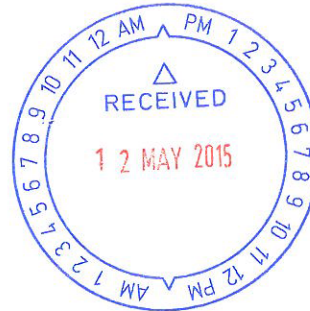




CE2015/01861

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Ms Jeanette Radcliffe  
Secretary  
Senate Standing Committee on Community Affairs  
PO Box 6100  
Parliament House  
CANBERRA ACT 2600



Dear Ms Radcliffe

I refer to your correspondence dated 27 April 2015, regarding the Senate Community Affairs References Committee hearing held on 16 April 2015.

At this hearing, the Deputy Chief Executive (Child Safety), Mr Etienne Scheepers, and I took a number of questions on notice. I enclose the responses to the questions taken on notice.

Yours sincerely

Tony Harrison  
**CHIEF EXECUTIVE**

8/5 / 2015

Encl.



**Question Number: 1**

**SENATE INQUIRY INTO OUT OF HOME CARE**

**QUESTIONS ON NOTICE**

**16 APRIL 2015**

**Hansard Reference:** Page 63

**Asked by:** Senator Peris

---

Finally, do you have a breakdown of the number of kids who are in kinship care — I am talking specifically about Aboriginal children—for the South Australian field department?

**Response:**

As at 30 June 2014, 787 Indigenous children were in out of home care. Of this number, 422 were in kinship care, 245 in foster care, 116 in Residential Care and 6 in independent living.



Question Number: 2

## SENATE INQUIRY INTO OUT OF HOME CARE

### QUESTIONS ON NOTICE

16 APRIL 2015

**Hansard Reference:** Pages 63 - 64

**Asked by:** Senator Peris

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Just finally—if you are able to take it on notice—last week we heard in the Northern Territory about the number of young kids who were in foster care and they were absconding from foster care. A lot of these young kids ended up in juvenile detention centres and, when they were released from the juvenile detention centres, it was difficult to place them back with their families and difficult to find suitable placements in the foster care system. Is that the same situation you find in South Australia?

#### **Response:**

Families SA has a memorandum of administrative agreement (MOAA) with SAPOL (**Attachment 1**) that outlines roles and responsibilities when children under the guardianship of the Minister are missing from care.

When children are missing from foster care, a missing persons report is made to SAPOL. When SAPOL find the young person they advise Families SA and these young people are returned to their foster carers. These children do not go to a youth justice detention facility.

Should SAPOL find a child missing from foster care and at that time the child is also committing an offense SAPOL would use their standard procedures in responding to these policing matters.

Young people on a guardianship order leaving a youth justice detention may sometimes have difficulty being placed back in foster care. Residential care in these situations may be a more appropriate care arrangement. These assessments would be made on a case by case basis.



Question Number: 3

## SENATE INQUIRY INTO OUT OF HOME CARE

## QUESTIONS ON NOTICE

16 APRIL 2015

Hansard Reference: Page 64

Asked by: Senator Seselja

I want to see if you can help me with some figures. We have got some nationwide figures on things like the length of time children are in out of home care and the length of time they are in continuous placement. They show basically that kids who are in out of home care are spending longer in out of home care across Australia. About 30 per cent spend between two and five years, and about 40 per cent—a tick under—spend five years or more. Those are 2013 figures. So around 70 per cent are in there over two years. Even if you do not have the exact figures, is that roughly the case in South Australia or is there a different picture?

**Response:**

Nationally, only the figure for time spent in continuous out of home care is reported. In South Australia this figure was 76 per cent for the total 30 June 2014 group, with 47 per cent in the five years or more group and 29 per cent in the 2-5 years group. Please refer to the following table:

Table 15A.21

**Children in out of home care by Indigenous status and length of time in continuous out of home care, 30 June (number) (a), (b), (c), (d), (e), (f) \***

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT
<b>2013-14</b>								
Aboriginal and Torres Strait Islander								
Respite	19	3	na	—	—	1	—	—
Non-respite								
Less than 1 month	91	35	94	44	5	1	3	18
1 to less than 6 months	368	143	260	206	49	10	8	108
6 months to less than 1 year	473	157	245	175	35	13	13	107
1 to less than 2 years	654	189	496	329	108	29	22	131
2 to less than 5	1 948	397	918	516	226	76	44	330



years								
5 years or more	2 967	384	1 323	612	364	102	62	80
Not stated/unknown	—	—	—	—	—	—	—	—
Total non-respite	6 501	1 305	3 336	1 882	787	231	152	774
Not stated/unknown	—	na	na	na	—	—	—	—
<b>Total</b>	<b>6 520</b>	<b>1 308</b>	<b>3 336</b>	<b>1 882</b>	<b>787</b>	<b>232</b>	<b>152</b>	<b>774</b>
Non-Indigenous								
Respite	27	3	na	—	—	16	—	—
Non-respite								
Less than 1 month	151	227	76	32	32	5	14	11
1 to less than 6 months	745	743	338	189	100	35	40	12
6 months to less than 1 year	780	666	357	139	85	51	30	6
1 to less than 2 years	1 232	983	607	263	190	103	44	17
2 to less than 5 years	3 234	1 651	1 322	542	530	242	124	63
5 years or more	5 498	2 120	2 083	635	874	334	202	24
Not stated/unknown	—	—	—	—	—	—	—	—
Total non-respite	11 640	6 390	4 783	1 800	1 811	770	454	133
Not stated/unknown	—	na	—	na	—	—	—	—
<b>Total</b>	<b>11 667</b>	<b>6 393</b>	<b>4 783</b>	<b>1 800</b>	<b>1 811</b>	<b>786</b>	<b>454</b>	<b>133</b>
Children of unknown Aboriginal and Torres Strait Islander status								
Respite	1	—	na	—	1	—	—	—
Non-respite								
Less than 1 month	—	—	8	—	3	2	—	1
1 to less than 6 months	2	—	18	27	7	14	—	—
6 months to less than 1 year	1	—	12	5	2	11	—	—
1 to less than 2 years	—	—	15	7	9	9	—	—
2 to less than 5 years	1	3	10	2	7	—	—	—
5 years or more	—	6	3	—	4	—	—	—

Not stated/unknown	—	—	—	—	—	—	—	—
Total non-respite	4	9	66	41	32	36	—	1
Not stated/unknown	—	na	—	na	—	—	—	—
<b>Total</b>	<b>5</b>	<b>9</b>	<b>66</b>	<b>41</b>	<b>33</b>	<b>36</b>	<b>—</b>	<b>1</b>
All children								
Respite	47	6	na	—	1	17	—	—
Non-respite								
Less than 1 month	242	262	178	76	40	8	17	30
1 to less than 6 months	1 115	886	616	422	156	59	48	120
6 months to less than 1 year	1 254	823	614	319	122	75	43	113
1 to less than 2 years	1 886	1 172	1 118	599	307	141	66	148
2 to less than 5 years	5 183	2 051	2 250	1 060	763	318	168	393
5 years or more	8 465	2 510	3 409	1 247	1 242	436	264	104
Not stated/unknown	—	na	—	—	—	—	—	—
Total non-respite	18 145	7 704	8 185	3 723	2 630	1 037	606	908
Not stated/unknown	—	na	—	na	—	—	—	—
<b>Total all children</b>	<b>18 192</b>	<b>7 710</b>	<b>8 185</b>	<b>3 723</b>	<b>2 631</b>	<b>1 054</b>	<b>606</b>	<b>908</b>

\* Sourced from Report on Government Services 2015



Question Number: 4

## SENATE INQUIRY INTO OUT OF HOME CARE

### QUESTIONS ON NOTICE

16 APRIL 2015

Hansard Reference: Page 65

Asked by: Senator Seselja and the Chair

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Finally, has South Australia in any capacity done any detailed surveys of either kids and young people in out of home care or those who have been in out of home care?

Have they been asked in those surveys what their preferred model would be? It is a really important question. Have these people who are either in out of home care or have been in out of home care been asked: if you could choose, what would you have done? Would you have been back with your family, or would you have been in foster care, or would you have been with a relative, or would you have been adopted, or in residential care, indeed? Is that kind of question part of that survey?

Maybe get the whole survey.

As part of that question on notice, I think detailed stats on the length of time children are in out of home care would be very useful. Thank you for that.

Could we add to that when they enter the system? It seems to vary across states, but in a number of states the biggest cohort are around 11 to 14, I think.

### Response:

Along with other Australian states and territories, Families SA is currently implementing Viewpoint, a software program for gathering the views of children/young people placed in out of home care. This tool provides children and young people with an accessible and a non-threatening way to express their views and opinions on a variety of matters relating to their experiences and wellbeing. The child/young person's responses will be used by their case manager to create or update their case plan and will be reviewed prior to their Annual Reviews. Aggregated data will be used by Families SA to identify any concerns or issues that children and young people may be experiencing or areas where good practice can be strengthened. De-identified data will be used to prepare the 2015 national report on the views of children and young people in out of home care. This report will be considered by governments and the community sector through governance arrangements under the National Framework for Protecting Australia's Children 2009-2020. The view point information sheet is provided in **Attachment 2**.

A copy of the survey questions is provided as **Attachment 3**.

The Guardian for Children and Young Persons was introduced in South Australian legislation in 2009 (Section 52A of the *Children's Protection Act 1993*) and acts as an independent advocate to monitor the circumstances of children and young people under the guardianship of the Minister. The Guardian is available for children and young people to contact and regularly seeks their views about the quality of care, service and placement

issues. The youth participation model, as outlined in the Youth Participation Strategy, aims to gather the experiences and views of a diverse group of children and young people (**Attachment 4**). This document is available on the internet.

Pages 5, 6 and 7 of the 2013/14 Guardian for Children and Young Persons Annual Report (**Attachment 5**) references 'what do children want from us' and states:

"So, **what do children want from us?** In the ten years of asking this question of children and young people in state care there are some fundamentals.

- If their family could care for them safely, they want us to help their family.
- If their family cannot, they want a second family, not to replace the first but to be their safe and secure and loving home.
- They want to be treated like other children who do not live in care and to have the same opportunities."

In relation to the age when children enter the system, the table below provides data for the 2013/14 period.

AGE OF CHILDREN ADMITTED TO OUT OF HOME CARE *	
2013-14	
<1	102
1 to 4	93
5 to 9	113
10 to 14	92
15 to 17	45
Total	445

\*Sourced from Child Protection Australia 2013-14 (unpublished as yet, embargoed copy is released, public copy will be released 8 May 2015)

### List of Attachments

1. Missing children under custody or Guardianship of the Minister – MOAA with SAPOL
2. Information sheet – Viewpoint My Care Survey by Families SA staff
3. Questionnaire – SA My Care survey
4. Guardian for Children and Young Persons Youth Participation Strategy October 2013
5. Guardian for Children and Young Persons 2013/14 Annual Report



**SOUTH AUSTRALIA POLICE**  
KEEPING SA SAFE



**Government of South Australia**  
Department for Education and  
Child Development

## **Memorandum of Administrative Arrangement**

Between

The South Australia Police

And

Families SA - Department for Education and Child  
Development

2014



## TABLE OF CONTENTS

1. INTRODUCTION AND CONTEXT	3
2. GLOSSARY	3
3. MoAA RELATIONS	4
4. TERM AND VARIATION	4
5. TERMINATION	4
6. DISPUTE RESOLUTION PROCESS	4
7. OBJECTIVES	5
8. PRINCIPLES	5
9. INFORMATION SHARING	6
10. ROLES AND RESPONSIBILITIES	
10.1 Families SA Role and Responsibilities	6
10.4 SAPol Role and Responsibilities	7
10.5 Transporting a Missing Child or Young Person	8
11. MISSING GUARDIANSHIP CHILDREN STEERING COMMITTEE	9
12. MISSING GUARDIANSHIP CHILDREN LOCAL LIAISON GROUP	9
13. RESIDENTIAL CARE CONTACT OFFICERS	9
14. TRAINING	10
15. MONITORING AND REVIEW OF THE MoAA	10
APPENDICES	
APPENDIX A - Related Instruments and Key Documents	12
APPENDIX B - Missing Guardianship Children Steering Committee	14
APPENDIX C - Missing Guardianship Children Local Liaison Group	16

## MEMORANDUM OF ADMINISTRATIVE ARRANGEMENT

### THE PARTIES AGREE TO THE FOLLOWING:

#### 1. INTRODUCTION AND CONTEXT

The signatory parties to this Memorandum of Administrative Arrangement (MoAA) are the South Australia Police (SAPol) and the Department for Education and Child Development (Families SA).

The MoAA commits the parties to work in cooperation to promote a safe, coordinated and effective response system for missing children and young people at risk who are under the custody or guardianship of the Minister for Education and Child Development.

#### 2 GLOSSARY

- 2.1 'Out-of-home care', formerly referred to as 'alternative care' is defined in the *Children's Protection Act 1993* as "care provided for a child on a residential basis—  
(a) by or through a government or non-government agency; or  
(b) in a foster home (including a foster home provided by a member of the child's family) and includes care provided in a detention facility for a child who is held there in lawful detention and care provided under independent living arrangements made for a child under the Minister's guardianship."
- 2.2 'Custody or Guardianship of the Minister' refers to:
- Children and young people subject to Custody or guardianship orders made by the Youth Court in accordance with section 38 of the *Children's Protection Act 1993* (CPA)
  - Children and young people subject to Custody Agreements in accordance with section 9 of the CPA Unaccompanied refugee minors for whom the Australian Commonwealth Government has delegated custody and guardianship to the State under the *Immigration (Custody and Guardianship of Children) Act 1946*
  - All Children and young people living in any type of Residential Care setting whereby they are directly cared for in a residential setting by Families SA employees or employees of a non-government agency contracted by Families SA
- 2.3 'Carer' includes family based and non-family based and is a person who has the responsibility of providing day-to-day care of a child or young person and may include carers who are relatives, foster carers, residential care workers, childcare workers and youth workers.
- 2.4 'Case manager' refers to a Families SA social worker who has the delegated responsibility for a child or young person under the custody or guardianship of the Minister.
- 2.5 'Family based care' is the care provided by caregivers in their homes for children and young people unable to live with their birth parents due to risk of abuse and/or neglect.
- 2.6 'Relative and kinship care' refers to placement of children and young people in need of care within a relative family or with any person determined to be related to the child according to Aboriginal or Torres Strait Islander kinship rules.
- 2.7 A 'foster carer / foster parent' is an approved and trained adult (not being a guardian or relative of a child) who, with the assistance of a regular subsidy, provides care and support for a child or young person in their own home. A foster carer from the Aboriginal community may also be referred to as a 'community carer'.

- 2.8 'Residential Care' is defined as care provided directly or indirectly through Families SA, another government agency, a contracted non-government agency or a private agency. The facilities in which this care may be provided include:
- Community Residential Care (CRC) staffed and managed by Families SA
  - All residential care facilities (units and houses) staffed and managed by Families SA Residential Care Directorate
  - Contracted non-government residential care facilities
  - Contracted non-government independent living facilities
  - Interim Emergency Accommodation placements staffed by Commercial Care Providers
- 2.9 'Commercial Care' is defined as accommodation for children whereby the direct care providers are contracted employees of a for-profit agency. This type of care is set up as an interim emergency arrangement until a more suitable placement can be found.
- 2.10 'Voluntary Custody Agreements' are included under section 9 of the CPA and concern the guardian(s) of a child entering into a custody agreement under which the Minister has custody of the child while the agreement has effect.

### **3 MoAA RELATIONS**

- 3.1 The parties acknowledge that this is a MoAA between agencies of the Crown in the right of South Australia and is not intended to create legal relations.

### **4 TERM AND VARIATION**

- 4.1 This MoAA will be effective from the date of the last authorising signature and will continue in force until such time as it is terminated in accordance with this MoAA.
- 4.2 This MoAA supersedes the 2010 and all previous memoranda and will be evaluated on a bi-yearly basis and remain in effect unless it is revoked, varied or modified.
- 4.3 This MoAA may not be varied or modified except with the written agreement of the parties. Any agreement to vary this MoAA will specify the date from which the variation will apply.

### **5 TERMINATION**

- 5.1 Either party may terminate this MoAA without reason by giving the other party 90 days written notice of such termination.
- 5.2 Termination of this MoAA does not affect liabilities and obligations of either party separately established by law.

### **6 DISPUTE RESOLUTION PROCESS**

- 6.1 Until such time as any dispute is settled, the parties will continue to discharge their roles in accordance with the MoAA, unless otherwise agreed in writing by the parties.
- 6.2 Disputes that occur during operational incidents may be initially and appropriately dealt with within the forum of the relevant Local Liaison Group (LLG).
- 6.3 Disputes raised within the LLG that cannot be resolved with exercising due process shall be referred to the Missing Guardianship Children Steering Committee for resolution.
- 6.4 Where the Missing Guardianship Children Steering Committee is unable to resolve a dispute the matter shall be forwarded to the Commissioner of Police (or delegate) and Chief Executive for Department of Education and Child Development (or delegate) for resolution.

## 7. OBJECTIVES

- 7.1 To ensure that the safety of the child is the primary objective.
- 7.2 To establish and maintain a risk assessment framework involving Families SA and SAPol for at risk children and young people who go missing from the Minister's care.
- 7.3 To implement a process for reviewing individual cases and intervention plans linked to escalating frequency and risk.
- 7.4 To effectively and efficiently record and collate all missing person incident data which provides for information sharing and enables the monitoring of individuals, locations and overall trends and concerns.

## 8. PRINCIPLES

- 8.1 This agreement applies specifically to children and young people who have been placed into the custody or guardianship of the Minister and who go missing.
- 8.2 Signatory parties acknowledge:
  - i. Families SA have a responsibility to ensure that children and young people are safe from harm when they are under the custody or guardianship of the Minister. Children and young people who frequently run away from their placements are considered to be at an increased risk of harm, including sexual exploitation and drug and alcohol misuse or abuse.
  - ii. It is essential that Families SA and SAPol work collaboratively to efficiently and effectively respond to the needs of children and young people, who are under the custody or guardianship of the Minister, to keep them safe from harm.
- 8.3 The safety, well-being and best interests of children and young people under the custody or guardianship of the Minister are paramount in accordance with section 4(3) of the CPA and Article 19 of the *Convention on the Rights of the Child* and other legislative requirements and relevant standards and conventions (refer to **Appendix A - Related Instruments and Key Documents**).
- 8.4 Effective communication between both agencies is critical.
- 8.5 Each agency is to take accountability and responsibility for their role in keeping children and young people safe from harm.
- 8.6 Families SA and SAPol will develop and implement local level collaborative practices in metropolitan and regional areas to strengthen the aim of this MoAA.
- 8.7 Collaboration is to be encouraged with carers, birth families and stakeholders to ensure the best outcomes are achieved for missing child and young people.
- 8.8 Both agencies will promote the respect of children and young people including those from culturally and linguistically diverse backgrounds.
- 8.9 Timely responses to missing children and young people will be a priority for Families SA and SAPol.
- 8.10 There are also differing levels of urgency in the responses to children and young people when they go missing or run away. It is for these reasons that proper consideration of a child's circumstances, history and behaviour is used to determine the level of risk they face when they are absent from placement, and the immediate danger or risk that may be present on each occasion they go missing. Baseline Risk Assessments and Urgency Risk Assessments play a key part in targeting responses.

## 9. INFORMATION SHARING

- 9.1 The parties acknowledge acceptance of the *Information Privacy Principles Instruction* and the *Information Sharing Guidelines*, and will ensure that personal information is only exchanged in accordance with those instructions.
- 9.2 The disclosure of information to prevent abuse and risk to the safety of a child outweighs any considerations of Agency confidentiality.

## 10. ROLES AND RESPONSIBILITIES OF AGENCIES

### 10.1 Families SA Role and Responsibilities:

Families SA has accountability in a number of key areas including child protection, out-of-home care and adoption. When children and young people are missing from their placements without authority, Families SA will:

- 10.1.1 make inquiries and effectively try to locate the child or young person and ensure of their safety and wellbeing; and
- 10.1.2 adhere to and follow Families SA policies, procedures and practice guidelines.

### 10.2 Families SA has a number of roles and responsibilities when responding to missing children or young people. These actions are explained in detail in the Missing Child or Young Person – Procedure and Practice Guide. The duties include:

- 10.2.1 Families SA Supervisors and delegated Case Managers, in partnership with family and non-family based carers, are responsible for actively searching for and following up on children and young people who go missing.
- 10.2.2 In all situations a Baseline Risk Assessment and Urgency Risk Assessment is required to inform of the actions to follow, and to ensure that these are in the best interests of the child or young person. The Families SA Supervisor and Case Manager will work together to determine the level of risk for the particular child or young person in the context of their circumstances.
- 10.2.3 Consideration would need to be given to:
  - a. what vulnerability and risk is present for the child or young person
  - b. whether harm is likely
  - c. what can be done to reduce or eliminate the risk of harm
  - d. what consultation and advice is required concerning the risks
  - e. who needs to be aware of the risks
- 10.2.4 When a child or young person is missing and an Urgency Risk Assessment has been completed, the Families SA Supervisor or the Case Manager will ensure the necessary report is generated (i.e. Families SA 'Absent from Placement' Report, Absentee Report, or Missing Persons Report). The Supervisor or Case Manager will consider who else is to be informed (e.g. supervisor, SAPol, family and friends, Families SA Interstate Liaison Officer).
- 10.2.5 Record the child or young person as missing on the Connected Client Case Management System (C3MS) and include information such as the Baseline Risk Assessment and Urgency Risk Assessment, allocated and completed actions and, where required, the SAPol Patrol Supervisor's number and the Absentee Report or the Missing Person Report number.
- 10.2.6 The Families SA Case Manager or Supervisor is responsible for recording all steps taken to locate the missing child or young person and the development of an action plan in locating the child.
- 10.2.7 Families SA staff will work with SAPol, carers, family members, and other professionals to help locate the child or young person. Families SA Case Managers will ensure that there is on-going and regular communication with SAPol, carers and others involved as required.

- 10.2.8 After business hours, the Families SA Call Centre will be contacted in all cases where a child or young person goes missing.
- 10.2.9 SAPol may request the use of a photo and/or undertake a public media campaign. Authority should be sought by the Supervisor from the Families SA Executive Director prior to media publication. It will be the responsibility of the Families SA case manager to obtain Families SA Executive approval.
- 10.3 Where Families SA personnel or other residential care staff report a child or young person missing to SAPol the reporting person will:
  - 10.3.1 thoroughly search the residential care facility for the child or young person;
  - 10.3.2 complete an Urgency Risk Assessment prior to contacting SAPol;
  - 10.3.3 make the report direct to the SAPol Call Centre on 131 444;
  - 10.3.4 provide SAPol with the Urgency Risk Assessment outcome, including detailed rationale for the identified level of risk/urgency and any relevant background information;
  - 10.3.5 provide SAPol with the full name of the child or young person missing;
  - 10.3.6 provide SAPol with a physical description of the child or young person and a photo where appropriate;
  - 10.3.7 provide SAPol with information about where the child or young person may be found;
  - 10.3.8 provide SAPol with contact information for the child or young person, their case manager, and relevant family members or associates;
  - 10.3.9 provide SAPol with information on the action taken by Families SA to locate or contact the child or young person; and
  - 10.3.10 immediately notify SAPol when a child or young person returns to their care facility to the SAPol Call Centre on 131 444.

#### 10.4 SAPol Role and Responsibilities

- 10.4.1 SAPol will complete a Missing Person Report or an Absentee Report following notification from a Families SA Case Manager or Supervisor/carer (family based or non-family based) of a missing child or young person who is at risk.
- 10.4.2 SAPol will assume the following role:
  - i. The SAPol Call Centre will enter data in the appropriate report according to the urgency assessment outcome as follows:
    - A medium urgency will be entered on an Absentee Report
    - A high urgency and extreme urgency will be entered on a Missing Persons Report
  - ii. An investigation will commence in accordance with SAPol General Orders and SAPol processes.
  - iii. The SAPol General Duties Supervisor responsible for the investigation of the missing child or young person will maintain regular contact with the relevant case manager and/or direct care provider, to ensure an action plan is developed by both Agencies to locate the child or young person.
  - iv. The supervisor responsible for the investigation will coordinate the appropriate level of police response in accordance with the identified level of urgency provided by a Families SA supervisor, Case Manager or carer as follows:
    - **Extreme Urgency** – immediate deployment of police resources and notification to an Officer of Police (Missing Person Report)



- **High Urgency** – active response by police (as with any Missing Person Report)
  - **Medium Urgency** – no proactive police response, reporting person advised and kept under review (Absentee Report)
  - **Low Urgency** – managed internally by Families SA with an internal report and kept under review. Families SA will not make a report to SAPol unless the level of urgency increases (Families SA absent from placement report)
- 10.4.3 If a SAPol General Duties Patrol Supervisor assesses the report to be at a lower or higher level of urgency to that evaluated by Families SA or a senior residential care worker they will contact the child or young person's direct care provider or case manager to discuss further.
- 10.4.4 Where SAPol determines a public awareness campaign should be initiated, contact will be made with the Families SA case manager. It will be the responsibility of the Families SA case manager to obtain Families SA Executive approval.

## 10.5 Transporting a Missing Child or Young Person

- 10.5.1 **The accountability for transporting a located missing child or young person back to their placement will rest primarily with Families SA and the relevant care provider.**
- 10.5.2 SAPol operational members will contact the SAPol Communications Centre when a missing child or young person is located by police for transport arrangements to be organised for that child or young person by the appropriate care provider or Families SA (via the Families SA Call Centre). Where there is likely to be a delay the relevant SAPol General Duties Patrol Supervisor is to be informed in a timely manner by Families SA.
- 10.5.3 For placements within the Families SA Residential Care Directorate, the Families SA care staff will be contacted by the Families SA Call Centre and must arrange for the collection of the child or young person for return to their placement and to record the information in their observation log.
- 10.5.4 Where additional support is required the Families SA care staff will organise support from the closest available residential care facility if practicable and record the information in their observation log.
- 10.5.5 For all other placements, either the care provider or the Families SA case manager (or Families SA Call Centre or other on-call personnel in accordance with country after-hours procedure) will be contacted and must arrange collection of the child or young person. Where there is likely to be a delay the relevant SAPol General Duties Patrol Supervisor is to be informed in a timely manner by Families SA.
- 10.5.6 SAPol members may be required to transport a child or young person to their care facility where urgent or pressing difficulties prevent collection by Families SA personnel, **but this will be by exception only**. The child or young person in these circumstances will be transported by police to the nearest 24 hour police station to enable Families SA personnel to collect the child. For efficiency and effectiveness SAPol personnel may return the child or young person to their care facility if that facility is in a reasonably close proximity.
- 10.5.7 SAPol members must not return a child to a residential care placement where the child does not reside because the child may be at risk themselves or may be a risk to others at that location.

- 10.5.8 Where issues arise due to process or due to the nature of a situation, the issue is to be presented to the relevant Missing Guardianship Children Local Liaison Group to address at the next meeting.

## **11. MISSING GUARDIANSHIP CHILDREN STEERING COMMITTEE**

- 11.1 The State-wide governance of this MoAA will be managed by the Missing Guardianship Children Steering Committee (refer to **Appendix B - Missing Guardianship Children Steering Committee Terms of Reference**).
- 11.2 The primary intent of the Missing Guardianship Children Steering Committee is strategically aimed at policy and standard practice adherence.
- 11.3 Families SA and SAPol will ensure representation and participation by nominated representatives or delegates.
- 11.4 The Chair of the Missing Guardianship Children Steering Committee may co-opt others to attend or assist as required.
- 11.5 In the event the Missing Guardianship Children Steering Committee is unable to resolve any issue the matter shall be simultaneously forwarded to the Chief Executive for Department of Education and Child Development (or delegate) and Commissioner of Police (or delegate) for resolution.

## **12. MISSING GUARDIANSHIP CHILDREN LOCAL LIAISON GROUP (LLG)**

- 12.1 Families SA and SAPol will develop and establish a LLG in each SAPol LSA where Families SA residential care facilities exist for the housing of children and young people who are under the custody or guardianship of the Minister (refer to **Appendix C – Missing Guardianship Children Local Liaison Group Terms of Reference**).
- 12.2 Quarterly LLG meetings will be undertaken to ensure 'at risk' missing children or young people prescribed under the target group are managed within the requirements of this MoAA. Additional meetings may be required at the discretion of the LLG.
- 12.3 Families SA and SAPol will ensure representation and participation by nominated representatives or delegates.
- 12.4 The signatory parties shall ensure there is representative attendance and participation by nominated representatives/delegates.
- 12.5 The LLG may co-opt others to attend or assist as required.
- 12.6 All discussions and endeavours shall be made in good faith by the LLG representatives to resolve dispute prior to any consideration of forwarding the dispute to the Steering Committee.

## **13. SAPOL CARE CONTACT OFFICERS**

- 13.1 SAPol will nominate Care Contact Officers to monitor the application of the Missing Guardianship Children MoAA.
- 13.2 SAPol Care Contact Officers shall be selected from within each LSA where residential care facilities are located, including transitional accommodation houses. The Care Contact Officers will be the facilitators between SAPol and Families SA to ensure of the following:
- the development and implementation of any local arrangements consistent with this MoAA;
  - the sharing of information between agencies concerning children and young people who frequently go missing and who may be 'at risk';

- iii. at risk missing children or young people are managed within the requirements of this MoAA;
- iv. maintain ongoing liaison with relevant Families SA personnel/delegate including non-government organisations and commercial entity care facilities;
- v. provide a response to requests within a reasonable period;
- vi. provide annual reports to their respective Chief Executive on unresolved issues emanating from the Missing Guardianship Children MoAA; and
- vii. share information between the two Agencies concerning children and young people who frequently go missing and who may be 'at risk'.

#### **14. TRAINING**

- 14.1 Families SA and SAPol will collaborate to ensure their professional development and mandatory training programs are provided and reviewed regularly to ensure the content is relevant and reflects the MoAA and legislative requirements.
- 14.2 Families SA and SAPol will use the LLG forum to provide feedback on any changes in interagency operating procedures and communication concerning the MoAA.
- 14.3 Each agency will ensure the MoAA is promulgated to its staff and other services which impact on service delivery to children or young people under the custody or guardianship of the Minister.

#### **15. MONITORING AND REVIEW OF THE MoAA.**

- 15.1 The monitoring of this MoAA is essential for the on-going improvement of service partnerships and service delivery.
- 15.2 The monitoring of the MoAA will be a collaborative process between SAPol and Families SA and is to include any changes made to relevant legislation which may result in the revision of operating policies and protocols.
- 15.3 This MoAA will be reviewed no later than two years after the date of implementation, and thereafter every two years.
- 15.4 The Missing Guardianship Children Steering Committee will review the MoAA prior to the recommended review date and make recommendations as deemed necessary.

A MoAA between the South Australia Police and the Department for Education and Child Development (Families SA) to ensure effective and efficient response to missing children and young people at risk who are under the custody or guardianship of the Minister.

The parties execute this Administrative Arrangement as follows:

**EXECUTED AS A MEMORANDUM OF ADMINISTRATIVE ARRANGEMENT**

**SIGNED BY the Commissioner of Police**

.....  
(Gary T Burns)

25/8/14

Witness Signature: .....

Name: JULIE HILL

Title: Personal Assistant, Commissioner of Police

25/8/14

**SIGNED BY the Chief Executive Department for Education and Child Development**

.....  
(Tony Harrison)

18/9/14

Witness Signature: .....

Name: Eugenie Nord-Thomson

Title: Executive Assistant

18/9/14

### RELATED INSTRUMENTS AND KEY DOCUMENTS

The following legislative instruments outline the responsibilities of the Agencies:

- **Children's Protection Act 1993** provides the legislative direction for working with children and young people under the custody and guardianship of the Minister. This includes the application of 'written directives' pursuant to section 52AAB of the CPA and the application of legislative powers pursuant to section 52AAC of the Act.
- **Family and Community Services Act 1972** outlines Departmental responsibilities for Alternative Care, in particular the assessment, monitoring and review of carers and licensed non-family based residential care facilities and the investigation of complaints.
- **Young Offenders Act 1993** provides the legislative direction for care of children and young people under youth justice orders and for secure custody environments.
- **Police Act 1998** makes provision for the establishment and management of SAPol and outlines the purpose, roles and functions of police.

The MoAA is to be used in conjunction with the following key documents:

- **Mullighan Commission of Inquiry (Children in State Care) Report, Recommendation 44**  
*"That a missing persons Protocol between the South Australia Police Local Service Areas (LSA) and the Department for Families and Communities be implemented in all regions where residential care facilities are located (including transitional accommodation houses). That a contact officer be established in each SA Police Local Service Area where residential care facilities are located (including transitional accommodation houses) to facilitate the development and implementation of the missing persons protocol and to facilitate the flow of information concerning children and young people who frequently go missing and are 'at risk' of sexual exploitation."* (page 478)
- **Rapid Response: Whole of Government Services**  
 Children and young people under the custody and guardianship of the Minister will receive the highest priority in services and support provided by all government agencies (Keeping Them Safe).
- **Directions for Alternative Care in South Australia 2011-2015**  
 The *Directions for Alternative Care* provides the plan and focus to drive improvements across the whole of the alternative care services to deliver quality needs services in kinship, relative, foster and residential care arrangements.
- **Families SA Duty of Care for Children and Young People in Care Policy**  
 Families SA has the delegated duty to ensure children and young people under the custody and guardianship of the Minister, including placements in alternative care or secure custody (detention) environments, are safe from harm and provided with a standard of support, protection and care that can be reasonably expected to enable the child or young person to develop to their full potential.
- **National Out of Home Care Standards**  
 The *National Standards* are designed to improve the outcomes and experiences for children and young people by focusing on the key areas within care that directly influence positive outcomes.

- **Families SA Residential Care Service Principles**

The Families SA Residential Care Service Principles are an overarching practice framework and guide for residential care staff.

- **Information Sharing Guidelines**

Sharing information between agencies is required to ensure children and young people under the custody or guardianship of the Minister are safe from harm. The *Children's Protection Act 1993* makes provision for the sharing of information across agencies when it is in the best interests of the child (refer to *DECD Information Sharing and Client Privacy Statement and Information Sharing: Guidelines for promoting the safety and wellbeing of children, young people and their families*). Information will be shared in accordance with the Information Sharing Guidelines approved by Cabinet in October 2008 in which Families SA staff and SAPol officers must ensure that:

- the person requesting the information is a member from SAPol or Families SA, and
- there is a legitimate purpose for sharing the information.



**TERMS OF REFERENCE  
MISSING GUARDIANSHIP CHILDREN STEERING COMMITTEE  
SAPol and Families SA**

**1. Statement of Intent**

The Missing Guardianship Children Steering Committee is intended to provide an inter-agency forum where Families SA and SAPol representatives discuss policy and practice issues concerning application of the MoAA. SAPol and Families SA will work collaboratively to resolve inter-agency challenges where consistent joint responses are required. The Committee shall be committed to improving communication and promoting standards and policies for effective collaboration between SAPol and Families SA in relation to processes concerning care and guardianship children and young people.

2. Signatory parties shall provide a senior representative to the Missing Guardianship Children Steering Committee which shall be convened by Families SA.

3. The Steering Committee will include the following:

- SAPol management representative
- SAPol Portfolios manager
- Missing Persons Investigation Section management representative
- Families SA Assistant Director
- Families SA management representative
- Attorney General's Department (Crown Solicitors Office) representative

Appropriate support personnel may be required to attend from time to time.

4. Proxies are to be assigned if a nominated member is unable to attend any meeting.

5. The Steering Committee members are to identify relevant individuals and other local agencies involved with care and guardianship children and young people and ensure their attendance and participation where appropriate

6. The Steering Committee will be shared on a meeting by meeting basis by the SAPol management representative and Families SA management representative.

7. The Steering Committee shall:

- a. Meet on a quarterly basis as a minimum.
- b. Establish Agenda items including:
  - i. Standing items
  - ii. Monitoring and ongoing evaluation of MoAA requirements
  - iii. Concerns raised or issues identified through any LLG
  - iv. Dispute resolution
  - v. Identified best practice
- c. Provide a written response to any LLG or other person or forum where advice or dispute was derived.
- d. Resolve strategic MoAA issues, or issues referred by any LLG.
- e. Provide advice and feedback to the LLG via the meeting Minutes and also via direct communication from the relevant committee member.

- f. Provide advice to their respective Chief Executive as outlined in the Dispute Resolution Process within this MoAA.
- g. Implement working groups as required.
- h. Review the MoAA, LLG protocols and LLG reports to:
  - i. improve collaboration processes;
  - ii. identify best practice that may be utilised;
  - iii. ensure consistency of approach by LLGs concerning the Objectives and Principles in this MoAA;
  - iv. recommend amendments or change in concerning the MoAA and legislation;
  - v. consider current research literature and knowledge that is available from a wide evidence base that relates to the implementation of the MoAA; and
  - vi. provide advice to other parties, including the LLGs.
- 8. The Steering Committee will foster cross-agency training and education initiatives.
- 9. Families SA shall be responsible for the recording, dissemination and storing of Minutes who shall disseminate the Minutes within 21 days of each meeting.
- 10. The Minutes shall include the next Steering Committee meeting date and time.
- 11. Children and young people will only be referred to in the Minutes by their initials.

## TERMS OF REFERENCE MISSING CHILDREN LOCAL LIAISON GROUPS SAPol and Families SA

### 1. **Statement of intent**

SAPol, working collaboratively with Families SA, will develop and establish a Local Liaison Group (LLG) in each SAPol Local Service Area (LSA) in which Families SA Residential Care Facilities exist, including Families SA Agent Facilities (non-government organisations and commercial entities). The LLGs are a forum where SAPol and Families SA work cooperatively to problem solve issues identified at the local level.

### 2. Each LLG shall comprise of the following SAPol representatives:

- LSA Operations Senior Sergeant(s);
- Crime Prevention Section (CPS) Senior Sergeant and Sergeant;
- SAPol Care Contact Officers;
- General Duties Patrol Supervisor – Sergeant; and
- Other relevant SAPol personnel.

### 3. Each LLG shall comprise of the following Families SA representatives:

- Residential Care Facility Supervisors within the LSA;
- Supervisors / team leaders of non-government residential care facilities within the LSA;
- Families SA Office representative; and
- Other relevant Families SA personnel.

### 4. Proxies are to be assigned if a nominated member is unable to attend the meeting.

### 5. The LLG members are to identify relevant individuals and other local agencies involved with care and guardianship children and young people and ensure their attendance and participation where appropriate.

### 6. The CPS Senior Sergeant is to undertake the Chairperson role at each LLG meeting.

### 7. Families SA will provide personnel to undertake the secretarial and minute taking role.

### 8. Each LLG shall meet bi-monthly as a minimum. Additional meetings may be held to deal with local issues.

### 9. The LLG is to ensure consistent application of the operational protocols within each Agency's policy guidelines.

### 10. LLG representatives will use their best endeavours to resolve local operational disputes consistent with the MoAA requirements prior to any consideration of forwarding a dispute to the Missing Guardianship Children Steering Committee.

### 11. LLG Agendas are to be circulated to attendees at least 7 days prior to any meeting and are to include:

- issues identified;
- information sharing on missing children and young people;

- resource impact on for the past period;
  - response plans for patterns of absences;
  - child vulnerability and safety concerns;
  - Written Directive and harbouring and concealing concerns; and
  - best practice for information sharing.
12. The Chairperson will ensure LLG Minutes are disseminated to meeting representatives no later than 21 days after the meeting date.
  13. The Chairperson is responsible for the timely submission of LLG Minutes to the Missing Guardianship Children Steering Committee management representatives for SAPol and Families SA.
  14. Children and young people will only be referred to in the Minutes by their initials.
  15. The Minutes shall include the next LLG meeting date and time.
  16. The LLG may receive for consideration proposals from the Missing Guardianship Children Steering Committee where operational input is desirable.
  17. The Chairperson may be required to complete reports on request by the Missing Guardianship Children Steering Committee.

# Information Sheet

## Viewpoint, National Report & My Care Survey

### Table of Contents

1. Purpose .....	2
2. What is the National report on the views of children and young people in out-of-home care? .....	2
3. How will data be collected for the National report? .....	2
4. What survey tool is being used for the data collection? .....	2
5. What is Viewpoint? .....	3
6. How does Viewpoint work? .....	3
7. Which children and young people will be invited to complete a Viewpoint My Care Survey? .....	3
8. How does a child or young person complete a Viewpoint My Care Survey? .....	4
9. What is the process and what roles do people play in the Viewpoint My Care Survey process? .....	4
10. What is the specific role of the child or young person's case manager? .....	4
11. What about other Families SA staff? What role do they play? .....	5
12. How will we ensure that a child or young person is not pressured to respond in a particular way? .....	5
13. Is the Viewpoint My Care Survey anonymous? .....	5
14. What about confidentiality of the child or young person's responses? .....	5
15. What about informed consent? .....	6
16. Do children and young people have a choice about participating? .....	6
17. Do children and young people have a choice about who assists them complete the Viewpoint My Care Survey? .....	6
18. Won't children and young people be reluctant to take part if they know their case managers will see their answers? .....	7
19. How will a child or young person's information be used? .....	7
20. Do carers, family members or other significant people get to see a child or young person's responses? .....	7
21. How will the Viewpoint My Care Survey affect carers? .....	8
22. What if a child or young person's carer is reluctant to allow them to take part in the Viewpoint My Care Survey? .....	8
23. How often should a child or young person complete a Viewpoint My Care Survey? .....	8
24. Do children and young people still need to complete the Annual Review questionnaire? .....	9
25. How does Viewpoint fit with Solution Based Casework (SBC)? .....	9
26. Is there any further information about how to use the Viewpoint My Care Survey? .....	9



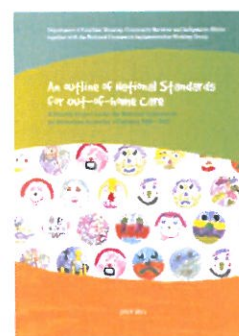
## 1. Purpose

This information sheet gives Families SA staff answers to a range of common questions raised about the national report on the views of children and young people in out-of-home (OoHC) care, Viewpoint and the My Care Survey.

## 2. What is the National report on the views of children and young people in out-of-home care?

In October 2010, State and Territory Ministers agreed to a set of 13 national standards for out-of-home care starting from 1 July 2011. The standards are a key priority under the National Framework for Protecting Australia's Children 2009-2020. The National Standards are designed to improve the outcomes and experiences for children and young people in out-of-home care by focusing on the key areas within care that directly influence positive outcomes.

Key to monitoring progress against the National Standards is capturing the views of children and young people in out-of-home care to gauge the difference the National Standards are making to their lives. To assist with capturing these views, all the states and territories are undertaking a bi-annual (every two years) national survey of children and young people in care.



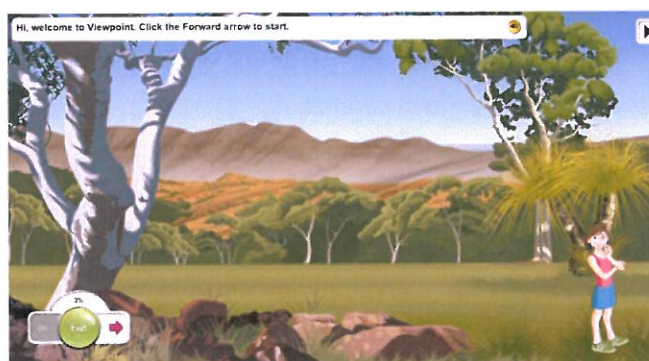
The first national report on the views of children and young people in care is due to Australian Government Ministers in 2015.

## 3. How will data be collected for the National report?

Data will be collected using survey methodology. The survey, called My Care Survey, will obtain the views of children and young people about certain aspects of their experiences living in OoHC. It will monitor and report against a number of the National Standards for OoHC, using data collected from the My Care Survey.

## 4. What survey tool is being used for the data collection?

Data will be collected using an Audio Computer-Assisted Self-Interviewing (ACASI) tool called Viewpoint.





## 5. What is Viewpoint?

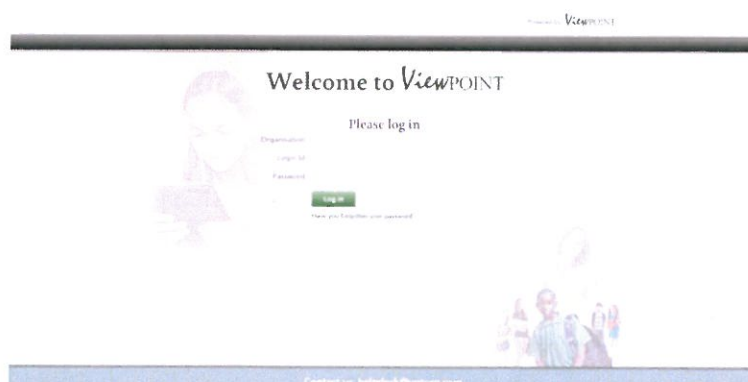
Viewpoint is a web-based software program that promotes participation in planning for children and young people. It offers:

- An interactive, computer-based self-interviewing tool for use by the child or young person as part of the care planning process. The tool can be modified to be utilised with children and young people of differing ages and literacy levels and with children and young people who have an intellectual or learning disability.
- A management reporting system which collates live data for use in service monitoring and improvement, strategic and operational planning, and reporting.

It is an easy-to-use, enjoyable way for children and young people to contribute to their case plans and Annual Reviews and to join with others in providing feedback about what's going well for them and where we need to improve the services and supports we provide to them as partners in their care.

## 6. How does Viewpoint work?

Most children and young people are comfortable with computers. Viewpoint offers a series of age-related questions about a child or young person's individual views, concerns, experiences and wishes.



Viewpoint has a choice of vibrant background themes and animated 'assistants' who guide the child or young person through the questions. There is an audio assistance function so that questions and answers can be spoken out loud. This can be a great help for children who have difficulties with literacy. Children set the pace themselves and there are game breaks to maintain interest. There is also a 'free text' option so that they can put in their own comments.

## 7. Which children and young people will be invited to complete a Viewpoint My Care Survey?

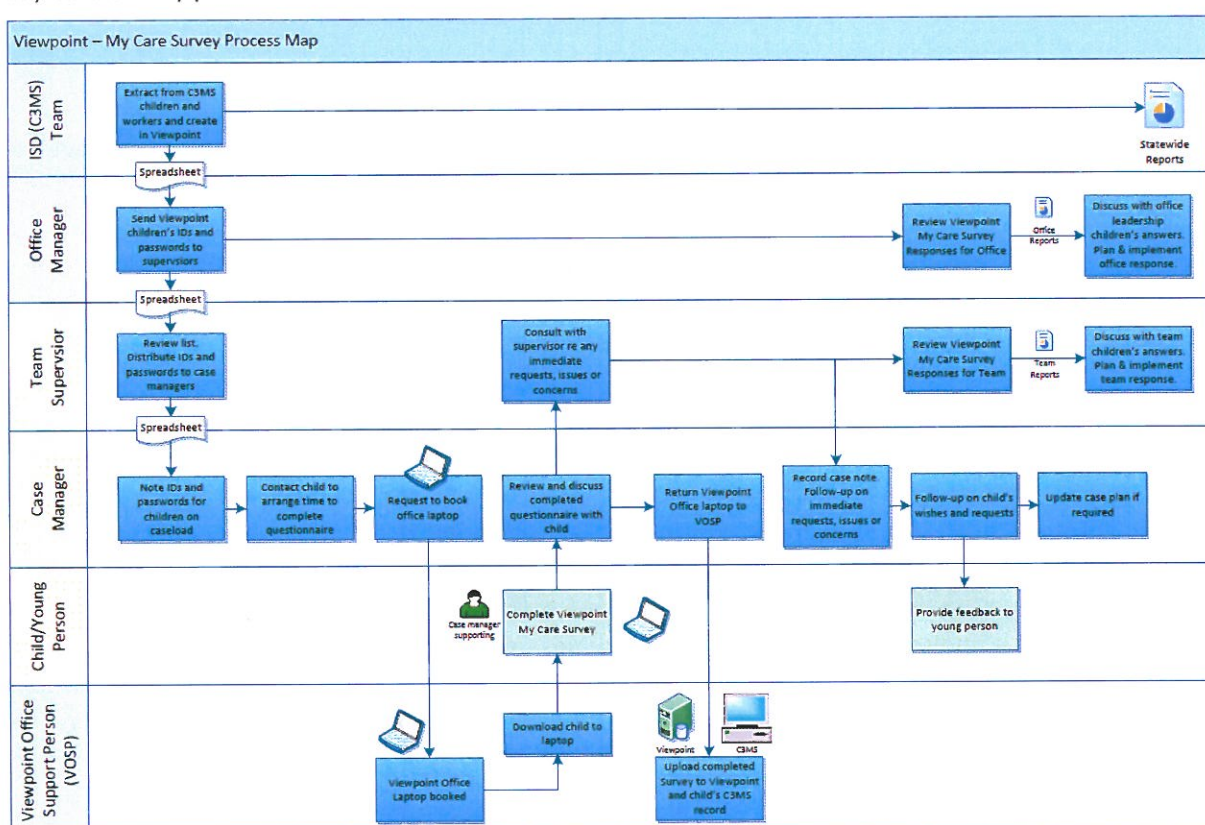
Initially, every child or young person eight (8) or more years of age who has been in care for three months or more will be invited to complete a Viewpoint My Care Survey. As we gain experience using Viewpoint additional questionnaires may be developed and other children and young people invited to participate.

## 8. How does a child or young person complete a Viewpoint My Care Survey?

The Viewpoint My Care Survey is completed on a Families SA laptop at a place chosen by the child or young person in discussion with their case manager: this may be at home or at the Families SA Office or other appropriate location.

## 9. What is the process and what roles do people play in the Viewpoint My Care Survey process?

The following process map outlines both the process and roles that Families SA staff play in the Viewpoint My Care Survey process.



## 10. What is the specific role of the child or young person's case manager?

Each child or young person's Families SA case manager (C3MS primary assigned worker) is responsible for:

- Facilitating the process for the child or young person to complete a Viewpoint My Care Survey
- Supporting and encouraging the child or young person before, during and after the child or young person completes their Viewpoint My Care Survey
- Following up with the child or young person any suggestions, ideas, wishes, issues or problems they raise in their Viewpoint My Care Survey



- Using the information provided by the child or young person to create or update the their case plan
- Making sure each child or young person under Guardianship of the Minister to 18 on their case load (who has been in OoHC for three months or more) completes a Viewpoint My Care Survey prior to their Annual Review.

## 11. What about other Families SA staff? What role do they play?

Other Families SA staff may be invited by the child or young person or the child or young person's case manager to be involved, however the child or young person's case manager is the primary person responsible for facilitating the process and assisting the child or young person complete the Viewpoint My Care Survey. They are also responsible for supporting and following up with the child or young person their ideas, suggestions and any concerns.

## 12. How will we ensure that a child or young person is not pressured to respond in a particular way?



Families SA case managers will be trained to provide encouragement and support for children and young people to participate in giving their opinions, thoughts and ideas through the Viewpoint My Care Survey. They will also be trained to not interfere in the process so the child or young person does not feel under any pressure to give 'right' or 'wrong' answers or the answer the child or young person thinks the case manager wants hear.

## 13. Is the Viewpoint My Care Survey anonymous?

No. A child or young person's completed individual Viewpoint My Care Survey may be seen by their case manager as well as the team senior practitioner, supervisor and office manager as well as Families SA staff who administer the system. As the completed survey will be uploaded to C3MS, it may also be seen by other Families SA staff who have a legitimate reason to access the information e.g. Annual Review panel. This is no different to other information a child or young person provides to their case manager which is subsequently recorded on C3MS.

## 14. What about confidentiality of the child or young person's responses?

When children and young people are asked to be open and share very personal information in any forum, they need to feel confident that the information they provide won't be automatically shared with others. Families SA staff need to be aware of, and adhere to, legislative and policy requirements for handling client information. These requirements, and links to the applicable legislation and policies, are detailed in the [C3MS Privacy Statement](#). In particular, staff need to ensure they are complying with Premier & Cabinet Circular No 12; more commonly known as the [Information Privacy Principles \(IPPs\) Instruction](#).

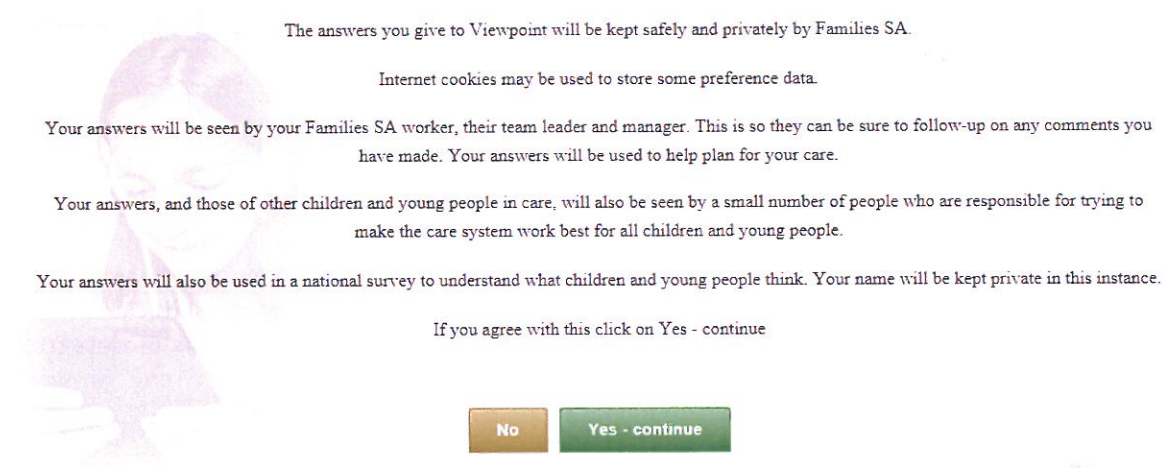
Case managers will be trained to explain to children and young people:

- Who will see their Viewpoint My Care Survey answers

- How the answers they give will be used. Young people will be told that their answers will be combined anonymously with the answers given by other children and young people so we can hear from them as a group and improve the services we provide.
- That their responses in Viewpoint are confidential and won't be disclosed to other people without their consent unless there's some reason Families SA is concerned about their safety or unless their file is subpoenaed by a court of law. This same rule applies to any communication between a child or young person and Families SA and is therefore no different from a discussion, phone call, email or letter that is on a child or young person's C3MS case record.

## 15. What about informed consent?

When children and young people log on to Viewpoint, one of the first things they will see is the following consent statement about who will see their answers and how their information will be used.



The answers you give to Viewpoint will be kept safely and privately by Families SA.

Internet cookies may be used to store some preference data.

Your answers will be seen by your Families SA worker, their team leader and manager. This is so they can be sure to follow-up on any comments you have made. Your answers will be used to help plan for your care.

Your answers, and those of other children and young people in care, will also be seen by a small number of people who are responsible for trying to make the care system work best for all children and young people.

Your answers will also be used in a national survey to understand what children and young people think. Your name will be kept private in this instance.

If you agree with this click on Yes - continue

The child or young person's case manager is responsible for carefully explaining this information to them. If the child or young person agrees, they click the 'Yes – continue' button. If they do not agree they click the 'No' button and log out of Viewpoint. The choice is the child or young persons.

## 16. Do children and young people have a choice about participating?

Yes. Children and young people are invited and encouraged to participate in completing a Viewpoint My Care Survey, however participation is voluntary.

## 17. Do children and young people have a choice about who assists them complete the Viewpoint My Care Survey?

Yes. Case managers will give children and young people an option to choose who they would like to sit with them during the completion of the survey. The child or young person's case manager will need to set up the laptop and help the child or young person login to Viewpoint, however once that's done the child can complete the My Care Survey on their own, with their case manager present or with another appropriate person. The case manager is responsible for discussing this with the child or young person.



## 18. Won't children and young people be reluctant to take part if they know their case managers will see their answers?

Viewpoint is used in over 130 jurisdictions worldwide with children and young people in OoHC (as well as other young people e.g. young people involved with the Youth Justice system). Feedback from the Viewpoint organisation indicates that generally children and young people don't mind their case managers (or other workers) seeing their answers. The more important factors are that they know that their case managers are:

- really listening to what they have to say
- going to act on their thoughts, feelings, suggestions, ideas and any problems or issues they raise.

## 19. How will a child or young person's information be used?

A child or young person's completed Viewpoint My Care Survey responses will be used in two ways:

### 1. Individual case management

Once the child or young person has completed their Viewpoint questionnaire, their case manager will go through the responses with the child or young person to discuss their answers and to agree on anything that needs follow-up. This is a critical part of the process, where the case manager uses reflective skills to help the child or young person expand on what they've said in the questionnaire to develop an understanding of what they mean, and generate possible actions or solutions.

Once the questionnaire is completed it will be uploaded to the Viewpoint database and will be stored on the child or young person's C3MS record.

The child or young person's responses will then be used by their case manager to create or update their case plan. Their responses will also be reviewed prior to their Annual Review (for children and young people on Guardianship to 18 Orders). The child or young person's responses should also be reviewed whenever key decisions are being made about case direction.

### 2. Service development

De-identified survey data will be used to prepare the 2015 national report on the views of children and young people in OoHC. This report will be considered by governments and the community sector through governance arrangements under the National Framework for Protecting Australia's Children 2009-2020.

Jurisdictions may consider improvements separately as part of policy and practice reviews and broader reform of their out-of-home care strategies. Within Families SA we will use the aggregated information provided by children and young people in their Viewpoint My Care Surveys to help improve and build our OoHC system. We will also use the information to improve the services and supports we provide to children and young people in OoHC.

## 20. Do carers, family members or other significant people get to see a child or young person's responses?

With the child or young person's agreement, their individual Viewpoint responses can be discussed with carers, family members and other significant people. Positive feedback and any other issues raised by a

child or young person about their placement will be shared with carers but only if the child or young person agrees to this disclosure.

Where a child or young person doesn't want to share information, their case manager will negotiate with them to find other ways of addressing their issues. This is no different from any other situation when a child or young person raises issues with their case manager.

## 21. How will the Viewpoint My Care Survey affect carers?

Although Viewpoint is new, there's nothing new about case managers talking to children and young people to find out about their experiences, wishes and concerns. Viewpoint is just another way that children and young people have a chance to say what they think and for their case managers to listen to what they have to say. The rules about confidentiality are the same as before and any issues which arise about placements will be dealt with in the same way.

What will change is the amount and quality of information we receive from children and young people in care, both individually and as a group. This will benefit children and young people by improving their participation and will also help us to see where we're getting it right and where we need to improve what we're doing.

## 22. What if a child or young person's carer is reluctant to allow them to take part in the Viewpoint My Care Survey?

We don't anticipate that this will occur, however if it does then it will be the role of the case manager to talk sensitively to the carer about the importance of:

- The Viewpoint My Care Survey being just another way that case managers listen to children and young people. Case managers already meet with children and young people to talk about what's important to them, etc. The Viewpoint survey is just a different way of doing the same thing.
- Giving children and young people a chance to have a voice and then acting upon what they have to say. This could lead to improvements and benefits for everyone involved in the OoHC system.
- The survey being part of a nationally agreed approach. All the other states and territories in Australia are taking part in the survey and the majority are using Viewpoint as the survey tool.

## 23. How often should a child or young person complete a Viewpoint My Care Survey?

At present, Families SA is only using one questionnaire in Viewpoint, the My Care Survey. This survey is being implemented in a two stage approach:

### Stage One - 2015: for the national report

- children and young people aged 8-17 who have been in OoHC for three months or longer will complete the Viewpoint My Care Survey between March and June 2015

### Stage Two - ongoing: as part of case management

- children and young people aged 8-17 will be invited to complete a Viewpoint My Care Survey every 12 months. Ideally, this will be:



- prior to their case plan being updated **or**
- prior to their Annual Review (for child or young person under Guardianship to 18 orders).

This will ensure that the children and young people have a clear voice in their case planning and review processes.

## 24. Do children and young people still need to complete the Annual Review questionnaire?

No. The Viewpoint My Care Survey replaces the old Annual review questionnaire.

Children and young people should be invited to complete a Viewpoint My Care Survey prior to their Annual Review. The child or young person's completed Viewpoint My Care Survey should be uploaded to C3MS and be available to the panel at the time of the Annual Review.

## 25. How does Viewpoint fit with Solution Based Casework (SBC)?

The basic tenets of Solution Based Casework are:

- families encounter common developmental challenges
- dangerous behaviour occurs in the context of everyday life
- case planning for prevention must be tied to these events
- case planning must target the reinforcement and development of situation specific relapse prevention skills.

Using Viewpoint questionnaires with parents, carers and child or young person helps the process of engagement. Responses to questions can form the basis for family based conversations to identify current developmental challenges and the behaviour patterns that influence these.

SBC requires the development of plans that target skill development in everyday life events and the setting of objectives. Viewpoint questionnaires can incorporate individual objectives and can even monitor the extent to which they have been achieved.

## 26. Is there any further information about how to use the Viewpoint My Care Survey?

The following guides and information sheets provide specific information for Families SA staff about how to use Viewpoint.

1. [Process Map – Viewpoint My Care Survey](#)

One page overview of who is responsible for what in the Viewpoint My Care Survey process

2. [Procedure – Viewpoint My Care Survey](#)

Detailed information about the processes, procedures, roles and responsibilities required of Families SA staff for managing the surveying of children and young people in OoHC using Viewpoint



There are also a range of guides and articles on the South Australia section of the [Viewpoint Learning Hub](#).



To access the Learning Hub you require a unique User ID and password.

If you are the primary assigned worker for an eligible child you will automatically be sent an email regarding how to access the Viewpoint Learning Hub.

If you do not work in an office and would like access, please email: [DECDFamiliesC3MSTeam@sa.gov.au](mailto:DECDFamiliesC3MSTeam@sa.gov.au).

## Document Owner(s)

Name	Position and Directorate
Robyn Skilbeck	A/Director, Divisional Services

## Version Control

Version	Date	Author	Revision Description
0.1	22/10/2014	Leon Doecke	Draft
0.2	03/11/2014	Leon Doecke	Draft – updated with additional question regarding whether the child can choose who sits with them while they complete the survey.
0.3	05/02/2015	Leon Doecke	Updated with minor changes based on feedback from the Viewpoint Pilot at Northern Guardianship
0.4	26/02/2015	Leon Doecke	Minor editing changes.

## Approval

Approved by	Position and Directorate	Date
Robyn Skilbeck	A/Director, Divisional Services	26/02/15

Questionnaire South Australia My Care Survey v2  
Report Run 12/01/15

Q 1 : Hi, welcome to Viewpoint. Click the Forward arrow to start.

*Question Type:* Statement

*Response Style:* Statement

Q 2 : Do you feel settled where you live now?

*Question Type:* Integer

*Response Style:* Multiple Choice

Response 1	Not at all	Weight	0		
Response 2	Not really	Weight	33		
Response 3	Just about	Weight	67		
Response 4	Yes, completely	Weight	100	Goto	4

Q 3 : Can you say why you don't feel settled? Type your answer in the box below.

*Question Type:* Memo

*Response Style:* Open Field

Q 4 : How do you think you get on with your carer?

*Question Type:* Integer

*Response Style:* Multiple Choice

Response 1	Not very well	Weight	0
Response 2	Okay	Weight	33
Response 3	Fairly well	Weight	67
Response 4	Very well	Weight	100

Q 5 : Is your carer someone you can talk to?

*Question Type:* Integer

*Response Style:* Multiple Choice

Response 1	No, not at all	Weight	0
Response 2	Not really	Weight	33
Response 3	Yes, mostly	Weight	67
Response 4	Yes, definitely	Weight	100

Q 6 : Does your carer or someone else encourage you to do things with other people, such as sport, community or cultural activities?

*Question Type:* Text

*Response Style:* Multiple Choice

Response 1	Never
Response 2	Not very often
Response 3	Most of the time
Response 4	All the time
Response 5	I am not interested in these things

Q 7 : What things do you like doing with your carers or carer family?

*Question Type:* Memo

*Response Style:* Open Field

Q 8 : Do you get help from your carer with your school work?

*Question Type:* Integer

*Response Style:* Multiple Choice

Response 1	Never	Weight	0
Response 2	Not very often	Weight	33
Response 3	Most of the time	Weight	67
Response 4	All of the time	Weight	100

Q 9 : Do your carers encourage you to learn and do your best at school?

*Question Type:* Integer

*Response Style:* Multiple Choice

Response 1	Never	Weight	0
Response 2	Not very often	Weight	33
Response 3	Most of the time	Weight	67
Response 4	All of the time	Weight	100

Q 10 : Does your carer notice when you have done something well?

*Question Type:* Integer

*Response Style:* Multiple Choice

Response 1	Never	Weight	0
Response 2	Not very often	Weight	33
Response 3	Most of the time	Weight	67
Response 4	All the time	Weight	100

Q 11 : Are there any sports, hobbies or other activities you would like to try?

*Question Type:* Memo

*Response Style:* Open Field

Q 12 : Do you feel safe where you live now?

*Question Type:* Integer

*Response Style:* Multiple Choice

Response 1	Not at all	Weight	0		
Response 2	Not really	Weight	33		
Response 3	Just about	Weight	67		
Response 4	Yes, completely	Weight	100	Goto	14

Q 13 : Can you say why you don't feel safe?

*Question Type:* Memo

*Response Style:* Open Field

Q 14 : How close do you feel to the people you are living with now? (By 'how close', we mean how important and special they are to you.)

*Question Type:* Integer

*Response Style:* Multiple Choice

Response 1	Very close	Weight	100
Response 2	Fairly close	Weight	67
Response 3	A bit close	Weight	33
Response 4	Not close at all	Weight	0

Q 15 : And how close do you feel to family members who you don't live with?

*Question Type:* Integer

*Response Style:* Multiple Choice

Response 1	Very close	Weight	100
------------	------------	--------	-----

Response 2	Fairly close	Weight	67
Response 3	A bit close	Weight	33
Response 4	Not close at all	Weight	0

Q 16 : What do you like best about your carers or carer family?

*Question Type:* Memo

*Response Style:* Open Field

Q 17 : What would you like to be better, or different, about your carers or carer family?

*Question Type:* Memo

*Response Style:* Open Field

Q 18 : For family you don't live with, do you get to VISIT your family?

*Question Type:* Text

*Response Style:* Multiple Choice

Response 1	Less than I want
Response 2	As much as I want
Response 3	More than I want

Q 19 : How often do you get to TALK to your family you don't live with? (Including phone calls)

*Question Type:* Text

*Response Style:* Multiple Choice

Response 1	Less than I want
Response 2	As much as I want
Response 3	More than I want

Q 20 : Do you get to WRITE to your family? (Including emails, messaging, letters)

*Question Type:* Text

*Response Style:* Multiple Choice

Response 1	Less than I want
Response 2	As much as I want
Response 3	More than I want

Q 21 : Is there anything you want to change about contact with your family?

*Question Type:* Memo

*Response Style:* Open Field

Q 22 : You can have a game break now, if you want. Click on the game button, or just click forward to continue to the next question. [Game Break]

*Question Type:* Statement

*Response Style:* Statement

Q 23 : Do you see your friends as much as you want?

*Question Type:* Integer

*Response Style:* Multiple Choice

Response 1	No	Weight	0
Response 2	Sometimes	Weight	50
Response 3	Yes	Weight	100

Q 24 : Do you have an adult who cares about what happens to you now and in the future?

*Question Type:* Integer

*Response Style:* Multiple Choice

Response 1	Yes	Weight	100	Goto	26
Response 2	No	Weight	0		

Q 25 : Do you have someone else (who is not an adult) who cares about what happens to you now and in the future?

*Question Type:* Integer

*Response Style:* Multiple Choice

Response 1	Yes	Weight	100		
Response 2	No	Weight	0	Goto	27

Q 26 : Do you see this person as often as you want?

*Question Type:* Integer

*Response Style:* Multiple Choice

Response 1	Not at all	Weight	0
Response 2	Not really	Weight	33
Response 3	Most of the time	Weight	67
Response 4	All of the time	Weight	100

Q 27 : How do your carers or carer family show they care about you?

*Question Type:* Memo

*Response Style:* Open Field

Q 28 : How much do you know about your family background and your culture?

*Question Type:* Integer

*Response Style:* Multiple Choice

Response 1	Nothing	Weight	0
Response 2	Some things	Weight	33
Response 3	A lot	Weight	100

Q 29 : Do you keep things about your life, such as photos, a life story book, or a memory box?

*Question Type:* Integer

*Response Style:* Multiple Choice

Response 1	Not at all	Weight	0
Response 2	Not really	Weight	33
Response 3	Some, but I want more	Weight	67
Response 4	Yes, as much as I like	Weight	100

Q 30 : Are you helped to follow your religion, beliefs and customs where you live?

*Question Type:* Integer

*Response Style:* Multiple Choice

Response 1	No	Weight	0
Response 2	Sometimes	Weight	50
Response 3	Yes	Weight	100
Response 4	Does not apply to me	Weight	110

Q 31 : Do you get to have a say in what happens to you, such as where you live, your school and learning, and your future?

*Question Type:* Integer

*Response Style:* Multiple Choice

Response 1	Never	Weight	0
Response 2	Not very often	Weight	33
Response 3	Most of the time	Weight	67
Response 4	All the time	Weight	100

Q 32 : Do people listen to what you say?

*Question Type:* Integer

*Response Style:* Multiple Choice

Response 1	Never	Weight	0
Response 2	Not very often	Weight	33
Response 3	Most of the time	Weight	67
Response 4	All the time	Weight	100

Q 33 : Do people explain the decisions made about you?

*Question Type:* Integer

*Response Style:* Multiple Choice

Response 1	Never	Weight	0
Response 2	Not very often	Weight	33
Response 3	Most of the time	Weight	67
Response 4	All the time	Weight	100

Q 34 : Does your social worker visit as often as you need?

*Question Type:* Integer

*Response Style:* Multiple Choice

Response 1	Not at all	Weight	0
Response 2	Not really	Weight	33
Response 3	Just about	Weight	67
Response 4	Yes, definitely	Weight	100

Q 35 : Is your social worker someone you can talk to?

*Question Type:* Integer

*Response Style:* Multiple Choice

Response 1	No, not at all	Weight	0
Response 2	Not really	Weight	33
Response 3	Yes, mostly	Weight	67
Response 4	Yes, definitely	Weight	100

Q 36 : Does your social worker help you?

*Question Type:* Integer

*Response Style:* Multiple Choice

Response 1	No, not at all	Weight	0
Response 2	Not really	Weight	33
Response 3	Yes, mostly	Weight	67
Response 4	Yes, definitely	Weight	100

Q 37 : How do you feel about school?

*Question Type:* Integer

*Response Style:* Multiple Choice

Response 1	I hate school	Weight	0
Response 2	I don't like school very much	Weight	33



Response 3	I like school a bit	Weight	67
Response 4	I like school very much	Weight	100

Q 38 : Do you think you are doing well at school?

*Question Type:* Integer

*Response Style:* Multiple Choice

Response 1	Not at all	Weight	0
Response 2	Not really	Weight	33
Response 3	Sometimes	Weight	67
Response 4	Yes, definitely	Weight	100

Q 39 : Is there anything at school that you would like help with? Click in the box below and type your answer.

*Question Type:* Memo

*Response Style:* Open Field

Q 40 : What are you really good at? Click in the box below and type your answer.

*Question Type:* Memo

*Response Style:* Open Field

Q 41 : In general, do your teachers treat you fairly?

*Question Type:* Integer

*Response Style:* Multiple Choice

Response 1	Never	Weight	0
Response 2	Not very often	Weight	33
Response 3	Most of time	Weight	67
Response 4	All of the time	Weight	100

Q 42 : Do your teachers give you extra help if you need it?

*Question Type:* Integer

*Response Style:* Multiple Choice

Response 1	Never	Weight	0
Response 2	Not very often	Weight	33
Response 3	Most of the time	Weight	67
Response 4	All of the time	Weight	100

Q 43 : Are you aged 15 to 17?

*Question Type:* Text

*Response Style:* Multiple Choice

Response 1	Yes		
Response 2	No	Goto	53

Q 44 : Do you get enough help to make decisions about your future?

*Question Type:* Integer

*Response Style:* Multiple Choice

Response 1	Not at all	Weight	0
Response 2	Not really	Weight	33
Response 3	Some, but I need more	Weight	67
Response 4	Yes, as much as I need	Weight	100

Q 45 : Do you get enough help with education, training and work?

*Question Type:* Integer

*Response Style:* Multiple Choice

Response 1	Not at all	Weight	0
Response 2	Not really	Weight	33
Response 3	Some, but I need more	Weight	67
Response 4	Yes, as much as I need	Weight	100
Response 5	Does not apply to me	Weight	110

Q 46 : Do you get enough help with managing your money?

*Question Type:* Integer

*Response Style:* Multiple Choice

Response 1	Not at all	Weight	0
Response 2	Not really	Weight	33
Response 3	Some, but I need more	Weight	67
Response 4	Yes, as much as I need	Weight	100
Response 5	Does not apply to me	Weight	110

Q 47 : Do you get enough help with keeping healthy?

*Question Type:* Integer

*Response Style:* Multiple Choice

Response 1	Not at all	Weight	0
Response 2	Not really	Weight	33
Response 3	Some, but I need more	Weight	67
Response 4	Yes, as much as I need	Weight	100
Response 5	Does not apply to me	Weight	110

Q 48 : Do you get enough help with learning household skills like cleaning and cooking meals?

*Question Type:* Integer

*Response Style:* Multiple Choice

Response 1	Not at all	Weight	0
Response 2	Not really	Weight	33
Response 3	Some, but I need more	Weight	67
Response 4	Yes, as much as I need	Weight	100
Response 5	Does not apply to me	Weight	110

Q 49 : Do you get enough help with staying in touch with friends and family?

*Question Type:* Integer

*Response Style:* Multiple Choice

Response 1	Not at all	Weight	0
Response 2	Not really	Weight	33
Response 3	Some, but I need more	Weight	67
Response 4	Yes, as much as I need	Weight	100
Response 5	Does not apply to me	Weight	110

Q 50 : Do you get enough help with staying in touch with your culture and religion?

*Question Type:* Integer

*Response Style:* Multiple Choice

Response 1	Not at all	Weight	0
Response 2	Not really	Weight	33
Response 3	Some, but I need more	Weight	67
Response 4	Yes, as much as I need	Weight	100

Response 5	Does not apply to me	Weight	110
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Q 51 : Do you get enough help with housing/accommodation?

*Question Type:* Integer

*Response Style:* Multiple Choice

Response 1	Not at all	Weight	0
Response 2	Not really	Weight	33
Response 3	Some, but I need more	Weight	67
Response 4	Yes, as much as I need	Weight	100
Response 5	Does not apply to me	Weight	110

Q 52 : Do you get enough help with accessing legal services?

*Question Type:* Integer

*Response Style:* Multiple Choice

Response 1	Not at all	Weight	0
Response 2	Not really	Weight	33
Response 3	Some, but I need more	Weight	67
Response 4	Yes, as much as I need	Weight	100
Response 5	Does not apply to me	Weight	110

Q 53 : Thank you for answering these questions. We are trying to see if this is a good way of asking about your views. It would be really helpful if you could answer a few more questions. If you don't want to you can finish. What do you want to do?

*Question Type:* Text

*Response Style:* Multiple Choice

Response 1	Finish	Goto	56
Response 2	Answer the questions		

Q 54 : Did you like using Viewpoint?

*Question Type:* Integer

*Response Style:* Multiple Choice

Response 1	Yes, definitely	Weight	100
Response 2	It was OK	Weight	67
Response 3	Not really	Weight	33
Response 4	Not at all	Weight	0

Q 55 : Were you asked about things important to you?

*Question Type:* Integer

*Response Style:* Multiple Choice

Response 1	Yes, definitely	Weight	100
Response 2	Yes, mostly	Weight	67
Response 3	Not really	Weight	33
Response 4	Not at all	Weight	0

Q 56 : That's all! Thanks for answering these questions. You can have another game break now by clicking on the game button, or click Finish to exit. [Game Break]

*Question Type:* Statement

*Response Style:* Statement

# Youth Participation Strategy

*This strategy should be read in conjunction with the Youth  
Participation Policy*

March 2015



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## Executive Summary

The Office of the Guardian for Children and Young People promotes and protects the rights of children and young people under the guardianship, or in the custody, of the Minister for Education and Child Development, and young people detained in the youth training centre.

We value the voices of children and young people and their active involvement in decisions that affect their lives. Children and young people's experience of out-of-home care is significantly different from adults working in child protection and out-of-home care.

We have a policy to promote the participation of children and young people in care in the activities of our Office. The Youth Participation Strategy details how we implement our Youth Participation Policy.

Strengthening the voice of children and young people in decisions that affect them is a legislative and policy commitment in child protection and a foundation of the *UN Convention on the Rights of the Child*.

The benefits of involving and engaging children and young people in activities and decision-making reach far beyond those children directly involved.

Our Policy and Strategy will be reviewed annually.

## Contents

<b>1 Functions of the Office and legislative obligations .....</b>	<b>1</b>
<b>2 Youth participation .....</b>	<b>2</b>
<b>3 Benefits of youth participation .....</b>	<b>3</b>
<b>4 Youth participation policy .....</b>	<b>5</b>
<b>5 Youth participation opportunities for children and young people.....</b>	<b>5</b>
<i>History: Youth Advisors and Youth Advisory Committee .....</i>	<i>5</i>
<i>Consultation and advice.....</i>	<i>6</i>
<i>Project Reference Groups.....</i>	<i>6</i>



## 1 Functions of the Office and legislative obligations

The Office of the Guardian for Children and Young People promotes and protects the rights of all children and young people under the age of 18 years in out-of-home care. This includes those who are in relative or kinship care, foster care, residential care or secure custody. We work with others to improve services to children and young people in out-of-home care, promote and protect their rights and to strengthen their voice. To do this we work in partnership with children and young people, their families and carers, government agencies and non-government organisations.

The *Children's Protection Act 1993* (Section 52C) attributes the following functions to our office:

- To promote the best interests of children under the guardianship, or in the custody, of the Minister, and in particular those in alternative care.
- To act as an advocate for the interests of children under the guardianship, or in the custody, of the Minister and in particular, for any such child who has suffered, or is alleged to have suffered, sexual abuse.
- To monitor the circumstances of children under the guardianship, or in the custody, of the Minister.
- To provide advice to the Minister on the quality of the provision of care for children under the guardianship, or in the custody of, the Minister and on whether the children's needs are being met.
- To inquire into, and provide advice to the Minister in relation to, systemic reform necessary to improve the quality of care provided for children in alternative care.
- To investigate and report to the Minister on matters referred to the Guardian by the Minister.

The Office of the Guardian's obligations to establish and maintain a youth advisory committee are outlined in the *Children's Protection Act 1993* (Division 2, 52EA) and are as follows:

- (1) The Guardian must establish and maintain a Youth Advisory Committee.
- (2) Subject to subsection (3), membership of the Committee is to be determined by the Guardian.

(3) The Committee is to include children who are, or have been, under the guardianship, or in the custody, of the Minister.

(4) The Committee's primary function is to assist the Guardian in the performance of the Guardian's functions by ensuring that the Guardian is aware of the experiences of, and receives advice from, children who are, or have been, under the guardianship, or in the custody, of the Minister.

(5) The Committee has such other functions as are assigned to the Committee by the Guardian.

(6) The Guardian may consult the Committee, or members of the Committee, as the Guardian thinks fit.

(7) The Committee will, subject to direction by the Guardian as to the procedures it is to adopt, determine its own procedures.

For the purpose of this strategy a committee is defined as 'a group of people chosen or appointed to perform a specified service or function' (*Collins English Dictionary, Online*).

## 2 Youth participation

*Youth participation* involves recognising and nurturing the strengths, interests and abilities of young people<sup>1</sup>. Genuine participation means providing opportunities for young people to be actively involved in decisions that affect their lives and their communities.

Young people's experience in out-of-home care and the youth training centre is significantly different from adults working in child protection, youth justice and out-of-home care. We are committed to ensuring that the voice and experience of young people who are, or have been, under the guardianship or in the custody of, the Minister are incorporated wherever possible in any projects or activities undertaken by our office.

The 'participation articles' (12, 13 and 15) in the United Nations' *Convention on the Rights of the Child (CROC)* includes the rights of children:

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<sup>1</sup> The use of the term 'young people' is inclusive of children and young people.

- To receive and impart information;
- To form associations;
- To express themselves; and
- To be involved in decision-making.

To achieve this, we provide opportunities for children and young people in care to provide advice, suggestions and guidance on matters that affect those under the guardianship, or in the custody, of the Minister.

### 3 Benefits of youth participation

The benefits of involving and engaging children and young people in activities and decision-making are not just to the participants and our Office, but also to other children and young people in care, carers, Families SA and the wider community.

#### *Benefits for participating children and young people*

- Opportunity for children and young people to be involved in decision-making.
- Recognises and nurtures their interests and abilities, and builds on their strengths.
- Develops skills and experience.
- A greater sense of acceptance, respect and being valued.
- Deepens peer support and opportunity for positive influence upon each other.
- Greater ability for children and young people in care to identify their own priorities and influence others' priorities.
- Opportunity to demonstrate their capacity as responsible, participating members of the community.
- Increased knowledge of the out-of-home care system and what it means in general for young people in care.
- Opportunity to do something that benefits other children and young people.

*Benefits for children and young people in care*

- Demonstration of respecting and acknowledging the rights of children and young people and engaging them in influencing policy and practice.
- Improves the practice and quality of services through promoting the views of young people engaged in the Office's activities.

*Benefits for the community*

- Promotes community engagement and active citizenship.
- Builds an understanding of the lived experience of being in care.
- Contributes to better decision-making, informed by the voice of young people.
- Contributes to the development of more sustainable and effective programs and services.

*Benefits for the Guardian for Children and Young People*

- Increases team members' skills and job satisfaction.
- Enhances confidence in the advice provided to others about systemic reform.
- Contributes to the development of structures that promote the involvement of children and young people.
- Enables *Being in Care* resources to be targeted more effectively.
- Increases the awareness of our Office and its functions among children and young people in care.
- Enhances the credibility of the Office in advocating with other organisations on behalf of children and young people in care.
- Enhances the credibility and accountability of our Office among children and young people in care.
- Influences attitudes and practices about the participation of children and young people.

*Limitations*

For youth participation to be effective and of value to young people and the Office it is necessary to be aware of what may prevent children and young people from participating. This Strategy is intended to minimise the obstacles to genuine and

meaningful participation, which include strained resources, and competing annual work plan demands. The physical office space is not conducive to facilitating groups or having groups of young people attend in person.

The office acknowledges that some of the limitations to youth participation for children and young people include confidence in speaking in front of others, other commitments that take priority, travel and location of activities, emotionally ready to talk about their views and experiences and awareness of opportunities to have a say.

#### **4 Youth Participation Policy**

We have developed an organisational policy to promote the participation of children and young people in care in the work of the Office. This Strategy should be read in conjunction with our *Youth Participation Policy*.

#### **5 Youth participation opportunities for children and young people**

Children and young people in care are not a uniform group. They vary markedly in age, developmental stage, family and care experiences, interests, knowledge and skills. One person will not represent the whole group. Recognising the diversity among children and young people under the guardianship, or in the custody, of the Minister, our Office is committed to hearing from a number of young people.

##### *History: Youth Advisors and Youth Advisory Committee*

Our long-standing, principal youth participation structure has been our team of Youth Advisors. Two Youth Advisors commenced in 2005, growing in numbers in the years to follow. The Office received invaluable advice and guidance from the Youth Advisors who met regularly at our office. Achievements of the Youth Advisors are many and include the development of the *Charter of Rights for Children and Young People in Care*, the creation of *Being in Care* materials and the presentation of certificates to organisations that have endorsed the Charter of Rights. Advisors have also been guest speakers at functions, assisted with the selection of staff, been involved in the review of foster carer training and responded to the Children in State Care Commission of Inquiry recommendations.

Building on our Youth Advisors model and because of amendments to the *Children's Protection Act 1993*, during 2010 the Office recruited a Youth Advisory Committee (YAC). Unfortunately, over a twelve-month period attendance declined and the YAC membership was limited to only the Youth Advisors.

In early 2013, the Office reviewed its youth participation, sparked by a changing group of Youth Advisors who were heading in new directions and taking on new challenges.

#### *Consultation and advice*

Following the review, a new participation model was adopted to engage a greater number of children and young people in providing advice to the Guardian.

Consultation occurs via (up to) six sessions with different groups of children and young people, held over a 12-month period, which the Guardian will attend. The consultation groups involve a minimum of four and preferably no more than 12 children and young people. The groups are either pre-existing or brought together for the purpose of a consultation. The sessions are facilitated by GCYP and the host agency. Every consultation is semi-structured, to capture both the pre-determined topics for consultation and the open consultation for views on other topics.

Information is recorded by the facilitator, or other nominated person, and used by the Office. Feedback is sought from and provided to the group on how the information is used, the method for doing this is determined on a session-by-session basis.

The advocacy team is responsible for the coordination, support, monitoring and review of youth participation strategies at the office, but all team members are responsible for implementing our strategy.

Consultation costs are met from within the Office's operating budget.

#### *Project Reference Groups*

Reference groups of young people are convened for projects and systemic inquiries. Examples of past reference groups include the creation of comic books for children in care, the Review of Programs in Secure Care (2008), and Quality Contact between Children and Young People in Care and their Case Workers (2009).

Almost all systemic inquiries will include interviews with children and young people as part of the evidence gathering and to hear their views on improvements.



Our monitoring activities also garner the views of children and young people, such as talking with residents as part of reviewing conditions in residential care and secure custody.

Feedback or questions can be directed to the GCYP Advocacy Team, 8226 8570 or [gcyp@gcyp.sa.gov.au](mailto:gcyp@gcyp.sa.gov.au)

# Annual Report

2013-2014



**Government of South Australia**

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Office of the Guardian  
for Children and Young People

October 2014

ISSN 1833-9484

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The Hon Jennifer Rankine MP  
Minister for Education and Child Development  
GPO Box 1563  
ADELAIDE SA 5001

Dear Minister

I am pleased to present to you the annual report of the Guardian for Children and Young Persons for the year ended 30 June 2014, as required under Section 52D(2) of the *Children's Protection Act 1993*.

This report provides a summary of the activities and achievements for the 2013-14 financial year.

Yours sincerely

Pam Simmons  
Guardian

7 October 2014

# Contents

<b>What we do .....</b>	<b>1</b>
<b>The year in review .....</b>	<b>5</b>
<b>Functions and outcomes .....</b>	<b>10</b>
Promote.....	11
Advocate.....	13
Monitor.....	18
Advise .....	24
Inquire .....	32
Investigate .....	34
<b>Our organisation.....</b>	<b>35</b>

## What we do

The Office of the Guardian for Children and Young People promotes and protects the rights of all children and young people under the age of 18 years who are under court orders granting guardianship or custody to the Minister for Education and Child Development.

The position of Guardian for Children and Young Persons was established in an amendment to the *Children's Protection Act 1993* proclaimed on 1 February 2006.

We work to improve services to children and young people in out of home care, to promote and protect their rights and to strengthen their voice. To do this we work in partnership with children and young people, their families and carers, government agencies and non-government organisations.

The Office of the Guardian is an independent government agency and the Guardian advises the Minister for Education and Child Development.

## Functions

The Guardian has six statutory functions:

- Promote the best interests of children under the guardianship, or in the custody, of the Minister, and in particular those in alternative care.
- Act as an advocate for the interests of children under the guardianship, or in the custody, of the Minister and, in particular, for any such child who has suffered, or is alleged to have suffered, sexual abuse.
- Monitor the circumstances of children under the guardianship, or in the custody, of the Minister.
- Provide advice to the Minister on the quality of the provision of care for children under the guardianship, or in the custody of, the Minister and on whether the children's needs are being met.
- Inquire into, and provide advice to the Minister in relation to, systemic reform necessary to improve the quality of care provided for children in alternative care.
- Investigate and report to the Minister on matters referred to the Guardian by the Minister.

I report against these functions in this annual report.

## At the Office of the Guardian...

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



## Our values

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

## Who we work for

We promote and protect the rights of the seven in every thousand South Australian children and young people who are under the guardianship, or in the custody of, the Minister for Education and Child Development. This includes those who are in relative or kinship care, foster care, residential care or secure custody.

As at 30 June 2014 in South Australia there were 2577 children and young people under the guardianship of the Minister through care and protection court orders, (not counting the 50 on interim or temporary orders). They had the following characteristics:

Children and young people under the guardianship of the Minister through care and protection court orders at 30 June 2014	
	%
Male	52
Female	48
0-1 years	5
2-4 years	15
5-9 years	32
10-14 years	32
15-17 years	17
Aboriginal or Torres Strait Islander	30
long-term care and protection orders	87
12 month care and protection orders	13

The living arrangement for children and young people under court orders, including temporary and voluntary custody orders are as follows:

Care arrangements for children and young people in alternative care <sup>1</sup> at 30 June 2014 (AIHW counting rules)	
	%
Foster care	42
Relative or kinship care	37
Residential care	10
Specific child only	7
Emergency/temporary (commercial care)	3
Independent living	1

<sup>1</sup>The numbers of children and young people under the guardianship of the Minister and those defined as in alternative care under AIHW rules refer to similar but not identical populations.

## The year in review

I write this at a time of heightened public scrutiny and diminished faith in the capability of the child protection system. The allegations of terrible abuse of a small number of children by a care worker has rocked everyone and resulted in an inquiry into the child protection system (Royal Commission) that is to examine the adequacy of child protection laws, policies, procedures and practices.

There will be many hours of debate and discussion generated by the Royal Commission which is also an ongoing conversation predominantly had by adults. The voice and views of children and young people are too easily drowned out in the enthusiastic deliberation. So, **what do children want from us?** In the ten years of asking this question of children and young people in state care there are some fundamentals.

- If their family could care for them safely, they want us to help their family.
- If their family cannot, they want a second family, not to replace the first but to be their safe and secure and loving home.
- They want to be treated like other children who do not live in care and to have the same opportunities.

If these are our yardsticks, how do we measure up?

### **Children want family help**

The social and economic benefit of assisting families to safely care for their children is understood by everyone working in human services. The levers to do this are seriously constrained.

Underway is a shift in emphasis within Families SA case practice and approach so that the statutory intervention is more supportive of families, and less punitive. On their own, Families SA employees cannot get the outcomes in lowering the rates of children in state care and improving safety and wellbeing for children. They can set the standards high and they can improve the accountability for decisions and action, but this alone will not make it better for children.

South Australia has an uncoordinated family support services system. Access to services is highly dependent on where a family resides, who engages with them, and whether the family has the capacity to respond to referrals. We can get more consistent results if the initial approach by all service providers is highly proactive and flexible.

Together with planning and improvements to practice is financial investment. Some 70 per cent of the 'child maltreatment' budget (child protection, out of home care, intensive family support services) goes on out of home care, and out of home care costs have risen 400 per cent in the past 10 years. Just five per cent is spent on intensive family services. Low expenditure on family support is not the sole cause of the growing cost of out of home care but they are closely related.

Public attention and government openness to improving how we provide protective services to children has never been stronger.

*There is opportunity to invigorate government effort on protecting children with:*

- *A child protection plan for SA that articulates government direction and action.*
- *An across-portfolio Inter-Ministerial Council on child safety and wellbeing which would drive the change required in all human services.*

### **Children want safe and secure out of home care**

Most children who are under the guardianship of the Minister have loving care provided by excellent carers. The children we worry about are those who do not, who are in tenuous arrangements and have no significant relationships with trustworthy adults.

South Australia has an unacceptably high use of residential care for children, often used for lack of an alternative rather than positive choice. There are interim care arrangements which stretch on for years in some cases, and little suitable care for children with very high and complex needs.

As a state, we spend a lot of money on out of home care but have relatively poor outcomes for those children with high needs. The demand for out of home care has not been accompanied by sound planning for timely provision, resulting in a distended emergency segment of the out of home care system.

*There is opportunity for joint government and non-government planning for the timely provision and steady improvement of out of home care.*

### **Children want the same opportunities as others**

A good education and good health are fundamental to sound child development; as is strong cultural belonging and knowledge.

Based on data and anecdotes, I know that we, as a state, are making some progress on closing the gap in outcomes between children under guardianship and their age peers. My Office's tracking of educational results shows small but steady improvements. There is no room for complacency however, as persistent significant gaps between children in care and their age peers remain.

In 2005 the state government commenced giving children under guardianship priority to public services such as primary health, mental health, housing and disability services. This was called Rapid Response and was effective in several ways. It raised the status and profile of children under guardianship in a positive way because it emphasised shared responsibility among public servants for the children's development. It gave people, who are beyond the child's immediate circle, concrete actions to contribute to their wellbeing. It was a public statement of good intent and action by the 'state' in its care of 'its' children. It resulted in better access to some public services and a more coordinated service response.

It is time now to make a renewed commitment because the job is only half done. There has been a narrowing gap between educational outcomes for children in care and their age peers, but there is still a sizeable gap. Inconsistent access to timely physical and mental health services remains. The Office's work on advocating for individual young people tells us that some young people are leaving care into homelessness. Our audit of annual reviews

tells us that some Aboriginal children are growing up without the benefit of acceptance and knowledge of their family clan groups.

The commitment should commence with a new action plan for priority access to government services monitored by an Inter- Ministerial Council. It should be considerably strengthened though by a truly ambitious collective impact approach to the state's 'parenting' of this group of children.

*There is opportunity to make a promise to exceed the Australian average for wellbeing of children and young people in out of home care, as indicated by educational achievement, stability, strong cultural identity and successful transition to adulthood.*

Children are experts on their own lives. The obligation of adults who are making decisions for them is to seek their views and advice, listen closely, and treat these views and experience with respect. Everywhere I look there are inspiring children and dedicated adults.

I thank everyone my office has worked with over the past year for their cooperation and goodwill. Any progress reported here is testament to children's, workers' and carers' resolve.

## In 2013-14 the Office of the Guardian

- Produced a video of young people giving their views on what should be done to assist children who have to move while in care (changing placements). The video accompanied the release of the report on the 2013 inquiry.
- Together with 21 young people, completed a comic book on the exploits of an independent young woman who learns to resolve conflict in a way that has something for everyone.
- Commenced a series on consultation workshops with children and young people in care, about what 'respect' means to them.
- Extended the network of advocates for children's rights to 266 Charter (of Rights) Champions, across 65 agencies.
- Responded to 143 requests for intervention, involving 193 children and young people in care. Of these requests, 19 per cent were from children and young people themselves.
- Audited 208 annual reviews of the circumstances of children under long term guardianship of the Minister, (9.3 per cent of this group of children).
- Visited 153 children and young people living in residential care or youth justice detention, in 34 announced visits.
- Reported on trends in school enrolment, attendance and literacy and numeracy skills from 2007-2013 for students under guardianship compared to their age peers.



## Functions and outcomes

The Guardian has six functions defined in Section 52C of the *Children's Protection Act 1993*.

- To promote the best interests of children under the guardianship, or in the custody, of the Minister, and in particular those in alternative care.
- To act as an advocate for the interests of children under the guardianship, or in the custody, of the Minister and, in particular, for any such child who has suffered, or is alleged to have suffered, sexual abuse.
- To monitor the circumstances of children under the guardianship, or in the custody, of the Minister.
- To provide advice to the Minister on the quality of the provision of care for children under the guardianship, or in the custody of, the Minister and on whether the children's needs are being met.
- To inquire into, and provide advice to the Minister in relation to, systemic reform necessary to improve the quality of care provided for children in alternative care.
- To investigate and report to the Minister on matters referred to the Guardian by the Minister.

In this section, I report on the work and outcomes of the Office in relation to meeting the statutory functions of the Guardian.

## Promote

Statutory function

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

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### Our goals

Action is prompt on issues that impact on the safety and wellbeing of children and young people.

Effective early intervention services for high need families ensure only those who need state care are taken into care.

Responsibility for the safety and wellbeing of children and young people is shared.

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## Promote the rights of children in care as expressed in the Charter of Rights

The *Charter of Rights for Children and Young People in Care* (the Charter) was launched in 2006. In September 2010 the Charter was tabled in parliament, as required in the *Children's Protection Act 1993* Section 52EE(2). A person exercising functions or powers under relevant laws must, in their dealings with, or in relation to, a child who is under guardianship, or in the custody, of the Minister, seek to implement to the fullest extent possible, the terms of the Charter (S52EF(1)).

The Office of the Guardian has the responsibility for promoting and monitoring the implementation of the terms of the Charter. At the end of this year, 65 agencies had endorsed the Charter, an increase of eight agencies from 2013. There were 266 Charter Champions engaged to promote children's rights in their agencies, an increase of 65 from the year before.

In 2013-14 the implementation committee continued to meet, representing the experiences of government and non-government agencies in providing services to children in care. The major topics of discussion were the use of seclusion to manage behaviour, views of young people about priorities for reform, and the service provision landscape for children with disabilities.

A third comic book was added to the *Being in Care* products. The theme of this book is about negotiating for what you want.

## Engage children and young people in our work through whatever avenue we can

Core to the purpose of the Office is strengthening the voice of children and young people and modelling their participation in decisions. The Office's youth participation strategy details this undertaking. In 2013-14 the Office changed the strategy to engage more children and young people in consultation workshops. This approach is being tried as a more practical and effective way to satisfy the requirements for a Youth Advisory Committee in the *Children's Protection Act 1993*. The principal theme for the workshops in 2014 is 'what respect means to children and young people'.

In addition, young people have been engaged in the project work of the Office of the Guardian, notably the development of the third comic book and the production of a ten minute film about children's experiences of moving while in care. The monitoring visits to residential and youth justice units also engage young people in talking about their views on the care provided.

## Through a range of media, share the knowledge we have

The website is the major source of public information about the Office's activities, findings and views. Viewer numbers have been steady over the year at about 700 each month. Quarterly newsletters and more frequent electronic bulletins keep the 874 subscribers up to date with news.

The Office's Twitter stream has 362 followers, a 29 per cent increase from the 2012-13 year. In this past year a video on children's experiences of moving while in care was produced.

## Advocate

### Statutory function

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

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### Our goals

**More children and young people in care feel good, are safe and cared for, get help, understand and have a say.**

**Allegations of sexual abuse of children in care are investigated promptly.**

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### Through outreach activity we ensure that children and young people who need individual advocacy receive it

Through the 'being in care' products the Office reinforces messages about children's rights and provides information about where to go for assistance. The product range was developed with advice from young people in care and now includes booklets, contact cards, USBs, comic books, flash cards, backpacks, wristbands, tattoos, key-rings, soft toy, stress balls, drink bottles, bucket hats and scribble pads with crayons. These products are provided free to children in care and are available to agencies that have endorsed the *Charter of Rights*. Oog, the creature created for children in care, was again in the Credit Union Christmas Pageant.

In 2013 the Office produced an educational video and accompanying written material on advocacy for children and young people based on the experience of the Office's advocates. The package is for training and professional development purposes. It has proved to be the most popular of the videos and has had 827 viewings to date.

The Office's advocacy for individual children is consciously linked to our advocacy on systemic issues. Trends, or repetition of problems, are identified and pursued. In 2013-14 the Office received 164 requests for intervention on behalf of children and young people. Of these, 134 fell within our mandate, that is, they were requests about children and young people under guardianship, or in the custody, of the Minister. This is a 20 per cent increase from the previous year.

A single matter sometimes affects more than one child or young person in care. We therefore assisted or advocated on behalf of 193 children and young people. Our intervention ranges from providing information about policies or rights through to a full review of the circumstances of a child with advocacy for change. We reviewed 29 cases, with an additional nine cases carried over from 2012-13.

The 134 requests that were within our mandate were made by:

Adult in child's life (carer, parent, other relative)	59
Child or young person	25
Families SA	15
Alternative care agency	7
Education	6
Health	5
Youth Justice	5
Other	12

The presenting issues<sup>2</sup> were in the categories of:

Stable and secure placement	48
Participation in decision making	31
Contact with significant others	26
Safety	26
Understanding current circumstances	19
Education	13
Access to health and disability services	10
Nurturing environment	7
Relationship with social worker	5
Appropriate care	3
Other	10

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<sup>2</sup> There is often more than one presenting issue in a request and one issue may affect more than one child. Therefore the total is greater than the number of requests.

## Through the advice we provide we ensure that what we hear and see results in systemic change

Once advice has been provided to the Minister on specific issues [see *Advise*] the Office pursues most matters through advocacy. In 2013-14 the major issues for advocacy were:

- Halting the use of residential facilities which accommodate more than four young people.
- Improvements in conditions for young people residing in Youth Training Centres and residential care.
- Child protection system reform, particularly for renewed emphasis on family support services.
- Improvements to the support provided to children who are moving while in care (changing placements).
- Reducing the reliance on temporary rented properties and agency staff to care for children.

Three reports on what the Office learnt from its monitoring work were released this year. The first, in August, was a report on the audits of annual reviews for children who are under long term care and protection orders and the second and third, in March, were about children and young people in residential care.

The Guardian is a member of the Australian Children's Commissioners and Guardians network. In 2013-14 the major areas of work were the development of a model charter of rights for children and young people in youth justice detention and providing advice to the Royal Commission into Institutional Responses to Child Sexual Abuse on creating child safe and child friendly organisations.

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

The Office is notified by the Departments'<sup>3</sup> Care Concern Investigations unit about allegations of serious sexual abuse of children in care. The role of the Office is to monitor the progress of the investigations and to ensure that the child has an advocate. This is done in cooperation with the Care Concerns units, the South Australian Police and the Office of the Director of Public Prosecutions.

In 2013-14, 15 notifications categorised as serious were referred to the Office for monitoring. In addition the Office monitored 31 investigations that were ongoing from previous years.

The notifications related to alleged serious sexual abuse in the following care arrangements:

Residential care	5
Foster care	5
Relative care	4
Youth detention facility	1

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<sup>3</sup> The Departments are: Department for Education and Child Development and Department for Communities and Social Inclusion.



*'Cassie', 15, lived in foster care with her two foster parents until they separated and she went to live with her foster mother.*

*An alternative care agency worker contacted the Office of the Guardian reporting that Cassie would prefer to live with her foster father.*

*Cassie, a mature and articulate young woman, confirmed this in conversation with an advocate from the Office. She reported that she had spent considerable time thinking about the benefits and had spoken to her allocated case worker but had not received any response. With Cassie's permission, the advocate contacted the Families SA office.*

*The Families SA Supervisor provided a history of Cassie's positive relationships with Families SA social workers and the carers' circumstances. The Supervisor agreed to meet with Cassie and her nominated support person but said that a consideration of the entire circumstances would be required.*

*The advocate maintained regular communication with the Supervisor and the case worker for six months during which there were significant delays in reaching a conclusion due to Families SA staff unavailability.*

*In the end, Cassie accepted Families SA's view that her foster mother had greater capacity to provide a stable, nurturing and supportive home for her. She said to the advocate that, because she was finally able to participate in the decision making, she understood Families SA's view.*

## Monitor

Statutory function

To monitor the circumstances of children under the guardianship, or in the custody, of the Minister.

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### Our goals

**Know what is happening for children and young people in care.**

**Identify and promote what is working well.**

**Identify weaknesses in the child protection system.**

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### Monitoring activities

In 2007 the Office introduced a framework for its monitoring activities to report against standards deemed acceptable by children. There are 12 quality statements based on the rights in the children's charter. The Office undertook the following activities to monitor the circumstances of children and young people in care:

- Receipt and analysis of aggregate data available from the Department for Education and Child Development.
- Audits of annual reviews (9.3 per cent of children on long term orders).
- Enquiries lodged at the Office of the Guardian (6.5 per cent of children on care and protection orders).
- Visits to residential care houses and youth training centre units (34 visits).

### Reports on findings of monitoring

Three reports on the findings of the monitoring were released. The first, in August, was a report on the audits of annual reviews for children who are under long term care and protection orders and the second and third, in March, were about children and young people in residential care.

## Aggregate data

Aggregate data is primarily sourced through and with the cooperation of the Departments for Education and Child Development and Communities and Social Inclusion. The most current and all-purpose data is available from the Guardian's [website](#). Notable changes for 2013-14 are:

- The numbers of children on 12 month and long term care and protection orders at 30 June 2014 was 2577 an increase of 11.9 per cent from 2010 but, for the first time since our Office has recorded data, a *fall* of 1.5 per cent from the 2,615 at 30 June 2013.
- A total of 451 individuals were housed in the Adelaide Youth Training Centre at some time in 2013-14 compared with 485 in 2012-13.<sup>4</sup> The rate of average daily occupancy in youth training centres fell from 61.4 in 2012-13 to 57.6 in 2013-14.

## Children in motel-type accommodation

The Office began monitoring the numbers of children in motel-type emergency accommodation in February 2005 when the number was only ten children. The number rose to an average of 54 on any one night in 2006-07 and has stayed high since then. In 2013-14 the average number was 50, a fall from 56 in the prior year.

In 2013-14, the highest number at any one time was 75, in June 2014. At the end of 2013-14 (25 June), the number was 71. At 30 June 2014, 57 children had had stays of over 60 days compared with 52 children in June 2013.<sup>5</sup>

These physical environments are considered inappropriate for children who are already vulnerable and there is limited continuity and consistency in carers. While the quality of day-to-day care varies hugely, the instability and uncertainty for children is universal. The Office of the Guardian has received reports of, or witnessed, problems such as frequent absconding, inconsistency in boundaries and approach to behaviour, missed schooling, lack of personal belongings, and isolation.

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<sup>4</sup> Some of these young people will have been admitted several times during that period so the total admissions will be significantly higher than this figure.

<sup>5</sup> These numbers may vary slightly from that discussed in *Aggregate data* above due to variations in counting methodology.

In June 2013 the Minister announced that an additional 360 staff would be engaged on contracts over the next three years to replace carers engaged through commercial agencies and to move children from motel rooms to residences.

In June 2013 the Guardian wrote a summary of the information held at the Office about children in these arrangements for discussion with the Department for Education and Child Development. A second report will be prepared in July 2014.

The Office follows up on the circumstances for children who had been in this form of accommodation over 18 months. This activity was temporarily suspended in August 2013 at the request of the Department but will re-commence in July 2014.

### **Audits of annual reviews**

The Senior Advocate audited 208 annual reviews at 12 Families SA offices. Some offices scheduled regular reviews and were visited on more than one occasion. On four occasions the Office declined invitations to attend scheduled annual reviews due to prior commitments with other offices. Annual reviews are conducted for children and young people placed under long-term guardianship orders. The Office audited 9.3 per cent of reviews that were to be conducted, up from 8.4 per cent in 2012-13.

A report on the audit is provided to the Minister annually. The major findings for 2013-14 were:

- Of the 208 children and young people whose cases were reviewed, 169 (81 per cent) were in stable, long-term placements.
- Of the children and young people whose cases were reviewed, 196 (94 per cent) had at least one significant adult in their lives.
- Twelve children and young people (six per cent) including five adolescents approaching independence did not have any significant connections beyond Families SA.
- Forty-two of the annual reviews audited were for Aboriginal children and young people. Twenty-four (57 per cent) were placed with their extended family or with Aboriginal carers.

- Of the 171 children and young people who were considered capable of directly contributing to their annual reviews, 67 (39 per cent) participated in their annual review, either by attending (11 per cent), teleconference (one per cent) or by completing a survey (27 per cent). Two country offices were responsible for half of the direct participation of children and young people in annual reviews in 2013-14. Sixty-one per cent of children and young people, who could have directly participated, did not.
- Twenty-three children and young people (11 per cent of those capable of presenting their views to the panel) did not have a voice, directly or indirectly in their annual reviews.
- Of the 208 children and young people whose cases were reviewed, 176 (85 per cent) were confidently considered safe and reported to feel safe.
- Of the 166 children and young people who were of school age and attending a public pre-, primary or secondary school, it was reported that 130 (78 per cent) had current Individual or Negotiated Education Plans at the time of the annual reviews.
- Of the 208 children and young people whose cases were reviewed, 165 (79 per cent) were receiving standard health services and, where necessary, specific health and disability services to meet their needs. Twenty-one per cent were not receiving the services they required.
- Fifty-two children and young people (25 per cent) whose cases were reviewed did not have regular contact with the same worker. Of this group, 22 (11 per cent of the total number of annual reviews audited) who were allocated a social worker received less than the recommended monthly face-to-face contact, including five children who were receiving an assessed and approved differential case management response. In another nine cases (four per cent) the regularity of contact between the children and social workers could not be determined based on limited information available at the annual reviews. Twenty-one children (ten per cent) were not allocated to a case worker.
- Nine of the 35 young people aged 15 years and over (25 per cent) did not have transition plans as required by Families SA policy.

- Of the 125 children and young people who had the capacity to understand, 86 (69 per cent) had been provided with the *Charter of Rights for Children and Young People in Care*.
- One hundred children and young people (48 per cent) whose cases were reviewed had a Life Story Book. This included 27 Aboriginal children and young people who had been supported to develop a culturally appropriate Life Story Book.

## Residential care and youth training centres

In 2013 the Office implemented a new model to monitor the residential care environments provided by Families SA, non-government organisations, and the youth training centres. The model incorporates a review of records that relates to the physical and emotional safety of residents and a visit to residents to hear their perspectives about the care they are provided. In addition, the residential care environments complete an annual self-evaluation survey that captures the perspective of the service provider and staff. The purpose of the new model is to obtain robust information about residential care environments and target visits to the most vulnerable children and young people. Targeting became necessary because of the growth in the number of residential houses.

In 2013-14 there were 60 residential care properties provided by Families SA and non-government organisations for children and young people under the guardianship or custody of the Minister. The GCYP Advocates conducted a review of records and visited 22 residential facilities. A detailed report was provided to the managers.

In November 2011, at the urging of the Guardian, the Minister for Education and Child Development agreed to progressively close the six larger and older residential care facilities, with two scheduled for replacement by the end of 2013 and the six to have been closed by mid-2016. As at mid-2014, there have been no closures. Two are now scheduled to close in August 2014. In the meantime the upkeep of the facilities has been minimal with further deterioration in living conditions apparent.

These large facilities house up to 12 young residents, most with high needs. Experience and evidence about residential care tell us that the risk of harm is higher when staff have only limited control over the mix of residents and when a resident's high needs makes peer relationships threatening or hostile. In larger residential facilities these risks are hard to avoid. This has been the Guardian's advice since 2005. In 2011 and 2013 the Guardian



provided further documented evidence of harm to children and young people residing in the larger facilities.

Magill Youth Training Centre closed in September 2012 and residents were relocated to the new Adelaide Youth Training Centre. There are two campuses at Cavan, under a single management team. In 2013-14 the Advocates conducted six reviews of records and 12 visits to units within the youth training centre to talk with groups of residents. A detailed report following each visit was provided to the general manager.

*Ten year old 'Natalie' who was in foster care, had four siblings, three of whom had moved interstate and were in a mix of relative and foster placements. Natalie's carer contacted the Office of the Guardian reporting that Natalie was distressed by the lack of contact with her siblings. Natalie was invited to talk with an advocate.*

*With the assistance of the carer and Families SA a meeting was arranged and preparations made to work with Natalie's communication difficulties.*

*Natalie explained why the existing contact arrangements were unsatisfactory to her. She also said when the social worker visited the 'adults only talk to adult' and 'I don't get to say anything'.*

*With the advocate's help Natalie described what contact would be ideal, what was acceptable and what was not acceptable. The advocate explained that her siblings may have different views and that there may be circumstances that could make it difficult to have the contact she wished.*

*In subsequent discussion with the Families SA supervisor, it was acknowledged that this situation was complex, as are others where there are multiple children in distant placements.*

*The Office promoted the role of the social worker as being Natalie's 'natural' advocate and a second visit was arranged for the advocate and social worker to develop a plan for sibling contact and schedule future meetings between the worker and Natalie.*

*Natalie subsequently told the advocate that she was having regular conversations with her social worker and she did not need the involvement of GCYP any further.*

*The new plan, involving two Families SA Offices and two sets of carers, provided for increased contact with her brother in South Australia.*

## Advise

Statutory function

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

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### Our goals

Advice results in action on critical issues for groups of children and young people.

The Minister and others have confidence in the advice provided.

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### Advice and inquiry

Written advice included:

- Child Development legislation and an SA Children's Commissioner
- Youth Justice Administration Bill
- The impact and experience of children moving while in care
- Results of the audit of annual reviews
- Comparisons of expenditure on child protection, out-of-home care and intensive family support over ten years and with national averages
- Closure of the large residential facilities
- Model charter of rights for children and young people detained in youth justice facilities
- Children and young people in care in SA government schools.

### *SA Children's Commissioner and Child Development legislation*

In September 2013 the Guardian's response to the exposure draft of the Child Development Bill included the following:

- There is no reference in the 19 objects and principles (combined) to the rights of children and young people, except by implication as "valued citizens". This results in a Bill that over-emphasises the obligations to provide for and protect children and



young people rather than their active participation and entitlement. (This has been addressed in the re-drafted Bill.)

- There is considerable ambivalence in the draft Bill about the independence of the Commissioner for Children and Young People, which can be easily resolved.
- The functions of the Commissioner should include the capacity to investigate matters of significant concern and that appear to violate the rights or interests of either a child or young person or a group of children. This is not a complaints function but a proactive investigative role.
- The obligations to provide information should be extended to commercial agencies and non-government organisations.
- The Commissioner must be able to make a report public when this is in the public interest.

#### *Youth Justice Administration Bill*

The key points of advice provided to the Minister and the Department for Communities and Social Inclusion in September 2013 were:

- There are some important emphases in both the *Young Offenders Act 1993* and the *Family and Community Services Act 1972* that appear over-shadowed in the summary of principles that are proposed for the Youth Justice Administration Act. Notably these are the 'care...necessary for [a young person's] development' and the 'proper realisation of their potential' (Object (1) in the *Young Offenders Act 1993*). This is no minor point when the state takes custody of children, temporarily or ongoing. For a short time at least the state accepts some parental responsibility for children and young people, in addition to protecting the community.
- At the least, the proposed Administration Act should aim to improve conditions for incarcerated young people by: increasing the level of accountability and transparency; increasing the care, protection and rehabilitation of young people who are incarcerated or who have been; and comply with human rights principles, including that of participation of children and young people in decisions that affect them.

- The delinking of youth justice administration from the *Family and Community Services Act 1972* (F&CS Act) inadvertently leaves the responsibility for ensuring the provision of community-based accommodation with *no-one*. At present, the intention, if not the reality, is that community accommodation including foster care, can be extended to all children and young people in need of such accommodation such as young people who are in secure custody for want of an alternative safe place to reside. It would be preferable for a Minister responsible for youth justice administration to be explicitly responsible for ensuring suitable community based accommodation for those young people eligible for bail.
- The F&CS Act has a clause that limits the engagement of for-profit service providers in the long-term care of children. In the context of the care and custody of young people in detention, a similar provision would ensure that monetary profit was not the principal motivation for providers of care, education or health services.
- The requirement for rehabilitation should be developed in the Administration Act from a general object to specific conditions, such as sound assessment and case management, provision of effective rehabilitation and therapeutic programs and oversight by an advisory body.
- The proposed Administration Act should refer to rehabilitation *and* therapeutic interventions to assist with desistance from unlawful behaviour. Behaviour usually has an underlying emotional purpose and offending behaviour is often a coping mechanism in response to earlier abuse or neglect.
- The functions of an independent monitor should be what the Guardian currently provides in the Adelaide Youth Training Centre. The Guardian proposed to add announced and unannounced inspections of the facilities, public reports on conditions and treatment of detainees and regular audits of performance in key operational areas.
- It is preferable that the independent monitor be named in the Administration Act but regardless there should be a requirement that the monitor have specialist expertise in child development and children's rights, and principles specific to the detention of juveniles.

*The impact and experience of children and young people moving while in care*

The Guardian's Inquiry into the impact and experience of children moving while in care was conducted between September 2012 and June 2013. The report was released in October 2013. It included a review of the literature and legal/regulatory framework, a review of 100 randomly selected case records of children, in-depth interviews with 18 young people, and consultation with placement decision-makers.

The recommendations from the inquiry are reprinted on p.32 of this report.

*Results of the audit of annual reviews*

The Senior Advocate audited 208 annual reviews at 12 Families SA offices. Some offices scheduled regular reviews and were visited on more than one occasion. On four occasions the Office declined invitations to attend scheduled annual reviews due to prior commitments with other offices. Annual reviews are conducted for children and young people placed under long-term guardianship orders. The Office audited 9.3 per cent of reviews that were to be conducted, up from 8.4 per cent in 2012-13.

The key findings are reprinted on p.20 of this report.

*Comparisons of expenditure on child protection, out of home care and intensive family support*

In April 2013 the Guardian provided charts showing the bias in budget expenditure towards out-of-home care and away from intensive family support services, compared to other states and over time. An updated report was provided in 2014. These charts show the following:

- Expenditure on child protection per child in SA in 2012-13 was the second lowest of all states and territories (after the ACT), and 69 per cent of the overall Australian rate.
- Expenditure on out of home care per child in 2012-13 was above the overall Australian rate.
- Expenditure on intensive family services per child in 2012-13 was 53 per cent of the overall Australian rate.

- In the ten year period from 2003-04, SA has increased expenditure on child protection services per child by 62 per cent. The increase overall in Australia was 90 per cent.
- In the ten year period from 2003-04, SA has increased expenditure on out of home care per child by 380 per cent. The increase overall in Australia was 117 per cent.
- In the ten year period from 2003-04, SA has increased expenditure on intensive family support services per child by 288 per cent. The increase overall in Australia was 151 per cent. The comparisons on intensive family services should be treated with caution because of the uncertainty among all states and territories about what is counted.

These charts are available from the Office's [website](#).

#### *Closure of the large residential facilities*

In November 2013 I advised that the replacement program for the large residential care units should be modified. This follows advice in previous years on the inappropriateness of accommodating children in units of more than three or four children.

In summary, the six older style units were to be progressively closed from early 2014. Budgetary constraints on recurrent expenditure lead to a conclusion that equally large units should replace them, because of the lower staff to resident ratio made possible by accommodating more children on one site. This addresses the physical design problems with the 1980s buildings but not the more significant problems that result from accommodating up to 12 young people who have high needs on one site and with less adult attention.

The higher rates of absconding, sexual abuse and use of physical restraint in response to violent incidents continue in the two new units which opened in 2009 and 2010. The use of physical restraint has increased since 2007-08 when the Guardian conducted an inquiry into the use of restraint in residential care. Self-reported data on missing persons from residential care settings for a 12 month period spanning 2012 and 2013 totaled 3,123. Of these, 1,981 (63.4 per cent) were reports from the larger units, which accommodate less than a quarter of the total residential care population group.

Of the 225 notifications of serious sexual abuse reported to the Office of the Guardian since November 2008, 53 (23.6 per cent) were reported to involve at least one resident from the larger

units. Over the same period, children in large residential facilities were only 2.8 per cent of the care population. Of the 365 individual children who were subjects of sexual abuse notifications, 30 were involved in multiple notifications of sexual abuse. Fourteen of the 30 (47 per cent) lived in the large residential units.

Of the 92 notifications of *peer on peer* serious sexual abuse, 44 occurred in large residential facilities (48 per cent). The alleged abuse is both on- and off-site. Just looking at the residential care population group, the large residential units accommodate less than half of the total but account for 77 per cent of the reported incidents of peer abuse in residential care.

The Guardian's advice has been for many years, that , with few exceptions for sibling groups, it is unsafe and inappropriate to accommodate children and young people in residential care units of more than three or four young people (on any one site), particularly if they are to be there for more than several months.

*A model charter of rights for children and young people detained in youth justice facilities*

The *model charter of rights for children and young people detained in youth justice facilities* was prepared by members of the Australian Children's Commissioners and Guardians (ACCG). The rights are drawn from international agreements to which Australia is a signatory.

The *model charter* was released on 7 July 2014. Following its national release, each state Commissioner or Guardian commenced negotiation with youth justice senior officers on its implementation.

In South Australia the *Charter of Rights for Children and Young People in Care* has applied in youth justice detention facilities since 2006. Monitoring of conditions and circumstances of residents has been done by the Guardian, using that Charter as the foundation for reporting. So a *Charter of Rights* and its promotion is not new in this state. The *model charter* though is more specific to the rights of young people who are detained.

*Children in motel-type accommodation (commercial care)*

[Also see p.19] In 2013 the Guardian completed a short report on the numbers and profile of children in commercial care over an eight year period. The report was provided to the Department for Education and Child Development and summarised for the Minister. The announcement by the Minister that additional staff would be engaged to provide residential

care and to replace care provided through commercial agencies was welcomed but did not change the need to expand other forms of care; especially family-based care for children with high needs, long term care for sibling groups and appropriate non-family based care for young people with intellectual disabilities.

A second report is in preparation.

*Children and young people in care in SA government schools*

The Guardian's report on participation and NAPLAN results from 2007-2013 for students under guardianship who are enrolled in government schools shows a persistent gap in literacy/numeracy knowledge and skills between this group of students and the general SA government schools population.

While the absence rates are equivalent between the two groups, this does not record how many hours in a day a student attends. In our experience, there are a small but significant number of students under guardianship who are accepted in the school on a part-time basis only. This may have been planned only as a temporary measure while the student settles in, but in some cases this has continued for long periods of time, sometimes for years. There is no readily available data on part-time attendance so we cannot confidently say how widespread this practice is.

Individual Education Plans (IEP) were introduced in 2007 as a means of focusing school and home attention on the learning needs of all students under guardianship. No evaluation of their effectiveness has been conducted so the reports of results are only anecdotal. From our observations the quality of the planning varies hugely as does the commitment of the schools to their implementation. Regardless of the quality, less than 50 per cent of all students under guardianship have an IEP (only 58 per cent of school aged children attend government schools and only 70 per cent of government students under guardianship have an IEP).

There is considerable reliance on the use of School Support Officers for children under guardianship who need temporary one-on-one assistance with their participation and learning. Little is known though about what sort of support is provided, to whom, and with what outcome.

*Child safe environments*

The Guardian is a member of the Australian Children's Commissioners and Guardians network. In 2013-14 the major areas of work were the development of a model charter of rights for children and young people in youth justice detention (see above) and providing advice to the Royal Commission into Institutional Responses to Child Sexual Abuse on creating child safe and child friendly organisations.



## Inquire

Statutory function

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

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### Our goal

**Inquiries result in systemic reform that is long-standing.**

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#### *The impact and experience of children moving while in care*

The Guardian's Inquiry into the impact and experience of children moving while in care was conducted between September 2012 and June 2013. It included a review of the literature and legal/regulatory framework, a review of 100 randomly selected case records of children, in-depth interviews with 18 young people, and consultation with placement decision-makers. The inquiry report was released in October 2013.

There were seven recommendations arising from the findings.

1. The *Children's Protection Act 1993* be amended to make it mandatory for a child to be present, or the child's views to be presented by an advocate, at any meeting where a placement move is being decided and also at annual reviews of the child's circumstances.
2. The Department for Education and Child Development, in collaboration with the non-government organisations providing out-of-home care, develop models for projecting future demands for types of out of home care that attempt to ensure demand is met through planned capacity increases.
3. An independent audit be conducted and reported publicly of compliance by the Department and non-government organisations with core standards 1 (Entering Care) and 2 (Case Management) of the SA alternative care standards.<sup>6</sup>
4. An independent audit be conducted and reported publicly of implementation of the 2011 recommendation from the Guardian for decisions about placement of siblings.
5. A system of accreditation for child protection practitioners be introduced which is mandatory for case workers and alternative care support workers and provides off-

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<sup>6</sup> The audits in recommendations 3 and 4 were not done as part of this Inquiry because of time constraints.

and on-site professional development and training over a two year period, with an individually tailored study of working with Aboriginal children and families, Aboriginal history and culture.

6. A mandatory training module be developed on welcoming and parting from children and young people, for residential, foster and kinship carers.
7. At meetings where placement moves are being decided and as part of the documentation of decisions and action, decisions that can be made by the child or young person about the move are identified, recorded and communicated to the child, and, if required, the child assisted to make and implement the decisions.

## **Investigate**

Statutory function

To investigate and report to the Minister on matters referred to the Guardian by the Minister.

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**Our goal**

**Investigations result in practical recommendations that are acted on.**

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No matters were referred to the Guardian by the Minister.

## Our organisation

### Legislation

The position of Guardian for Children and Young Persons was established in an amendment to the *Children's Protection Act 1993* (the Act) proclaimed on 1 February 2006. Further amendments made in late 2009 strengthened the independence and powers of the position.

### Governance

Under the Act, the Guardian is appointed by the Governor. The Guardian has statutory functions and reporting requirements which are discussed elsewhere in this report. The functions are broadly those of monitoring conditions of care, investigating matters of concern and advocating for children and young people under guardianship, or in the custody of, the Minister. The Guardian provides advice to the Minister for Education and Child Development on these matters.

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

The Guardian has powers necessary, expedient or incidental to the performance of the Guardian's functions. The Act explicitly gives the Guardian the power to require information from organisations and people that is necessary to fulfilling the Guardian's functions.

The Guardian is required to maintain a Youth Advisory Committee which assists the Guardian in the performance of their functions by ensuring that they are aware of the experiences of, and receives advice from, children who are, or have been, under the guardianship or in the custody of the Minister.

The Guardian makes frequent use of other consultative bodies to inform projects and develop advice and recommendations but these have no formal governance role.

## **Location**

The Office of the Guardian for Children and Young People is located at Level 4 East , 50 Grenfell Street, Adelaide.

The office hours are Monday to Friday, 9am to 5pm.

## **Access**

The office has been designed for wheelchair access and, within workplace imperatives, for children.

The Guardian's website is built on a self-hosted Wordpress platform which is compliant with the World Wide Web Consortium's web content accessibility guidelines.

## **Complaints**

The grievances and complaints policy is available from the website and is provided when someone complains about the service.

There have been no formal complaints made to the Office about the service in 2013-14.

## **Energy management**

The Office of the Guardian recycles all waste paper, rubbish is sorted for recycling and power standby features are engaged. The Office uses a fuel-efficient hybrid vehicle.

## **Freedom of information**

Legislation exempts information about individual cases from disclosure under the *Freedom of Information Act 1991*. There have been no FOI requests for other information during 2013-14.

## **Strategic and organisational planning**

The office released its Strategic Plan for 2011-15 in June 2011. The office has an annual work plan which is reviewed quarterly.

## Employee numbers, gender and status

Total number of employees (including Guardian) at 30 June 2014					
Persons	8				
FTEs	6.6				
Gender	% Persons	% FTEs			
Male	12.5	12.1			
Female	87.5	87.8			
Number of persons during 2013-14					
Separated from agency	0				
Recruited to agency	0				
Number of persons at 30 June 2014					
On Leave Without Pay	0				
Number of employees by salary bracket at 30 June 2014					
Salary bracket	Male	Female	Total		
\$0 - \$54 799					
\$54 800 - \$69 699		1	1		
\$69 700 - \$89 199	1	4	5		
\$89 200 - \$112 599		1	1		
\$112 300+		1	1		
Total	1	7	8		
Status of employees in current position at 30 June 2014					
Persons	Ongoing	Short term	Long term	Other	Total
Male	1				1
Female	4	2	1		7
Total	5	2	1		8

## Workforce diversity

Number of employees by age bracket by gender at 30 June 2014					
Age bracket	Male	Female	Total	% of Total	Workforce benchmark (%)
15-19					6.1
20-24					10.6
25-29					10.5
30-34					9.4
35-39		2	2	25	11.2
40-44		4	4	50	11.1
45-49					12.2
50-54					11.0
55-59		1	1	12.5	9.2
60-64					6.0
65 +	1		1	12.5	2.9
Total	1	7	8	100	100.0

Aboriginal and/or Torres Strait Islander employees at 30 June 2014				
Male	Female	Total	% of Total	Workforce benchmark (%)
0	1	0	12.5	2

Cultural and linguistic diversity					
	Male	Female	Total	% of agency	SA community (%)
Number of employees born overseas	1		1	12.5	20.3
Number of employees who speak languages other than English at home				0	16.6



Employees with ongoing disabilities requiring workplace adaptation			
Male	Female	Total	% of agency
0	0	0	0

## Leave management

Average days leave taken per full time equivalent employee	
Leave type	2013-14
sick leave	7.5
family carer's leave	1.6
miscellaneous special leave	0.9

Employees using voluntary flexible working arrangements by gender at 30 June 2014			
	Male	Female	Total
purchased leave			
flexitime	1	6	7
compressed weeks			
part time job share			
working from home			

## Performance development

Documented review of individual performance development plan	
Employees with ...	% total workforce
a review within the past 12 months	100
a review older than 12 months	
no review	

## Consultants

There were no consultants engaged by the office during 2013-14.

## Workplace health and safety

In 2013-14 there were no incidents resulting in workplace injury.

## Financial

### *Expenditure*

Financial services are provided by the Department for Education and Child Development. The financial operations of this Office are consolidated into and audited through the Department. Accordingly, full financial reports are not provided as part of this annual report. A summary of expenditure is provided below.

Financial summary of expenditure			
Item	Actual	Budget	Variation
Salaries and wages	699 520	722 300	22 779
Goods and services	151 936	135 400	(16 536)
<b>Total</b>	<b>851 457</b>	<b>857 700</b>	<b>6 242</b>

## The staff team

### *Office Manager*

Yvette Roberts (to March 2014)

Meagan Klapperich (from April 2014)

The Office Manager provides a range of services within the office including records management, human resources and finance support. She manages the implementation and maintenance of key facilities and services. Recent project work has focussed on the implementation of the Charter of Rights.

*Communications Officer*

Malcolm Downes

The Communications Officer researches and produces print, online and video materials for electronic and paper distribution, oversees the website and provides ad hoc support and services to Office staff on communications and information matters.

*Senior Policy Officer*

Kendall Crowe

The Senior Policy Officer conducts research and consultations, prepares policy papers, briefings and reports for the Guardian.

*Senior Advocate*

Amanda Shaw

The Senior Advocate leads the advocacy team, manages the Office's monitoring activities and audits annual reviews for children and young people under guardianship.

*Advocates*

Belinda Lorek (to February 2014)

Melissa Clarke

Jodie Evans

Sarah Bishop (from March 2014)

Advocates investigate and advocate on individual matters and monitor quality of care in residential and youth justice facilities. They also undertake project work specific to their skills and areas of interest to the Guardian.

*Youth Advisors*

Mellita Kimber

David Wilkins

Sara Bann

Thomas Manning

Bennita Brinkworth

The Youth Advisors work with staff to provide advice, suggestions and guidance on matters that affect children and young people under the guardianship, or in the custody of, the Minister. The role of the Youth Advisors ceased in November 2013 when it was replaced with a broad-based youth consultation process. Our thanks to the Youth Advisors for their valuable service.

## Membership of external committees

Australian Children's Commissioners and Guardians – Pam Simmons

Across Government Guardianship Steering Committee – Pam Simmons, Kendall Crowe

National Framework for Child Protection SA Partnership Group – Pam Simmons

Statutory Authorities Network – Pam Simmons

Social Impact Investment Product Advisory Committee and Social Impact Bonds  
Government Steering Committee – Pam Simmons

Private Sector Collaboration and Social Innovation working group – Amanda Shaw

Vulnerable Youth People Exiting Guardianship Research Working Group – Jodie Evans

## Learning and development

Responding to Abuse and Neglect

Business Management Diploma

Counselling Skills

Attachment Across the Life Span