

Annual Report

2012-2013



Government of South Australia

Office of the Guardian
for Children and Young People

September 2013

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Office of the Guardian for Children and Young People

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The Hon Jennifer Rankine MP
Minister for Education and Child Development
GPO Box 1563
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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 2013, 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 2012-13 financial year.

Yours sincerely

A handwritten signature in black ink that reads "Pam Simmons". The signature is written in a cursive style with a large, stylized initial "P".

Pam Simmons
Guardian

30 September 2013

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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:

- 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.

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 2013 in South Australia there were 2,615 children and young people under the guardianship of the Minister through care and protection court orders, not counting the 30 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 2013	
	%
Male	52
Female	48
0-1 years	6
2-4 years	15
5-9 years	31
10-14 years	29
15-17 years	19
Aboriginal or Torres Strait Islander	28
non-Aboriginal	70
Unknown	2
long-term care and protection orders	86
12 month care and protection orders	14

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 ¹ at 30 June 2013 (AIHW counting rules)	
	%
Foster care	42
Relative or kinship care	37
Residential care	10
Special child only	8
Emergency/temporary	2
Independent living	1 ²

¹The 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

² The total is not 100 because of rounding and one category with small numbers not included.

The year in review

As an advocate for children in state care, I am very concerned to see the numbers of children in care escalate as they have in the past five years, climbing 24 per cent to 2,615 children now. I am also concerned about leaving children in unsafe homes. In my role as Guardian I am therefore interested in better supporting those families who could look after their children if they got the right sort of help *and* in providing the very best of care when children must be removed from their immediate family.

The human and financial cost of not providing family support or good out-of-home care is playing out before our eyes. It has *not* gone unnoticed by the state government.

In 2012-13 on any one night there was an average of 56 children in motel-type accommodation, such as rented rooms, cabins, caravans or apartments, with carers on eight hour shifts. Most of these children had been there for months, and some for several years. The average age was 11 and some were infants.

The circumstances which led to children being in this type of care for long periods of time stem from a congested out-of-home care system. Nobody *wanted* to place children in rented rooms. There were no suitable alternatives to be found. The family placements were just not there for young children or groups of siblings. Nor was the specialist care available for children with disabilities or challenging behaviour.

The cost is escalating to the point where South Australia spends proportionally more on out-of-home care than most other states and the 'per child' rate (to 2011-12) had increased by 357 per cent over ten years. **We are spending big on the wrong type of care.**

One part of the answer is to plan better. To project what the demand will be for different types of care and plan to supply for it. That has to be done and it will be best done in a truly collaborative exercise among government and non-government out-of-home care providers. It is only part of the answer. I, for one, do not want to plan for a demand increase of five per cent per year.

Another part of the answer is to convert a system that is heavily focused on rescuing children from their unsafe families to a system that is more interested in supporting families. This is *not* to say that child protection workers have been doing the wrong thing in removing children but rather that the option of creating safety within the family has often not been possible for want of effective support services. In 2013, in recognition of this tendency to rescue and remove, the statutory child protection agency Families SA embarked on a three to five years major change to its overall service approach to families and children so that the intervention becomes more supportive of families.

Yet another part of the answer is the enhancement of other human services to look for, and then provide for, the needs of children in families, rather than focusing narrowly on their adult clients. For example, adult mental health services and drug and alcohol services can do better by their clients and their client's children if they work on strategies for responding to children's needs as well as managing episodes of illness or stress. In children's services too, such as education and children's health, there is potential for working more with families where children are at risk. The *National Framework for Protecting Australia's Children*, supported by all Australian governments, encourages such a shift in approach.

The final part is the budget. South Australia spends the biggest part of the 'children's budget' on universal services, the schools, pre-schools and child and family health services. Overall, this is sound investment from which everyone benefits. However, if we are considering the prevention and treatment of child maltreatment the allocation must be more sophisticated. At present, the state government spends the biggest share (70 per cent) of its 'child maltreatment' money on out-of-home care, driven by the significant growth in demand. Just five per cent is spent on intensive family support services, which are for

families with chronic need whose children have been removed or are likely to be, and who receive intensive support in the expectation that their children will be able to live safely with them.

The high cost of moving children into out-of-home care is both monetary and human. If a child enters out-of-home care at age one and stays until they turn 18 the cost for that child is around \$1 million in out-of-home care costs alone (\$53,000 per annum, 2011-12 dollars), not counting the cost of child protection services and assuming the child does not have special needs. Compare that with the average estimated \$16,000 per annum per family for intensive family services, not counting expenditure on other human services.

The human cost is felt keenly when the out-of-home care system and 'guardianship' services cannot keep up with demand and fail to provide what children need. The use of motels to accommodate children for long periods of time is just one indication of weakening provision of good quality care. Another is the rising caseloads of social workers charged with the guardianship responsibilities for children, on behalf of the Minister, and the consequent infrequent contact they have with their young clients.

The timing is right for a concerted effort in delivering solid and effective support and prevention services to those families whose children are at high risk of harm. There is widespread support for doing things differently in regard to protecting children and changes are underway in parts of the child protection system. I hope it does not come unstuck for want of financial backing. An additional \$6 million per annum in intensive family services and \$16 million in child protection services would see South Australia catch up to the overall Australian rate of 'per child' expenditure. It seems a small price to pay for the state's most vulnerable children.

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

In 2012-13 the Office of the Guardian

- Conducted an inquiry into children's experience of moving while in care, including interviews with children, reviews of case records and consulting with decision-makers.
- Extended the network of advocates for children's rights with over 200 Charter [of Rights] Champions across 57 agencies.
- Produced two videos, one on good information sharing among agencies and another on advocacy on behalf of children and young people.
- Responded to 112 requests for intervention involving 174 children and young people in care. Of these requests 24 per cent came from children and young people themselves.
- Audited 174 annual reviews of the circumstances of children under long-term guardianship, or 8.4 per cent of this group of children.
- Visited 232 children and young people living in residential care or youth training centres, in 35 announced visits.
- Commenced new work on advocating for children who have been in interim care arrangements for long periods.
- Introduced a more robust monitoring system in residential care.
- Negotiated the extension of the Information Sharing Guidelines to include adults who are vulnerable to serious harm.
- Worked with 20 young people on the development of a comic book about successfully negotiating for what you want.

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

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.

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 52 EE (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.

The Office of the Guardian has accepted the responsibility for promoting and monitoring the implementation of the terms of the Charter. At the end of this year, 57 agencies had endorsed the Charter, an increase of 10 agencies from 2012. There were 201 Charter Champions engaged to promote children's rights in their agencies, an increase of 61 from the year before.

In 2012-13 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 introduction of the National Disability Insurance Scheme, children moving while in care, and the child development legislation.

New products to promote rights were developed, with an emphasis on younger children. Another 300 sets of flashcards about rights were distributed to children with low literacy or disability.

Promote and monitor good information sharing among agencies when children are at risk

In late 2008 the Guardian assumed responsibility for promoting and monitoring the implementation of the *Information Sharing Guidelines for Promoting the Safety and Wellbeing of Children, Young People and Their Families* (ISG). The purpose of the guidelines is to guide workers and agencies in sharing information appropriately so that services are provided earlier when children, young people and members of their families are at risk. The guidelines help maintain the balance between the right to safety and the right to privacy.

In 2012-13 the ISG steering committee advised government that the Guidelines should be extended to include adults who were at risk of harm but who did not have responsibility for children. In other words, the ISG would cover all circumstances where people were at risk of serious harm and there would be procedural consistency within and among agencies for the exchange of information. In March 2013, this recommendation was accepted and, as a consequence, responsibility for the promotion and monitoring of the use of the ISG moved from the Guardian to the State Ombudsman.

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. The Youth Advisors are at the heart of the strategy and provide advice and assistance. The Youth Advisors also make up the membership of the Advisory Committee, as required in the *Children's Protection Act*.

In addition, young people have been engaged in the major project work of the Office of the Guardian, notably the 2013 Inquiry into children's experience of moving while in care and in the production of a third comic book.

The Office collaborated with the Create Foundation and Families SA in organising two meetings of young people in care with the Minister for Education and Child Development.

Through a range of media, share the knowledge we have

The website is the major source of information about the Office's activities, findings and views and visitors to the site have increased by over 25 per cent in the reporting year.

Quarterly newsletters and more frequent electronic bulletins keep subscribers up to date with news.

In February 2011 the Office started its Twitter stream and by the end of June 2013 had attracted 280 followers. The Office is converting its text fact sheets to videos and in this past year videos on the ISG and on advocacy for children were 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

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.

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, comic books, back-packs, wristbands, tattoos, key-rings, soft toy, stress balls, drink bottles 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 2012-13 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.

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 2012-13 GCYP received 140 requests for intervention on behalf of children and young people. Of these, 112 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 14 per cent decrease from the year before.

A single matter sometimes affects more than one child or young person in care. We therefore assisted or advocated on behalf of 174 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 consequent advocacy for change. We reviewed 23 cases, including five that commenced in late 2011-12, affecting 30 children and young people.

The 112 requests that were within our mandate were made by:

Child or young person	27
Families SA	19
Carer (foster / relative)	17
Youth Justice	11
Other relative ³	8
Alternative care agency	8
Health	7
Education ⁴	4
Parent	3
Legal services	3
Non-government organisation ⁵	2
Statutory authority	2
Friend of child or young person	1

The presenting issues⁶ were:

Stable and secure placement	36
Participation in decision making	23
Contact with significant others	18

³ Not providing care to the child.

⁴ Although Families SA is located with DECD, the referrals from Families SA are reported separately to those that come from schools and education-specific personnel.

⁵ Not providing alternative care services for the child.

⁶ There is often more than one presenting issue in a request and one issue may affect more than one child. Our reporting is the number of children directly affected by the issue.

Safety	18
Appropriate care	13
Access to health and disability services	13
Education	10
Understanding circumstances	10
Relationship with social worker	10
Nurturing environment	7
Access to personal space	1
Other	26

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 2012-13 the major issues for advocacy were:

- 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 monitoring of circumstances of children in care, including the introduction of a community visitor scheme.
- Creation of a position of SA Commissioner for Children and Young People.
- Preservation of youth health services following proposals to reduce the age range and to cut services.

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

The Guardian is a member of the Australian Children's Commissioners and Guardians network.

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' Care Concern Investigations Units of 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 2012-13, 29 notifications categorised as serious were referred to GCYP for monitoring. In addition GCYP monitored 24 investigations continuing from 2011-12.

The 29 notifications related to alleged sexual abuse in the following care arrangements:

Foster care	10
Relative care	8
Residential care	6
Commercial care	5

Case study

'Michelle', 16, lives in foster care and has a mild intellectual disability. Michelle wanted more contact with her birth father who lives interstate. Michelle said to the Office of the Guardian that her contact was about once a year and she wanted to visit her father interstate.

Families SA was aware of Michelle's views and said that, on more than one occasion they had written to Michelle's father, inviting him to talk with them about a visit by Michelle to him. He had not responded and they had not been able to do a safety assessment. Under these circumstances, Families SA cannot allow Michelle to visit. Families SA had also offered financial support to Michelle's father for an additional visit to SA each year. The foster carer supported regular phone contact but Michelle wanted the personal contact.

Families SA agreed to write again to Michelle's father to invite him to discuss more frequent visits and a safety assessment for Michelle to visit him. Michelle was disappointed that a visit could not be arranged soon but was pleased to know that more effort would be made.

Monitor

Statutory function

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

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.

Implementation of monitoring framework

In 2007 the Office introduced a framework for our monitoring activities so that we could report against standards deemed acceptable by children. There are 12 quality statements based on the rights in the children's charter. In 2012-13 the Office released two reports based on the findings of the monitoring work.

Monitoring activities

The Office undertook the following activities to monitor the circumstances of children and young people in care:

- Receipt of aggregate data available from the Department for Education and Child Development
- Audits of annual reviews (8.4 per cent of children on long term orders)
- Enquiries lodged at the Guardian's Office (6.8 per cent of children on care and protection orders)
- Visits to residential care and youth training centres (35 visits, approximately 9 per cent of children in alternative care)

Reports on findings of monitoring

In September 2012 the Office released a report and an accompanying infographic on the conclusions from the audit of annual reviews in the previous year. In January 2013 a second report summarised the findings from the visits to residential care houses.

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 2012-13 are:

- The numbers of children on 12 month and long term care and protection orders has risen from 2,116 in June 2009 to 2,615 in June 2013, an increase of 23.8 per cent. In the 12 months of 2012-13 the increase was 2.8 per cent, lower than the 5.6 per cent of the preceding year.
- A total of 485 individuals were housed in the Adelaide Youth Training Centre at some time in 2012-13 compared with 602 in 2011-12.⁷ The rate of average daily occupancy in youth training centres fell from 65.5 in 2011-12 to 61.4 in 2012-13.

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 2012-13 the average number was 56.

In 2012-13, the highest number at any one time was 77 which occurred in October 2012. At the end of 2012-13 the number was 62. At 30 June 2013, 52 children had had stays of over 60 days compared with 44 children in June 2012.

In June 2013 the Guardian wrote a summary of the information held at the Office about children in these arrangements. The summary was for discussion with the Department for Education and Child Development. The physical environments are considered inappropriate for children who are already in vulnerable circumstances 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 (GCYP) had 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.

⁷ 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.

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 addition to the monitoring of numbers, the Office regularly follows up on the circumstances for children who had been in this form of accommodation over 18 months.

Audits of annual reviews

The Senior Advocate audited 174 annual reviews at 16 Families SA offices. Some offices scheduled regular reviews and were visited on more than one occasion. On four occasions GCYP declined invitations to attend scheduled annual reviews due to prior commitments with other offices. In addition, there were six occasions when annual reviews to which GCYP was committed were cancelled or rescheduled at short notice. Annual reviews are conducted for children and young people placed under long-term guardianship orders. The Office audited 8.4 per cent of reviews that were to be conducted, down from 9.2 per cent in 2011-12.

A report on the audit is provided to the Minister annually. The major findings for 2012-13 were:

- More than seven out of every ten children and young people whose cases were reviewed were considered to be in stable, long-term placements.
- More than nine out of every ten children and young people had at least one significant adult in their life.
- Almost one out of every three children and young people actively contributed to their annual review.
- Almost nine out of every ten children and young people were confidently considered as safe and reported to feel safe.
- Four out of every five children and young people who are eligible for Individual Education Plans had current Plans.
- Three out of every four adolescents approaching adulthood, and the expiration of their guardianship order, had a transitioning from care plan to coordinate and facilitate actions and services.
- Two out of every five children and young people had received, and are developing, a Life Story Book.
- One out of every four children and young people did not have regular contact with a social worker.

In 2013-14 we will advocate strongly for significant improvements to the quality of annual reviews, promoting consistency across the Families SA offices, as well as advocating for continuous improvements to the inclusion of others in decision-making.

Residential care and youth training centres

In 2012-13 GCYP 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 relate to the physical and emotional safety of residents and a visit to residents to hear their perspectives about the care they are provided with. 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 more robust information about residential care environments and target visits to the most vulnerable children. Targeting became necessary because of the growth in the number of residential houses.

In 2012-13 there were 62 residential care properties provided by Families SA and non-government organisations for children and young people under the guardianship or custody of the Minister for Education and Child Development. The GCYP Advocates conducted a review of records and visited 17 residential facilities. A detailed report was provided to the manager and any specific concerns were quickly responded to.

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-2013 there have been no closures and no firm timeframe for their closure. 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 and in 2011 the Guardian provided further documented evidence of harm to children and young people residing in the oldest facilities. It is disappointing to have no firm plans as yet for their closure but instead an

expansion of new residential facilities which, while of a better design, still accommodate 12 residents on a single site.

Magill Youth Training Centre closed in September 2012 and residents were relocated to the new Adelaide Youth Training Centre. There are now two campuses at Cavan, under a single management team. In 2012-13 the Advocates conducted 12 reviews of records and 18 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.

Case study

'Jessica', 12, lives in residential care. 'Mrs Jones' is a teacher at Jessica's primary school and she was concerned that the school had received a copy of a high school application for enrolment which was not what Jessica wanted. Mrs Jones said that Jessica had visited 'Seaford High School' and was attending some activities at the school in preparation for the 2014 start. At a recent meeting, Jessica had said that she wanted to go to Seaford. The application was for Willunga.*

Mrs Jones thought that the staff at the house wanted Jessica to go to Willunga because other residents went there. The Office of the Guardian spoke with Jessica and she confirmed that she wanted to go to Seaford. With Jessica's okay the Advocate contacted Families SA and represented Jessica's views. The social worker said that the application was an administrative process only and not a final decision. The social worker agreed to organise a school tour to Willunga so that Jessica could be familiar with both schools.

Following the tour, Jessica persisted with her wish to go to Seaford and the application was changed.

**the names of the schools, in addition to other identifying details, have been changed.*

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.

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.

Advice and inquiry

Commencing in September 2012 and concluding in June the major inquiry was about the impact and experience of children moving while in care. The findings and conclusions from the inquiry were provided to the Minister in August 2013, following discussion with the department. This is reported in the following section, *Inquire*.

Other advice provided and reported on elsewhere in this annual report is:

- Community visitor program and other options for improving the monitoring of circumstances of children in care (see this page)
- Every Chance for Every Child and children under guardianship (see p 23)
- Child Development legislation and a SA Children's Commissioner (see p 24)
- Extension of the Information Sharing Guidelines to include adults vulnerable to serious harm (see p 11)
- Results of the audit of annual reviews (see pp 19-20)
- Comparisons of expenditure on child protection, out-of-home care and intensive family support over 10 years and with national averages (see p 25)
- Safeguarding children through family support (see p 25)
- Children in motel-type accommodation (commercial care) (see p 26)

Community visitor program

Support for a community visitor program is largely driven by discomfort and concern that the monitoring of conditions for all children in state care and the protection of their rights is inadequate.

The independent monitoring and advocacy available through the Office of the Guardian is shrinking relative to the growth in numbers of children and the expansion of short term alternative care placements. The Guardian estimates that her Office knows *something* of the circumstances of about one in every four children in care, with a bias towards those who are in residential care because of the visits by the Office's advocates.

In SA the arrangements for promoting and monitoring care standards are disordered and unreliable. They include: licensing of private residential facilities but not government; approved provider panels for private alternative care providers; state alternative care standards which are largely not monitored nor reported on; national out-of-home care standards which require reporting from state governments; and a charter of rights for children which is monitored to some extent by the Office of the Guardian.

The Guardian's advice provided in September 2012 had four options:

No change: This option will cost nothing additional but as the number of children in care grows, the assurance of quality and protection for children shrinks.

Community visitor program: As recommended in the business case prepared by the Guardian, this option is likely to cost in the order of \$1.6 million per annum if limited to 400 children in a year and using volunteer visitors.

Office of the Guardian capacity: Expand the advocacy service at the Office of the Guardian. The advocacy service, which conducts the monitoring visits and individual advocacy, had 1.6 FTE (plus 0.4 back up support from the Senior Advocate).

Accreditation of agencies: Introduce an accreditation system for government and non-government alternative care services. While this option does not provide information on, or advocacy for, individual children or the circumstances of children in care as a group, it does provide greater knowledge of the quality of care and an improvement process.

In July 2013 the advocacy service of the Office of the Guardian was expanded by one additional advocate's position.

Every Chance for Every Child

In September 2012 the Guardian responded to the invitation to contribute to the policy discussion on the child development commitment of government, *Every Chance for Every Child*.

In summary, the submission made the case for a focus on children and young people under guardianship in planning for improved child development outcomes. The submission concluded with recommended targets and measures.

SA Children's Commissioner

In September 2012 the Guardian advised the Minister that the introduction of child development legislation and consequent advisory structure (council and regional trusts) could be supplemented by the creation of a statutory role of Children's Commissioner. This would make clear the government's commitment to promoting children's interests with strong advice from the Child Development Council and *independent* monitoring of outcomes and advocacy.

Child development legislation

In October 2012 the Guardian responded to the discussion paper about proposed legislation to promote children's development. Among other things, the advice was:

- Strong support for entrenching in law the state's commitment to honouring children's rights and, in policy, the commitment to creating child friendly communities.
- The benefits of having an inclusive regional structure that spreads the awareness and responsibility for good child development well beyond a single committee or office.
- Limitations in the proposed model because of perceived and real susceptibility to conflicts between children's interests and the interests of the government of the day.
- Proposals to strengthen the two-way communication with key contributors, including a consultation strategy with children and young people that either replaces or supplements the proposed standing committee.
- Notwithstanding strong support for regional trusts, there were practical problems with the proposed membership model and selection of management boards.
- Ideas for an additional commitment by government to channel funds to the Foundation for Children and Young People.
- More compelling reasons for the business sector to play their part, with recognition of family-friendly workplaces and voluntary codes on issues that directly affect children such as children's employment and market research.
- Further strengthening the proposed restructuring of advice on children's interests with the creation of a statutory office of the Commissioner for Children and Young People.

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. These charts demonstrate why SA is struggling to meet demand. (See safeguarding children below.) Some of these charts are now available from the Office's website.

Safeguarding children through family support

In April 2013 the Guardian made the case for re-design of services and programs to make the shift from a reactive child protection (child rescue) system to a proactive safeguarding children and families system.

The predominant approach to protecting children at risk of, or having experienced, serious harm is to intervene through the statutory child protection process, that is, investigations and applications for court orders to temporarily or permanently remove children from their immediate family. This has resulted in increasing numbers of children in out-of-home care and families in conflict with government agencies.

Some of the work undertaken in SA since 2011 in preparation for such a shift to targeted engagement of parents is:

Strategic Agenda for the Safety and Wellbeing of Children developed by the Child Protection Senior Officers Group in 2011 and 2012.

Think Child, Think Parent: An improved strategy for protecting children, proposal by the Collingrove Group, 2011.

Discussion by workshop participants on redesigning the system for safeguarding children, October 2012.

Partnership in Practice forums, jointly organised by Families SA and the Child and Family Welfare Association (SA), 2012 and 2013.

The advice said that targeted early intervention with families can work but it often does not because the intervention is inadequate. Support for an improved strategy and approach is widespread and had commenced with the Brighter Futures reforms underway in the department. The advice though said that groups outside government were impatient for

change. It appeared to be an ideal time to engage these groups in focused discussion about plans for redesign of services and approach.

Children in motel-type accommodation (commercial care)

[Also see p 18] In late June the Guardian completed a short report on the numbers and profile of children in commercial care over the past eight years. 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 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.

Commonwealth policy and programs

As a member of the network of Australian Children's Commissioners and Guardians (ACCG), the Guardian has contributed to responses to national policy issues affecting children. The Guardian hosted the meeting of ACCG in October 2012.

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

Our goal

Inquiries result in systemic reform that is long-standing.

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.

There were seven recommendations arising from the findings.

1. The *Children's Protection Act 1993* be amended to make it a requirement that a child be present or the child's views be presented, at any meeting where a placement move is being decided and 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. (A footnote in the report suggests that this audit be deferred until 2015 following the implementation of the Families SA Redesign program.)
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 required for case workers and alternative care support workers and provides off- and on-site professional development and training over a two year period, with individually tailored study of working with Aboriginal children and families, Aboriginal history and culture.
6. The skills of residential, foster and kinship carers in welcoming and parting from children and young people be strengthened by emphasis in assessment, training and care reviews.
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

Our goal

Investigations result in practical recommendations that are acted on.

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 also had non-statutory responsibility for promoting and monitoring the use of the *Information Sharing Guidelines for promoting the safety and wellbeing of children, young people and their families* until this function was transferred to the South Australian Ombudsman on 1 April 2013.

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 at Level 4 East, 50 Grenfell Street, 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 2012-13.

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 requests for other information during 2012-13.

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 2013			
Persons			8
FTEs			6.4
Gender	% Persons	% FTEs	
Male	12.5	11.8	
Female	87.5	88.2	
Number of persons during 2012-13			
Separated from agency			1
Recruited to agency			0
Number of persons at 30 June 2013			
On Leave Without Pay			1
Number of employees by salary bracket at 30 June 2013			
Salary bracket	Male	Female	Total
\$0 - \$53,199			
\$53,200 - \$67,699		1	1
\$67,700 - \$86,599	1	4	5
\$86,600 - \$109,299		1	1
\$109,300+		1	1
Total	1	7	8

Persons	Status of employees in current position at 30 June 2013				Total
	Ongoing	Short term	Long term	Other	
Male	1				1
Female	5	1	1		7
Total	6	1	1		8

Workforce diversity

Age bracket	Number of employees by age bracket by gender at 30 June 2013				% of Total	Workforce benchmark (%)
	Male	Female	Total			
15-19						6.1
20-24						10.6
25-29						10.5
30-34						9.4
35-39		3	3		37.5	11.2
40-44		3	3		37.5	11.1
45-49						12.2
50-54		1	1		12.5	11.0
55-59						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 2013				
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	2012-13
sick leave	8.1
family carer's leave	0.6
miscellaneous special leave	1.9

Employees using voluntary flexible working arrangements by gender at 30 June 2013			
	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	90
a review older than 12 months	10*
no review	

*One was delayed because of special leave.

Consultants

There were no consultants engaged by the office during 2012-13.

Workplace health and safety

In 2012-13 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	582,516	626,690	44,174
Goods and services	223,762	170,200	(53,562)
Total	806,278	796,890	(9,388)

The staff team

Office Manager

Yvette Roberts

Yvette 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 and ensures that systems and procedures are in place to support the work of the office. Her recent project work has focussed on the implementation of the Charter of Rights.

Communications Officer

Malcolm Downes

Malcolm researches and produces print, online and video materials, for electronic and paper distribution. He collects and maintains statistical information, oversees the website and provides ad hoc support and services to Office staff on communications and information matters.

Senior Policy Officer

Kendall Crowe (to July 2012, on maternity leave)

Kendall conducts research and consultations and prepares policy papers and reports for the Guardian. She has nearly ten years' experience in the public sector in South Australia and interstate, working predominantly in immigration and child protection policy.

Senior Advocate

Amanda Shaw

The Senior Advocate leads the advocacy team, monitoring activities within the office and audits annual reviews for children and young people under guardianship. Amanda has spent fifteen years working in the youth and community services sectors in Australia and Canada and she has a passion for youth issues and public policy.

Advocates

Belinda Lorek (from March 2013, returned from maternity leave)

Belinda investigates individual matters and is working on a youth participation project within the office. She has experience in a variety of sectors undertaking roles in counselling, group work, case management and advocacy with children and young people.

Melissa Clarke

Melissa investigates individual matters and visits children in residential care. She is a Ngarrindjeri woman who brings experience in youth justice, child protection and community engagement.

Jodie Evans

Jodie investigates individual matters, visits children in residential care and worked on the development of a comic book. She has worked in youth justice for many years, in Australia and the United Kingdom, and she has more recently worked with victims of serious crime.

Principal Advisor – Information Sharing

Donna Mayhew (to 30 March 2013)

Donna oversaw the implementation and monitored the application of the state wide *Information Sharing Guidelines for Promoting the Safety and Wellbeing of Children, Young People and their Families*.

Youth Advisors

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 is designed to ensure that the voice and experience of young people who have been in the care system are incorporated wherever possible in any projects or activities undertaken by the Office.

Mellita Kimber

Mellita is Regional Manager, Consumer Services at the Southern Adelaide Local Health Network. As well as assisting the Office of the Guardian, she has served on the Council for the Care of Children and on the Board of the Dame Roma Mitchell Trust Fund.

Mellita retired as a youth advisor in 2013.

David Wilkins

David works for the Commonwealth Government and holds a Bachelor of Law and Bachelor of International Studies from the University of Adelaide.

Sara Bann

Sara works for Mission Australia, following positions in several government departments. Sara was the 2010 Channel 9 SA Young Achiever.

Benita Brinkworth

Benita was in foster care for eight years before her carers became her legal guardians. She joined us after a long association with CREATE including completing the Mission:Be program. In 2012 she completed Year 12.

Thomas Manning

Thomas is studying science at Adelaide University and is a member of the Council for the Care of Children. Among other volunteer work he has been involved with Create, YACSA, World Vision and Meals on Wheels. Thomas came into care at 12 years of age.

Membership of external committees

Australian Children's Commissioners and Guardians – Pam Simmons

Across Government Guardianship Steering Committee – Pam Simmons

National Framework for Child Protection SA Partnership Group – Pam Simmons

Statutory Authorities Network – Pam Simmons

Learning and development

Certificate IV in Frontline Management

Diploma in Management

Master Class Reclaiming Social Work

Cultural Diversity

Project Management Fundamentals

Public Speaking

Counselling Skills

Counselling and Psychotherapy Theories