



Australian Government

**Australian Institute of
Health and Welfare**

CHILD WELFARE SERIES

Number 68

Child protection Australia: Appendixes C to E

2016–17

Australian Institute of Health and Welfare

Canberra

Cat. no. CWS 63

Contents

- Abbreviationsiii**
- Symbolsiii**
- Appendix C: Policy and practice differences in states and territories 1**
- C.1 Notifications, investigations and substantiations 1
 - C.1.1 Initial assessment of reports made to departments2
 - C.1.2 Recording multiple notifications and overlapping investigations5
 - C.1.3 Treatment of notifications for unborn children.....6
 - C.1.4 Notifications relating to abuse in care, no suitable caregiver and extra-familial maltreatment9
- C.2 Care and protection orders issued..... 12
- C.3 Scope and classifications of out-of-home care..... 12
 - C.3.1 Children on third-party parental responsibility orders..... 13
 - C.3.2 Recording types of placement..... 16
- Appendix D: Recent state and territory policy changes17**
- New South Wales..... 17
- Victoria 19
- Queensland..... 20
- Western Australia 22
- South Australia 24
- Tasmania 27
- Australian Capital Territory 29
- Northern Territory 29
- Appendix E: Inquiries into child protection services.....31**

Abbreviations

ABS	Australian Bureau of Statistics
ACT	Australian Capital Territory
ASGS	Australian Statistical Geography Standard
AIHW	Australian Institute of Health and Welfare
ARIA+	Accessibility/Remoteness Index of Australia
COAG	Council of Australian Governments
CP NMDS	Child Protection National Minimum Data Set
IRSAD	Index of Relative Socio-Economic Advantage and Disadvantage
NSW	New South Wales
NT	Northern Territory
Qld	Queensland
RA	Remoteness Area
RoGS	Report on Government Services
SA	South Australia
SEIFA	Socio-Economic Indexes for Areas
Tas	Tasmania
Vic	Victoria
WA	Western Australia

Symbols

0	zero
—	rounded to zero
..	not applicable
n.a.	not available
n.p.	not publishable because of small numbers, confidentiality or other concerns about the quality of the data

Appendix C: Policy and practice differences in states and territories

Action plans under the *National Framework for Protecting Australia's Children 2009–2020* identify specific actions, responsibilities and timeframes for implementation. The second 3-year Action Plan (2012–2015) highlighted as an action, under the 'Enhancing the evidence base' national priority, a continued focus on improved consistency and quality of the national data (FaHCSIA 2012). Further expanding on the evidence base and developing progress targets continued to be a focus in the third action plan (2015–2018) (DSS 2015b).

The National Child Protection Data Collection is based on administrative data provided by state and territory departments responsible for child protection, according to a set of agreed technical specifications. The aggregation of jurisdictional data into a national collection assumes the technical specifications are followed and the same definitions are applied in all jurisdictions. However, different policies and practices in jurisdictions, largely predating the national collection, influence the collection of administrative data. Limited specificity in the technical specifications and different interpretation and application in data collection and reporting have had a further impact on national comparability.

The implementation of the Child Protection National Minimum Data Set (CP NMDS) for reporting from 2012–13 has reduced some of the different interpretation of the technical specifications. This was primarily achieved through the application by the Australian Institute of Health and Welfare (AIHW) of nationally agreed rules and methods in the compilation and analysis of the data (AIHW 2014a). However, key policy and practice differences continue to have an impact on the comparability of the national child protection data, including differences in the:

- use of agency-defined and caller-defined approaches to recording notifications
- thresholds used for risk assessment practices
- treatment of multiple notifications and overlapping investigations
- treatment of cases for unborn children, abuse in care, non-familial maltreatment and where there is no suitable caregiver
- care and protection orders issued, particularly for interim and temporary orders
- scope of out-of-home care
- reporting types of out-of-home care placements.

Many of these differences relate to substantive jurisdictional legislation, policies and practices that may prevent consistency being achieved in the short term. Ongoing work is required to resolve these identified national comparability issues.

C.1 Notifications, investigations and substantiations

Although specifications for notifications, investigations and substantiations have been agreed for national reporting, there are numerous and related differences in jurisdiction policy/practice that can influence the data reported. Differences in the initial count of notifications have a flow-on effect on other data, including the number of investigations, substantiations, and substantiations per child.

C.1.1 Initial assessment of reports made to departments

The national specifications for notifications specifically exclude reports about wider concerns about children or families that are classified as child concern reports. However, there are different policies and practices used by states and territories for assessing whether these reports are recorded as notifications, which can result in reporting of child concern reports as a notification. These differences are broadly grouped into 2 categories—caller-defined and agency-defined notifications—with some variations within these 2 categories that need to be better understood in order to accurately assess national data comparability issues.

Agency-defined versus caller-defined notifications

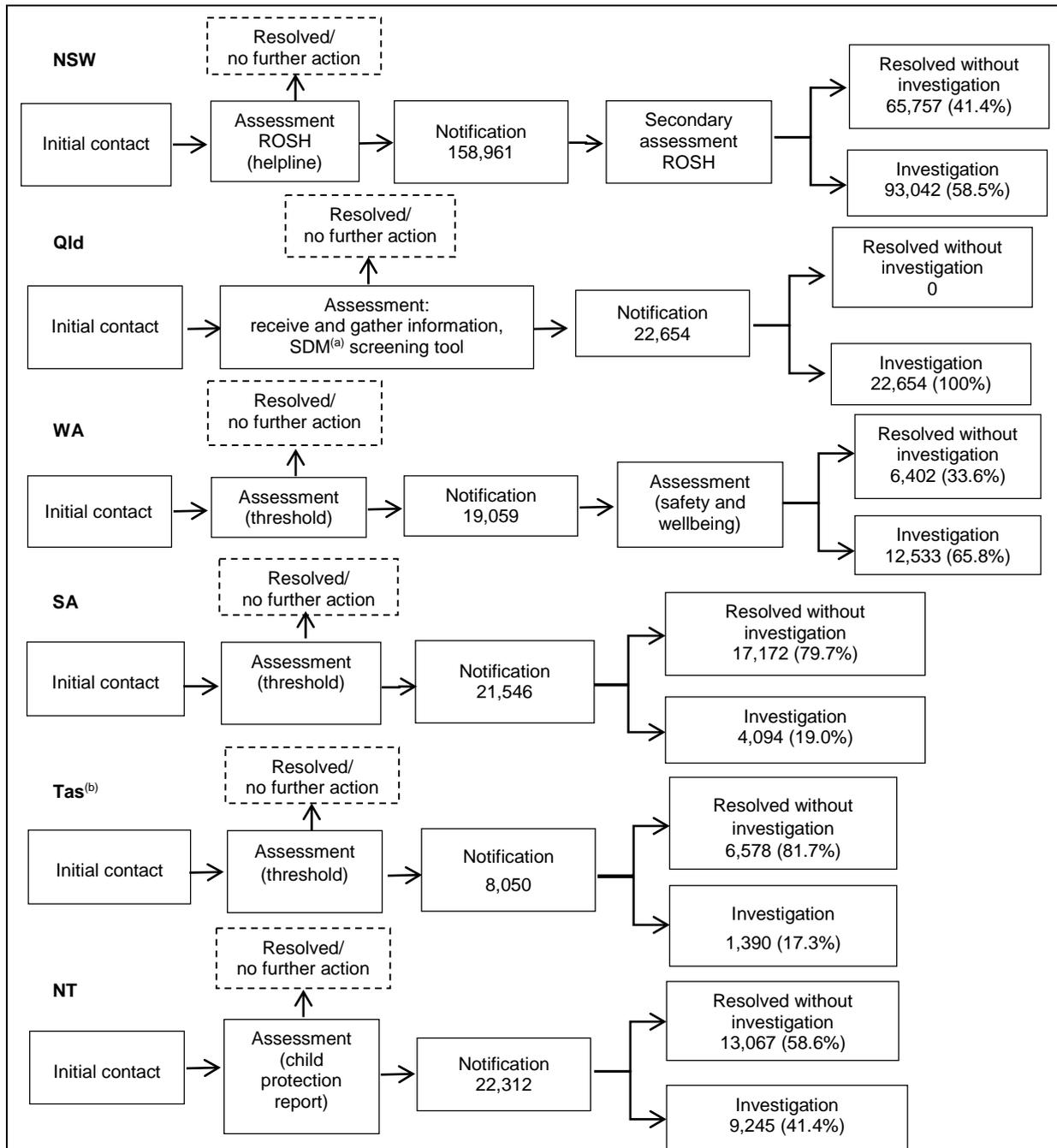
Notifications are agency-defined in New South Wales, Queensland, Western Australia, South Australia, Tasmania and the Northern Territory (Figure C1). These jurisdictions undertake threshold assessment processes at the time a report is made, and a notification is recorded only when the information received suggests that a child needs care or protection. Note, as per the national definition of notifications, child concern reports are excluded. There are differences in the threshold assessment process used by these jurisdictions. For example, New South Wales and Queensland employ a ‘risk of significant harm’ (ROSH) threshold, while other jurisdictions assess risk of harm only (see further information in the following section ‘Threshold differences for risk assessment’).

During 2015–16, the recording of notifications in Tasmania changed from caller-defined to agency-defined for local and national reporting purposes (Figure D1). In line with national specifications, child concern reports—as per section 17(2)(a) of the *Children, Young Persons and Their Families Act 1997* (Tas)—have been excluded from counts of notifications from February 2016. This resulted in a fall in the number of notifications recorded for Tasmania in 2015–16 compared with previous years with the change taking full effect from 2016–17.

In Victoria and the Australian Capital Territory, notifications are caller-defined; that is, all initial contacts regarding concerns for children are recorded as notifications (Figure C2).

Caller-defined notifications are not comparable with agency-defined notifications due to the different assessment processes applied (that is, assessment occurs either before a notification is recorded in the case of agency-defined notifications, or after a notification is recorded in the case of caller-defined notifications). This may result in higher levels of notifications being recorded in jurisdictions where all reports, including those classified by other jurisdictions as child concern reports, are recorded as notifications.

The effect of this is particularly evident when reporting on the number of notifications received and the type of action taken on them in the relevant reporting period. Table S5 shows that the percentage of notifications resolved without investigation was 53% across jurisdictions. However, this ranged from 0% in Queensland (where the policy is to investigate all notifications) to 82% in Tasmania and the Australian Capital Territory. As per the national specifications, child concern reports are excluded from the count of notifications by jurisdictions with an agency-defined approach. The change in Tasmania to an agency-defined response was only implemented part way through 2015–16; as such, the full effect of this change should be evident from 2016–17.



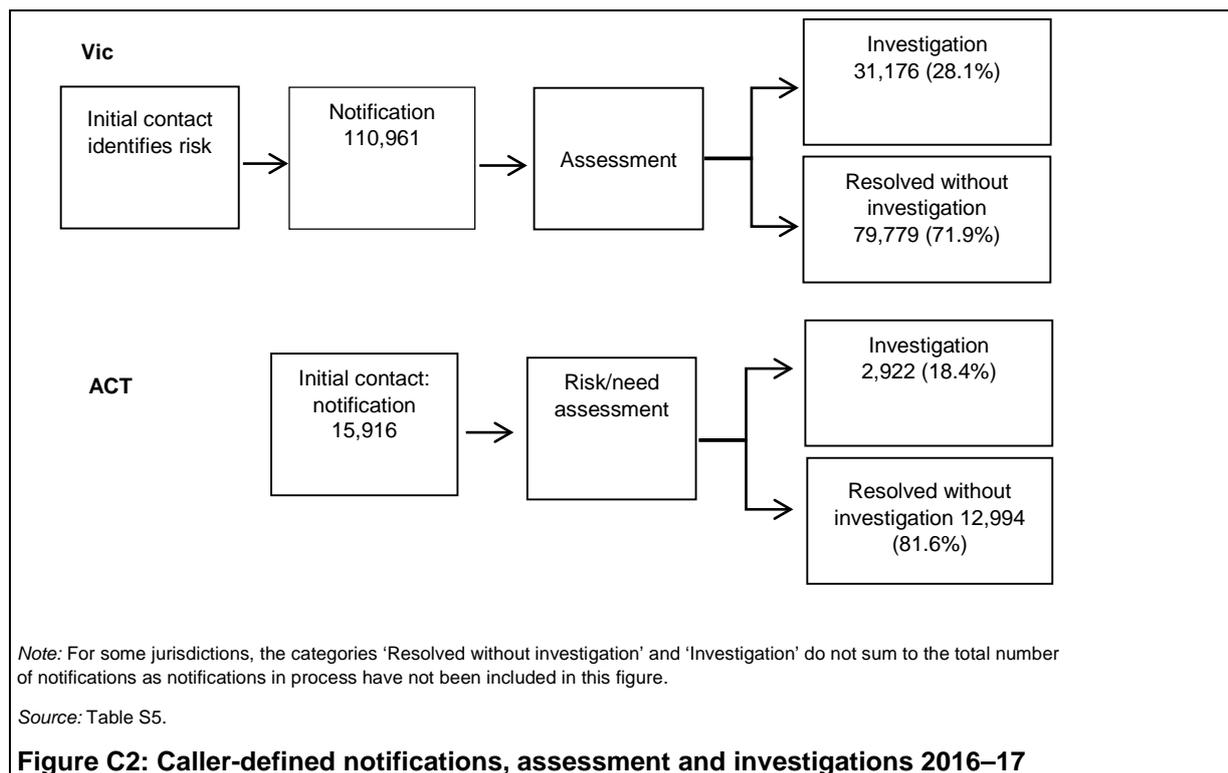
(a) SDM stands for Structured Decision Making.

(b) From February 2016, notifications in Tasmania finalised under section 17(2)(a) of the *Children, Young Persons and Their Families Act 1997* (Tas) were classified as a child concern report, and were excluded from counts of notifications for the purpose of national reporting. As this change took full effect during 2016–17, the number of notifications reported nationally for Tasmania for 2016–17 has decreased compared with previous years.

Note: For some jurisdictions, the categories 'Resolved without investigation' and 'Investigation' do not sum to the total number of notifications as notifications in process have not been included in this figure.

Source: Table S5.

Figure C1: Agency-defined notifications, assessment and investigations 2016–17



Threshold differences for risk assessment

'Threshold differences' have been acknowledged as having an impact on national data comparability. For example, *Child protection Australia 2016–17* includes the following statement:

Thresholds for what is substantiated vary—some jurisdictions substantiate the harm, or risk of harm, to the child, and others substantiate actions by parents or incidents that cause harm. In considering harm to the child, the focus of the child protection systems in many jurisdictions has shifted away from the actions of parents to the outcomes for the child.

The differences across jurisdictions and, in particular, how these affect the counts of notifications and substantiations, are difficult to identify and explain. All jurisdictions are required to assess the risk of harm and prioritise cases accordingly. Although there are tools to assist child protection staff to assess risk, there is a level of professional judgment applied by staff when assessing risk.

From the available information, it is difficult to assess what thresholds are being applied across jurisdictions and the impact on national reporting. What is clear is that there are differences in national reporting because of some key differences. For example, New South Wales and Queensland employ a risk of significant harm (ROSH) threshold to all child concern reports while others assess risk of harm only. The process used in New South Wales and Queensland screens out child concern reports but may also screen out reports that other jurisdictions, applying a lower threshold (for example, risk of harm), would include as a notification. While most jurisdictions substantiate harm in terms of the outcomes for the child, some jurisdictions substantiate the actions/inactions of the parents.

There are also differences in the available responses that can be taken based on the information received as part of child concern reports, notifications or investigations. Within the child protection system, there is a layering of risk, with suitable programs in place to support families and protect children, depending on this risk. At any point in the child

protection process, children and their families may be referred to family support services which may be used instead of, or as a complementary service to, a statutory child protection response. For example, a service may provide parenting and household skills development, therapeutic care and family reunification services.

C.1.2 Recording multiple notifications and overlapping investigations

Differences in the number of substantiations recorded per child may reflect how jurisdictions record information about events such as notifications, investigations and substantiations. Table S8 indicates that while most jurisdictions had 1–2 substantiations per child, New South Wales and, to a lesser extent, the Australian Capital Territory, had higher proportions of children with 4 or more substantiations.

The national specifications indicate that:

Where there is more than 1 notification about the same 'event' involving a child, this is counted as 1 notification. Where there is more than 1 notification between 1 July 2016 and 30 June 2017, but relating to different events, these are counted as separate notifications.

Table C1 summarises the differences between states and territories in how incoming notifications and investigations that overlap with other cases (that is, notifications or investigations depending on the status of the preceding notification) are recorded. Operational practices mean that if a new notification is received while another case is open:

- it is counted as a new notification (New South Wales, Western Australia and the Australian Capital Territory)
- it is not separately recorded but is included as additional notes to be dealt with by open cases (Victoria, Queensland, South Australia and Tasmania).

In the Northern Territory, subsequent reports of the same harm to a child are linked to an existing notification where there is an open child protection investigation. If a different harm type is reported, it is recorded as a new notification.

Table C1: Recording incoming notifications that overlap with other cases, states and territories

Jurisdiction	New notification recorded	Notification linked to open cases
NSW	✓	x
Vic	x	✓
Qld	x	✓
WA	✓	x
SA	x	✓
Tas	x	✓
ACT	✓	x
NT	✓	✓

✓ Indicates overlapping notifications are recorded as per the description for the relevant category.

x Indicates overlapping notifications are not recorded as per the description for the relevant category.

Although there is variation between states and territories in how overlapping cases are reported in the national data, 'on the ground' they would be treated as a single investigation. When multiple notifications are 'rolled up' into the same investigation but are recorded separately in the data, this will result in comparatively higher counts of notifications,

investigations and substantiations. Conversely, linking new notifications to open cases has the effect of decreasing the number of notifications, investigations and substantiations recorded.

Analysis of the extent of the overlap was possible using CP NMDS data for all jurisdictions except New South Wales. Table C2 shows:

- In Victoria, all investigations (100%) are unique, with no evidence of any overlaps. There is a 1:1 ratio between notifications and investigations, indicating that a new investigation cannot be commenced until a previous investigation is completed.
- The percentage of overlapping investigations in Queensland, Western Australia and Tasmania is low (0.5%, 3.3% and 0.3%, respectively). The majority (99% or more) of investigations in these jurisdictions involved 1 or 2 notifications per investigation 'episode'.
- The percentage of overlapping investigations is higher in South Australia (21%), the Australian Capital Territory (34%) and the Northern Territory (13%).

Table C2: Number of notifications per investigations 'episode', states and territories, 2016–17 (%)

Number of notifications per investigation 'episode'	Vic	Qld	WA	SA	Tas	ACT	NT	Total
1	100.0	99.5	96.6	78.7	99.7	65.7	87.1	95.9
2	0.0	0.5	3.1	15.8	0.3	19.2	9.8	3.1
3	0.0	0.0	0.2	5.1	0.0	11.3	2.9	0.9
4	0.0	0.0	0.0	0.3	0.0	3.9	0.2	0.1
5+	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Notes

1. For the purpose of this analysis, proxy investigation 'episodes' were created: if the dates of investigations overlapped they were assigned to the same investigation 'episode' (overlapping investigation episode); if the dates did not overlap with any other investigations, they were deemed to be a unique investigation 'episode'. Investigation 'episodes' were unable to be assigned for some records due to missing date information.
2. NSW data are not reported as CP NMDS data were not available.
3. Percentages in the table may not add to 100 as records with unknown investigation dates have been excluded.

Source: AIHW Child Protection Collection 2017.

C.1.3 Treatment of notifications for unborn children

All jurisdictions, except South Australia and the Northern Territory, have legislation to support the prenatal reporting of children at risk; that is, reports can be made for pregnant women where there are concerns about their unborn children. In 2016–17, just under 1,700 children who were the subject of a child protection substantiation were unborn at the time of notification (Table S10). Differences in policy and practice across jurisdictions impact on the data relating to unborn children for notifications, investigations and substantiations.

The level of intervention and the timing of investigations for notifications for unborn children were examined using available CP NMDS data. Note that this excludes New South Wales and Victoria as CP NMDS data were not provided, and South Australia and the Northern Territory due to the lack of relevant legislation to support such reporting.

Victoria did not include unborn children in the CP NMDS data as they are not considered a child protection notification. Initial reports can be case managed on a voluntary basis or referred to other services/social support and a new report can be initiated after birth and investigated if necessary.

A majority (94%) of records where a child was unborn at the time of notification had a date of assessment decision made before their date of birth. However, there was variation in the level of intervention (that is, resolved without investigation or investigated) and when investigations occurred (that is, before or after birth).

Table C3 shows that of children who were the subject of a notification before birth:

- in Queensland, all cases (100%) were investigated
- in Western Australia, the majority of cases were investigated (89%)
- in Tasmania and the Australian Capital Territory, the majority of cases were resolved without investigation (60% and 99%, respectively).

Table C3: Children who were unborn at the time of notification, by type of action, 2016–17 (%)

Type of action	Qld	WA	Tas	ACT	Total
Investigations finalised	77.0	61.7	27.6	0.8	58.5
Investigation closed—no outcome possible	13.4	8.1	4.5	0.0	9.3
<i>Total closed investigations</i>	90.4	69.8	32.1	0.8	67.8
Investigations in process	9.6	18.8	5.4	0.4	11.0
<i>Total investigations</i>	100.0	88.6	37.6	1.2	78.8
Notifications in process	0.0	0.0	3.2	0.0	0.3
Notifications resolved without investigation	0.0	11.4	59.3	98.8	20.9
<i>Total dealt with by other means</i>	0.0	11.4	62.4	98.8	21.2
Total	100.0	100.0	100.0	100.0	100.0

Notes

1. Children are counted only once in this table; if a child received more than 1 notification before birth, the notification recorded is for their highest level of intervention at the time of notification.
2. Some children who were unborn at the time of notification would have subsequently been born in the reporting period—see Table C4 for detail about the timing of investigations.
3. NSW data are not reported as CP NMDS data were not available. SA and the NT are excluded as legislation does not cover notifications for unborn children in these jurisdictions. Vic do not provide notifications relating to unborn children in the CP NMDS data.
4. Percentages in the table may not add to 100 due to rounding.

Source: AIHW Child Protection Collection 2017.

Table C4 shows variation in the timing of investigations for children who were unborn at notification:

- In Queensland, half (52%) of investigations were commenced and completed before the birth. One-quarter (25%) of investigations were commenced and completed after birth, 21% of investigations were commenced before birth and completed after birth, and 2% were commenced before birth and still ongoing at the end of the period.
- In Western Australia, three-quarters (75%) of investigations were commenced before birth and completed after birth. One-fifth (20%) of investigations were commenced and completed before birth. The remaining 6% were commenced and completed after birth.
- In Tasmania, 35% of investigations were commenced and completed before birth. Almost one-third (30%) of investigations were commenced before birth and completed after birth. Around 28% of investigations were commenced and completed after the child was born, and 8% were commenced before birth and still ongoing at the end of the period.

- In the Australian Capital Territory, legislation does not allow for investigations to commence before the child's birth. A code for escalation at birth is included within the territory's system indicating children who will require further assessment when they are born—hospital alerts facilitate this process.

Table C4: Children who were the subject of a notification while unborn whose cases were investigated, by investigation timing, 2016–17 (%)

Investigation timing	Qld	WA	Tas	ACT	Total
Commenced and completed before birth	52.3	19.7	34.6	0.0	39.3
Commenced before birth, completed after birth	20.5	74.5	29.5	0.0	40.9
Commenced before birth and still ongoing at the end of the period	2.3	0.0	7.7	0.0	1.7
Commenced and completed after birth	25.0	5.7	28.2	100.0	18.2

Notes

1. NSW data are not reported as CP NMDS data were not available. SA and the NT are excluded as legislation does not cover notifications for unborn children in these jurisdictions. Vic do not provide notifications relating to unborn children in the CP NMDS data.
2. Percentages in the table may not add to 100 due to rounding.

Source: AIHW Child Protection Collection 2017.

New South Wales has indicated that notifications can be received and recorded for children before they are born and these are assigned a high priority, for follow-up within 72 hours. This generally involves assessment of the mother's connection to the health system; child protection would generally be involved after birth if required.

In jurisdictions where notifications for unborn children can be investigated (Queensland, Western Australia and Tasmania) pre-birth involvement usually consists of intensive work with the mother/family in an attempt to build support and divert the case away from child protection after the child is born. In Queensland, pre-birth work (including investigations where required) can only be undertaken with the consent of the mother.

Most children (91%) received only 1 notification while unborn (Table C5). In the Australian Capital Territory, higher proportions of children with more than 1 notification were recorded—this may be influenced by the territory's practice of recording all notifications separately, rather than linking notifications (as noted previously in Section C.1.2) and to only investigate after birth.

Table C5: Number of notifications received while unborn, per child, states and territories, 2016–17 (%)

Number of notifications	Qld	WA	Tas	ACT	Total
1	96.3	95.1	87.3	60.4	90.9
2	3.5	4.6	11.3	20.4	6.6
3	0.3	0.3	1.4	9.8	1.5
4	0.0	0.0	0.0	3.3	0.4
5+	0.0	0.0	0.0	6.1	0.7

Notes

1. NSW data are not reported as CP NMDS data were not available. SA and the NT are excluded as legislation does not cover notifications for unborn children in these jurisdictions. Vic do not provide notifications relating to unborn children in the CP NMDS data.
2. Percentages in the table may not add to 100 due to rounding.

Source: AIHW Child Protection Collection 2017.

C.1.4 Notifications relating to abuse in care, no suitable caregiver and extra-familial maltreatment

The national definitions do not specify whether cases of abuse in care, no suitable caregiver and extra-familial maltreatment should be included or excluded from national reporting. Jurisdictional differences relating to the recording of these events may influence national reporting on notifications, investigations and substantiations. Further information on these differences is provided in the following sections. This is limited to policy/practice differences as notifications relating to these events are not able to be separately identified in the national data.

Abuse in care

Cases of alleged abuse for children in out-of-home care are included in the data for all jurisdictions except Victoria and South Australia. In these jurisdictions, although cases of alleged abuse in care are not included in the data, these cases are treated very seriously and assessed via a separate process. For example, in Victoria, this process includes assessment of the suitability of the carer, the performance of the agency that made the placement and its continued registration as a care provider.

Other jurisdictions may also have a separate, parallel process that is undertaken to review the standard of care provided.

In Queensland, the Child Protection Act 1999 (section 122) defines the standards of care to be provided to a child placed in care. Ongoing monitoring is undertaken to ensure the carer meets these standards of care. Where it is indicated that the standards of care may not have been met for a child, a standards of care review is undertaken. Where it is indicated the child has experienced harm or it is suspected that they have experienced harm, a Harm Report is made and a notification can be recorded. Prior to 8 July 2013, these cases were recorded as Matters of Concern.

In the Northern Territory, all 'concerns about the safety and wellbeing of children in care' are reported and recorded as a child protection report and referred to an Internal Review Unit for a coordinated response. All matters that meet the definition of harm in the *Care and Protection of Children Act 2007* (NT) are substantiated. This process was introduced in 2014–15 to ensure that all concerns about children in care are recorded and responded to appropriately.

No suitable caregiver

Cases where there is 'no suitable caregiver' (that is, no suitable parent or other legal guardian) can include situations where a child's parent(s) have died, been incapacitated due to illness/injury or are otherwise unavailable (for example, due to being imprisoned). Table C6 provides an overview of the variation in recording these cases.

Table C6: Recording of cases involving ‘no suitable caregiver’, states and territories

Jurisdiction	Notification and substantiated neglect recorded	Notification and dealt with by other means recorded
NSW	✓	x
Vic	✓	x
Qld	✓	x
WA
SA	✓	x
Tas	✓	x
ACT	✓	✓
NT

✓ Indicates the notification and investigation outcome are recorded as per the description for the relevant category.

x Indicates the notification and investigation outcome are not recorded as per the description for the relevant category.

.. Not applicable (cases of no suitable caregiver are not included in the data for notifications).

All jurisdictions, except Western Australia and the Northern Territory, include cases of ‘no suitable caregiver’ in the data for notifications. However, the subsequent reporting of these cases differs, for example:

- New South Wales, Victoria, South Australia and Tasmania report these cases as substantiated neglect.
- In Queensland, cases of ‘no suitable caregiver’ are reported as substantiated neglect if no other harm type was identified during the investigation and assessment.
- From 2015–16, in Western Australia, cases where the primary concern is ‘no suitable caregiver’ are outside the scope of national reporting.
- In the Australian Capital Territory:
 - if the parent/guardian is unable to be found, the notification is recorded as neglect
 - if the parent/guardian is deceased, the notification is recorded as ‘dealt with by other means’
 - a notification is not recorded in some situations requiring substitute care. For example, a Youth Justice client using a diversionary program might be referred to another service without recording a notification.

Extra-familial maltreatment

In the Australian Institute of Family Studies 2008 data comparability report (AIFS: Holzer & Bromfield 2008), extra-familial maltreatment was defined as abuse perpetrated by someone other than a family member. It was noted that extra-familial maltreatment is not within the mandate of most jurisdictions’ child protection system unless a child’s parents are not acting to protect the child; however, some jurisdictions had policies and practices relating to the reporting of these matters. Table C7 provides a broad overview of the recording of extra-familial maltreatment:

- In New South Wales, Western Australia and Tasmania, extra-familial matters are included in the national counts of notifications, investigations and substantiations. No distinction is made as to whether a matter relates to an intra- or extra-familial matter.

- In Victoria, extra-familial maltreatment is recorded only where it concerns abuse of children in care; where this is the case, this information is recorded as an incident report in case notes and quality of care data base as the Victorian information system does not enable new reports to be recorded in relation to an already ‘open’ case. The recording of case notes for abuse of children in care has no bearing on the data provided for national reporting purposes.
- In Queensland, extra-familial maltreatment is included in data provided for national reporting purposes if the matter related to abuse in care.
- In South Australia, extra-familial maltreatment is included in the count of notifications, but is not typically investigated—instead it is recorded as dealt with by other means. A small number of extra-familial maltreatment cases may be counted in the investigation phase, most likely in the preliminary stages of an investigation. Where extra-familial maltreatment is determined, it would then be referred to the South Australia Police.
- In the Australian Capital Territory, extra-familial matters are included in the count of notifications and are counted:
 - in investigations where a joint investigation is conducted with ACT Policing or where the police decline involvement due to lack of evidence
 - as dealt with by other means if the matter was referred solely to the police.
- In the Northern Territory, extra-familial matters may be included in data provided for national reporting purposes. Generally, extra-familial matters are referred to the Northern Territory Police. However, extra-familial matters may be referred to the joint Child Abuse Taskforce (Territory Families and the Northern Territory Police) and may therefore be registered as a child protection notification—in which case, it would be included in data provided for national reporting purposes.

Table C7: Recording of cases involving ‘extra-familial maltreatment’, states and territories

Jurisdiction	Recorded in notifications, investigations, substantiations (not differentiated)	Recorded in notifications, excluded from investigations (dealt with by other means)	Recorded in notifications, investigated subject to conditions	Recorded in notifications, investigations, substantiations only where concerns relate to abuse in care	Recorded as case notes only where concerns relate to abuse in care
NSW	✓	x	x	x	x
Vic	x	x	x	x	✓
Qld	x	x	x	✓	x
WA	✓	x	x	x	x
SA	x	✓	x	x	x
Tas	✓	x	x	x	x
ACT	x	✓	✓	x	x
NT	x	x	✓	x	x

✓ Indicates the notification and investigation are recorded as per the description for the relevant category.

x Indicates the notification and investigation are not recorded as per the description for the relevant category.

C.2 Care and protection orders issued

Interim and temporary orders generally cover the provision of a limited period of supervision and/or placement of a child. Parental responsibility under these orders may reside with the parents or with the department responsible for child protection. Unfinalised orders (such as applications to the court for care and protection orders) are also included in this category, unless another finalised order is in place.

Interim and temporary orders accounted for 60% of the orders issued across jurisdictions during 2016–17 (Table S20). However, the percentage of interim and temporary orders issued across jurisdictions ranged from 42% to 82%. The variation in the number and types of orders issued reflects court processes, different legislation and variation in the orders utilised across jurisdictions.

Table S20 shows that 41% of orders issued in 2016–17 were issued in Victoria, with the majority (11,394 or 61%) of these being interim and temporary orders. While other jurisdictions, such as South Australia and the Northern Territory, had high proportions of interim and temporary orders reported, the numbers were much lower (around 4,400 in South Australia and around 2,100 in the Northern Territory).

This variability was noted for the first time in 2014–15 due to a change in reporting for Victoria—previously, a large number of children were recorded as being in out-of-home care but were not recorded as being on an order, which is inconsistent with the state’s process.

In Victoria, interim orders are usually ‘interim accommodation orders’, which allow the child to be placed in care. These orders are usually for 3 weeks duration and are then subject to review and possible extension by the court. Each return to the court is counted as a new order for Victoria.

This is substantially different from the recording of these orders in other jurisdictions. For example, in the Australian Capital Territory, if a temporary order is issued by the court with specific conditions and is later extended with the same conditions, it is not counted as a new order issued. A new order is counted if different conditions are applied and/or when a final order is issued.

C.3 Scope and classifications of out-of-home care

The national definition of out-of-home care is quite broad and focused on the funding of placements:

Out-of-home care is overnight care for children aged 0–17 years, where the state or territory makes a financial payment or where a financial payment has been offered but has been declined by the carer.

South Australia has previously indicated that out-of-home care data include only children for whom a financial contribution is made (this excludes cases where financial payment was offered and declined).

Western Australia has indicated that children who are in unpaid placements (such as hospital, other medical, unapproved placements, youth justice) would be deemed to be ‘in care’ for local reporting. However, these children are excluded from the national collection due to the funding specification.

Tasmania has indicated that out-of-home care data exclude children not under care and protection orders placed with relatives for whom a financial contribution is made under the Supported Extended Family or Relatives Allowance programs.

Out-of-home care data for the ACT includes some young people 18 years and over whose carers receive a full carer payment. This is generally to facilitate completion of schooling without change to the placement.

Most jurisdictions have noted that the out-of-home care data they report include situations where children are placed with relatives/kin as an emergency placement. In these situations, jurisdictions have provisions to enable the placement of children with carers before the completion of the formal assessment/approval process. Funding for the placement may be provided retrospectively in these situations.

C.3.1 Children on third-party parental responsibility orders

Third-party parental orders transfer all duties, powers, responsibilities and authority parents are entitled to by law, to a nominated person(s) considered appropriate by the court. The nominated person may be an individual, such as a relative, or an officer of the state or territory department responsible for child protection.

Analysis of the living arrangements recorded for children on third-party parental responsibility orders in the 2014–15 CP NMDS (AIHW 2016b; Appendix F) indicated that the living arrangements recorded for children on third-party parental responsibility orders varied between jurisdictions. This excludes New South Wales and Western Australia, as living arrangement data are not available—children on third-party parental responsibility orders are not classified as being in out-of-home care in these jurisdictions. The Northern Territory has advised that third-party parental responsibility orders are now an available order type applicable for national reporting.

Prior to the 2015–16 collection, the AIHW and jurisdictions discussed the differences in reporting for children on third-party parental responsibility orders in the out-of-home care data. It was noted that the level of case management and funding for these children varied compared with children in care on other types of orders, and that this also varies across jurisdictions. Some continue to provide case management (perhaps to a lesser extent) but not funding; others continue to provide funding but not case management.

In the 2015–16 CP NMDS, a new category to separately record living arrangements for children on third-party parental responsibility orders was introduced to help improve data comparability for reporting living arrangements of these children across jurisdictions. The ability to identify third-party parental care placements was identified as key to building evidence around permanency planning for children in out-of-home care.

For 2016–17, the third-party parental responsibility category in the CP NMDS was expanded to three categories which indicates the child's placement type before their third-party parental placement. This additional disaggregation enabled children on third-party parental responsibility orders to be included in specific measures of children placed with relatives/kin for reporting.

The introduction of these separate categories for third-party parental care has resulted in a fall in the number of children recorded as being in foster, relative/kinship care, and other home-based care in some jurisdictions. For this reason, caution should be exercised when comparing the number of children on these placement types from 2015–16 onwards.

Due to differences in underlying policy/practice and system constraints, not all jurisdictions have been able to utilise these categories and there is still variability in the living arrangements recorded for these children. The living arrangement of children on third-party orders at 30 June 2017 shows Tasmania and the Australian Capital Territory have successfully adopted the use of the new third party living arrangement categories, and Victoria has partially implemented the third party categories (Table C8).

Table C8: Children on finalised third-party parental responsibility orders by living arrangement, states and territories, 30 June 2017 (%)

Living arrangement	Vic	Qld	SA	Tas	ACT	Total
Parents	0.0	0.1	0.0	1.3	1.1	0.1
Relatives/kin who are not reimbursed	0.0	0.0	0.0	0.4	1.1	0.0
<i>Total family care</i>	<i>0.0</i>	<i>0.1</i>	<i>0.0</i>	<i>1.7</i>	<i>2.1</i>	<i>0.1</i>
Foster care	1.4	13.7	48.1	0.0	1.1	6.7
Relatives/kin who are reimbursed	30.3	83.1	45.1	0.0	0.0	46.2
Third-party parental care—foster carer	0.0	0.0	0.0	45.6	41.5	3.0
Third-party parental care—relative/kinship	0.0	0.0	0.0	44.8	54.3	3.2
Third-party parental care—other/unknown	68.3	0.0	0.0	4.6	0.0	39.3
Other home-based care	0.0	0.0	0.0	0.0	0.0	0.0
<i>Total home-based care</i>	<i>100.0</i>	<i>96.8</i>	<i>93.2</i>	<i>95.0</i>	<i>96.8</i>	<i>98.4</i>
Residential care	0.0	0.2	0.0	0.0	1.1	0.1
Family group home	0.0	0.0	0.0	0.0	0.0	0.0
Independent living	0.0	0.1	0.0	2.5	0.0	0.1
Other/unknown	0.0	2.8	6.8	0.8	0.0	1.2
Total	100.0	100.0	100.0	100.0	100.0	100.0

Notes

1. NSW and WA are excluded, as living arrangement data are not available—children on third-party parental responsibility orders are not classified as being in out-of-home care in these jurisdictions.
2. Percentages in the table may not add to 100 due to rounding.

Source: AIHW Child Protection Collection 2017.

To further improve comparability between states for 2016–17, some records in Victoria and all records in South Australia, for children on third-party orders with a living arrangement of foster care or relative/kinship care at 30 June 2017 had their living arrangement recoded to their respective third-party—foster care or third-party—relative/kinship care living arrangement (see Table C9). All other living arrangements for children on third-party parental responsibility orders were classified as third-party parental care—other/unknown.

Table C9: Children on finalised third-party parental responsibility orders, by living arrangement (recoded), states and territories, 30 June 2017 (%)

Living arrangement (recoded)	Vic	Qld	SA	Tas	ACT	Total
Parents	0.0	0.1	0.0	0.0	0.0	0.0
Relatives/kin who are not reimbursed	0.0	0.0	0.0	0.0	0.0	0.0
<i>Total family care</i>	<i>0.0</i>	<i>0.1</i>	<i>0.0</i>	<i>0.0</i>	<i>0.0</i>	<i>0.0</i>
Foster care	0.0	13.7	0.0	0.0	1.1	4.6
Relatives/kin who are reimbursed	0.0	83.1	0.0	0.0	0.0	27.6
Third-party parental care—foster carer	1.4	0.0	48.1	45.6	41.5	5.1
Third-party parental care—relative/kinship	30.3	0.0	45.1	44.8	54.3	21.8
Third-party parental care—other/unknown	68.3	0.0	6.8	9.6	2.1	39.8
Other home-based care	0.0	0.0	0.0	0.0	0.0	0.0
<i>Total home-based care</i>	<i>100.0</i>	<i>96.8</i>	<i>100.0</i>	<i>100.0</i>	<i>98.9</i>	<i>98.9</i>
Residential care	0.0	0.2	0.0	0.0	1.1	0.1
Family group home	0.0	0.0	0.0	0.0	0.0	0.0
Independent living	0.0	0.1	0.0	0.0	0.0	0.0
Other/unknown	0.0	2.8	0.0	0.0	0.0	0.9
Total	100.0	100.0	100.0	100.0	100.0	100.0

Notes

1. NSW and WA are excluded, as living arrangement data are not available—children on third-party parental responsibility orders are not classified as being in out-of-home care in these jurisdictions.
2. Percentages in the table may not add to 100 due to rounding.

Source: AIHW Child Protection Collection 2017.

After applying the recode, the living arrangements for children on third-party parental responsibility orders for children at 30 June 2017 are shown in Table C9:

- Most children (68%) in Victoria were recorded as being placed in ‘Other/Unknown’ third-party parental care, while some were recorded as being placed in third-party parental care with relatives/kin (30%). Only a small percentage (1%) was recorded as being in a third-party parental care with a former foster carer. Before 2014–15, most children in permanent care placements were recorded as being in foster care.
- Living arrangements of children on third-party orders in Queensland were not recoded. In Queensland, the majority of these children (83%) were recorded as being placed with relatives/kin who are reimbursed. Fourteen per cent (14%) were recorded as being in foster care and 3% in ‘Other/Unknown’ living arrangements.
- In South Australia, about half of these children (48%) were recorded as being in third-party parental care with a former foster carer, and 46% were recorded in third-party parental care with relatives/kin. Almost 7% were recorded in the ‘Other/unknown’ third party parental care.
- In Tasmania, 46% were recorded in third-party parental care with a former foster carer, followed by 45% in third-party parental care with relatives/kin, and 10% in ‘Other/Unknown’ third-party living arrangements.

- In the Australian Capital Territory, 54% were recorded as being third-party parental care with relatives/kin, followed by 42% in third-party parental care with a former foster carer. Before 2015–16, the Australian Capital Territory reported the living arrangement for children on third-party orders where the carer was originally a foster carer as ‘other home-based care’ and all placements with kin were counted in the relative/kinship count.

The AIHW will continue to work with jurisdictions to improve the consistency of reporting living arrangements for children on third-party parental responsibility orders.

C.3.2 Recording types of placement

Differences in the reporting of placement types across jurisdictions limit comparisons that can be made about the use of out-of-home care across jurisdictions. Table S36 shows the number of children in out-of-home care, by type of placement at 30 June 2017. The following differences in the type of placement reported for children have been identified:

- Children placed with a relative/kin who is also fully registered to provide foster care for other children:
 - in Victoria and the Northern Territory, they are usually reported as being in foster care
 - in all other state and jurisdictions they are reported as being placed with relatives/kin.
- For the Northern Territory ‘Other home-based care’ includes children placed with family day care providers.
- The ‘Other/unknown’ category for out-of-home care placements includes living arrangements not otherwise classified by 1 of the other categories, such as boarding schools, hospitals, hotels/motels and the defence forces. It also includes unknown placement types:
 - From 2016–17 onwards, South Australia has included children temporarily accommodated in commercial facilities (such as a private rental house or apartment) in the ‘Other/unknown’ category. Prior to this, these were included in the residential care category. For this reason, care should be used when comparing the ‘Other/unknown’ category between collection periods.
- Children under third-party parental responsibility orders/permanent placements may be reported as living in several different out-of-home care placement types (for example, foster care, relative/kinship care, other home-based care and, from 2015–16, also in third-party care; see Section C.3.1) or they may not be considered to be in out-of-home care.

Jurisdictions have also indicated that there may be variability regarding whether data include children who are in unapproved placements; that is, where children under the care of the department for child protection have absconded from care and are classified as ‘self-placed’. In these situations, the preceding out-of-home care placement may remain ‘open’ or be ‘closed’ and a new living arrangement recorded.

Appendix D: Recent state and territory policy changes

This section outlines the major child protection policy changes that have occurred in recent years. The various child protection authorities in the states and territories have provided this information.

New South Wales

The NSW Government has committed \$1.9 billion in June 2017 to protect and support NSW's most vulnerable children, young people and families—a 13.4% increase on 2016–17. The funding supports a significant reform agenda that will help improve the lives of vulnerable children and families.

Their Futures Matter is the centrepiece of this agenda. Announced in early 2017, it sets out the long-term vision for child protection and wellbeing in NSW.

Their Futures Matter aims to build an accountable system in which client outcomes, strong evidence and targeted services are delivered based on client need, premised on an unprecedented level of collaboration across government.

Specific features of the reform include:

- applying an investment approach to service design and delivery to guide investment, target responses and ensure an evidence-focused system
- using data to identify the most vulnerable groups so their needs can be prioritised and services provided earlier and in ways that will work
- introducing child and family-centred cohort support packages to ensure vulnerable children and families get access to the services they need
- aligning cross-government funding for vulnerable children and families
- establishing a single commissioning entity that will be responsible for ensuring commissioned services are coordinated, evidence-based and driven by the needs of children and families.

Their Futures Matter is currently heavily invested in family preservation and restoration programs. It has commissioned a trauma treatment service to provide targeted, evidence based interventions to decrease trauma symptoms (including as a result of domestic and family violence) and improve psychological wellbeing for children in OOHC. As part of the service, two multidisciplinary teams (based in greater Newcastle and Penrith) will work with up to 150 children and young people in foster, relative and kinship care per annum.

Each year 900 places are available for intensive family preservation and restoration services—Multisystemic Therapy Child Abuse and Neglect (MST-CAN®) and Functional Family Therapy Child Welfare (FFTCW®)—aimed at keeping families together. Half of these places are for Aboriginal children and their families. MST-CAN and FFT-CW provide intensive home-based clinical therapeutic treatment and have a proven record of success in addressing the underlying causes of trauma, including domestic and family violence, that results in harm to children, young people and families. Further expansion of these models will depend on the evaluation and outcomes of the current rollout, as well as consideration of demand and impacts of the TFM reform.

Their Futures Matter will be implementing a pilot of MST-Intimate Partner Violence (IPV) in two sites in 2018, which focuses on child protection concerns and addresses intimate partner violence.

As part of the 2018 Their Futures Matter work plan, evidence based interventions will be implemented to support placement stability support services. In addition, work is already underway regarding aftercare services. An evidence-review is being completed to inform the development of a model of care, practice framework and funding mechanism.

An important step towards Their Futures Matter is the Permanency Support Program, a series of changes from October 2017 to shift from a 'placement-based' service system to a child- and family-centred service system that focuses on individual need, helping families to change and achieving permanency for children and young people soon after they come to the attention of the child protection system.

In the new system, every child or young person will have a case plan with a goal for permanency within two years of entering care.

Case plans will be focused on working with families to keep children at home, or find a stable and secure option through guardianship or open adoption (unless the child is Aboriginal).

Under the Permanency Support Program the NSW Government has changed how it funds non-government partners. New performance based contracts support intensive work with children, families and carers to achieve a safe and stable home for vulnerable kids.

As part of this reform, new contracts for care of the most vulnerable young people will be introduced in 2018. This will require providers to deliver therapeutic care for young people aged over 12 who are unable to live with their family or carers.

- The Permanency Support Program has four main components:
 - **Permanency and early intervention principles built into casework:** In the new system, a child or young person will have a case plan with a goal for permanency within two years of entering care. There will be a number of funding packages and targeted support packages that can be mixed and matched to suit a child or young person's individual needs and achieve case plan goals.
 - **Working intensively with birth parents and families to support change:** By reducing the number of children in out-of-home care, funds can be re-invested in the delivery of family strengthening and prevention services to strengthen the capacity of families to care for their children. This will create a stronger and more innovative service system in the longer term.
 - **Foster carer recruitment, support and retention:** A new carer recruitment and retention strategy with new providers will be introduced in 2018. It aims to address shortages, and recruit foster, kinship and relative carers who would like to support restoration, or become adoptive parents (unless the child or young person is Aboriginal).
 - **Intensive Therapeutic Care system reform:** The government will keep a strong focus on recovery from trauma through an Intensive Therapeutic Care system for children over 12 years who have been assessed as requiring intensive therapy. Intensive Therapeutic Care will be introduced to replace residential care.

Their Futures Matter and the Permanency Support Program builds on the success of early reforms including Safe Home for Life reforms and the transition of children in out-of-home care to non-government organisations.

The Safe Home for Life reforms, introduced in 2014, strengthened the child protection system through legislative change, new policy and practice and a redesign of how technology is used in child protection. Permanency placement principles and Guardianship orders were introduced for the first time and there was a renewed focus on open adoption. In 2016–17, 129 children were adopted from out-of-home care, by far the highest number of any state. New South Wales also has over 2,500 guardians and over 95% of Australia's out-of-home care open adoptions.

Close to 58% of children in out-of-home care are now managed by non-government organisations. The transfer of children began in 2012 in recognition of the fact that non-government organisations are more flexible and closer to the community, allowing them to implement reform and innovative service models more quickly than government agencies.

The reforms complement the NSW Government's work to intervene early in the life of a family and prevent children from coming to the attention of the child protection system. The NSW Government invests \$95 million for Targeted Earlier Intervention to provide parenting, youth and family support programs and, \$65 million for community development and strengthening programs. The NSW Government is building a system that is flexible, responsive to local needs and strengths, and is evidence-based and client-centred.

Victoria

Victoria's legislative foundation for child protection is provided by the *Children, Youth and Families Act 2005*, *Child Wellbeing and Safety Act 2005* (which is the framework legislation for services for all children) and the *Commission for Children and Young People Act 2012*, which established an independent commission for children and young people.

The *Children, Youth and Families Act*, which commenced operation in April 2007, provides a unifying framework for:

- family and placement services that community service organisations deliver
- child protection services that the Department of Health and Human Services delivers
- decision making by the Children's Court.

The Act explicitly places children's best interests at the heart of all decision making and service delivery.

The *Commission for Children and Young People Act* established an independent commission to promote continuous improvement and innovation in policies and practices relating to the safety and wellbeing of vulnerable children and young people, and of young people generally, and in the provision of out-of-home care services for children.

The Department of Health and Human Services works in partnership with community service organisations and Aboriginal services to strengthen support services for vulnerable families. Strong focus is given to keeping Aboriginal children connected to their culture and community.

The department is currently in the process of working with Aboriginal organisations to develop the policy model and service capacity to enable the transfer of responsibility for Aboriginal children subject to court orders from the Secretary to the principal officer of an Aboriginal organisation under section 18 of the Act.

Although front-end child protection demand has exhibited real growth in recent years, the enhanced availability of diversionary services, especially through referrals to Child FIRST (Child and Family Information, Referral and Support Teams), has meant that the number of children subject to court orders has remained relatively stable.

A new child protection operating model, set out in *Protecting children, changing lives: a new way of working* (Victorian Department of Human Services 2012) commenced in November 2012. It aimed to achieve the following outcomes:

- a more experienced and skilled workforce
- better supported staff benefiting from more supervision, co-working and mentoring
- putting case practice at the centre of work with children, young people and families
- reduced case transitions and devolved decision making to better support outcomes
- improved career pathways and staff retention.

Under the model, child protection is delivered through 4 divisions consisting of 17 child protection areas across Victoria that are aligned with local Child FIRST catchments.

The *Children, Youth and Families Act 2005* was substantially amended in March 2016 to explicitly promote the achievement of permanency planning objectives (family preservation, family reunification, adoption, permanent care, long-term out-of-home care) for children in need of protection. The amendments included a new range of protection orders and changes to case planning requirements, and included stronger timelines consistent with the achievement of those objectives than had existed previously. The impact of these significant amendments was subject to an inquiry by the Commission for Children and Young People.

Consistent with the government and departmental policies regarding self-determination, the gradual transfer of responsibility for Aboriginal children and young people on protection orders from community service organisations and the department to Aboriginal Community Controlled Organisations has commenced.

Additionally Victoria is implementing a range of recommendations arising from recent inquiries conducted by the Commission for Children and Young people which include improving compliance with the Aboriginal and Torres Strait Islander Child Placement Principle and cultural support planning. The department's 'roadmap for reform' is developing area-based and pro-active service provision of all community services to local communities, and this will have an impact on the future role and scope of the child protection program which currently performs many tasks more appropriate to secondary rather than tertiary/statutory services. This strategy incorporates responses to a wide range of recommendations made by Victoria's Royal Commission into Family Violence.

Queensland

In April 2016, *Supporting Families Changing Futures: advancing Queensland's child protection and family support reforms* was released to outline achievements to date, priority actions and new initiatives (Queensland Department of Communities, Child Safety and Disability Services 2016). A 12-month progress report of the reform program was released on 10 October 2017 (Queensland Department of Communities, Child Safety and Disability Services 2017b).

Over 10 years, the Supporting Families Changing Futures reform program will build a new support system for children and their families that will have a greater focus on supporting families to provide a safe and secure home for children. Families will receive support earlier

to care for their children, and the capacity of the non-government service sector will be increased to provide more of the services that vulnerable families need.

The reforms encourage everyone in the community to take responsibility for protecting children and place appropriate responsibility on each government department providing human services to take responsibility for whole-of-government outcomes for children. Ongoing and successful implementation has required a fundamental shift in the way government agencies, child safety professionals and community organisations work with vulnerable families, and with each other.

Queensland has completed its third year of implementing its Supporting Families Changing Futures program, which is focused on building the family support service to support families earlier and restoring and improving the tertiary child protection system. As at 30 June 2017, Queensland focused on:

- restoring frontline child safety services and employing additional staff
- tackling growing demand and complexity, especially due to the impacts of 'ice' and domestic and family violence
- growing investment in prevention and early intervention services
- improving engagement and support for children in out-of-home care and their carers
- acting on the learnings and recommendations from reviews
- delivering better performance in the tertiary child protection system.

As part of the Supporting Families Changing Futures reform program, the Department of Communities, Child Safety and Disability Services completed a comprehensive review of the *Child Protection Act 1999*, including extensive public consultation. Through these consultations, it was found that while Queensland's child protection legislation was generally operating well, priority amendments and opportunities for broad legislative reform were identified. On 26 October 2017, the *Child Protection Reform Amendment Act 2017* was passed in the Legislative Assembly and assented to on 10 November 2017.

The *Child Protection Reform Amendment Act 2017* aims to:

- promote positive long-term outcomes for children in the child protection system through timely decision making and decisive action towards either reunification with family or alternative long-term care
- promote the safe care and connection of Aboriginal and Torres Strait Islander children with their families, communities and cultures
- provide a contemporary information sharing regime for the child protection and family support system, which is focused on children's safety and wellbeing, and
- support the implementation of other key reforms under the Supporting Families Changing Futures program and address identified legislative issues.

Recognising the need to work fundamentally different and to eliminate the disproportionate and growing representation of Aboriginal and Torres Strait Islander children and families in the child protection system, the Queensland Government, in collaboration with Family Matters, released *Our Way: A generational strategy for Aboriginal and Torres Strait Islander children and families 2017–2037* in May 2017, and the first three-year action plan, *Changing Tracks*, to realise this strategy. The action plan builds on existing initiatives and includes new actions guided by Elders, community leaders, community run organisations, peak bodies and relevant government agencies (Queensland Department of Communities, Child Safety and Disability Services 2017a).

Western Australia

A statutory review of the *Children and Community Services Act 2004* (the Review) Consultation Paper was released in December 2016. Informed by 37 written submissions, community consultations and deliberations by the Legislative Review Committee and Legal Working Group, a final report was tabled in Parliament on 28 November 2017, addressing the five terms of reference:

1. changes to support the introduction of consistent high-quality foster carer standards through a single decision-maker for approvals and revocations
2. the principles relating to Aboriginal and Torres Strait Islander children in sections 12 to 14 and the consultation requirement in section 81
3. any changes necessary to support the safety and wellbeing of adults and children subject to family and domestic violence
4. the provisions relating to secure care arrangements for children at high-risk
5. issues relating to the intersection between child protection proceedings under Part 5 of the Act and proceedings in the Family Court.

Following the state election in March 2017 and the Machinery of Government changes, on 1 July 2017 the Department for Child Protection and Family Support amalgamated with the Housing Authority, Disability Services Commission, Youth Justice Services and the 'communities' functions of the Department of Local Government and Communities.

Family and domestic violence continues to be a significant driver of demand for services provided by the Department for Child Protection and Family Support. To meet this increasing demand, changes to the operation of the Family and Domestic Violence Response Team (FDVRT) were piloted in the South East Metropolitan region from 1 July 2016. Following an evaluation, state wide roll out of the changes will commence from July 2017, involving the introduction of a threshold that categories each incident according to its level of risk.

As part of the five year Safer Families, Safer Communities: Kimberley Family Violence Regional Plan 2015–2020, Family Safety Teams became operational in July 2016, extending existing partnership arrangements to include the Department of Corrective Services and dedicated men's and women's family violence workers.

Following the launch of the five year plan, Building a Better Future: Out-of-Home Care Reform in Western Australia in April 2016, the department is implementing a raft of initiatives including:

- a needs assessment tool and an individual resourcing model to systematically and accurately apportion resources to children based on their individual need
- whole-of-system matching of children and carers according to individual and permanency needs
- measures to normalise the childhood experience of children in care
- improved support for family carers and care leavers
- reforming market design and contracting of the community services sector to support more innovative, flexible and efficient service delivery
- implementing strategies to support consistent high-quality foster care standards
- legislative review and amendment to further focus the Act on delivering the best outcomes for children.

The reform plan builds on and reflects the department's permanency planning policy, which emphasises the importance of stability for children and the need for timely assessment, planning and decision making. Research and practice knowledge show that children who experience early certainty and stability; safe, healing and supported care; and enduring relationships during their care experience are more likely to achieve good life outcomes. The reform plan is the most significant suite of reforms the department has undertaken in many years.

The over-representation of Aboriginal children and families in all areas of the child protection system, particularly the high numbers of Aboriginal children entering out-of-home care, is an area of particular focus for the Department for Child Protection and Family Support.

In September 2016, the department released the Building Safe and Strong Families: Earlier Intervention and Family Support Strategy. The strategy involves building new partnerships and strengthening coordination across government agencies and community services sector organisations. This is to enable the service system to be more responsive and effective in working with vulnerable families.

There is overwhelming support across the government and community services sector for a strategy to reduce the numbers of children entering care, particularly Aboriginal children. The strategy recognises that earlier and more intensive engagement and intervention, before problems become entrenched, provide the best opportunity to effectively support individuals and families and reduce the likelihood of more serious interventions with the child protection system. The department is also strengthening the intensive family support services provided by the Family Support Networks, with a particular focus on increasing Aboriginal families accessing the services. Family Support Networks are an alliance of community sector organisations and the department that provide a common entry point to services and deliver earlier targeted support to families.

The Signs of Safety Child Protection Practice Framework (Signs of Safety) was implemented in 2008 to improve the outcomes for children, their families and the child protection workforce. The department works continuously to improve in this area and, based on the findings of independent research, has identified the need to further develop the framework and its practical application across the department. Practice development initiatives in this area continue. This included hosting the fourth Signs of Safety Gathering in Western Australia in October 2016, where over 300 local and international child protection practitioners attended each day of the 3-day gathering to continue in the learning journey.

To improve pre-birth planning with Aboriginal families, the Department worked in partnership with an Aboriginal Community Controlled Organisation and the family on safety planning and providing supports for the unborn children, parents and broader family. In 2016–17 Aboriginal specific pre-birth resources and tools were developed and piloted in a metropolitan district.

Other structural and practice reforms have included: the implementation of Multi-disciplinary Case Consultations at critical points in the life of a case with involvement from different specialist staff; the establishment of consistent district teams (Child Safety; Intensive Family Support; Children in Care) and integrating Family Finding Model in Signs of Safety to assist workers to locate family members of children in care so they can maintain family connections and cultural identity. Additionally, a Central Intake Team for metropolitan area commenced operation from July 2017.

Released in December 2016, the Care Team Approach Practice Framework builds on the good work achieved by the department over the past 8 years in implementing the Foster Care Partnership Practice Framework with carers and partner agencies. Every child in care has a 'care team', comprising a group of people important to the child and their carer. The

care team maintains and supports a child's care arrangement and their continued connection to parents, siblings, their wider family, network, community and culture. The emphasis is to create stability and reduce the disruption to lifetime connections that a child has when they enter care, and maintain and increase the naturally occurring networks they belonged to before coming into care.

The care team supports participation by family members and connections for Aboriginal children in care to their family, community and culture, which aligns with the Aboriginal and Torres Strait Islander Child Placement Principle.

To facilitate better matching of carers to children, a Carer and Child Connection Hub was established to provide real-time knowledge of all care options and makes referrals based on child needs and carer capacity, as well as providing oversight of all recruitment, assessment, learning and skills development with carers.

A review of the Permanency Planning policy and practice guidance commenced during 2017 to include strengthening practice on implementing the five elements of the Aboriginal and Torres Strait Islander Child Placement Principle.

South Australia

The Child Protection Systems Royal Commission conducted a comprehensive investigation into the laws, policies, practices and structures in place for children at risk of harm, including those who are under guardianship of the minister.

The report, *The Life They Deserve* was delivered to the Governor of South Australia on 5 August 2016 and described a system in urgent need of reform. In the report, Royal Commissioner Nyland made 260 recommendations for improvements to the child protection system.

The government's response to the Royal Commission's findings, *Child protection: a fresh start* was released 29 November 2016 (Attorney-General's Department, Government of South Australia 2016). *A fresh start* aims to improve outcomes for vulnerable children, their families and the broader South Australian community by proposing extensive improvements to our state's child protection system.

The report responds to each of the recommendations from the Child Protection Systems Royal Commission, but also goes further to develop a broader system response to vulnerable children and families.

Governance is led by the Child Protection Reform Portfolio Management Board (PMB). This is a cross-government agency body reporting to Cabinet and the PMB is supported by two key groups:

- The Aboriginal Community Leadership Reference Group (ACLRG) represents, advocates for and advises on the needs of Aboriginal children, young people, families and communities to ensure voices are heard and views are embedded in the implementation of reforms and wider system initiatives.
- The Child Safety and Wellbeing Advisory Panel (CSWAP) are key non-government and government child protection agencies who are seeking improved outcomes for children and young people. The CSWAP contributes to the implementation of child protection system reforms through the provision of expert advice to Government ministers, key partners, governance groups and implementation teams.

The Department publishes progress reports on implementation of the recommendations. The December 2017 progress report is available at www.childprotection.sa.gov.au/department/a-fresh-start/recommendations.

A number of key achievements have been realised. These include:

- The establishment of the Department for Child Protection in November 2016.
- Establishment of a reformed call centre to better receive, record and refer notifications of alleged abuse or neglect.
- Call centre reforms are part of the Child Safety Pathway initiative that has established a Multi-Agency Assessment Unit (MAAU) to ensure an integrated cross-agency approach to sharing information and responding to allegations of child abuse and neglect. The aim of the program is to broaden referral pathways and provide an earlier response for families, preventing matters from escalating to the point of statutory intervention. The MAAU is aimed toward children from pre-birth to 2 years of age (first 1000 days). By focusing on children earlier in their life, the MAAU serves as an opportunity to provide a coordinated cross-agency response, including as a referral pathway to Child and Family Assessment and Referral Networks (CFARNs).
- Child and Family Assessment and Referral Networks (CFARNs) are being piloted to support a local community cross agency response. CFARNs provide a local entry point to services from partner agencies in the region, focusing on collaborative practice and coordinated, multi-service responses.
- An Early Intervention Research Directorate (EIRD) has been established in the Department for the Premier and Cabinet. EIRD will develop new early intervention strategies to better support vulnerable families and to ensure intervention programs are effective, with a specific focus on Aboriginal children and families.
- The position of Commissioner for Children and Young People has been established and appointed.
- A new Child Protection Service (CPS) has been funded to be established at the Lyell McEwen hospital. The CPS provides specialist assessment and treatment services to children from birth to 18 years and their families where there is a suspicion of child abuse, psychological maltreatment and/or neglect.

The *Child and Young People (Safety) Act 2017* (Safety Act) was passed in Parliament in July 2017. The Safety Act implements several recommendations of the Royal Commission and will provide the legislative framework for much of the child protection reforms across government and the community. The legislation will commence in two stages— the first stage in February 2018 and then full commencement in October 2018.

The first stage prioritises child focused practice including a stronger voice for children, greater rights for approved carers, assistance for care leavers, oversight of our care environment for children and young people, additional functions of the Minister and the Chief Executive, improved information sharing, and greater oversight of decision making.

The Safety Act will drive transformational change to the child protection system and the way the Department for Child Protection, non-government service providers and all government and system partners operate to ensure vulnerable and at risk children and young people are kept safe.

The Department for Child Protection continues to strive to improve the outcomes for Aboriginal and Torres Strait Islander children and young people in out-of-home care.

The Aboriginal Cultural Identity Support Tool (ACIST) was introduced in 2016. This has been developed by the Department for Child Protection to better support how children will maintain their connection to family, country, community and culture. ACIST is developed in partnership with children's extended family and community where appropriate. As part of the implementation of the new Safety Act, the ACIST will become part of accepted case management.

An Aboriginal recruitment and retention strategy is being developed to increase the department's Aboriginal workforce. A Director, Aboriginal Practice position has been created to lead practice relating to Aboriginal children and young people.

The Aboriginal Impact Statement (AIS) was introduced in 2016. The AIS accompanies the development of any significant policy and practice change to strengthen culturally responsive policies, practices, initiatives, contracts, and agency reforms and to ensure that any impacts on Aboriginal business have been considered.

The Department for Child Protection remains committed to driving down placements of children with commercial care providers. Progress is reported on the DCP website <www.childprotection.sa.gov.au/department/reporting-and-statistics> and shows consistent reduction of numbers of children placed in these facilities. From 30 June 2016 to 31 December 2017 placements have reduced from 190 to 84.

Initiatives to increase family-based care and improve placement stability for children in out of home care, include:

- Other Person Guardianship, which transfers legal guardianship from the Minister to carers, giving the carer increased rights, responsibilities and decision-making powers
- Family Day Care, where a professional carer looks after children in their home
- the Family Scoping Unit, a dedicated team to research family connections and prepare genograms for Aboriginal children and young people
- provisions in the *Children and Young People (Safety) Act 2017* that increase the rights and recognition of carers.

Consistent with a whole of systems approach, the South Australian government as part of the machinery of government changes to establish the new Department for Child Protection, established stronger alignment of early childhood development and protective strategies with the Department for Education and Child Development. This includes the Child Wellbeing Practitioners program, a schools based program to provide early intervention and support for vulnerable children and their families.

A new Disability Program has been established in response to Royal Commission recommendations. The Disability Program aims to ensure all children in care who are potentially eligible for NDIS funded services are identified and have access to appropriate diagnostic services to support referral to the NDIS where appropriate.

The Department for Child Protection has appointed a Director, Disability and Development and two Senior Disability Program Officers to lead the work to support children in care with disability including access to the NDIS.

A Memorandum of Understanding setting out a framework for delivering coordinated services to at risk children and young people was finalised in 2016. The MoU is targeted toward enhancing responses to children, young people and families who live in public housing or receive services from Housing SA; children and young people at risk of abuse or neglect; and children and young people under, or formerly under, guardianship of the minister.

Tasmania

Tasmania is delivering an integrated system for child wellbeing and safety as system with an additional investment of over \$20.5 million.

Early intervention is central to the Strong Families - Safe Kids Implementation Plan 2016–2020, demonstrated by initiatives such as:

- the implementation of a new, state wide advice and referral service
- embedding an amplified wellbeing paradigm into child and family practice
- strengthening the partnership and collaborative approach to interventions across child safety services, other Government agencies and community services
- providing further investment in assertive family support that can help keep at risk children safely with their families.

In turn, this enhanced focus on strength and resilience will allow child safety teams to provide a more targeted, team-based response to child safety concerns.

Significant work to progress this massive reform agenda occurred during 2016–17.

Additional support has been injected into the child wellbeing and safety system with the recruitment of new positions that are supporting intensive family engagement, clinical practice consultants, support workers and hospital liaison.

Central to the early intervention approach is the promotion of child and youth wellbeing. The foundation document, The Child and Youth Wellbeing Framework has been progressed in conjunction with a cross-sectoral committee. It provides a common definition of wellbeing.

This is the first step in work that will help education the Tasmanian community about the definition, importance and strategies for building wellbeing.

Consultation commenced with child safety staff and stakeholders on the redesign of the child protection system that will establish Tasmania's single front door.

Substantial work on out of home care occurred during the period.

The *Strategic Plan for Out of Home Care in Tasmania* was released in March 2017 in response to the Commissioner for Children and Young People's report *Children and Young People in Out of Home Care in Tasmania*. The Strategic Plan outlines a positive way forward that, with sustained long term effort, will contribute to the delivery of better outcomes for children and young people requiring short, medium or long term care away from home. It continues previous work to reform the out of home care system that had focussed on specialised care services— sibling group care, residential care, therapeutic services and special care packages for children with an extra-ordinary need for care.

The Strategic Plan articulates five key strategies that form the basis of improvement to the out of home care system. They are reflective of the prevailing themes contained within previous inquiries and reports into both the child safety and out of home care systems and align with national standards and efforts. They are:

- leading an accountable system
- defining and delivering quality care
- building the out of home care system
- delivering a safe out of home care system
- improving outcomes for children and young people in out of home care.

The out-of-home care foundations project was also established, focusing on the quality, standard and accountability of out-of-home care provided in Tasmania. During the reporting period, the initial output, an outcomes framework was drafted and consultation with service providers, carers and children with an out-of-home care experience commenced.

Amendments to the *Children, Young Persons and Their Families Act 1997* in 2013 reflected the Tasmanian Government's response to the recommendations of the Legislative Amendment Review Reference Committee (LARRC), established by the previous government to advise on the Principal Act. The committee provided a detailed report on the need for amendments to some 21 areas of the Act including detailed advice on the preferred policy direction to support the amendments. The amendments are aimed at a less adversarial way of working with families, which aligns and supports the Signs of Safety approach.

Extensive work was undertaken for proclamation of 2 rounds of legislative amendments relating to the *Children, Young Persons and Their Families Amendment Act 2013* on 1 July and 1 October 2016.

- The key changes of the 1 July 2016 amendments included greater recognition of the family as the preferred environment for the child or young person, a clear outline of the responsibilities of government in safeguarding the wellbeing of children and young people, and the strengthening of the principals of the Act by expanding the 'best interests' of a child or young person.
- The 1 October 2016 amendments to the Act provided increased safeguards to ensure that decisions made about children and young people by the court are based on reasonable grounds and in the child or young person's best interests.

The Advocacy for Children in Tasmania Committee (ACTC) was established as a result of one of the LARRC recommendations to conduct a second-stage process to clarify the expectations of the role, function and powers of the Commissioner for Children. The ACTC made 15 recommendations relating to advocacy services for Tasmanian children, including the function and role of the Commissioner. One of these recommendations was the development of standalone legislation.

The *Commissioner for Children and Young People Act 2015* commenced on 1 July 2016, providing the Tasmanian Commissioner for Children and Young People with functions and powers consistent with the recommendations of the ACTC. The Act establishes the position of the Commissioner, clarifies the functions, and strengthens the powers available. The Act establishes the functions of the Commissioner as including systemic advocacy and the ability to undertake own motion enquiries relevant to the functions of the position. Importantly, the Act enables the commissioner to gather the information needed to undertake the functions of the position and the commissioner has discretion as to how those functions are performed.

Australian Capital Territory

A key priority for the Australian Capital Territory Government is to maintain and continually improve a responsive and high-performing child protection and out-of-home care system. Reforms are being progressed under the banner of 'Refreshing the Service Culture'. The change agenda incorporates strategies to implement recommendations from reviews that the Australian Capital Territory Public Advocate undertook in 2011 and 2012 and the Australian Capital Territory Auditor-General's performance audit in 2013. These include:

- progression of the development of a 5-year Out-of-Home Care Strategy, A Step Up For Our Kids, to guide the purchase and delivery of out-of-home care services from July 2015 to June 2020. The main aim of the strategy is to ensure the supply and quality of out-of-home care placements for children and young people in the care of the Director-General
- improved services and supports for kinship carers, including engaging specialist services to provide therapeutic services for children, young people and carers in their care environment
- enhanced early intervention services and supports for pregnant women, as well as for young people, through the implementation of case conferencing
- a strengthened approach to developing cultural plans that are relevant and meaningful for Aboriginal and Torres Strait Islander children and young people in care
- implementation of Child and Youth Protection Services (CYPS) from July 2015, providing integrated care and protection and youth justice case management.

Northern Territory

On 8 September 2016, the Northern Territory Government announced changes to improve service delivery for families. This included the creation of Territory Families as a Government agency with responsibility for the portfolios of care and protection, youth justice, youth affairs, multicultural affairs, seniors, and senior and pensioner concessions, domestic and family violence, gender equity and diversity, and children's policy.

These frontline and advocacy portfolios were consolidated into one agency to enable a focus on a whole-of-life approach to supporting families. Territory Families' establishment has created an opportunity to deliver holistic services that result in positive outcomes across the breadth of social issues that impact on Territory families.

Throughout 2016–17, Territory Families staff have worked to build a new agency focused on delivering systemic improvements to the portfolios and programs for which we are responsible. This has included establishing many of the foundations necessary for any new agency. A key priority has been the development of a new organisational structure to best reflect the responsibilities of the agency, and a regional service delivery framework that supports local decision-making, backed by a global budget model.

Operational improvements are focused on support for children and their families through the delivery of a diverse, yet connected, range of frontline services that focus on more than statutory intervention. The aim is to place child protection and youth justice services within a broader framework of programs for prevention and early intervention, and provide better support for families when they need it.

This has occurred in the context of responding to shortcomings within our systems, including those identified by the Royal Commission into the Protection and Detention of Children in the Northern Territory.

On 26 July 2016 the Commonwealth Government announced the establishment of the Royal Commission into the Protection and Detention of Children in the Northern Territory (the Royal Commission). The Royal Commission was established in response to concerns about the treatment of children and young people in the child protection and youth justice systems in the Northern Territory.

The first public hearings for the Royal Commission were held in Darwin on 11–13 October 2016. On 31 March 2017, the Royal Commission handed down an interim report, which identified key themes of the Royal Commission, however did not put forward any recommendations or findings.

Throughout 2016–17, Territory Families worked with non-government organisations to develop a new model of early intervention services and to reform the family support service system. The purpose of the family support system reform is to shift away from an approach of crisis management to one of providing early support for children and their families.

As part of the family support system reform, new ongoing funding was committed to establish an alternative referral pathway to connect families to family and parenting support services at the community level without direct involvement in the statutory child protection system. This pathway is one aspect of a suite of services and frameworks to be developed over a phased approach to invoke meaningful change for children and families early on by ensuring they have access to the appropriate advice and assistance before harm occurs.

In February 2017, the Northern Territory Government signed the Family Matters Statement of Commitment developed by the Secretariat for National Aboriginal and Islander Child Care. This statement commits to the intent to work with Aboriginal and Torres Strait Islander peoples and their organisations to deliver better responses to children and families within the child protection system. The Statement of Commitment commits Territory Families to six core principles which will guide the improvement and reform of the child protection system.

In recognition of the valuable role of Aboriginal organisations in delivering services to Aboriginal families, Territory Families began working with non-government organisations to plan the transition of out-of-home care services to the non-government sector, with a primary focus on increasing the involvement of Aboriginal community-controlled organisations in the provision of care. Territory Families engaged the Aboriginal Peak Organisations of the Northern Territory to design and deliver an out-of-home care system where more Aboriginal children are cared for by Aboriginal carers, and where connection to culture and identity is strengthened. The Secretariat of National Aboriginal and Islander Childcare has also joined this partnership with a specific focus on the Central Australia region.

Territory Families also commenced work to introduce an out of home care auditing and accreditation system to ensure all residential care facilities are providing quality care outcomes for each young person in their care, are responsive to local needs and that Aboriginal organisations and other non-government organisations with relevant experience and expertise in the Northern Territory are not disadvantaged.

On 26 May 2017, the Northern Territory Charter of Rights for Foster and Kinship Carers was launched as part of Territory Families' commitment to improving its partnership with foster and kinship carers. The Charter was developed in consultation with foster and kinship carers and other key stakeholders, and solidifies recognition of the valuable role that foster and kinship carers play in ensuring children are safe and protected from harm.

Appendix E: Inquiries into child protection services

Various inquiries into child protection services have been conducted in a number of jurisdictions in recent years. These include:

- New South Wales—Report of the Special Commission of Inquiry into Child Protection Services in NSW (Wood 2008)
- New South Wales—Keep them safe? A special report to Parliament under s31 of the Ombudsman Act 1974. Report tabled in Parliament on 30 August 2011 (New South Wales Ombudsman 2011)
- New South Wales—Responding to child sexual assault in Aboriginal communities report, December 2012 (New South Wales Ombudsman 2012)
- New South Wales—Review of the NSW child protection system—are things improving? Special report to Parliament. April 2014 (New South Wales Ombudsman 2014)
- New South Wales—Inquiry into Child Protection established by the Parliament of New South Wales Legislative Council General Purpose Standing Committee No. 2 on 12 May 2016
- New South Wales—Independent Review of Out of Home Care in New South Wales, report to NSW Cabinet (David Tune AO PSM 2016; New South Wales Government 2016)
- Victoria—Report of the Protecting Victoria’s Vulnerable Children Inquiry 2012 (State Government of Victoria 2012)
- Victoria—In the child’s best interests: inquiry into compliance with the intent of the Aboriginal Child Placement Principal in Victoria (Victorian Commission for Children and Young People 2015)
- Victoria—Always was, always will be, Koori children. Systemic inquiry into services provided to Aboriginal children and young people in out-of-home care in Victoria (Victorian Commissioner for Children and Young People 2016)
- Queensland—Protecting children: an inquiry into the abuse of children in foster care (Crime and Misconduct Commission 2004)
- Queensland—Taking responsibility: a roadmap for Queensland child protection (Queensland Child Protection Commission of Inquiry 2013)
- South Australia—Children in state care: commission of inquiry (Mullighan 2008a)
- South Australia—Children on Anangu Pitjantjatjara Yankunytjatjara (APY) lands: commission of inquiry (Mullighan 2008b)
- South Australia—Inquest into the death of Chloe Lee Valentine (South Australia State Coroner 2015)
- South Australia—The life they deserve: Child Protection Systems Royal Commission report (Child Protection Systems Royal Commission 2016)
- South Australia—Final report of the select committee on statutory child protection and care in South Australia (Parliament of South Australia 2017)
- Tasmania—Report on child protection services in Tasmania (Jacob & Fanning 2006)

- Tasmania—Inquiry into the circumstances of a 12 year old child under guardianship of the Secretary: final report (Commissioner for Children Tasmania 2010)
- Tasmania—Select Committee on Child Protection: final report (Parliament of Tasmania 2011)
- Tasmania—Report of the Auditor General, No. 2 of 2011–2012, Children in out-of-home care (Tasmanian Audit Office 2011)
- Tasmania—Redesign of child protection services Tasmania: strong families—safe kids (Tasmanian Department of Health and Human Services 2016a)
- Tasmania—Strong families—safe kids: implementation plan 2016–2020 (Tasmanian Department of Health and Human Services 2016b)
- Australian Capital Territory—The Territory as a parent: a review of the safety of children in care in the ACT and of ACT Child Protection management (Commissioner for Public Administration 2004a)
- Australian Capital Territory—The Territory’s children: ensuring safety and quality care for children and young people. Report on the audit and case review (Commissioner for Public Administration 2004b)
- Northern Territory—Growing them strong, together: promoting the safety and wellbeing of the Northern Territory’s children. Report of the Board of Inquiry into the child protection system in the Northern Territory 2010 (Northern Territory Government 2010).

These inquiries generate much media interest, both locally and nationally, which heightens public interest, reinforces the need to protect children and may, in turn, affect the willingness of the general public to report suspected instances of child abuse. They also can potentially affect the reported data, as departments often respond to inquiries by introducing new policies and practices, or modifying existing one.