

1 Background

Child protection is the responsibility of the community services department in each state and territory. Children who come into contact with these departments for protective reasons include those:

- who are suspected of being, have been or are being abused, neglected or otherwise harmed
- whose parents cannot provide adequate care or protection.

The community services departments provide assistance to these children and their families through the provision of, or referral to, a wide range of services. Some of these services are targeted specifically at children in need of protection (and their families); others are available to a wider section of the population and attempt to deal with a broad range of issues or problems.

This report provides national data on children who come into contact with the community services departments for protective reasons. The three areas of the child protection system for which national data are collected are:

- child protection notifications, investigations and substantiations
- children on care and protection orders
- children in out-of-home care.

There are no data at the national level on children who are referred to or who access other services for protective reasons.

Child protection systems

Reporting of child protection matters

Currently, all states and territories except Western Australia have legislation requiring the compulsory reporting to community services departments of harm due to child abuse or neglect. In most states and territories, only the members of a few designated professions involved with children are obliged to report, although in the Northern Territory anyone who has reason to believe that a child may be abused or neglected must report this to the appropriate authority. Although Western Australia does not have mandatory reporting, it does have protocols and guidelines in place that require certain occupational groups in government and funded agencies to report children who have been or are likely to be abused or neglected.

The types of child protection matters that were reported, and the professionals mandated to report, vary across jurisdictions. (Details of the mandatory reporting requirements in each state or territory are set out in Appendix 4.) In addition to requirements under state and territory legislation, Family Court staff are also required under the *Family Law Act 1975* to report all suspected cases of child abuse.

Police also have some responsibility for child protection in each state and territory, although the extent of their responsibility varies in each jurisdiction. Generally, they are involved in child abuse or neglect of a criminal nature, that is, where there is significant sexual or physical abuse, or any abuse that results in the serious injury or death of a child. In some states or territories there are protocols or informal arrangements whereby the police are involved in joint investigations with the relevant community services department.

Other areas of government also play a role in child protection. Health services support the assessment of child protection matters and deliver therapeutic, counselling and other services. The education sector in many jurisdictions undertakes preventive work with children and families, and also plays an important role in the identification of suspected harm. In some jurisdictions, childcare services are specifically provided for children in the child protection system.

The child protection process

Although each jurisdiction has its own legislation, policies and practices in relation to child protection, the processes used to protect children are broadly similar. Figure 1.1 shows a simplified version of the main processes used in child protection systems across Australia. These are outlined in more detail below.

Reports to the department

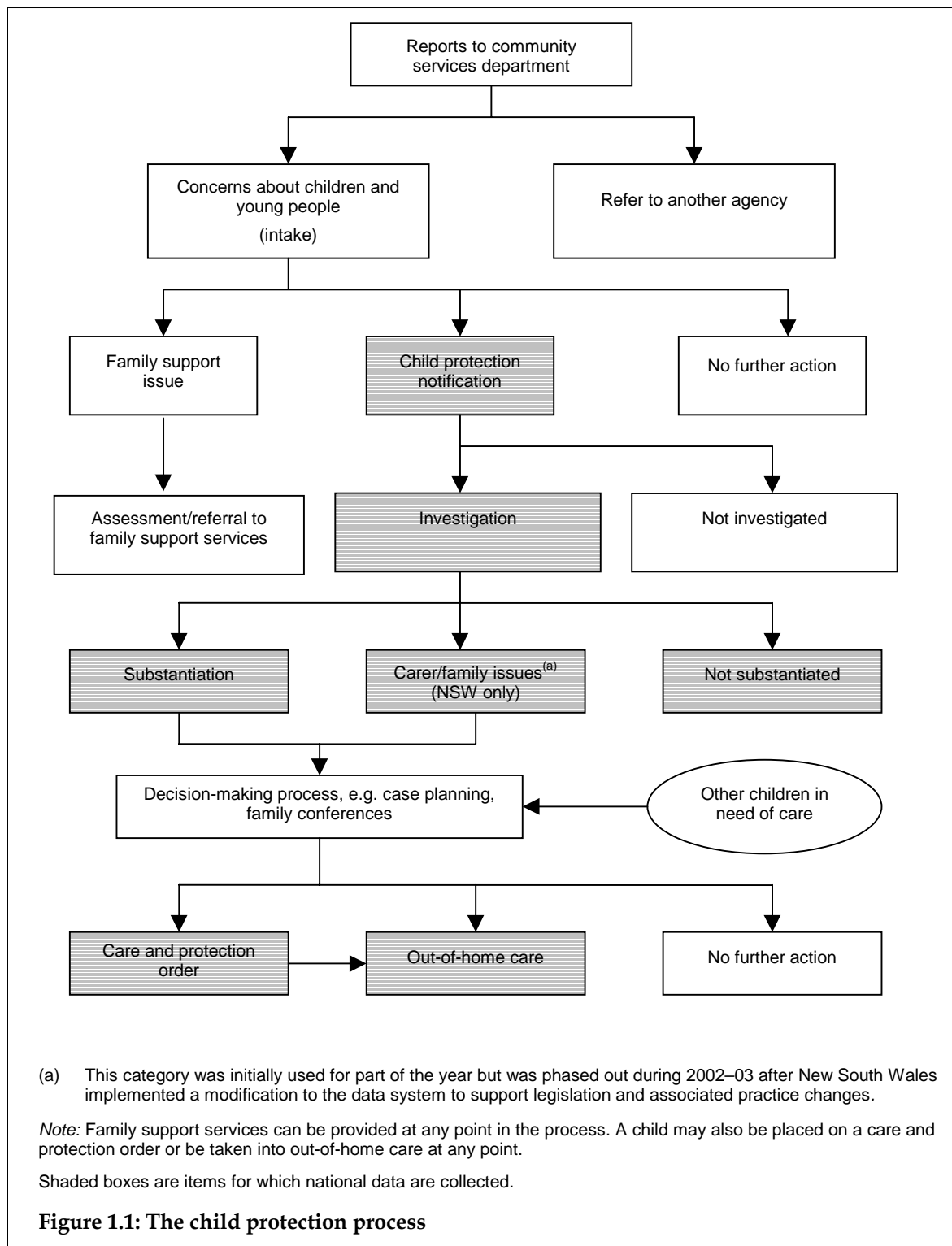
Children who are assessed to be in need of protection can come into contact with community services departments through a number of avenues. These include reports of concerns about a child made by someone in the community, by a professional mandated to report suspected abuse and neglect, or by an organisation that has contact with the family or child. The child, his or her parent(s), or another relative may also contact the department either to seek assistance or to report suspected child abuse or harm. These reports may relate to abuse and neglect or to broader family concerns such as economic problems or social isolation. There are no national data on the total number of reports made to community services departments relating to concerns about children.

Reports to the department are assessed to determine whether the matter should be dealt with by the community services department or referred to another agency. Those reports that are appropriate for the community service departments are further assessed to determine whether any further action is required.

Reports requiring further action are generally classified as either a family support issue or a child protection notification, although the way reports are classified varies somewhat across jurisdictions. Departmental officers, in deciding whether a report will be classified as a child protection notification, take a range of factors into account. Those reports classified as a family support issue are further assessed and may be referred to family support services. Child protection notifications are dealt with through a separate process.

Notifications, investigations and substantiations

A child protection notification is assessed by the department to determine whether it requires an investigation; whether it should be dealt with by other means, such as referral to other organisations or to family support services; or whether no further protective action is necessary or possible. An investigation is the process whereby the community services department obtains more detailed information about a child who is the subject of a notification, and makes an assessment of the degree of harm or risk of harm for the child.



After an investigation has been finalised, a notification is classified as ‘substantiated’ or as ‘not substantiated’. A notification will be substantiated where it is concluded after investigation that the child has been, is being or is likely to be abused, neglected or otherwise harmed. States and territories differ somewhat in what they actually substantiate. Some jurisdictions substantiate situations where child abuse and neglect have occurred or

are likely to occur, whereas others substantiate situations where the child has been harmed or is at risk of harm and the parents have failed to act to protect the child.

In New South Wales an intermediate category was initially used for part of the year but was phased out during 2002–03. This category is referred to as ‘Carer/family issues’ in the national data and includes notifications where no actual harm is identified but where carer or family issues were identified that affect the care of the child.

Care and protection orders and out-of-home care

At any point in this process the community services department has the authority to apply to the relevant court to place the child on a care and protection order. Recourse to the court is usually a last resort and is used in situations where supervision and counselling are resisted by the family, where other avenues for the resolution of the situation have been exhausted, or where removal of a child from home into out-of-home care requires legal authorisation. In some jurisdictions, for example, all children who are placed in out-of-home care must be on an order of some kind.

Children can also be placed on a care and protection order and/or in out-of-home care for reasons other than child abuse and neglect; for example, in situations where family conflict is such that ‘time out’ is needed, or a child is a danger to himself or herself, or where the parents are ill and unable to care for the child.

Major differences among states and territories

There are some major differences between jurisdictions in policies and practices in relation to child protection, and these differences affect the data provided. The data from different jurisdictions are therefore not strictly comparable and should not be used to measure the performance of one jurisdiction relative to another.

One of the main differences between jurisdictions is in the policy frameworks used by states and territories in relation to notifications. In both Western Australia and Tasmania, reports that express concerns about children are screened by senior staff. In Western Australia, a report expressing concern about children may receive the interim assessment classification of ‘Child Concern Report’ (CCR) when there is uncertainty as to whether a child has experienced, or is likely to experience, significant maltreatment warranting a statutory child protection response. The CCR assessment provides the basis for the most appropriate response – statutory child protection (ie. treat as if the contact is a notification), family support or no further action.

In Tasmania, when the initial information gives no indication of maltreatment, this type of report is classified as a ‘child and family concern’ report and may be referred to family support services.

In these two states, a significant proportion of reports are therefore not counted as child protection notifications and receive a different response from the department. The rates of children who are the subjects of notifications and substantiations in these jurisdictions are therefore considerably lower than the rates in other jurisdictions.

In Victoria, on the other hand, the definition of a ‘notification’ is very broad and includes some reports that may not be classified as a notification in other jurisdictions. Other states and territories have policies between these two extremes. For example, South Australia screens reports and may refer some of these to other agencies or provide family support services rather than a child protection response. In 2002, the Australian Capital Territory

screened reports similar to South Australia, but in 2003 the definition was changed to incorporate all contacts regarding concerns for children as child protection reports.

The screening process used in South Australia, however, does not appear to be as stringent as that used in Western Australia and Tasmania. In New South Wales, all reports classified as 'child protection' reports are categorised by the reported issue and receive a 'risk of harm' assessment to determine the appropriate action. Only reports of harm or risk of harm are included in this report.

Other differences between jurisdictions are also worth noting:

- In some jurisdictions, such as New South Wales, reports to the department relating to abuse by a stranger may be classified as a notification, but in other jurisdictions they are not.
- What is substantiated varies. Some jurisdictions substantiate the harm or risk of harm to the child, and others substantiate actions by parents or incidents that cause harm. In focusing on harm to the child, the focus of the child protection systems in many jurisdictions has shifted away from the actions of parents towards the outcomes for the child (see below).

Although there are differences between states and territories that affect the comparability of the data on children on care and protection orders and children in out-of-home care, the differences between jurisdictions are greatest in relation to child protection notifications, investigations and substantiations. National totals are therefore provided only for a small number of tables in this section.

Changes in child protection policies and practices

Child protection policies and practices are continually changing and evolving. Trends in child protection numbers should be interpreted carefully, as such changes in policies and practices impact on the numbers of children in the child protection systems in different ways. The broad changes in the child protection systems over the last decade are discussed below, followed by more detailed information on changes within states and territories over the last year. Specific definitions of children in need of care and protection for each jurisdiction are provided in Appendix 3.

Over the last decade it has been increasingly recognised that a large number of reports to child protection authorities are about situations in which parents are not coping with their parental responsibilities. The responses of child protection authorities have become less punitive and more focused on collaboration and helping parents. More resources have been directed towards family support services in many jurisdictions (AIHW 2001).

There has also been an increasing focus on early intervention services, which are seen to be effective in reducing the need for more intrusive child protection interventions at later stages. Cross-departmental strategies have been introduced in a number of jurisdictions, such as 'Families First' in New South Wales and 'Strengthening Families' in Victoria. These strategies attempt to assist families in a more holistic way, by coordinating service delivery and providing better access to different types of children's and family services.

The definition of what constitutes child abuse and neglect has changed and broadened over the last decade (Cashmore 2001). Naturally, any broadening of the definition of child abuse and neglect is likely to result in increasing notifications and substantiations. The focus of child protection in many jurisdictions (New South Wales and the Australian Capital Territory, for example) has shifted away from the identification and investigation of narrowly defined incidents of child abuse and neglect towards a broader assessment of

whether a child or young person has suffered harm. This broader approach seeks to assess the child's protective needs.

In addition, many jurisdictions have introduced options for responding to the less serious reports through the provision of family support services, rather than through a formal investigation. These policies have been introduced at different times in different jurisdictions (for example in Western Australia in 1996) but in all cases they have led to substantial decreases in the numbers of investigations and substantiations.

Other significant changes include the introduction of structured risk assessment tools (for example in South Australia and the Northern Territory) to help workers identify children in high-risk circumstances, to determine what services are necessary for the child and the family, and to document the basis for decisions and provide some consistency of response (Cashmore 2001). Centralised intake systems have also been introduced in some jurisdictions (New South Wales and South Australia) to increase the consistency of departmental responses.

More recently, community service departments have been concerned about rising rates of renotifications and resubstantiations. The Victorian Department of Human Services undertook detailed research and analysis of children in their child protection system (VDHS 2002). The study found that key underlying features, such as low income, substance abuse, mental health issues and the burdens of sole parenting, which led to some families coming into contact with child protection systems, were complex and chronic. The child protection system often did not effectively deal with these problems and many children were subject to renotifications and resubstantiations. The report noted that keeping families to deal with these problems required more sustained and less intrusive support than the services usually provided by child protection authorities. It highlighted the need for strengthened prevention and early intervention services as well as improved service responses for children and young people with longer term involvement in the child protection system.

For children who are placed on care and protection orders, the current policy emphasis is on family preservation, or on keeping children in the family. A range of specialist family preservation services has been established in many jurisdictions that seek to prevent the separation of children from their families as a result of child protection concerns, or to reunify families where separation has already occurred. Victoria and South Australia in particular have established a number of these services, including those specifically designed for Aboriginal and Torres Strait Islander families.

There has been a push in some jurisdictions to seek greater permanency for children who are unable to live with their parents, through either adoption or long-term parenting orders. This follows moves made in both the United States and the United Kingdom where adoption is increasingly used as an avenue for permanency (Cashmore 2000). In 2001 New South Wales introduced legislation that allows for adoption as a placement option for children in the child protection system. This legislation also introduced a Sole Parental Responsibility Order that provides an intermediate legal status between fostering and adoption. A number of other jurisdictions have similar types of orders, including Victoria where the Permanent Care Order was introduced in 1992-93.

Recent policy changes

The following paragraphs, provided by the various authorities in the states and territories, outline the major child protection policy changes that occurred in 2002-03. Legislation relating to specific jurisdictions is listed in Appendix 3.

New South Wales

Since the proclamation of the new legislation and the opening of the HelpLine there has been a substantial increase in workload and complexity of cases for the Department of Community Services (DoCs). The 'Kibble Committee' – a joint DoCs, Central Agency and NSW Public Services Association working party – reviewed the impact of this increase in demand for DoCS services. The subsequent Kibble Report recommended the appointment of additional child protection and out-of-home care staff and for DoCS to pursue all efficiencies available in the Child Protection System in order to increase capacity to deal with both current caseloads and growth in demand.

On 18 December 2002, the NSW Government announced a major boost to funding for DoCS, including a budget for an additional 875 caseworkers and their support needs, and additional funding for non-government organisations for early intervention family services and out-of-home care services, over the next 5 years. This funding begins with an initial increase of 150 caseworkers in 2003–04. This is in addition to the extra 130 caseworkers announced for 2002–03.

DoCS also continues to pursue increased efficiencies through improved demand management through separate projects on demand modelling, demand sampling and review of work processes. Longer term solutions will channel resources into services that identify children, young people and families at risk and provide the necessary services before problems become entrenched. The new funding will make it possible to boost the capacity of prevention and early intervention services in 2003–04.

Victoria

During 2002–03, Victoria undertook a comprehensive examination of the home-based care system, which resulted in the publication of *Public Parenting – a Review of Home-based Care in Victoria*. Work also commenced on a Department of Human Services flagship project examining local, national and international literature, service reforms and data on the operation of child protection systems. In June 2003 the Victorian Government announced a review of the *Children and Young Persons Act 1989*.

Queensland

The Queensland Government released *Queensland Families: Future Directions*, its cornerstone policy for vulnerable children and families in June 2002. Additional State Budget funding of \$148 million over 4 years was also announced, building on the previously announced \$100 million over 4 years committed as a result of the Commission of Inquiry into Abuse of Children in Queensland Institutions (Forde Inquiry). The key future direction is prevention and early intervention to prevent children and young people entering, or further entering, the child protection system. *Future Directions* initiatives include trialling family support centres in Cape York, early intervention service models, first years prevention projects for children early in their school life, responsive placement options for young people unable to live in family-based care, respite care for children in family-based care, and increased support and payments for foster and relative carers.

Trials of an increased range of responses to notifications, moving away from a forensic investigatory path, commenced to allow better responses to families through a greater emphasis on family support.

Other major policy statements related to educating children and young people in the care of the state; long-term, stable and secure caring environments; and a *Queensland Government Strategic Framework for Child Protection* and accompanying action plan.

Western Australia

In response to the Gordon Inquiry report, *The Response by Government Agencies to Complaints of Family Violence and Child Abuse in Aboriginal Communities*, the Government of Western Australia implemented its across-government *Action Plan for Addressing Family Violence and Child Abuse in Aboriginal Communities*. An essential principle in the implementation of this plan has been the honouring of the government's Statement of Commitment with ATSIC in planning and implementing the resources stemming from the government's action plan. The action plan was for \$75 million of new initiatives over 4 years that included additional resources to child protection, community policing, family strengthening and community capacity building.

Three new Leaving and Aftercare services were funded for young people aged 14 to 25 years who are in care or who have recently left care and are moving to independent living as part of the government's response to the State Homelessness Strategy. Specifications for a new Tertiary Family Preservation Service for Indigenous families and a Professional Foster Care Service for children who display extremely high risk or difficult behaviours and for large sibling groups were developed and the tendering process commenced. Work commenced on a Memorandum of Understanding between the Departments for Community Development, Education and Training and Health and the Disability Services Commission to support children who are wards or at risk of becoming wards, and required medical technology to maintain respiratory function.

The Children and Young People in Care Advisory Committee (CYPCAC) commenced consultation on the development of a Culturally and Linguistically Diverse Child Placement Principle.

South Australia

During 2002–03, the Robyn Layton Review of South Australia's Child Protection System was conducted. The report, *Our Best Investment – a State Plan to Protect and Advance the Interests of Children* was delivered to the state government in March 2003. Recommendations have whole-of-government application. The government's interim response to the review included the provision of additional funds to improve the capacity of prevention approaches and tertiary responses. This included:

- extending universal home visiting across the state, complemented with targeted service responses for at-risk families
- increasing the number of school counsellors in state schools
- establishing a prison-based sex offender treatment program
- increasing support payments for foster carers and increasing the funds available to ensure that young people with high and complex needs are appropriately supported.

The government's response to the Layton Review focuses on ensuring children and young people are protected from harm and families and communities are supported to safely care for children.

Implementation of the Semple Review into Alternative Care has progressed with the establishment of the Ministerial Committee on Alternative Care, and the preparation for the next round of Alternative Care contracts.

A review of the placement of Aboriginal children into non-Aboriginal care has delivered a number of recommendations for system and practice changes to improve alternative care service provision for Aboriginal children.

A concerted focus is also being placed on the recruitment, assessment and support of relative carers in order to increase the number of children who are able to remain within the care of their extended family.

Tasmania

During 2003, the Department of Health and Human Services established the Child Protection Advice and Referral Service. It receives all notifications about children at risk of abuse and neglect on a statewide basis. The move to a centralised intake service has provided greater consistency in (i) assessment of risk; (ii) Identification of cases that require investigation; (iii) training, professional development and supervision of staff; (iv) data collection; and (v) referrals to appropriate services.

The department has also developed the Tasmanian Risk Framework, a model adapted from the Victorian Risk Framework, to support professional decision making. It provides a strong evidence base for the gathering of information, analysis and judgment needed to assess the risk of abuse or neglect to children. Significant work has also been undertaken on new funding arrangements for out-of-home care that will be introduced in 2004. They include an increase in the standard reimbursement that is made to carers for their expenditure on children in their care. Progress was also made towards the introduction of *Looking After Children*. It will include the use of the *Looking After Children Electronic System* to improve the quality of reporting on outcomes for children in care.

Australian Capital Territory

In 2002-03 the number of notifications in the Australian Capital Territory was higher than in previous years due to changed arrangements for recording reports of concern about children and young people. The significant increase in 2002-03 in the number of reports received and recorded by Family Services and the number of reports going to appraisal reflects national trends.

Initiatives in 2002-03 included work towards the establishment of a Centralised Intake Service. The new unit will provide a single contact point for the public in relation to child protection matters in the Australian Capital Territory. Strategies introduced in 2002-03 to improve recording and feedback to reporters included the adoption of a revised form for recording reports, the provision of a feedback form to mandated reporters, the development and implementation of Multiple Review Report mechanisms and the development of a revised Special Appraisals policy for abuse-in-care matters.

Family Services continues to focus on the recruitment and retention of staff. In addition, the roles and responsibilities of Family Services have been developed collaboratively with the out-of-home care sector to provide greater clarity for the sector.

The new ACT Children's Plan has been subject to wide consultation and is being developed. The plan will play a significant role in guiding early intervention and support to keep children out of the child protection system.

Northern Territory

The Community Welfare (Cross Border) Amendment Act came into effect in December 2002. The Act:

- enables the transfer of children on orders or the subject of in-need-of-care proceedings between all states and internal territories of Australia and New Zealand
- enables action to apprehend children on orders who are unlawfully removed interstate, or who abscond

- modifies the requirement for social workers to visit children in care at least every 2 months so that it applies only when children are resident inside the Territory, and
- updates penalties for offences under the Community Welfare Act.

The child protection data

The data in this report were extracted from the administrative systems of the state and territory community services departments according to definitions and counting rules agreed to by the departments and the AIHW. The state and territory community services departments provide funding to the AIHW to collate, analyse and publish these data annually. The National Child Protection and Support Services Data Group (NCPASS) has responsibility for overseeing the national child protection data and includes representatives from each state and territory and from the AIHW.

There are significant links and overlaps between the three data collections included in this report. For example, children who are the subjects of substantiations may be placed on care and protection orders, and many children on care and protection orders are also in out-of-home care. There are, however, only very limited data at the national level on the movement of children through the child protection system and the overlap between the three separate data collections.

There are also significant gaps in the national data on child protection. From 1999–00, some preliminary national data on intensive family support services were collected, but the data collection requires further development. There are no other data at the national level on the support services used by children in need of protection and their families.

Work is also being undertaken by NCPASS to broaden the scope of the national data collection and to improve comparability. A new national framework has been developed to count responses to calls received by community services departments in relation to the safety and wellbeing of children, including responses that occur outside the formal child protection system. Data elements such as the provision of advice and information, and assessment of needs, as well as general and intensive family support services, are incorporated into the new framework. It is proposed that national reporting will be aligned to this framework over the next few years.

The practices used to identify and record the Indigenous status of children in the child protection system vary across states and territories. Over the last few years, several jurisdictions have introduced measures to improve the identification of Indigenous clients. In some jurisdictions, however, there are a significant proportion of children whose Indigenous status is unknown and this affects the quality of the data on Indigenous status. Consequently, the data on Aboriginal and Torres Strait Islander children should be interpreted with care.