

NEWSLETTER

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The Office of the Guardian for Children and Young People advocates for and promotes the best interests of young people and children under the care of the Minister for Families and Communities.

Legislative functions of the Guardian

On 1 December 2005 the *Children's Protection (Miscellaneous) Amendment Bill* passed both houses of Parliament. As reported in the August 2005 newsletter, the Bill makes some significant changes to the 1993 *Children's Protection Act* including new obligations for child safe environments, strengthening the voice of the child in matters that affect them and the best interests of the child to be placed firmly ahead of other interests.

There are three significant improvements to child protection advice, review and accountability in the appointment of a Council for the Care of Children, a Child Death and Serious Injury Review Committee and the Guardian.

The legislative functions and powers that apply to this Office are consistent with the functions we have been working to over the past year and the delegated powers granted in 2005. If you have any questions about the functions or powers please contact our Office.

The Guardian's **functions** are:

- 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
- 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 carrying out functions under this section, the Guardian **must**

- encourage children who are affected by issues that the Guardian has under consideration to express their own views and give proper weight to those views
- pay particular attention to the needs of children under the guardianship, or in the custody, of the Minister who have a physical, psychological or intellectual disability
- receive and consider information, reports and materials relevant to carrying out the Guardian's statutory functions.

The Guardian has the **powers** necessary or expedient for, or incidental to, the performance of the Guardian's functions.

A government or non-government organisation that is involved in the provision of services to children must, at the Guardian's request, provide the Guardian with information relevant to the performance of the Guardian's functions.

*My music comes from my mind
and my heart*

As my path to freedom at last

*I can express my self easy not
hard*

*My life's been a test from the
very start*

*And yes I've made a couple of
mistakes*

*But there's no way in hell it
changes my fate*

I just refused to hate

*Instead I wait and anticipate for
the future I make*

*From the poem My Music
by Steven R, 17 years*



*Pam Simmons
Guardian*

Letter from the Guardian for Children and Young People

One of the most impressive strengths of the child protection system is the commitment and expertise of the people engaged in it – the social workers, the volunteers, carers, managers, court officials, health workers and educators.

With committed, expert and well-intentioned people right through the system, what do we need advocacy for, or more specifically, an advocacy body?

There are different views on this question of course. Understandably, some argue that spending money on a body of review and advocacy is a luxury we can ill afford when services on the ground are depleted. The advocacy body just ends up reporting weaknesses that everyone is acutely aware of.

Others, Robyn Layton among them, saw the Guardian's position as an important independent accountability measure and a check on the system that had largely been absent.

I think it is certainly about accountability, but it has other advantages. The Office of the Guardian has the luxury of a singular focus on a relatively small but hugely disadvantaged group of children and young people. It has high level recommendation powers. We expect to be a conduit within government for significant and positive change. We hope that people use us for that in their own advocacy work.

Our job in the Office is as much about promotion of rights as monitoring violations. Hence the development of the *Charter of Rights* and the production of information for children in care.

The tricky bits for us are (at least) twofold. First, to keep our eyes on systemic change when the demands for problem-solving in individual matters are high. Second, to build and maintain allegiances in the field while also monitoring practice and services. Anyone familiar with systemic advocacy work knows that you rarely succeed by acting alone. You orchestrate all of the quiet voices for change into a metaphorical roar. So to be effective we need the willing support of people working in the very agencies we monitor.

Advocacy is also going to be important in the over-heated environment generated by the Commission of Inquiry Children in State Care. This inquiry has a focus on very serious failures of the state care system to protect children from harm. It is entirely appropriate that the state assists victims and survivors. What accompanies this, though, are questions and doubt about the existing system of care. Our response has to be, not one of defensiveness and excuses, but a more front-footed examination of what we do and openness to change, accountability and responsibility.

Pam Simmons, Guardian for Children and Young People

What's been done

December 2005 – February 2006

The *Charter of Rights* is to be launched soon. While the words are all there, we are working with designers and young people on the 'look' so that it speaks to children and young people. The *Charter* also forms part of another project on providing essential information to children and young people in care. This project is underway and the project advisory group of young people met for the first time on 2 February.

Congratulations to one of our youth advisors Mellita Kimber, who has been appointed to the Council for the Care of Children. The Council will play a major role in reviewing progress in child protection reform and the operations of related legislation, provide advice to the government on the rights and interests of children and promote the safe care of children.

The *Children's Protection Amendment Bill 2005* was accepted by Parliament on 1 December 2005. Among other changes [see *August 2005 newsletter*], the functions and powers of the Guardian were agreed. [see p1]

The field consultation was completed in December and the report prepared for the Minister on the key issues raised in discussion and evident changes since late 2004. [see p4] Thank you to all who participated.

The *Annual Report 2004-05* was distributed in early December. If you missed out on a copy it is available from our website or we can post you a copy.

We have made presentations to a forum on children with disabilities, the Customer Relations Unit, Psychology Services and CRACAS in CYFS, Southern Region Commonwealth Rehabilitation Services, and final training sessions on the individual education plans.

Thanks to all who invited us to events with children under guardianship or custody. We attended ten of these celebrations, had a great time and met Father Christmas at least four times.

We have three new people in the office. Yvette Roberts commenced as our office administrator, Malcolm Downes as our project officer in communications and Stephanie Lewis as our project officer for the Services Bank. [see p6]

Check out our website for updates on our activities www.gcyp.sa.gov.au.

Planning for alternative care

Consultation visits – September to December 2005

One of the Guardian's functions is to monitor quality of care for children and young people in care. An important way to do this is to hear directly from the experiences and views of people working in the child protection system. We do this throughout the year but once a year we do a more formal round of visits to alternative care agencies and CYFS district centres.

From September to December 2005, I conducted a second round of visits to 27 agencies with 180 workers and managers participating in the consultation. Consistent with the first consultation in 2004, the predominant matter raised was the quality of alternative care for children and young people under custody or guardianship orders.

Many workers acknowledged the value of the additional funds that have been provided and attempts to diversify the models of care. They were clearly relieved that some of the issues have been recognised and partly addressed, such as the need to better support relative carers and to provide more residential care. There is also acceptance that this is a program area, like other welfare programs, that is never 'solved' as such, with demand always likely to run ahead of supply.

The ideas for improvements were impressive. I came away from each meeting with fresh inspiration. The energy for this is partly driven by angst and frustration with inappropriate placements and case decisions being wrongly influenced by lack of choice in alternative care.

The ideas included:

- increased support and training for relative and non-relative carers
- professionalising at least part of the foster care workforce with attendant training and accreditation
- legitimisation of longer-term residential care for some older children
- more consistent approaches to building cooperative relations between caseworkers and carers
- cultural connection programs available to all Aboriginal children in alternative care
- a youth worker 'response team' to assist carers of adolescents.

I share the view of many others in the field that what is missing is a vision, a plan, shared ownership and trust, cemented relationships, and the commitment to see a plan through. That is a tall order of missing cogs in the system. Some people said that we do not need a plan, that we know what needs to be done and just need the dollars. However, the consultation revealed that there is not agreement on some key questions such as

- the benefits of preferring relative care over non-relative care
- where long term residential care fits and for whom
- whether a mix of non-government and government providers works against a good service for children and
- whether there is still a place for volunteer carers.

The process of developing the plan is as important as the product. The value of bringing together all of the disparate agencies that influence the lives of children in care cannot be overstated. Some of the disagreement above will remain as divided opinions but engaging in a joint planning exercise demands discipline and respect in reaching agreement through persuasion and conclusion. It is time to get the consumer and carer organisations, non-government and government providers at the same table with equal responsibility and equal authority to agree on a plan for the future of alternative care in South Australia.

Pam Summons, Guardian for Children and Young People

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Culture and identity – an interview with Liz Tongerie

A sense of belonging and connection is critical to all children and young people in care. This is even more so for Aboriginal children and young people especially if they are not placed with relatives or kin. It is through the family of origin or extended family that children learn about who they are and where they fit. The Secretariat of National Aboriginal and Islander Child Care says that if we remove a child from their family we deny them their culture.

Helping make or remake that connection is Liz Tongerie from the Marion District Centre of Children Youth and Family Services. She has developed a Culture and Identity Program for Aboriginal children in care. Ms Tongerie believes that knowing their history and culture is essential if these children and young people are “to take their rightful place in society”.

Ms Tongerie said, “For me, knowing about my culture was the base that held me together – if kids grow up cultureless there is no base for them to step from.”

The program begins by looking at what identity means and the way this can affect how you see yourself. With the help of questionnaires the child or young person is asked about what they know about being Aboriginal. One young person said to Ms Tongerie that it was important because he realised he was part of one of the oldest cultures in the world.

With the help of stories to explain why they are in care, Ms Tongerie also gets the young people to talk about themselves and what they know about their culture. She builds on this with information on each child’s clan group including the language, dancing and dreaming stories.

Ms Tongerie encourages the young people to take on a leadership role by identifying leaders they admire and what is it about them that they admire. This helps build a picture of themselves as leaders. They have looked at leaders like Vincent Lingari, Rosa Parkes, Nelson Mandela and Mother Teresa.

Ms Tongerie said, “I encourage the young people to make a mark for themselves as these people did and when they are faced with their own challenges they can ask themselves how these people would have managed this? When they do this, they will find their own pathway.”

Ms Tongerie has run two programs. The current program has been going for six months and she plans to complete it in June 2006.

Stay tuned for the rap song that the young people are composing to celebrate their achievements.

Angela Andary, Senior Project Officer

“For me, knowing about my culture was the base that held me together...”

Introducing the new staff



Yvette Roberts **Office Administrator**

I've worked in the Office for about four months now but just recently I was really pleased to have won the job on a more permanent basis. I did temp work for about 18 months before that and enjoyed the chance to do lots of different things and meet a variety of people but it is good to settle down for a while. I love the work and the people in the office are awesome. I have two beautiful boys of my own and I think that the work we do for children who have had their lives disrupted is terribly important. My favourite pastime is being with people, especially my family and friends, cooking and gardening and, of course, shopping



Malcolm Downes **Project Officer, Communications**

I've joined the Guardian's office for 12 months to help in the development of its communications tools and strategies. My experience in the community sector and especially the last seven years at SACOSS has convinced me that solutions to complex problems must always engage all of the players and that successful solutions never come from the top alone. I'm anticipating that in the next 12 months the rich conversation that the Office is having with the children, workers, public servants, politicians and the public will become richer and more extensive through all of the means at our disposal and that I'll have the chance to meet or hear from many of you who are reading this now. In the hours in-between I will be enjoying life with my partner and 13 year old daughter with increased appreciation, finishing the house painting and trying to keep the dog off the bed.



Stephanie Lewis **Project Officer, Services Bank**

I have joined the Office of the Guardian for a twelve week secondment to undertake some project work relating to the development of the Services Bank. I have obtained tertiary qualifications in law, librarianship and arts, and worked in both the community and government sectors. I have worked in community information at CISA and in community legal education at the Office of the Public Advocate. My current substantive position is as Senior Project Officer, Major Projects, Child and Youth Health (Children, Youth and Women's Health Service), where I have been working on the rollout of the Family Home Visiting service. I live in Norwood with my husband and two children, and enjoy the lifestyle that Adelaide offers, including consuming good food and wine, attending music and arts festivals, and walking to and from work through the parklands. I am looking forward to my time at the Office of the Guardian and not only for its close proximity to clothes shops and sushi bars!