

1 Background

Child protection is the responsibility of the community services department in each State and Territory. Children who come into contact with the community services departments for protective reasons include those:

- who have been or are being abused, neglected or otherwise harmed; or
- whose parents cannot provide adequate care or protection.

The community services departments provide assistance to these children and their families through the provision of, or referral to, a wide range of services. Some of these services are targeted specifically at children in need of protection (and their families); others are available to a wider section of the population and attempt to deal with a broad range of issues or problems.

This report provides national data on children who come into contact with the community services departments for protective reasons. The three areas of the child protection system for which national data are collected are:

- child protection notifications, investigations and substantiations;
- children on care and protection orders; and
- children in out-of-home care.

There are no data at the national level on children who are referred to or who access other services for protective reasons.

Child protection systems

Reporting of child protection matters

Currently, all States and Territories except Western Australia have legislation requiring the compulsory reporting of child maltreatment, child abuse or neglect to community services departments. In most States and Territories, only the members of a few designated professions involved with children are mandated to report, although in the Northern Territory anyone who has reason to believe that a child may be abused or neglected must report this to the appropriate authority. While Western Australia does not have mandatory reporting, it does have protocols or guidelines in place that require certain types of professionals to report maltreatment of children.

The types of child protection matters that were reported, and the professionals mandated to report, vary across jurisdictions. (Details regarding the mandatory reporting requirements in each State or Territory are set out in Appendix 4.) In addition to requirements under State and Territory legislation, Family Court staff are also required under the *Family Law Act 1975* to report all suspected cases of child abuse.

Police also have some responsibility for child protection in each State and Territory, although the extent of their responsibility varies in each jurisdiction. Generally, they are involved in child maltreatment, child abuse or neglect of a criminal nature: that is,

significant sexual or physical abuse, or any abuse that results in the death of a child. In some States or Territories there have been protocols or informal arrangements established whereby the police are involved in joint investigations with the relevant community services department (Broadbent & Bentley 1997:6).

Other areas of government also play a role in child protection. Health services support the assessment of child protection matters and deliver therapeutic, counselling and other services. The education sector in many jurisdictions undertakes preventative work with children and families and also plays an important role in the identification of suspected harm. In some jurisdictions, childcare services are specifically provided for children in the child protection system.

The child protection process

Although each jurisdiction has its own legislation, policies and practices in relation to child protection, the processes used to protect children are broadly similar. Figure 1.1 illustrates a simplified version of the main processes in the child protection system. These are outlined in more detail below.

Reports to the department

Children who are seen to be in need of protection can come into contact with the community services departments through a number of avenues. These include reports of concerns about a child made by someone in the community, by a professional mandated to report suspected abuse and neglect, or by an organisation that has contact with the family or child. The child, his or her parent(s) or another relative may also contact the department seeking assistance. These reports may relate to abuse and neglect or to broader family concerns such as economic problems or social isolation. There are no national data on the total number of reports made to community services departments relating to concerns about children.

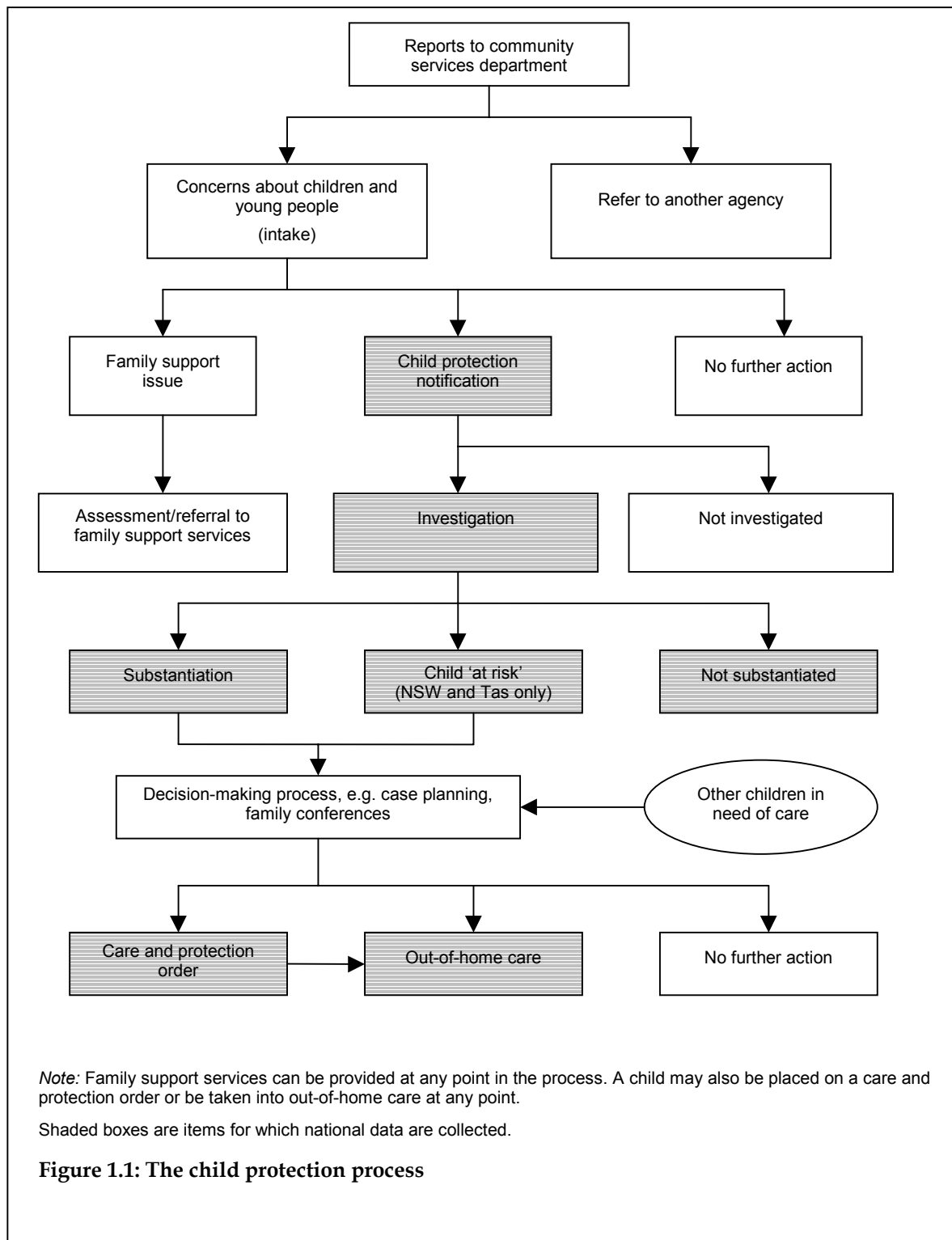
Reports to the department are assessed to determine whether the matter relates to concerns about children and young people and should be dealt with by the community services department, or referred to another agency. Those reports that are appropriate for the community service departments are further assessed to determine if any further action is required.

Reports requiring further action will generally be classified as either a family support issue or a child protection notification, although the way reports are classified varies somewhat across jurisdictions. In New South Wales all reports receive a risk of harm assessment and may result in a determination of abuse or neglect. A range of factors is taken into account by departmental officers in deciding whether a report will be classified as a child protection notification. Those reports classified as a family support issue will be further assessed and may be referred to family support services. Child protection notifications are dealt with through a separate process.

Notifications, investigations and substantiations

A child protection notification is assessed by the department to determine whether it requires an investigation; whether it should be dealt with by other means, such as referral to other organisations or to family support services; or whether no further protective action is necessary or possible. An investigation is the process whereby the community services department obtains more detailed information about a child who is the subject of a notification, and makes an assessment of the degree of harm or risk of harm for the child.

After an investigation has been finalised, a notification is classified as a 'substantiation' or as 'not substantiated'. A notification will be substantiated where it is concluded after investigation that the child has been, is being or is likely to be abused, neglected or otherwise harmed. States and Territories differ somewhat in what they actually substantiate. Some jurisdictions substantiate situations where child abuse and neglect have occurred or are likely to occur, while others substantiate situations where the child has been harmed or is at risk of harm and the parents have failed to act to protect the child.



In New South Wales and Tasmania an intermediate category is also used. This category is referred to as 'child at risk' in the national data. As a result of procedure and practice in New South Wales, this category includes notifications where no actual harm is identified but where carer/family issues were involved. In Tasmania the category is used for situations where the notification was not substantiated, but where there were reasonable grounds for suspecting the possibility of previous or future abuse or neglect and it was considered that continued departmental involvement was warranted.

Care and protection orders and out-of-home care

At any point in this process the community services department has the authority to apply to the relevant court to place the child on a care and protection order. Recourse to the court is usually a last resort and is used in situations where supervision and counselling are resisted by the family, where other avenues for the resolution of the situation have been exhausted, or where removal of a child from home into out-of-home care requires legal authorisation. In some jurisdictions, for example, all children who are placed in out-of-home care must be on an order of some kind.

Children can also be placed on a care and protection order and/or in out-of-home care for reasons other than child abuse and neglect: for example, in situations where family conflict is such that 'time out' is needed, or a child is a danger to himself or herself, or where the parents are ill and unable to care for the child.

Major differences among States and Territories

There are some major differences among jurisdictions in policies and practices in relation to child protection, and these differences affect the data that are provided. The data from different jurisdictions are therefore not strictly comparable and should not be used to measure the performance of one jurisdiction relative to another.

One of the main differences between jurisdictions relates to the way in which notifications are counted. There are different policy frameworks used by States and Territories in relation to notifications. For example, in Western Australia and Tasmania, reports that express concerns about children are screened by senior staff. In Tasmania, when the initial information gives no indication of maltreatment, this type of report is classified as a 'child and family concern' report and may be referred to family support services. In Western Australia, reports of concerns about children receive an interim classification as 'child concern' reports while further assessment is undertaken to determine whether the case will receive a child protection response, a family support response or no further action. Thus a significant proportion of reports in these two States receive a differential response and are not counted as child protection notifications. The rates of children in notifications and substantiations in these jurisdictions are therefore considerably lower than the rates in other jurisdictions.

In Victoria, on the other hand, the definition of a 'notification' is very broad and includes some reports that may not be classified as a notification in other jurisdictions. Other States and Territories have policies between these two extremes. For example, South Australia and the Australian Capital Territory screen reports and may refer some to other agencies or provide family support services rather than a child protection response. The screening process used in these two jurisdictions, however, does not appear to be as stringent as that used in Western Australia and Tasmania. In New South Wales all reports are classified as 'child protection' reports, are categorised by the reported issue and receive a risk of harm

assessment to determine the appropriate action required. Only harm or risk of harm reported issues are included in this report.

There are other differences between jurisdictions that are also worth noting:

- In some jurisdictions, such as New South Wales, reports to the department relating to abuse by a stranger may be classified as a notification, while in other jurisdictions they would not.
- What is substantiated varies. Some jurisdictions substantiate the harm or risk of harm to the child, while others substantiate actions by parents or incidents that cause harm. As noted earlier, the focus in many jurisdictions is shifting away from the actions of parents towards the outcomes for the child.

Although there are also differences between States and Territories that affect the comparability of the data on children on care and protection orders, and children in out-of-home care, the differences between jurisdictions are greatest in relation to child protection notifications, investigations and substantiations. National totals are therefore only provided for a small number of tables in this section.

Changes in child protection policies and practices

Child protection policies and practices are continually changing and evolving. Trends in child protection numbers should be interpreted carefully, as such changes in policies and practices impact on the numbers of children in the child protection systems in different ways. The broad changes in the child protection systems over the last decade are discussed below, followed by more detailed information on changes within States and Territories over the last year.

Over the last decade it has increasingly been recognised that a large number of reports to child protection authorities are about situations in which parents are not coping with their parental responsibilities. The responses of child protection authorities have become less punitive and more focussed on collaboration and helping parents. More resources have been directed towards family support services in many jurisdictions (AIHW 2001c).

There has also been an increasing focus on early intervention services, which are seen to be effective in reducing the need for more intrusive child protection interventions at later stages. Cross-departmental strategies have been introduced in a number of jurisdictions, such as 'Families First' in New South Wales and 'Strengthening Families' in Victoria. These strategies attempt to assist families in a more holistic way, by coordinating service delivery and providing better access to different types of children's and family services.

The definition of what constitutes child abuse and neglect has changed and broadened over the last decade (Cashmore 2001). The focus of child protection in many jurisdictions (Queensland, New South Wales and the Australian Capital Territory, for example) has shifted away from the identification and investigation of narrowly defined incidents of child abuse and neglect towards a broader assessment of whether a child or young person has suffered harm. This broader approach seeks to assess the child's protective needs.

In addition many jurisdictions have introduced options for responding to the less serious reports through the provision of family support services, rather than through a formal investigation. These policies have been introduced at different times in different jurisdictions (for example in Western Australia in 1996) but in all cases they have led to substantial decreases in the numbers of investigations and substantiations.

Other significant changes include the introduction of structured risk assessment tools (for example in South Australia) to help workers identify children in high-risk circumstances, to determine what services are necessary for the child and the family, and to document the basis for decisions and provide some consistency of response (Cashmore 2001). Centralised intake systems have also been introduced in a number of jurisdictions (New South Wales, South Australia and the Northern Territory) to increase the consistency of departmental responses.

For children who are placed on care and protection orders, the current policy emphasis is on family preservation, or on keeping children in the family. A range of specialist family preservation services has been established in many jurisdictions that seeks to prevent the separation of children from their families as a result of child protection concerns, or to reunify families where separation has already occurred. Victoria and South Australia in particular have established a number of these services, including those specifically for Aboriginal and Torres Strait Islander children.

There has been a push in some jurisdictions to seek greater permanency for children who are unable to live with their parents, through either adoption or long-term parenting orders. This follows moves made in both the United States and the United Kingdom where adoption is increasingly used as an avenue for permanency (Cashmore 2000). New South Wales is currently in the process of introducing legislation that allows for adoption as a placement option for children in the child protection system. This legislation also introduces a Sole Parental Responsibility Order that provides an intermediate legal status between fostering and adoption. A number of other jurisdictions have similar types of order, including Victoria where the Permanent Care Order was introduced in 1992–93.

Recent policy changes

The following paragraphs, provided by States and Territories, outline the major child protection policy changes that occurred in 2000–01.

New South Wales

Part of the new *Children and Young Persons (Care and Protection) Act 1998* was proclaimed in December 2000, with the rest of the Act to be proclaimed in 2002. The Act creates new responsibilities for the Department of Community Services and other Government agencies in reducing the risk of harm to children and young people and providing for their care and support. It also means greater participation by Aboriginal families and communities in decision making regarding the care of Aboriginal children and young people.

A number of initiatives were introduced to support the new legislation:

- a centralised intake system that receives and manages all initial contacts reporting concerns for a child or young person;
- new risk assessment tools and procedural guidelines to support staff working with children, young people and families; and
- the establishment of the Office of the Children’s Guardian to exercise the Minister’s parental responsibility for children and young people in out-of-home care, accredit agencies to provide out-of-home care and protect the interests of children and young people.

An amendment to the Act to focus effort in child protection and out-of-home care on permanency planning for children and young people is currently before the New South Wales Parliament.

Victoria

A wide-ranging examination of child protection and supported placements commenced in 2000–01. This has helped to guide the development of a long-term integrated strategy for the management of demand for child protection and placement services, including an examination of alternative service delivery models. A major focus of this strategy is to reduce the demand for child protection services by strengthening family support and other services.

There was also an extensive examination and report on the quality of service provided to children in residential care. This led to the adoption of new minimum service standards, the development of regional service improvement plans and an enhanced monitoring framework. Complementing this will be a learning and development strategy that supports staff in residential care facilities. Increased funding was also made available to improve the infrastructure and service quality, and to ensure ongoing viability of agencies.

Queensland

The implementation of a number of initiatives arising from the Commission of Inquiry into Abuse of Children in Queensland Institutions (Forde Inquiry) continued in 2000–01. These included:

- increasing the number of direct service and support staff;
- enhancing the capacity and number of community-based child protection and family support services, including Aboriginal and Torres Strait Islander child and family services;
- implementation of a client complaint system; and
- improving responses to children and young people in alternative care and past residents of Queensland institutions.

Western Australia

The joint response initiative between Western Australian Police and the Department for Community Development for the investigation of child abuse is operating throughout the metropolitan area and the State to improve services and outcomes for children.

The department is currently conducting a high-level review of its out-of-home care services to ensure they continue to meet the changing needs of the community and are based on the most recent research and examples of best practice. The department is progressively implementing the Looking After Children system which is an assessment, case-planning and review system designed in the United Kingdom to promote positive development outcomes among children and young people in care.

South Australia

Inter-agency collaboration concerning children assessed as being in danger has been strengthened through joint Family and Youth Services, Police and Child Protection Services training.

The Department of Human Services has commissioned a review into South Australia's Alternative Care System with the final report released in February 2002. Review findings will inform new directions in management, review and monitoring of the alternative care program, as well as the development of a range of alternative care and support services.

Tasmania

The implementation of the *Children, Young Persons and Their Families Act 1997* continued in 2000–01. The Act aims to promote early intervention and prevention, with appropriate family supportive strategies being used in preference to legal intervention. There were also changes made to ensure that children, young people and families have more direct involvement in proceedings and decision making.

A Strategic Framework for out-of-home care was developed following the review undertaken in the previous year. This seeks to establish strong linkages with preventative and more universal services, and recognises the changing role of carers and the growing importance of kinship care as the preferred option for many children at risk. A commitment has been made to commence the introduction of the Looking After Children system in 2001–02.

Australian Capital Territory

The *Children and Young People Act 1999* commenced on May 2000 and continued to be implemented throughout the year. The Act reflects an increased emphasis on family support and prevention services. An Indigenous unit was established to work directly with families and to provide a consultancy to other staff on Indigenous matters.

A major new initiative that bridges the gap between protection and support is the ACT Schools as Communities Program, which uses a model of prevention and early intervention to provide support services from the non-stigmatising base of the local school.

Major reform in the area of out-of-home care included the introduction of the Looking After Children system of guided practice.

Northern Territory

The following child protection reforms were introduced during the year:

- the adoption of screening tools to improve the quality and consistency of decision making at intake;
- a risk assessment framework for case practice;
- case auditing and an overhaul of existing quality assurance arrangements; and
- improvements in the marketing of the service, including installation of a toll-free reporting phone line and new information and promotion materials for consumers.

The child protection data

The data in this report were extracted from the administrative systems of the State and Territory community services departments according to definitions and counting rules agreed to by the departments and the AIHW. The State and Territory community services departments provide funding to the AIHW to collate, analyse and publish these data. The National Child Protection and Support Services Data Group (NCPASS) has responsibility to oversee the national child protection data and includes representatives from each State and Territory and from the AIHW.

There are significant links and overlaps between the three data collections in this report. For example, children who are the subjects of substantiations may be placed on care and protection orders, and many children on care and protection orders are also in out-of-home care. There are, however, only very limited data at the national level on the movement of

children through the child protection system and the overlap between the three separate data collections.

There are also significant gaps in the national data on child protection. From 1999–00, some preliminary national data on family preservation services were collected, but the data collection requires further development. The aim of these services is to prevent the child being removed from the family and placed in out-of-home care or to reunify families where a child has already been removed. There are no other data at the national level on the support services used by children in need of protection and their families.

Some initial work was conducted in the area of family support services in 2000 with funding from the Community Services Ministers' Advisory Council (CSMAC) and the Commonwealth Department of Family and Community Services. The report *Family Support Services in Australia 2000* (AIHW 2001c) assesses the scope of family support services in Australia and provides an overview of current data collections in relation to these services.

The practices used to identify and record the Indigenous status of children in the child protection system vary across States and Territories and the data on Aboriginal and Torres Strait Islander children should be interpreted with care. In 2000 the National Community Services Information Management Group (NCSIMG) commissioned the development of a set of principles and standards to govern the collection and use of Indigenous client data in community services, including child protection. These standards and principles have been approved by the NCSIMG and a plan for their implementation is currently being developed. This is likely to lead to greater consistency in the recording of Indigenous status in the child protection data.

Work is also being undertaken by NCPASS to improve the comparability of the national child protection data. A new national framework has been developed in order to improve the comparability of the data that are collected. This framework will be tested and implemented over the next few years.