

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.

AFSS and the Charter

Promoting the wellbeing of Aboriginal children in care

Aboriginal Family Support Services (AFSS) was one of the first organisations to sign on to the *Charter of Rights for Children and Young People in Care* in September 2006. AFSS runs a range of programs serving the Aboriginal community including crisis accommodation, youth accommodation and community wellbeing but the main way it touches the lives of children in care is through its alternative care service.

Lynda Macphail is the Coordinator for Foster Care with a service that recruits and supports around 89 carers in 65 families caring for Aboriginal children across the metropolitan area.

‘The main way we promote the Charter and the rights of children is through the recruiting and support of our carers.

‘We like to introduce the Charter and the idea of children’s rights to carers right at the beginning, at their induction.

‘Carers are quite accepting. No carer has ever expressed surprise or had any problem with the idea that children in care have rights in my experience.

‘A copy of the Charter, the frequently asked questions sheet and a Charter of Rights Poster are included in the package given to carers at the induction.’

Lynda also introduces the Carer’s Charter at about the same time in the induction session and many of the same rights of children in care are reflected in that as well.

‘Our new carers can see that the two charters are really sending the same messages.

‘In the induction we select some of the rights that are particularly important to Aboriginal children, for example, those to do with cultural and spiritual identity and community. We use them to reinforce points that we want to make anyway.

‘In signing our Foster Carer’s Agreement, carers agree to “acknowledge and uphold the rights of children and young people as set out in the Charter of Rights...”

‘We go through a review with our carers each year too. Our review document requires us to review the *Charter of Rights* and the Foster Care Commitments with carers before they renew the foster Carer’s Contract each year.’

AFSS has been represented on the Charter of Rights Implementation Committee since its inception. The Committee has the task of supporting the ongoing practical implementation of the Charter in organisations that work with young people in care.

AFSS also shows its commitment in other ways too with articles about the Charter in the newsletter for carers and stories in its children’s newsletter about Oog, the yellow egg-shaped character who is the safety symbol for children in care.



Lynda Macphail



Pam Simmons
Guardian

Letter from the Guardian for Children and Young People

We monitor the wellbeing of children and young people in part by asking people who work with them what they see happening and how well children are cared for. Late in 2007 I held consultation sessions at 39 sites across the state with 274 participants. The agencies included Families SA district centres and residential care, non-government alternative care agencies, CAMHS, district offices of DECS and Child Protection Services. This was a rich source of information and has been used already in feedback to agencies and a report to the Minister for Families and Communities. Thank you to all who shared their views so generously with me.

The consultation is a gauge only to changes and the comments are anecdotal. It's like taking the temperature of the SA system of care without testing for confirmation and causes.

This is the fourth such consultation over three years and it is my impression that there has been notable progress in the timeliness of delivering services to children and in inter-agency trust and cooperation. I was impressed that, despite considerable financial constraints, workers are focused on the children for whom they have a duty of care and are mostly resilient to the increasing demands on their time. There is a growing sense of order in Families SA and this was confirmed by other agencies. There was wide acknowledgement though of the intense pressure and budget constraints which have, in turn, strained relationships and negotiations over expenditure on children.

People reported that most children are in stable and secure placements but an estimated one in ten require a new placement or more intervention to stabilise their existing arrangement. The options are few for these children. Formal agreements such as alternative care plans and partnership agreements between agencies and carers were acknowledged as beneficial but too often these were not completed or reviewed.

Social workers reported high compliance with family contact requirements but were less confident about their responsibilities for contact with extended family and Aboriginal connection. However, the quality and timeliness of advice on specific cultural issues was reported to be good.

The positive impact is still being felt of the *Keeping Them Safe* and *Rapid Response* commitments and the associated awareness-raising and formal protocols. The use of Individual Education Plans has improved understanding between schools and social workers in Families SA. Predictably, the cooperation comes unstuck over who pays to support children needing additional assistance in school. From the information provided it was not possible to judge how well children in care participate in extra-curricular activities.

While there is clearly need for more work in including children and young people in decisions that affect them, the tools associated with the new annual review process were welcomed.

There are a number of solid and consistent relationships between children and caseworkers. However, the consultation indicated that this was not achieved in general and was of significant concern to all because changes in worker limits the knowledge a worker has about the child's needs and history. This makes it so much more important that a worker new to a child has time and makes effort to get to know the child and to show that this child matters to them.

The report from the consultation was more detailed and comprehensive. In the short space here I want to acknowledge the inspiring professional and personal commitment demonstrated by so many workers and their desire to contribute to better quality care. I am buoyed by the optimism that we will do better yet.

What's been done

December 2007 – February 2008

In a celebration of commitment to children under guardianship of the Minister, the Chief Executive of the Department of Education and Children's Services Christopher Robinson accepted a certificate from Youth Adviser Rachel Hopkins to acknowledge his Department's endorsement of the *Charter of Rights*. There is a picture and more information on page 7.

And further on education, on the first day of the new school year we released the report on improving educational outcomes. *If they don't give up on you – you don't give up on you: Improving educational outcomes for children and young people under guardianship in South Australia* can be viewed on the Guardian's website, www.gcyp.sa.gov.au/Publications/Submissions and Reports. The interest already has been strong which is evidence of the importance social workers and educators place on assisting students under guardianship.

We took the draft of the being in care comic book out to Marni Wodli at the suggestion of the young people's reference group to canvass wider opinions on the story and characters.

In January we delivered the back-packs and other 'Oog' gifts for children to Families SA district centres. Lyreco delivered the school packs of stationery.

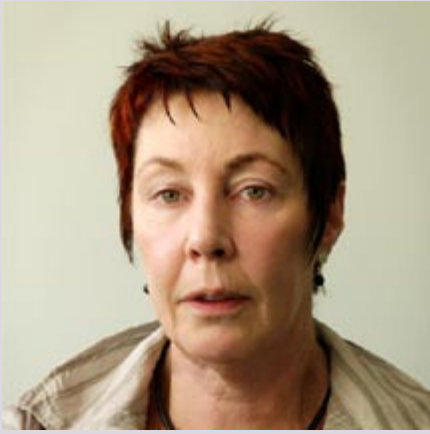
The report on the review of programs in the youth training centres is written and has been discussed with Families SA. It will be released later this month or next.

The 2007 field consultation was completed in mid December and the written report sent to the Minister for Families and Communities in mid-January [see p 2].

We have adopted a youth participation policy and strategy for our office with the assistance of the youth advisers. As part of implementing the strategy the Youth Advisers sought their own column in the newsletter which appears for the first time on page 7.



Congratulations to the seven young people from Community Residential Care (CRC) facilities who completed the Youth Opportunities Program at the end of last year. The program, which involves a half day of training per week for a school semester, provides young people with the knowledge and skills to live enterprising and successful lives and to become leaders of their lives independent of their circumstances. Congratulations also to the Youth Opportunities Association, Families SA and CRC staff, Anglicare and trainers Max Haitana (standing right) and Tina Sanna for making it all happen.



Karen Fitzgerald

Children are capable of providing a reliable account of events they have experienced.

Competent interviewing of children rests on our capacity to invest in a relationship with them ...

Talking to children

There's a widespread notion that children are open, that the truth about their inner selves just seeps out of them.

That's all wrong.

No-one is more covert than a child, and no-one has greater cause to be that way.

It's a response to a world that's always using a tin-opener on them to see what they have inside, just in case it ought to be replaced with a more useful type of tinned foodstuff.

Peter Hoeg, (1992) *Miss Smilla's Feeling for Snow*

Often when I am talking to professionals interested in the finer details of interviewing children I start with this excerpt from Peter Hoeg's book *Miss Smilla's Feeling For Snow* (1992). I use this excerpt because Hoeg's piece of prose prompts me to pause and bring a particular sensitivity and mindfulness to bear on children's responses to situations in which they are less likely to regard as their natural habitat, namely interviews.

When interviewing children listening is as critical as asking questions.

Children's capacity

If we look broadly at children's capacity and their ability to be reliable, the jury is in and there are no grounds for appeal: children (preschoolers, school-aged children and adolescents) *are* capable of providing a reliable account of events they have experienced. Children *can* describe events especially those they have experienced and give an account of what happened; they can describe the context of an event such as abuse or other trauma including where and when events occurred. Children can also describe their affect including their reluctance to disclose experiences they have had or feelings including embarrassment, anger, anxiety, disgust or fear. They can also provide superfluous unusual and peripheral details and admit lack of memory.

Children can provide consistency around the core elements of what they are asked about over time and across persons. Of course, their capacity is limited by chronological age and developmental prowess. While young children (two and three year olds) can provide the central detail of a story, they struggle to provide peripheral data because the demands on their memory skills overload their capacity. Nonetheless, especially from eight years and up, a child can provide free narrative accounts of what they have experienced although age alone cannot determine a child's capacity to provide a reliable statement. Children's ability to discuss their experiences can be influenced, either positively or negatively, by the social/emotional and contextual factors inherent in a given situation. Time delays too, and an emotionally charged environment, can result in a blurred memory for events. In terms of experiences of abuse/neglect children are more constrained when discussing allegations of intrafamilial abuse.

Overcoming restraints

In assisting children to talk about their experiences we need to assist them in managing the restraints likely to be affecting their capacity to provide reliable accounts of what we want them to explain. We need to understand their worlds and this involves ensuring that children have an environment that is receptive to, and appreciative of, who they are and what they have to say – an environment in which not only are they heard but one in which they feel heard. We all perform best when we know we are being listened to and treated with respect but this is especially important with regard to children. Appropriate encouragement when being questioned about events has been shown to enhance reliability not undermine it.

When trying to talk to children within a context that involves experiences of abuse or other trauma and within court processes it is important to remember that we are dealing with children under duress and need to be aware of the environments they come from. Some children will be unsupported by struggling, emotionally unreliable parents; some will come better supported but most will come from a natural habitat that is uncomfortable in situations that involve extended periods of intense questioning. For older children (eight to thirteen years olds) , answering questions in itself can be off-putting and hard even in their normal most natural habitats of home and school. Although responding to questioning is the lynchpin on which evidence is gathered, listening to what children are saying and appreciating something of what might be happening in their heads can inform the questions we ask and the manner in which they are asked. Appreciating children's loyalties/reticence will assist their capacity to talk to us. It is especially important to remember that children struggle when they are asked about apparent inconsistencies they have reported, when they are asked repeated questions and when protracted disclosures are scrutinised.

Interviewing children

Competent interviewing of children rests on our capacity to invest in a relationship with them, even when the relationship is time-limited. Tony Morrison recently said that the question parents in the child protection system have in mind when they first begin to engage with us is 'Is this person someone I can do business with?' It's the same question children have of us when we interview them and it reminds us that rapport building and asking questions is a dynamic that involves the entire time we spend with children – sometimes described as providing 'a holding environment' (Kent Hoffman).

Act confidently and be direct and explain the process of the interview. Explanations of the interview process can assist children's ability to focus on what they are asked to do and can offer them a sense of control over their environment.

Allowing a child to guide the process and being clear about the rules can prompt a child to cooperate and think clearly.

Acknowledging emotional stress will also offer a child some reassurance that you appreciate the efforts she/he is experiencing.

Assure children that they can say 'I don't know' and 'I don't know what you mean' when this is the case.

Allow free recall of the event without interruption. Withhold specific questions entirely until the child has exhausted his or her free recall. Begin questioning with open-ended questions. Move to directed questions when necessary. When using directive questions, along the continuum of focused, multiple choice, and yes-no questions, begin with focused questions. Once a detail is established, move to more directive questioning to obtain clarification, then move back to open-ended prompts. Be especially cautious about using directive questions with preschool-age children to avoid providing the child with answers that may not be their own. Avoid leading questions. Avoid language such as 'imagine' and 'pretend'.

Avoid the word 'story' in asking for a description of what happened to the child. In the child's family, the word 'story' may mean 'make believe'. Pronouns (he, she, they), auxiliary verbs (have, can, do), and prepositions (in, on, around) may be difficult for a younger child to understand. Avoid responding to contradictions. Accept them and attempt to ask clarifying questions later.

Match the child's language and use the child's terminology.

Finally, one of the most difficult aspects of questioning children is knowing when to stop. This again demands our capacity to listen and notice body language and be attuned to the messages children convey sometimes more covertly than adults.

I would like to acknowledge the work of Kent Hoffman, Tony Morrison, Kathryn Kuehne and myriad others over many years of reading!

Karen Fitzgerald

Director Child Protection Service

Flinders Medical Centre

We all perform best when we know we are being listened to and treated with respect but this is especially important with regard to children.

Assure children that they can say "I don't know" and "I don't know what you mean" when this is the case.

Young people having a say at Magill

We have been invited by the staff of Magill Youth Training Centre to join a meeting of the young people's Advisory Committee. The Committee is a way of improving the services provided to young people in the Centre by allowing their issues and ideas to be taken up by the Centre management.

Client Services Manager Kitty McLean and Program Coordinator Julie Wright welcome the three young men and two young women who represent the four separate accommodation units that make up the Centre.

Because young people on the Committee frequently change, Kitty explains anew how the meeting will be run on formal lines with an agenda, minutes and with reports on the actions from previous meetings.

The representatives produce pieces of carefully folded paper where they have written the issues that the other people in their units have asked to be raised. One of the young representatives writes the issues for discussion on the whiteboard while another takes the minutes and the meeting gets under way. The discussions are animated and friendly but very focussed and the young people argue their points well.

Their requests seem reasonable and acknowledge the necessary limitations of the Centre environment. The request for Internet access to help with homework, for example, comes with the suggestion that a new computer could be placed on a trolley and locked away when supervision wasn't available.

For the girls, issues include the availability of personal toiletries and being able to wear your own clothes ('You feel good when you dress up'). For the boys it is wearing their own shoes and getting hair gel. More gym equipment, maintenance of the pool for the hot weather and replacements for broken Playstation controllers also feature along with a request for clocks and calendars to be placed in their sleeping spaces.

Some requests immediately fall foul of Centre policy such as mixing of the units for sports day and a heavy punching bag for the gym.

Kitty and Julie report that as a result of previous meetings, more sport is happening and that two unpopular food items have been removed from the menu. Cut up fruit is being provided as healthy snacks after school although several of the young people seem unsure as to whether that is actually happening. The promised blenders and frypans for snack making are in place in the units. New sofas agreed to at a previous meeting - two units have only plastic chairs to sit on - have not yet arrived.

Then, with a chorus of 'see yas' and a last visit to the platter of cut fruit, the meeting is over.

The young people clearly took the meeting seriously and were taken seriously. Sometimes the 'policy' limits on what could be done for them seemed overly restrictive but, as a newcomer to a world where cosmetics and even the staples out of books can be potent instruments for self harm, it is hard to judge what is reasonable or possible. The presence of senior staff from other parts of the Centre might have helped get things done but then that may have inhibited the discussion too.

Our thanks to Kitty, Julie, the Magill staff and the young people involved for being so open and welcoming. It is encouraging to see young people having a say and great to see them doing it with such skill and style.



Youth Advisors' Page

Why I am a Youth Advisor

Rachel – 'I've always wanted to work with children in care, as my ambition is to one day become a social worker. I strive to make noticeable changes to the system, to be a voice for those currently in care and to also learn as much as I can along the way.'



Sara – 'Having lived in foster care motivates me to work in the Office of the Guardian to offer advice from my experiences. I believe that everyone should share their voice in a positive way to be heard.'



Ed – 'I want to use this role to encourage young people in care to have a voice and to make sure that their voice gets heard in the places that matter.'



Some bits from Rachel's speech at the DECS ceremony to endorse the Charter of Rights

DECS endorsement of the Charter of Rights is extremely important. School is such a big part of any young person's life, however from a young person in care's perspective it can be more daunting than you can possibly imagine. As well as worrying about assignment deadlines, young people may also be experiencing personal crises on a constant basis...

As a young person in care, I had studied at the same high school for four years and school was my life. It was the only thing in my life that had remained stable and constant during turbulent times and I was thankful for this...

Without the support of my school network I would not have been able to finish my education. Without my high school certificate I would have found myself at a disadvantage compared to my peers.

Youth Advisors' achievements so far...

The YAs contributed in a major way to the Charter of Rights which informs children and young people in out of home care of their rights. It helps them to achieve the best possible care and nurturing available, and to have their voices heard in the decisions that affect them.

The YAs played a major part in developing the Being in Care materials and information to assist children and young people in care to understand their situation, to connect them to services and to send them some affirming messages. The most recent products to come out of this process were the 'rightsbands', rubber wristbands with important rights printed on them, rub-on tattoos of Oog and backpacks for kids in care with an Oog logo.

The YAs contributed to the Office's Strategic Plan which set out the goals and directions through til the year 2010 to 'make it work for kids in care'. You can read it on the Guardian's website – [www.gcyp.sa.gov.au/Publications/Strategic Plan](http://www.gcyp.sa.gov.au/Publications/Strategic%20Plan).

Surrounded by Pam and Youth Advisors Mellita and Rachel and holding the DECS certificate of endorsement of the Charter of Rights is Chief Executive Christopher Robinson.



What's goin' on now?

Most of the YAs are on the reference group to develop the Comic. Currently under development, we have consulted with children and young people in care to create a story about siblings coming into care.

