DCP moved the young person who committed the offences to a placement where several other children and young people were already living. This decision placed further children and young people, who were known to be especially vulnerable, at risk of sexual abuse. Following GCYP advocacy, Sage was moved to a sole child placement.*

#### **'Skyler'**

*A nine-year-old child, in care, Skyler, exhibited harmful sexual behaviour towards other children. This resulted in the breakdown of Skyler's placement. DCP moved Skyler into a residential care placement where several other children and young people were living. The DCP case manager was concerned about this move occurring, due to the foreseeable risk of further incidents of harmful sexual behaviour between children. Within a few days of living in the new placement, Skyler was alleged to have engaged a co-resident in harmful sexual behaviour. Placement staff were reportedly not provided with adequate information about the child's harmful sexual behaviour prior to the placement. Following advocacy from GCYP, Skyler was moved to a sole child placement.*

### ***Collation, analysis and publication of annual data pertaining to the circumstances of children and young people in care.***

The OGCYP prepares the following reports each year which monitor the circumstances of those in care:

- [South Australian child protection expenditure from the Report on Government Services 2020](#)
- [Snapshot of South Australian Aboriginal Children and Young People in Care and/or Detention from the Report on Government Services 2020](#)
- [Children and Young People in State Care in South Australian Government Schools 2009-2019](#)

### 3.4 Advise

To provide advice to the Minister on the quality of the provision of care for children under the guardianship, or in the custody of, the Chief Executive of the DCP and on whether the children's needs are being met.

The GCYP provided the following advice to the Minister:

- Information for the Minister for Child Protection about Placement Matching Practices by DCP (detrimental placement changes, a lack of policies and procedures to guide the matching and placement of children in care, inadequate placement matching and inadequate transition planning particularly in the context of moving children out of commercial care) (August 2019)
- Information for the Minister for Child Protection about systemic gaps and failings that interfere with the detection and prevention of peer-to-peer harmful sexual behaviours (including the resources and information required for GCYP to implement Recommendation 23 and 24 of the Mullighan Inquiry, to effectively advocate for children who are alleged to have suffered sexual abuse in care) (May 2020)
- Advice to the Minister for Child Protection on Secure Therapeutic Care (May 2020)

### 3.5 Inquire

To inquire into, and provide advice to the Minister in relation to, systemic reform necessary to improve the quality of care provided for children in alternative care

With the continued increase in the number of children coming into care (and hence coming within the mandate of the GCYP) and the concomitant increase in advocacy matters and annual reviews, the GCYP did not have the resources available to conduct any major inquiry in 2019-20.

However, the Senior Policy Officer conducted an inquiry into the circumstances of 'dual-involved' children and young people (those who become detained in the Kurlana Tapa Youth Justice Centre and are from a care background) and has published the first of several intended papers on the systemic issues and gaps affecting this cohort. ['A Perfect Storm': Report on Dual-Status CYP in SA - Report 1.](#)

GCYP also continued to work on systemic issues including placement matching, safety in placement and the prevalence and prevention of sexual abuse and harmful sexual behaviours affecting children in care, which have informed advice to the Minister and advocacy to DCP.

### 3.6 Investigate

To investigate and report to the Minister on matters referred to the GCYP by the Minister

There were no matters referred to the GCYP by the Minister for an investigation.

## 4. About the Office of the Guardian

### 4.1 Legislation

The role of the GCYP was originally established in an amendment to the *Children's Protection Act 1993*, which came into effect on 1 February 2006. Amendments were subsequently made to strengthen the independence and powers of the role, particularly in response to recommendations made in the Mullighan Inquiry Report.<sup>23</sup>

In 2017, the *Children and Young People (Oversight and Advocacy Bodies) Act 2016* re-established the GCYP's role, the same legislation for the Child Death and Serious Injury Review Committee and the two new entities, the Commissioner for Children and Young People and the Child Development Council.

The *Children and Young People (Safety) Act 2017* provides the statutory basis for the *Charter of Rights for Children and Young People in Care*.

### 4.2 Governance

Under the Act, the GCYP is appointed by the Governor and has statutory functions and reporting requirements as previously discussed in this report. The functions are broadly those of monitoring conditions of care, investigating matters of concern and advocating for children and young people under guardianship, or in the custody of, the Chief Executive of the DCP. The GCYP provides advice to the Minister for Child Protection on these matters.

The GCYP is not subject to directions from the Minister which inhibit inquiries or investigations, prevent or restrict communications or which limit the content of advice, reports or recommendations made in fulfilling the statutory functions.

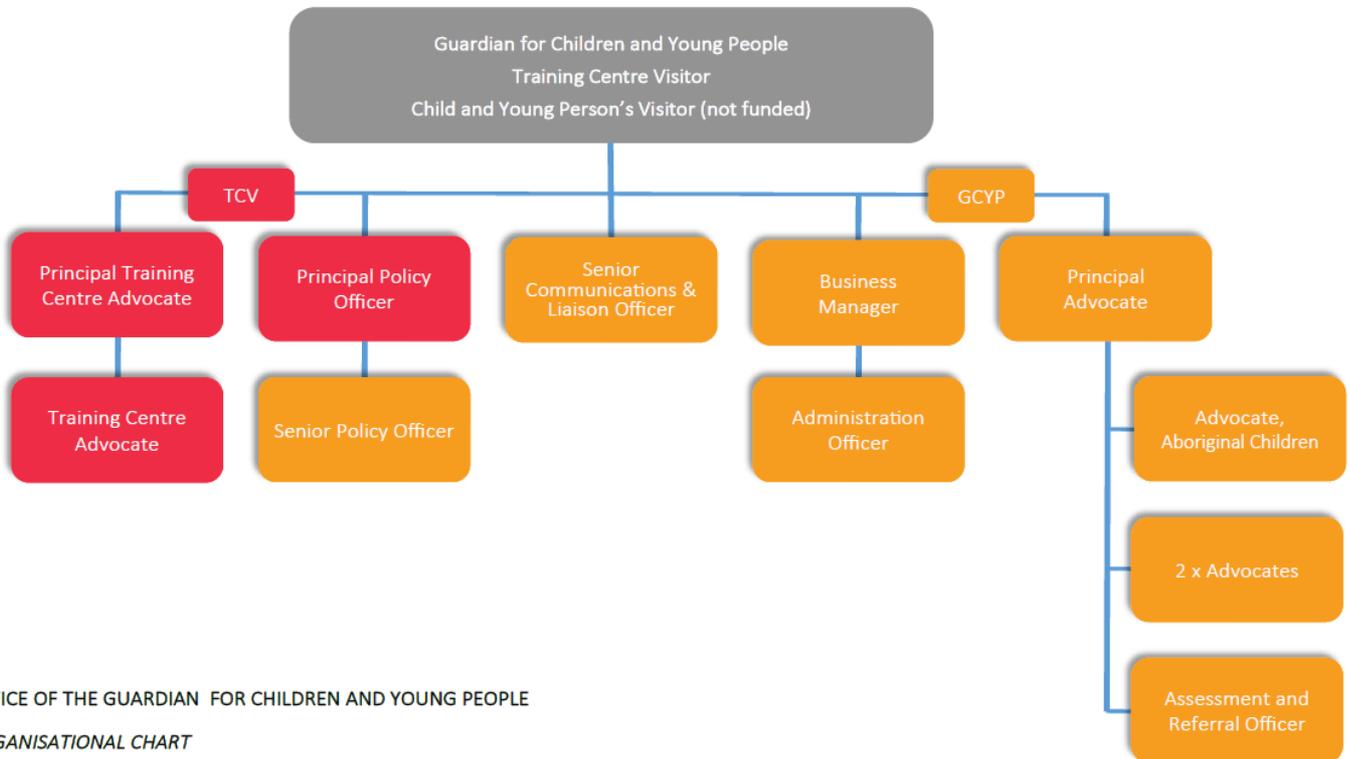
The GCYP has powers necessary, expedient or incidental to the performance of her functions. The Act explicitly gives the GCYP the power to require information from organisations and people that is necessary to fulfil the functions.

The GCYP must establish and maintain processes to ensure the participation of children and young people in strategic, policy or systemic practice development or review processes.

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<sup>23</sup> E Mullighan, *Children in State Care Commission of Inquiry Final Report* (2008).

## 4.3 Organisational structure



OFFICE OF THE GUARDIAN FOR CHILDREN AND YOUNG PEOPLE

ORGANISATIONAL CHART

June 2020

## 4.4 Work health and safety

There were no work health and safety claims during 2019-20

## 4.5 Complaints

There were no formal complaints made to the Office of the Guardian about the service in 2019-20.

## 4.6 Freedom of information

Legislation exempts information about individual cases from disclosure under the *Freedom of Information Act 1991*.

There was no FOI request for other information during 2019-20.

## 4.7 Membership/participation on external committees

In 2019-2020 the Guardian was a member of:

- Australian and New Zealand Children's Commissioners and Guardians network
- Statutory Authorities Group and Rights Protection Agencies Network
- Australian Lawyers for Human Rights
- Youth Court Stakeholders Group
- National (Detention) Inspectors' Teleconference Group
- AFSS (Aboriginal Family Support Service) Child Protection Reform Steering Committee.

The Advocate, Aboriginal Children is a member of:

- Family Matters Working Group
- GCYP/DCP Principal Aboriginal Consultants' Meeting Group.

## 4.8 Training and Development

- Guardian, Penny Wright, and Advocates, Conrad Morris and Travis Thomas, attended AIJA Youth Justice Conference in Melbourne (November 2019)
- Guardian, Penny Wright and Principal Advocate, Merike Mannik, attended the CREATE Conference in Melbourne in (November 2019)
- Advocate, Aboriginal Children, Conrad Morris, attended the National Indigenous Youth Empowerment Conference in Cairns (February 2020).

## 5. Financial

Financial services are provided by the Department for Education. The financial operations of the Office of the Guardian are consolidated into and audited through the Department for Education. Budgets for the Child and Young Person Visitor, and Training Centre Visitor, programs are also provided below.

### Financial Summary of expenditure 2019-20 ('000)

Project 996: Guardian for Children and Young People

Item	Actual	Budget	Variation
Salaries and wages	1,105	1,181	76
Grants, goods and services	260	303	43
<b>Total</b>	<b>1,366</b>	<b>1,485</b>	<b>119</b>

### Financial Summary of expenditure 2019-20 ('000)

Project 972: Community Visitor Scheme

Item	Actual	Budget	Variation
Salaries and wages	196	200	4
Grants, goods and services	0	0	0
<b>Total</b>	<b>196</b>	<b>200</b>	<b>4</b>

### Financial Summary of expenditure 2018-19 ('000)

Project 973: Training Centre Visitor

Item	Actual	Budget	Variation
Salaries and wages	289	322	33
Grants, goods and services	71	47	-24
<b>Total</b>	<b>360</b>	<b>369</b>	<b>9</b>
Revenue	-369	-369	0
<b>Net</b>	<b>-9</b>	<b>0</b>	<b>9</b>

## Executive employment in the agency

Executive classification	Number of executives
SAES1	1

## Contractors disclosure

The following is a summary of external contractors that have been engaged by the office, the nature of work undertaken, and the actual payments made for work undertaken during the financial year.

### Contractors with a contract value below \$10,000

Contractors	Purpose	\$ Actual payment
Karen Briggs Design	Glass Decals design	5,000
Shane Cook	TCV Logo art workshop	2,500
Megan Kerr Photography	Photography	745
Karko Creations	GCYP & TCV Logo	2,450
Bonnie Parker	Communications support	6,174
Simone Deegan	Inspection Report editing	4,800
Youth Participation	Projects & recruitment	665

### Contractors with a contract value over \$10,000

Contractors	Purpose	\$ Actual payment
Records & Archive Services	Records Disposal Schedule development	12,600
Project 18 Pty Ltd	Charter review engagement & Inspection interviews	22,970

## Appendix A

### Wellbeing Statement and Percentage of Children and Young People for whom the statement is assessed as 'Met' from their Annual Review Audit (n:461)

		2018-2019	2019-2020	Increase/ Decrease
1	This child lives in a kind and nurturing environment	85%	94.5%	Increase 9.5%
2a	This child is, and feels, physically and emotionally	92%	93%	Increase 1%
2b	This child is, and feels, culturally safe ( <i>new statement added for 2019-20</i> )		89%	
3	This child is treated with respect, by workers and carers	93%	98%	Increase 5%
4	This child is receiving appropriate shelter, clothing and nourishment	95%	98%	Increase 3%
5	This child is cared for in a placement that is stable and secure	81%	92%	Increase 11%
6	This child has a secure personal space to which she/he can withdraw and where personal things are kept safe	59%	88%	Increase 29%
7a	This child has contact with family and/or other significant people who provide a sense of identity and belonging	93%	82%	Decrease 11%
7b	ATSI/CALD only: This child has contact with their culture and community ( <i>new statement added for 2019-20</i> )		56%	
8a	This child has access to health services that meet their needs	96%	96%	Even
8b	This child has access to disability services that meet their needs ( <i>new statement added for 2019-20</i> )		82%	
9a	This child is getting an education suited to their needs	89%	90%	Increase 1%
9b	This child has the opportunity for artistic, cultural, spiritual, recreational and/or sporting development	89%	90%	Increase 1%
10	This child understands to the full extent of their capacity their life history and why they are in their current circumstances	80%	86%	Increase 6%
11	This child has knowledge of and participates in decisions that affect them	73%	94%	Increase 21%
12a	This child has regular contact with the same case worker	73%	77%	Increase 4%
12b	This child's case worker is skilled, knowledgeable, and respectful	91%	95%	Increase 4%
12c	This child's case worker advocates energetically in the child's best interests	30%	32%	Increase 2%



**Guardian**  
for Children and  
Young People

