

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
- 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
- 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 harm due to 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 occupational groups in government and funded agencies 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 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 are protocols or informal arrangements whereby the police are involved in joint investigations with the relevant community services department.

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 shows a simplified version of the main processes used in child protection systems across Australia. These are outlined in more detail below.

Reports to the department

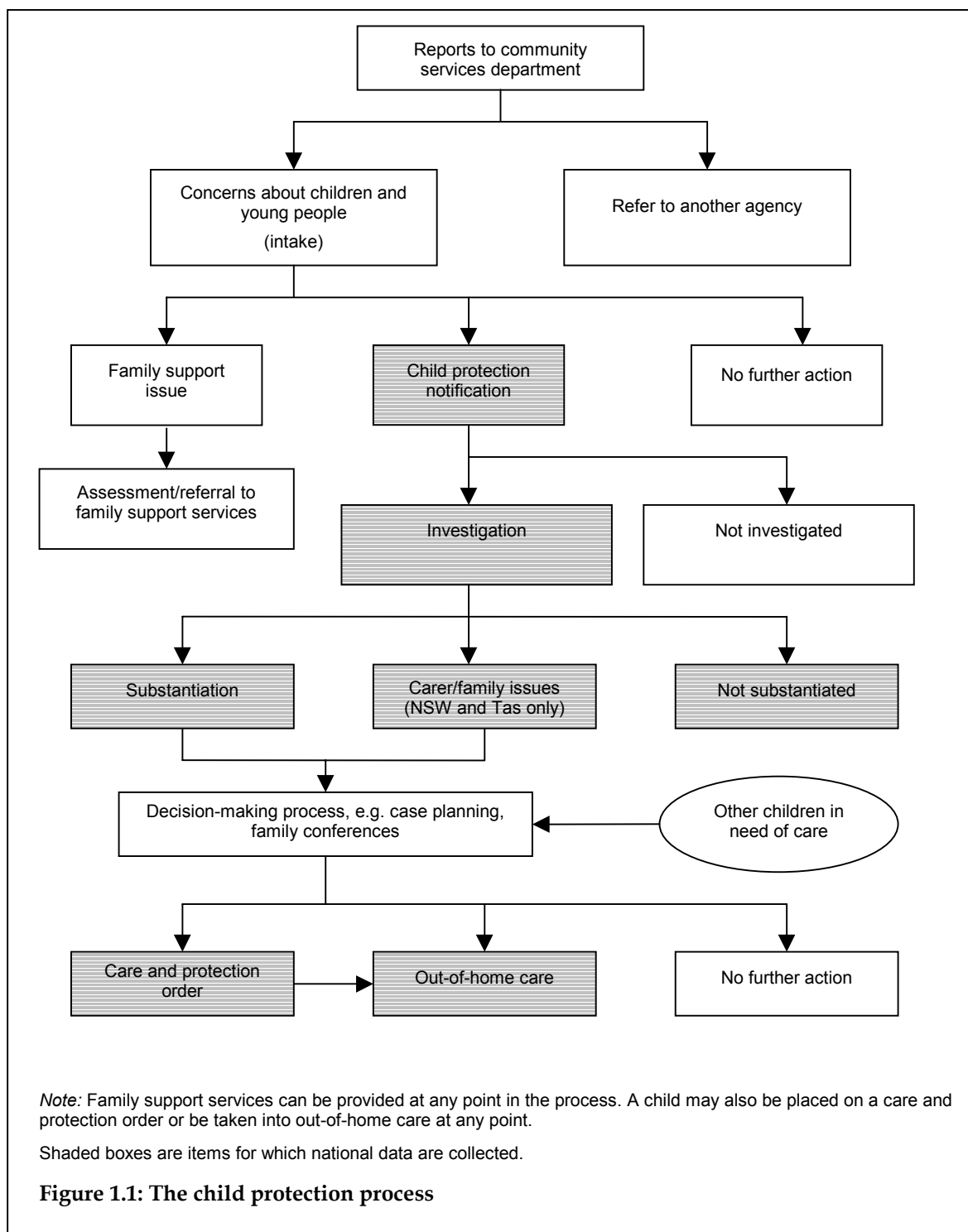
Children who are seen to be in need of protection can come into contact with community services departments through a number of avenues. These include reports of concerns about a child made by someone in the community, by a professional mandated to report suspected abuse and neglect, or by an organisation 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 whether any further action is required.

Reports requiring further action are generally classified as either a family support issue or a child protection notification, although the way reports are classified varies somewhat across jurisdictions. 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 ‘substantiated’ 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 has occurred or is 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 'Carer/family issues' in the national data. In New South Wales, this category includes notifications where no actual harm is identified but where carer or family issues were identified that affect the care of the child. 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 between 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 is in the policy frameworks used by States and Territories in relation to notifications. In both Western Australia and Tasmania, reports that express concerns about children are screened by senior staff. In Western Australia, reports of concerns about children receive an interim classification as 'child concern' reports and further assessment is undertaken to determine whether the case will receive a child protection response, a family support response or no further action. 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 these two States a significant proportion of reports are therefore not counted as child protection notifications and receive a differential response from the department. The rates of children who are the subjects of 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 classified as 'child protection' reports are categorised by the reported issue and receive a 'risk of harm'

assessment to determine the appropriate action. Only reports of harm or risk of harm 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 will 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. In focusing on harm to the child, the focus of the child protection systems in many jurisdictions has shifted away from the actions of parents towards the outcomes for the child (see below).

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 focused on collaboration and helping parents. More resources have been directed towards family support services in many jurisdictions (AIHW 2001).

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 and the Northern Territory) 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 and South Australia) to increase the consistency of departmental responses.

More recently community service departments have been concerned about rising rates of renotifications and resubstantiations. The Victorian Department of Human Services undertook detailed research and analysis of children in their child protection system (VDHS 2002). The study found that the key issues that lead to many families being involved in the child protection system (for example low incomes, sole-parent families, substance abuse and mental health issues) were complex and chronic. The child protection system often did not effectively deal with these problems and many children were subject to renotifications and resubstantiations. The report noted that assisting families to deal with these problems required more sustained and less intrusive support than the services usually provided by child protection authorities. It highlighted the need for both strengthened prevention and early intervention services as well as improved service responses for children and young people with longer term involvement in the child protection system.

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). In 2001 New South Wales introduced legislation that allows for adoption as a placement option for children in the child protection system. This legislation also introduced a Sole Parental Responsibility Order that provides an intermediate legal status between fostering and adoption. A number of other jurisdictions have similar types of orders, 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 2001–02.

New South Wales

The new *Children and Young Persons (Care and Protection) Act 1998*, part of which was proclaimed in 2000, has resulted in a substantial increase in workload and in the complexity of cases in the child protection system.

The legislation on Permanency Planning was proclaimed in November 2001. The focus of the legislation is on the restoration of children and young people to their family wherever possible, and on an early decision on permanent placement. The legislation allows for adoption as a placement option for children in the child protection system and introduces

the Sole Parental Responsibility Order that provides an intermediate legal status between fostering and adoption.

Victoria

In 2001–02 Victoria completed a wide-ranging examination of child protection and support services outlined in the report *An Integrated Strategy for Child Protection and Placement Services* (VDHS 2002). The report recommends strengthened prevention and early intervention services, and a number of pilot projects for these services have been established. In addition, family support services for children and young people already in the child protection and placement system have been enhanced. The aim of this is to reduce renotifications to child protection through the provision of support and assistance to vulnerable families. Other initiatives in Victoria include the implementation of a new Aboriginal Protocol and the Looking After Children framework (the assessment, case planning and review system that seeks to promote positive development outcomes for children and young people in care).

Queensland

In 2001–02 there were further reforms following on from the proclamation of the *Child Protection Act 1999* in March 2000. These included:

- the trialling of new intake and assessment tools for responding to child protection notifications and assessing the needs of children in care
- improving cross-agency responses to child sexual abuse
- the licensing of out-of-home care services to ensure the quality of care provided to children and young people meets legislated standards
- an increase in the allowance paid to foster carers
- the establishment of a Child Death Review register to ensure the effective and timely identification of suitable persons to lead child death reviews and to ensure accountable and transparent review processes.

Western Australia

In 2002, the Government of Western Australia received the findings of two major reports. The Gordon Inquiry reported on responses by Government agencies to complaints of family violence and child abuse in Aboriginal communities and the Harries *Report Mandatory Reporting of Child Abuse: Evidence and Options* reported on the merits of introducing the mandatory reporting of child maltreatment in Western Australia. In response to these reports the Government has instituted a process of public sector reform to ensure that Government agencies can more effectively coordinate their efforts in dealing with child abuse and family violence, and in developing the capacity of the community.

The Department of Community Development, in partnership with the not-for-profit sector and the community, also developed a strategic framework to achieve positive outcomes for children and young people in care. In addition, the Department began working with other government departments to develop protocols for working with young people in out-of-home care.

The Looking After Children case management system was implemented statewide. The pilot Foster Care Recruitment Service was reviewed and its continuation was recommended and endorsed.

South Australia

In South Australia, renotification and resubstantiation rates are a matter of concern and a review into Child Protection legislation, policies and practices across the government and non-government sector is under way. Recommendations are due to be provided to the Government in December 2002.

In relation to out-of-home care, implementation of the recommendations of the major Alternative Care Review is proceeding.

Tasmania

Our Kids Bureau was established in Tasmania to provide early intervention, improved integration of services and support to children from conception to 11 years. Projects that promote the policy objectives of the bureau include the centralisation of the intake service for reports on child abuse and neglect, and the establishment of a 24-hour information line for parents.

Australian Capital Territory

The *Children and Young People Act 1999*, which was implemented in May 2000, is currently being reviewed. The review will evaluate the implementation of various aspects of policy and practice that were introduced with the new legislation. The department is seeking to refocus service delivery to create and consolidate a service of excellence based upon 'best practice' standards nationally and internationally.

A Foster Carer Recruitment Campaign was also launched in May 2002, with the government working on the campaign in partnership with non-government foster carers and other key stakeholders.

Northern Territory

An Indigenous employment strategy was introduced to increase the number of Indigenous employees in the Family and Children's Services Program (FACS), to improve their access to outcome-based training, and enhance mobility and career prospects. Additional funds were also made available in the Budget for the employment of 8 new FACS staff across the Northern Territory, with half of these positions designated for Indigenous staff.

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 for overseeing 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 included 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 intensive family support services were collected, but the data collection requires further development. There are no other data at the national level on the support services used by children in need of protection and their families.

Work is also being undertaken by NCPASS to broaden the scope of the national data and to improve comparability. A new national framework has been developed to count responses to calls received by community services departments in relation to the safety and wellbeing of children, including responses that occur outside the formal child protection system. Data elements such as the provision of advice and information, and assessment of needs, as well as general and intensive family support services, are incorporated into the new framework. It is proposed that national reporting will be aligned to this framework over the next few years.

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. Over the last few years a number of jurisdictions have introduced measures to improve the identification of Indigenous clients. In some jurisdictions, however, there are a significant proportion of children whose Indigenous status is unknown and this impacts on the quality of the data on Indigenous status.