

# Annual Report

2015-2016



**Government of South Australia**

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Office of the Guardian  
for Children and Young People

September 2016

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Office of the Guardian for Children and Young People

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The Hon. Susan Close, MP  
Minister for Education and Child Development  
GPO Box 1563  
ADELAIDE SA 5001

Dear Minister

I am pleased to present to you the annual report of the Guardian for Children and Young Persons for the year ended 30 June 2016, 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 2015-16 financial year.

Yours sincerely

A handwritten signature in black ink that reads "Amanda Shaw". The signature is written in a cursive, flowing style.

Amanda Shaw  
Guardian

30 September 2016

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## What the Office does

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.

The Office works 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 the Office works in partnership with children and young people, their families and carers, government agencies and non-government organisations.

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

## Functions

The Guardian has six statutory functions:

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

I report against these functions in this annual report.

## At the Office of the Guardian...

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

### The values of the Office

- 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 the Office works for

The Office promotes and protects the rights of 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 2016 in South Australia there were 3014 children and young people under the guardianship of the Minister through care and protection court orders, (not counting the 84 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 2016	
	%
Male	51
Female	49 <sup>1</sup>
0-1 years	7
2-4 years	15
5-9 years	31
10-14 years	32
15-17 years	15
Aboriginal or Torres Strait Islander	33
long-term care and protection orders	83
12 month care and protection orders	17

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<sup>1</sup> One young person was not gender identified in this binary schema, so the total population used for the gender identity was 3013 children and young people.



The living arrangements for children and young people in out of home care are as follows:

Care arrangements for children and young people in out of home care <sup>2</sup> at 30 June 2015 (AIHW counting rules)	
	%
Foster care	39
Relative or kinship care (inc. specific child only)	45
Residential care (inc. emergency care)	15
Independent living	1

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<sup>2</sup>The numbers of children and young people under the guardianship of the Minister and those defined as in out of home care under AIHW rules refer to similar but not identical populations. The 2016 data becomes available in June 2017.

## The year in review

The South Australian child protection and out of home care systems have been under significant pressure for a number of years, but even more so in 2015-16. There is keen community and political interest in what is occurring. **In the past 12 months the numbers of children and young people under the guardianship of Minister has grown by 20.2 per cent and by more than 80 per cent over ten years.**

I am pleased to have been able to continue the important work of former Guardian Pam Simmons whose tenure finished in December 2015. Sadly, many of the issues for children and young people in care that she raised in reports and advice over a number of years remain unresolved and were highlighted once more in Commissioner Nyland's report in August.

As required by the legislation, the Charter of Rights for Children and Young People in Care was reviewed during the year. Following consultations in 2015, the revised Charter was accepted by the Minister and tabled in Parliament in early 2016. By the end of the financial year, 40 agencies had been assisted by the Office to re-endorse the *Charter* and 294 Charter Champions engaged to promote children's rights in their agencies.

The challenges faced by Families SA have had a direct impact upon the operations of the Office in 2015-16. The increase in the numbers of children in care has resulted in a ratio of one Advocate for every 1,470 children at 30 June 2015 compared to one for every 961 at the end of June in 2009. Problems within the care system have increased the need of children for advocacy and the length and complexity of the matters on which the Office advocates has also grown significantly.

The increased demand has made it progressively more difficult to maintain the pro-active monitoring and advocacy undertaken by the Office in its visits to children and young people in residential care and the audits of annual reviews. The rapid expansion of the number of residential care places has resulted in a demand for proactive monitoring that has far outstripped the Office's capacity.

While the Office struggles to manage the conflicting demands and complexities of reforming the child protection system we need to remain acutely aware of our impact on the experience of the young people who are living out their childhood and adolescence within it.

### **In 2015-16 the Office of the Guardian**

- Completed a review by children and young people in care of their Charter of Rights, which subsequently passed Parliament.
- Re-launched the Charter of Rights with new materials.
- Commenced a Charter of Rights re-endorsement process for endorsed and some new agencies and refreshed the Charter Champions list to 294 members and growing.
- Conducted workshops with residents in the Adelaide Youth Training Centre about the development and implementation of a Charter of Rights for Children and Young People Detained in Youth Justice Facilities.
- Gave evidence to the Legislative Council Select Committee on Access to the Education System for Students with Disabilities.
- Gave evidence to the Nyland Royal Commission
- Responded to 145 requests for intervention, involving 193 children and young people in care. Of these requests, 32 per cent were from children and young people themselves.
- Audited 152 annual reviews of the circumstances of those under long-term guardianship of the Minister (7 per cent of this group of children and young people).
- Visited children and young people living in residential care or youth justice detention in 21 announced visits.

- Substantially grew the reach of the Office’s subscriber list and social media network.
- Reported on trends in school enrolment, attendance and literacy and numeracy skills from 2008-2015 for students under guardianship compared to their age peers.

## Functions and outcomes

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

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

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

## Promote

Statutory function

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

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### The Office's goals

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

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

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

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

The *Charter of Rights for Children and Young People in Care* (the Charter) was launched in 2006. In September 2010 the Charter was tabled in parliament, as required in the *Children's Protection Act 1993* Section 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 legislative amendment in 2010 also required that the Charter must be reviewed at least every five years. The Guardian conducted four workshops with children and young people to review the Charter. The first three workshops were to review the content of the Charter, and the fourth to endorse the proposed changes.

Additional consultations were held with Charter Champions, Aboriginal practitioners, the Charter Implementation Committee and representatives from service providers and peak bodies.

In November 2015 the Guardian submitted the proposed changes to the Minister for Education and Child Development, who subsequently approved the variations and laid the

revised Charter before both Houses of Parliament, as required by the legislation. The revised Charter was accepted in Parliament in early 2016.

The Office of the Guardian has the responsibility for promoting and monitoring the implementation of the terms of the Charter. The revision of the Charter required previously endorsed agencies to revisit their endorsement and recommit. At the end of the financial year, 40 agencies had endorsed the revised Charter, and an additional 20 agencies had commenced the endorsement process. There were 294 Charter Champions engaged to promote children's rights in their agencies.

*A Charter of Rights for Children and Young People Detained in Youth Justice Facilities* was included in the *Youth Justice Administration Act 2016* which will be operational from 1 December 2016.

## Engage children and young people in the Office's work through whatever avenue we can

Central to the work of the Office is strengthening the voice of children and young people and modelling their participation in decisions. The [Office's youth participation strategy](#) and [policy](#) detail this undertaking. The principal theme for the workshops with children and young people in 2015 was the review of the *Charter of Rights for Children and Young People in Care*. In 2016 children are being consulted on the significance of being actively involved in decision making.

The monitoring visits to residential and youth justice detention units also engage children and young people in talking about their views on the care provided.

## Share the knowledge the Office has through a range of media

The website is the major source of public information about the Office's activities, findings and views. In 2015-16 it grew to 23 pages and a searchable archive of over 360 posts on matters related to child protection and children's rights. In March 2016 the website was upgraded to provide an improved user experience and better search capabilities. In April, the Office moved to a communications strategy that entailed making more of its information

and opinion available via shorter and more frequent posts and a concentration on expanding the subscriber base to the Guardian's Information Service. Website page views have increased from an average of around 3,500 per month for the first nine months of the 2015-16 year to over 6,000 per month in the last quarter. Subscriptions to the Guardian's Information Service have also increased by over 25 per cent in the last quarter of 2015-16.

The Office interacted with the child protection sector with some new website offerings in 2015-16 which included:

- [How would you spend extra money on child protection?](#) – survey
- [Should the age of leaving state care be extended beyond 18?](#) – poll
- [GOM – What's in a name?](#) - poll

The Office maintains two Facebook pages and a Twitter stream, each with a modest following. By these means the Office makes available information on child protection and children's rights including, and in addition to, that which is on the website as well as providing the opportunity for community comment.

In 2015-16, the Office published three quarterly newsletters and [2014-15 In Review](#).

The Office launched a [12 minute video](#) in August 2015 in which five Aboriginal young people spoke about their connection to culture and community.

In 2015-16 the Office promoted the best interests of children and young people in care via the following submissions and responses:

- Victim Support Service: Services for Child Victims of Crime
- National Royal Commission into Institutional Responses to Child Sexual Abuse: Institutional responses to child sexual abuse in out of home care
- National Royal Commission into Institutional Responses to Child Sexual Abuse: Best practice principles in responding to complaints of child sexual abuse in institutional contexts
- National Children's Commissioner: Oversight, complaints and reporting arrangements for Youth Justice Detention in South Australia and the Optional Protocol to the Convention Against Torture
- Families SA: Who can say OK; making decisions about children in care
- The Child and Family Health Service: The Case for Change, Proposing an Enhanced Service Delivery Framework



## Advocate

Statutory function

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

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### The Office's goals

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

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

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Through outreach activity the Office ensures 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, posters, contact cards, comic books, flash cards, back-packs, wristbands, tattoos, key-rings, a soft toy, stress balls, drink bottles, bucket hats and scribble pads with crayons. These products are provided free to children in care and are available to agencies that have endorsed the *Charter of Rights*. Oog, the creature created for children in care to represent the right to be safe, was again in the Credit Unions' Christmas Pageant.

The Office's advocacy for individual children is consciously linked to advocacy on systemic issues. Trends or repetition of problems are identified and pursued. In 2015-16 the Office received 168 requests for intervention on behalf of children and young people. Of these, 145 fell within the Office's mandate, that is, they were requests about children and young people under guardianship, or in the custody, of the Minister. This is an increase of 12 per cent from the previous year.

A single matter sometimes affects more than one child or young person in care. The Office assisted or advocated on behalf of 193 children and young people (an increase of 13 per cent from the previous year). The Office's intervention ranges from providing information about policies or rights through to a full review of the circumstances of a child with advocacy

for change. The Office reviewed 44 cases, with an additional ten cases carried over from 2014-15. This is a 68 per cent increase on the previous year.

In 2015-16 matters were of greater complexity than in previous years and, on average, took longer to investigate and attempt to resolve. The 145 requests that were within the Office's mandate were initiated by:

	No.	%
Child or young person	46	32
Adult in child's life (carer, parent, other relative)	49	34
Families SA	16	11
Alternative care agency	12	8
Other	22	15

The presenting issues<sup>3</sup> were categorised as:

	No.
Stable and secure placement	43
Contact with significant others	33
Safety	27
Participation in decision making	26
Education	11
Understanding circumstances	10
Appropriate care	7
Access to health and disability services	5
Nurturing environment	4
Relationship with case worker	4
Other	20

<sup>3</sup> There is often more than one presenting issue in a request and one issue may affect more than one child. Therefore the total is greater than the number of requests.

Through the advice the Office provides 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 2015-16 the Office continued to advocate for improvements in the following issues:

- Child protection system reform, particularly for renewed emphasis on family support services and across-government planning.
- Improvements in educational outcomes for children under guardianship.
- Halting the use of residential facilities which accommodate more than four children and young people.
- Improvements in conditions for children and young people residing in youth training centres and residential care.
- Reducing the reliance on temporary rented properties and agency staff to care for children.
- Improved out of home care planning.

The Guardian is a member of the Australian Children's Commissioners and Guardians network. In 2015-16 the major topics for discussion at meetings were the National Framework for Protecting Australia's children, youth justice detention facilities practices and oversight, and the overrepresentation of Aboriginal and Torres Strait Islander children and young people in both child protection and youth justice systems.

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 two Departments'<sup>4</sup> 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

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<sup>4</sup> The Departments are: Department for Education and Child Development and Department for Communities and Social Inclusion.

cooperation with the Care Concerns units, the South Australian Police and the Office of the Director of Public Prosecutions.

In 2015-16, 11 notifications categorised as serious were referred to the Office for monitoring. In addition the Office monitored 33 investigations that were ongoing from previous years.

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

Foster care	3
Residential care	3
Relative care	2
Commercial care	2
Independent living	1

*'Hayden', 16, resides in residential care. During a monitoring visit by the Office he requested assistance for more contact with his social worker. The lack of contact had prevented transition from care planning (to his satisfaction), family contact and provision of basic needs such as seasonal clothing and proof of identity documents.*

Hayden reported that he grew up in a country town and in February 2015 he was moved to residential care in another country town due to his foster placement ending. Hayden said he had no connections with the new town. He also said that he had been allocated a new social worker several months before but was yet to meet her. Before this he did not have a social worker for some time. He also knew that his case had not been transferred. Hayden reported that he would move into independent accommodation but said he did not want to remain in this region. Hayden clearly expressed his desire to move to independent living in country New South Wales, where his grandparents live. Hayden said that Families SA had told him he could move to New South Wales after he turned 18.

With Hayden's permission, an Advocate contacted the Families SA office responsible for case management. The reported plans and actions did not reflect Hayden's wishes.

Families SA agreed to convene six-weekly case conferences to progress the planning for transition to independence and sibling contact. Hayden also received new clothes and identification documents to enable his Centrelink applications, Tax File Number and bank account.

## Monitor

Statutory function

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

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### The Office's goals

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

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

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

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### Implementation of monitoring framework

In 2007 the Office introduced a framework for its monitoring activities so that it could report against standards endorsed by children. There are 12 quality statements based on the rights set out in the Charter of Rights for Children and Young People in Care.

### Monitoring activities

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

- Receipt and analysis of data available from the Department for Education and Child Development
- Audits of annual reviews (7 per cent of children on long term orders)
- Enquiries lodged at the Office (7.2 per cent of children on care and protection orders)
- Visits to residential care houses and youth training centre units (21 visits)
- Six monthly review of safety records in the Adelaide Youth Training Centre.

### Reports on findings of monitoring

The Office released a report on its audits of annual reviews for children who are under long-term care and protection orders. Subsequently to each visit to residential care houses, the responsible agency was forwarded a report. Three reports pertaining to the Adelaide Youth Training Centre were provided to the Department for Communities and Social Inclusion, Youth Justice Directorate.

## 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 are:

- The number of children and young people on short and long term care and protection court orders at 30 June 2016 was 3014, an increase of 324 individuals from the same time twelve months earlier.
- The proportion of children in out of home care who lived in residential care (this includes emergency care) increased steadily from 2.3 per cent in 2005 to 12.7 per cent in 2014 and to 15 per cent in 2016.
- The proportion of children under the guardianship of the Minister who identified as Aboriginal and/or Torres Strait Islander increased steadily from 22.8 per cent in 2006 to 29.6 per cent in 2015 and to 33 per cent in 2016.
- The Adelaide Youth Training Centre (AYTC) accommodated 452 individual children and young people at some time in 2015-16 compared with 426 in 2014-15. The average daily occupancy rate was 53.73 young people.
- Of the 452 children and young people in the AYTC in 2015-16, 47 per cent were Aboriginal.

## Children in interim emergency care (motel-type accommodation)

The Office began monitoring in February 2005 when the number was only ten children in motel-type emergency accommodation. In 2015-16 the average number of children per night was 145, a significant rise from 84 in the prior year.

In 2015-16, the highest number at any one time was 186 which occurred in June 2016. Overall in the past year, there has been a mostly steady rise in the numbers, with a more dramatic rise since February 2016. At 27 June 2016, 100 children had had stays of over 100 days and the average in that year at any one time was 68 children who had been in that temporary arrangement for over 100 days.<sup>5</sup>

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<sup>5</sup> Comparisons of 'long-stays' with previous years is now not possible. In August 2014 the Department stopped providing detailed reports, so the Office could not do independent analysis. The Department reports on the number of children with stays over 100 days. In previous years the Office's tracking has been on numbers with stays over 60 days.

There is consensus that the 'interim' care arrangements are inappropriate for children who are already in vulnerable circumstances and there is limited continuity and consistency in carer staff. While the quality of day-to-day care varies hugely, the instability and uncertainty for children is universal. The Office of the Guardian has continued to receive reports of, or witnessed, problems, such as frequent absconding, inconsistency in boundaries and approach to behaviour, missed schooling, lack of personal belongings, and isolation.

### **Audits of annual reviews**

The Senior Advocate audited 152 annual reviews at 12 Families SA offices. Some offices scheduled regular reviews and were visited on more than one occasion. Annual reviews are conducted for children and young people placed under long-term guardianship orders. The Office audited seven per cent of reviews that were to be conducted, down from nine per cent in 2014-15. The drop in numbers of audits completed was due to the cancellation of scheduled reviews; on six occasions by Families SA and on two occasions by the Office.

A report on the audit is provided to the Minister annually. The major findings for 2015-16 were:

- Of the 152 children and young people whose cases were reviewed, 110 (72 per cent) were in stable, long-term placements.
- Of the children and young people whose cases were reviewed, 134 (88 per cent) had at least one significant adult in their lives.
- Eighteen children and young people (12 per cent) did not have any significant connections beyond Families SA.
- Ninety-four of the annual reviews audited were for Aboriginal children and young people. Fifty-seven (61 per cent) were placed with their extended family or with Aboriginal carers.
- Of the 133 children and young people who were considered capable of directly contributing to their annual reviews, 41 (31 per cent) participated in their annual review, either by attending (7 per cent) or by completing a survey (20 per cent). Country offices were responsible for all of the attendance of children and young people and 82 per cent of the participation via surveys. Sixty-nine per cent of children and young people, who could have directly participated, did not.

- Fifty-five children and young people (41 per cent of those capable of presenting their views to the panel) did not have a voice, directly or indirectly in their annual reviews.
- Of the 152 children and young people whose cases were reviewed, 134 (88 per cent) were confidently considered safe and reported to feel safe.
- Of the 123 children and young people who were of school age and attending pre-school, primary school or secondary school, it was reported that 96 (78 per cent) had current Individual Education Plans, or Negotiated Education Plans at the time of the annual reviews.
- Of the 152 children and young people whose cases were reviewed, 121 (80 per cent) were receiving standard health services and, where necessary, specific health and disability services to meet their needs.
- Thirty-six (24 per cent) of children and young people whose cases were reviewed did not have regular contact with the same worker. Of this group, 23 (15 per cent of the total number of annual reviews audited) who were allocated a social worker received less than the recommended monthly face-to-face contact, including 12 children who were receiving an assessed and approved differential case management response. Thirteen children (9 per cent) were not allocated to a social (or case) worker.
- Of the 90 children and young people who had the capacity to understand, 39 (43 per cent) had been provided with the *Charter of Rights for Children and Young People in Care*.
- Sixty-five children and young people (43 per cent) whose cases were reviewed had a Life Story Book. This included 36 Aboriginal children and young people who have been supported to develop a culturally appropriate Life Story Book.

### Residential care and youth training centres

Monitoring of the circumstances of children in residential care is based, in part, on formal visits to some residential settings. The Office is unable to visit all facilities for lack of time. Decisions about which sites to visit are made from analysis of information about the sites.

The visit includes a review of records that relate to the physical and emotional safety of residents, interviews with managers and a visit to residents to hear their views. In addition,



residential care supervisors complete an annual self-evaluation survey at the beginning of each financial year that captures the perspective of the service provider and staff. Subsequently to the visit, a written report is provided to senior management of the organisation.

The Office of the Guardian was notified in 2015-16 that there were 67 residential care properties provided by Families SA and non-government organisations accommodating children and young people under the guardianship or custody of the Minister. Advocates visited 16 residential facilities.

In November 2011, on the advice of the Guardian, the Minister for Education and Child Development began to progressively close the six larger and older residential care facilities. Two were scheduled for replacement by the end of 2013 and the six planned to have been closed by mid-2016. Two of the older facilities remain in operation and there are three newer large facilities which accommodate 12 children in each. These large residential units are not suitable for children and should be closed.

There are two campuses for the Adelaide Youth Training Centre, under a single management team. In 2015-16 Advocates from the Office conducted five visits to units within the youth training centre to talk with groups of residents. A written report followed each visit. The records<sup>6</sup> are reviewed twice a year and a more comprehensive written report is provided to the Director, Youth Justice.

The number of visits to residential care houses and youth training centre units were limited in 2015-16 due to the need to allocate staff to the Office's engagement in the Child Protection Systems Royal Commission, consultations with children and young people to review the Charter of Rights and greater demands for complex individual advocacy.

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<sup>6</sup> The records reviewed are Incident Reports, Resident Complaints, Youth Advisory Committee Meeting Minutes and the Staff Training Register.

The foster carer of 'Siobhan', 8, rang the Office of the Guardian seeking assistance to resolve issues with Siobhan's school that had resulted in reduced attendance. The carer reported that Siobhan attended a mainstream public primary school and had a borderline intellectual disability and poor muscle tone.

The carer said that Siobhan's behaviours had become increasingly challenging following a move to the Special Options class, and she had been excluded recently for hitting a teacher. The school required that she demonstrate control of her anger and participate in physical education.

The Office sought additional information from Families SA and the school. The relationships between the adults were strained. Two meetings were held at the school to clarify Siobhan's abilities and challenges. The Office suggested that a medical opinion be sought on her ability to participate in physical education and Families SA undertook further assessment which confirmed her to have an autism spectrum disorder. A psychologist and an occupational therapist joined the team to work with Siobhan and the school.

Siobhan progressed well and learnt how to safely express her emotions. The deputy principal had oversight of Siobhan's education planning and engagement and Siobhan increased her hours of attendance.

## Advise

Statutory function

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

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### The Office's goals

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

**The Minister and others have confidence in the advice provided.**

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### Advice and inquiry

The Guardian provided written advice on the following topics in 2015-16:

- Improving access to the education system for students with disabilities
- Residential care for Aboriginal children and young people
- Children and young people's views about respect
- Children's views about child protection and out of home care
- Results of the audit of annual reviews
- Expenditure on child protection in South Australia
- Educational outcomes for children and young people in state care in government schools

## Inquire

Statutory function

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

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### Our goal

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

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No major inquiries were conducted in 2015-16.

## **Investigate**

Statutory function

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

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**The Office's goal**

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

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One individual case was referred to the Guardian by the Minister.

## About the Office of the Guardian

### Legislation

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

### Governance

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

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

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

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

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

## Location

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

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

## Access

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

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

## Complaints

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

There were no formal complaints made to the Office about the service in 2015-16.

## Energy management

The Office recycles all waste paper and power standby features are engaged.

## Freedom of information

Legislation exempts information about individual cases from disclosure under the *Freedom of Information Act 1991*. There have been no FOI requests for other information during 2015-16.

## 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. The decision was taken to defer strategic planning due

early in 2016 until the release of the Nyland Royal Commission and its implications for the Office of the Guardian become clear later in 2016.

### Workplace health and safety

In 2015-16 there were no incidents resulting in workplace injury.

### Employee numbers, FTE and gender profile<sup>7</sup>

Total number of employees (including Guardian) at 30 June 2016			
Persons	7		
FTEs	6.0		
Gender	% Persons	% FTEs	
Male	29	23	
Female	71	77	

### Workforce diversity: age and gender profile

Age bracket	Number of employees by age bracket by gender at 30 June 2016				2014 Workforce Benchmark*
	Male	Female	Total	% of Total	
15-19					5.5%
20-24					9.7%
25-29					11.2%
30-34		1	1	14.3	10.7%
35-39		3	3	42.8	9.6%
40-44		1	1	14.3	11.4%
45-49					11.1%
50-54					11.4%
55-59	1		1	14.3	9.1%
60-64					6.7%
65 +	1		1	14.3	3.6%
Total	2	5	7	100	100.0

<sup>7</sup> Further human resources information is available from the Commissioner for Public Sector Employment at [www.publicsector.sa.gov.au](http://www.publicsector.sa.gov.au)

### Workforce diversity: disability

Male	Total number of employees with disabilities		% of agency
	Female	Total	
0	0	0	0

### Leave management

Leave type	Average days leave per full time equivalent employee
	2015-16
sick leave	6.7
family carer's leave	1.1
special leave with pay	0.1

### Performance development

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

### Financial

#### *Consultants*

There was one consultant engaged by the office during 2015-16.

#### *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.

Item	Financial summary of expenditure 2015-16		
	Actual	Budget	Variation
Salaries and wages	684 420	727 100	42 680
Goods and services	150 422	146 710	(3 712)
<b>Total</b>	<b>833 003</b>	<b>873 810</b>	<b>40 806</b>



## The staff team

### *Office Manager*

Meagan Klapperich (to September 2015)

Nicole Pilkington (from December 2015)

The Office Manager provides a range of services within the Office including records management, human resources and finance support. She manages the implementation and maintenance of key facilities and services and coordinates the implementation of the Charter of Rights.

### *Communications Officer*

Malcolm Downes

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

### *Senior Policy Officer*

Alan Fairley

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

### *Senior Advocate*

Amanda Shaw (to December 2015)

Jodie Evans (from December 2015)

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

### *Advocates*

Belinda Lorek

Melissa Clarke (to March 2016)

Jodie Evans (to December 2015)

Michelle Hopkins (from February 2016)

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