

Office of the Guardian for Children and Young People

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.

august 2008

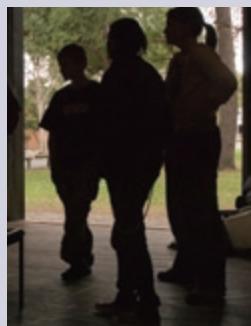
NEWSLETTER

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Minister's children shine in the spotlight

In 2005 Budgie Lung Theatre Company produced and presented a new work in progress called *The Minister's Children* to a sell-out audience. The work was commissioned from professional writer Finegan Kruckemeyer, as part of Child Protection Week and it dealt with the issues and experiences of children and young people in state care. A second stage of the work commenced in 2007 with a community consultation involving representatives from community, business and government which decided that the next stage of the project required extensive workshop participation by young people who had the experience of being in the care system.



Seeing the opportunity for young people to work with a professional theatre group and a recognised writer and tell some of their own experiences of being in care, CREATE, DECS, The Second Story and the Office of the Guardian all lent support to project manager Simon Krieg and the Budgie Lung team to get the project going and to recruit the participants.

'We have found working with this group of young people really exciting. They are very enthusiastic and willing to learn and discover things about themselves and the art of drama,' said Simon.

The first set of workshops, which finished with a performance earlier in the year, involved a collaboration of local artists and young people in care or at risk. Issues for young people were explored and each of the participants performed the characters they had created, to a small audience of friends and supporters.



'We are currently arranging funding for the second round of workshops, which will commence later in the year. Thanks to the generous support of the Office for Youth and the Office of the Guardian for Children and Young People, we have been able to commit to another five workshops, and hope to be able to complete the program with another, larger presentation and performance.'

Drama allows me to explore being people that I am not. I'm pretty shy and sometimes I can deal with a difficult situation by pretending that I am playing a part.

Working with Budgie Lung has been great fun – I've learned some new skills and the discipline of working as a part of a team.

I definitely want to carry on with drama. I'll change schools next year so I can do it in year 12 and then try to get into further drama study in TAFE.

Participant aged 16



Pam Simmons
Guardian

Letter from the Guardian for Children and Young People

Dramatic events in several states, including South Australia have sparked nationwide interest in the neglect of children. While we would all wish that the responses to children's needs were swift and adequate, and certainly prevent tragedy, this cannot be guaranteed. No child protection system is foolproof. What we aim to do is to make it as strong and responsive as possible.

Neglect is an awkward concept to work with because it depends so much on prevailing standards of care, which change over time and over cultural context. It is very difficult to assess what is 'good enough parenting'. Let's not forget too that the concept of 'neglect' has a particular shameful history in its use against Aboriginal families. The *Bringing Them Home* report provided evidence of Aboriginal children being seen as one and the same as neglected children.

Regardless of the difficulty of defining neglect, it is seriously damaging for children and that is why the public debate should be welcomed, albeit preferably not in the heat of real or just averted tragedies. The public will help decide what the child protection system will respond to by discussing what are acceptable standards of care and safety and by learning about responsibilities before statutory intervention.

The underlying features of neglect such as low income, substance abuse, homelessness, the burden of sole parenting and mental illness, are complex and often chronic. The child protection system, in its narrow sense, is not well placed to deal with these entrenched problems and services to support the family must come from other quarters. However, someone must take responsibility for working closely with the family to progressively address the needs of the children. The community does not care *who* does it as long as it is done.

One of the uglier sides of the recent public attention was the damning of 'welfare mothers' for having more children. Birth rates are falling across every social group and are falling faster at the lower end of the economic range. However, it is reasonable to question whether a one-off lump-sum payment like the baby bonus is the best way to offset the significant costs of having a child. The debate here leaves open the bigger question for Australia of a paid maternity leave scheme paid to all regardless of employment and replacing the baby bonus and maternity payments. It could be accompanied by a children's trust fund with payments to all children at birth and at regular intervals for use on turning 18.

It is not acceptable to say that the responsibility for children's wellbeing rests solely with individual families. Good outcomes for children are not determined by leaving families alone nor by the wealth of a country. Good outcomes are decided by policies which focus on family support, valuing parenthood, early childhood services and reducing inequalities. And for children at high risk we need a robust child protection system that responds confidently to family problems and children's needs.

What's been done

June – August 2008

The first comic book written by young people in care for other children in care is finished and we are now working with an enthusiastic group of Aboriginal young people in care on a comic book about their experience. We plan to release both later this year.

In June, we convened a roundtable discussion on safe keeping orders and released a discussion paper for comment. This will form the basis of advice to the Minister for Families and Communities and inform our own views on this contested model of intervention for young people at high risk. The [discussion paper](#) can be viewed on the Guardian's website.

A presentation of the *Charter of Rights* certificate was made to The Second Story Youth Health Service at an all staff workshop to inform themselves better about one of their target groups, young people under guardianship.

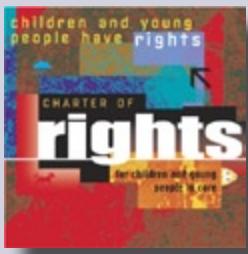
One of our goals is to ensure that all decisions that affect children in care take into account their views. We have some strategies to make progress on this and the most recent work is the preparation of a literature review on participation in case decisions. This will be released in the next few months.

The Youth Advisors have been busy with the comic books' development, a checklist to ensure that reports about a child are child-centred, and their [formal response to the Children in State Care Commission of Inquiry report](#) (the Mullighan report).

We met with the Families SA alternative care managers to prepare an update on the report on children missing from residential care and with the youth justice managers about progress on the implementation of recommendations from the review of programs in the youth training centres.

At the end of the reporting year we review all our activities for the previous year. In the 12 months to June 30 the Office received 117 requests for intervention on behalf of individual children and young people. Of these, 24 requests were opened for further investigation. A single matter sometimes affects more than one child or young person in care; therefore, we advocated on behalf of 31 children and young people. The Senior Advocate audited 94 annual reviews at 13 district centres. This is 6.6 per cent of the reviews that were to be conducted. A full report on our work will be in the annual report to be tabled in Parliament in November.

New services and products for children and young people in care will start to appear shortly. For the younger age group, a shipment of backpacks has arrived and will be distributed through Families SA District Centres and these will be joined by Oog soft toys in a few weeks. A freecall number, 1800 ASK OOG, has been set up and will be publicised to all young people in care in the coming months and added to the contact details in the Office's communications.



Charter of Rights

[You have the right to]

'Express your opinion about things that affect you'

and

'Be involved in what is decided about your life and your care'

Young people in care are wholly convinced that they should participate in making decisions about their lives. The quotes on this page are from a discussion about moving into independent living by the Office's Youth Advisors.

It's important to be asked 'what do you think?'

I would like my social worker to talk with me about what options are available, what they think is the best one for me and listen to what I think about them all.

I want to know how the decision was made...I don't agree with it so how do I know they listened to what I had to say.

Transition is the stepping stones to the path of independence. If a young person is not involved in the decision making...I call them stepping stones...how can a young person be expected to walk the path of life independently?

I felt that while in the transition process I was terrified of what was waiting for me and knew that once I was [out of care] that was it I would no longer have any support.

When I was 18, my time was up in care...when I did leave the unit I was homeless, I didn't have a job, and didn't have any support...

There was no planning for me to become independent...there were no decisions made or none that I knew of...I just turned 18 and that was it.

Over the previous century, young people were perhaps the last to win recognition of their right to self-determination. Children's limited legal rights, views of them as in need of protection, as incompetent and 'socialised' by adults and of childhood as an incomplete stage on the developmental journey to adulthood, all shaped the belief that children were not able to participate in decision-making.

Today, children are acknowledged as people in their own right, with their own competencies and perspectives. Article 12 of the 1989 *UN Convention on the Rights of the Child* states that 'the child who is capable of forming his or her own views [has] the right to express those views freely,' with 'the views of the child being given due weight' by those involved in their care. Participation implies that young people are not simply *consulted* about issues, but that they share decision-making authority with adults. This can occur on different levels and in several ways.

Research reveals that meaningful participation relies on situational factors, usually controlled by adults. These include choosing whether and how to participate (in person or through an advocate), understanding the purpose of meetings and influencing the agenda and the location. Adults can tailor communication methods to suit differing ages and abilities and provide timely and meaningful feedback on the results for the child. Adult's respect for children's views and dedication to getting them heard and acted on are essential because young people cannot achieve participation on their own.

Participation is a right promised to children under the UN Convention on the Rights of the Child to which Australia is a signatory. Scholars also tell us that participation results in better service provision, in more accurate and relevant decision-making and in enhanced skills for children and young people.

A review of the published literature on participation by young people is nearing completion and will be available on the Guardian's website soon.

For their own good?

Safe keeping orders in SA

As a result of growing interest and support for introducing safe keeping provisions in South Australia the Guardian wants to understand better the views, risks and benefits of safe keeping for young people at risk.

Safe keeping orders take the serious step of depriving young people of their liberty in the interest of protecting them from risky behaviour and making positive changes in their lives. Whether they are appropriate in South Australia calls on our community to confront some profound moral and practical questions.

Questions such as, do we no longer have, within our existing range of services, the capacity to provide for the needs of children and young people who put themselves at high risk? What new circumstances make it necessary to constrain young people for their own protection?

Has the ‘risk of absconding’ become the predominant issue? Jurisdictions that already use safe keeping orders require a link to be made between absconding and risk of harm before an order can be made. Absconding as a stand-alone issue is not sufficient.

‘Risk’ is socially constructed. What is ‘risky’ behaviour in one individual or group, such as young people or women, might not be seen as such if practiced by adult males. Is there a moral agenda being served by safe keeping orders and what are the cultural assumptions behind it?

Safe keeping raises the question of how to balance a child’s right to be protected with the rights to self-determination and liberty, all of which are set out in international conventions. Is the state breaching its duty of care in *not* intervening to protect young people who put themselves at high risk?

If a valid case can be made for safekeeping orders, there is an implied obligation on the state to provide therapeutic intervention that will, in time, address the risky behaviour. Are we confident that effective intervention programs will be delivered given that we struggle now to provide adequate therapeutic or rehabilitative programs?

Finally, facilities set up for safe keeping may be prone to the same hazards for residents as other highly controlled environments over time. Prisons, orphanages and psychiatric institutions have all produced resident abuse within recent history which is well documented. A more likely danger is that safe keeping is used for other purposes such as accommodation when nothing else is available or to get access to mental health services when none are available elsewhere. How can we ensure that safe keeping continues to be used only for its intended purpose and at the necessary high standards of performance? In the end it may come down not to our ideals and aspirations for safe keeping orders at the outset but how well they are sustained over the years and decades to follow.

For a more extensive discussion of this issue read the [Safe Keeping Orders Discussion Paper](#) on the Guardian’s website.

Safe keeping raises the question of how to balance a child’s right to be protected with the rights to self-determination and liberty...

Youth Advisors' Page

What makes a good social worker? - the director's cut

Last edition we asked some young people, a youth support worker and a social worker, 'What qualities make a good social worker for children and young people in care?' This time it is the turn of the Families SA Executive Director.



Families SA Executive

A good social worker must:

- have the appropriate qualifications. They will have studied, can show that they have thought about the theory and understand the link between theory and practice and have an ability to apply the learning and skills.
- have the right personal qualities. They must have passion, believe in what they do, believe they can make a difference and want to work with children and young people in care.
- have a good work ethic.
- be robust and grounded with good coping skills, and a good life/work balance in their own lives.
- be a good listener who is able to listen with empathy and understand the individual they are working with.
- be a problem solver and be organised and methodical.
- have the necessary skills for their work duties such as client work, whether working with children or adults, presentations (for example in court) or case planning.
- have a sense of fun. They must be energised and have ways of looking after themselves.
- work within a team and cooperate well.
- have a commitment to ongoing learning, reflective practice and continuous improvement.
- have integrity and honesty, recognising the power imbalance between them and their clients and not taking advantage of it or of a disempowered young person.

To find out what makes a good social worker we've listened to children and young people in care, youth support workers, social workers and the Families SA Executive. For us the most important things are:

- regular face to face contact with the child
- getting to know the child and their opinions
- integrity and honesty
- involving the child in decision making
- having strong interpersonal skills to relate to and empower a child



Thank you to those who contributed their views and are committed to making it work for kids in care.

Office of the Guardian Youth Advisors