



Australian Government

**Department of Families, Housing,
Community Services and Indigenous Affairs**



Australia's children: safe and well

A national framework for protecting
Australia's children

A discussion paper for consultation

May 2008

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This discussion paper has been developed by the Australian Government Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA) to canvass options for a national framework for protecting Australia's children.

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Foreword

Australia's children deserve a safe, healthy and happy childhood.

Our children must be able to grow up properly nourished and supported in loving and caring environments. They must have time to be children with all the wonder, happiness and innocence that childhood should bring.

Over recent years the reported levels of child neglect and abuse in Australia have increased at an alarming rate. Child abuse has become an issue of national concern. Meanwhile, statutory child protection systems are struggling under the load.

The Australian Government is determined to take a national leadership role that builds the partnership across government and the community that is essential to protect all Australian children.

Before the last election, we committed to developing and implementing a National Child Protection Framework to help keep children safe from abuse and neglect.

The Australian Government wants to work with State and Territory Governments, service delivery organisations, and child protection experts in a concerted, integrated effort. Working together under a National Framework we can make a difference.

Successive reports of shocking levels of child abuse in Aboriginal and Torres Strait Islander communities demand a national response which harnesses all the resources of all governments.

The Australian Government will drive this national response to stop the abuse and neglect of children and to turn around entrenched and unacceptable levels of Indigenous disadvantage.

We know child neglect and abuse is not just confined to Indigenous communities in remote Australia. Children are also at risk in our regions, cities, towns and suburbs. It is the responsibility of the national government to take every possible measure to help stop abuse wherever it occurs.

This discussion paper does not claim to have all the answers; but it raises issues that must be considered and acted on if we are to make the system work for our children.

I am confident that through this discussion paper, we can start developing the strategies and measures necessary to give all Australian children the chance to grow up safe and well.

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

The Hon Jenny Macklin MP
Minister for Families, Housing, Community Services and Indigenous Affairs

Executive Summary

In light of the unacceptable and increasing numbers of substantiated cases of child abuse and neglect, the Australian Government has committed to developing a national framework for protecting children, and has released this discussion paper to canvass ideas on what should be included.

Child abuse and neglect cannot be easily disentangled from issues such as poverty, homelessness, drug and alcohol addiction, domestic violence, mental health issues and social isolation. Understanding the ways these factors inter-relate and developing strong connected solutions require the effort and attention of all levels of government, non-government organisations providing key services and support for families, and the broader community. This will form a key part of the Australian Government's new social inclusion agenda.

The paper acknowledges the policing and statutory role of State and Territory Governments in responding to allegations of child abuse and neglect. However it highlights the potential for all governments to do better in preventing the circumstances in which child abuse and neglect are often found; and in ensuring the wellbeing of all Australian children.

The actions proposed for inclusion in the framework are those where there is room to improve connection and coordination across various parts of the system and across jurisdictional boundaries; where a national approach would ensure better use of resources; or where the Australian Government could make use of its policies and programs to ensure children are better protected.

The final framework will clarify the Australian Government's role and will be a practical working document outlining concrete actions to be undertaken by governments and other players. Some are already being implemented; others would require change in approach or new commitment.

Key measures for consideration in the framework are:

1. Stronger prevention focus

- ▶ Better use of early intervention family support services
- ▶ Enhancing Centrelink's role to identify and refer vulnerable families
- ▶ Targeted action on parenting and alcohol misuse
- ▶ Promotion of good parenting
- ▶ Support for families to protect children online

2. Better collaboration between services

- ▶ Income management – including Northern Territory and Cape York models
- ▶ National Plan to Reduce Violence against Women and Children
- ▶ A national mechanism to plan future work and investments
- ▶ A solution driven national research program
- ▶ Additional child focus in adult specialist services

3. Improving responses for children in care and young people leaving care

- ▶ National standards and monitoring of the out-of-home care system
- ▶ Support for foster carers and informal carers
- ▶ Improved assistance for young people leaving care

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4. Improving responses to Indigenous children

- ▶ Targeted investigative measures
- ▶ A common approach to protecting Indigenous children
- ▶ A better service model to protect Indigenous children in towns and cities
- ▶ A better service model to protect Indigenous children in remote communities
- ▶ More responsiveness to Indigenous children's issues within existing services
- ▶ Supporting compliance with the Aboriginal placement principle
- ▶ Northern Territory Emergency Response review

5. Attracting and retaining the right workforce

- ▶ A national workforce strategy
- ▶ Specific Indigenous workforce strategy

6. Improving child protection systems

- ▶ Identifying national indicators of child wellbeing
- ▶ National standards and performance reporting
- ▶ Improving data collection and knowledge sharing
- ▶ Better sharing of police intelligence across jurisdictions

The issues and proposals outlined in this paper are intended as a starting point for discussions over the next three months with key stakeholders, experts and those with direct experience of child protection systems. Other ideas and viewpoints are welcome. It is intended that the national framework for protecting Australia's children will be finalised before the end of 2008.

This is a starting point. Other ideas are welcome. The framework will be finalised in 2008.

Background

Parents and families will always have the primary responsibility for caring for and protecting children. State and Territory Governments become directly involved in this relationship when children are at risk of neglect or abuse. However it is now widely recognised that a range of public policies from all levels of government can help strengthen families and prevent the circumstances in which child abuse and neglect are most often found. A national framework for protecting children is a key part of the Australian Government's new commitments for children.

The Australian Government has already made a significant commitment to the early years, recognising the vital role that early support plays in the development of healthy children from conception to school age. The Government understands that early intervention and investment have considerable longer term benefits, both for individuals and our community. These commitments include a strong investment in early childhood education and care through a guarantee of universal access to preschool, greater investment in high quality child care and more help in the transition to school.

Additional investments are also being made in health, through the Healthy Kids Check for all four year olds, the national roll out of the Australian Early Development Index¹ and the Indigenous — Australian Early Development Index², which will provide comprehensive national indications of child development and wellbeing.

The Australian Government also has a strong commitment to address Indigenous disadvantage. The goals are to close the life expectancy gap within a generation; halve the gap in mortality rates for children under five within a decade; halve the gap in literacy and numeracy achievements within a decade; and provide a quality early childhood education program to all four year olds in remote communities within five years. Already the Government has begun a series of targeted health, education, housing and law and order measures to close these gaps, and to make sure that Indigenous children are safe in their communities.

Evidence shows a relationship between disadvantage and the neglect or abuse of children. The Government's new agenda for social inclusion will target and address areas of concentrated disadvantage.

As part of this comprehensive policy agenda for Australia's children, the national framework for protecting children is being developed. The other goals will not be achieved unless neglect and child abuse can be prevented as far as possible.

Better policies to help protect our nation's children can only be achieved through better collaboration within and between governments. State and Territory Governments have primary statutory responsibility for the welfare of children and it is the Australian Government's intention to work with them to improve life outcomes for all children.

The Australian Government also recognises that the non-profit sector is a key player in the protection of children and in broader work to promote social inclusion. A strong partnership between government and this sector is needed to ensure that the right assistance is available to children and families with all agencies working together.

This discussion paper has been developed by the Commonwealth Department of Families, Housing, Community Services and Indigenous Affairs to canvass options for the national framework.

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What is the problem?

Rates of neglect and abuse

There has been a significant increase in reporting to statutory child protection systems across Australia (and internationally) over the past decade. It is difficult to tell from these figures alone the real rate of child neglect or abuse in the Australian community. There is no reliable Australian information about the prevalence of abuse and neglect, and it is generally assumed that fewer cases are reported than are occurring. Increased reporting can reflect mandatory requirements, an increased awareness of signs of abuse, a greater willingness to report, wider definitions of abuse and neglect, or more worryingly, an actual increase in abuse rates.

Regardless of the reasons, of particular concern are:

- ▶ increasing numbers of child protection substantiations
 - the number of occasions where authorities found that a child either was or was likely to be harmed, abused or neglected increased by 45 per cent from 40,416 in 2002–03 to 58,563 in 2006–07;
- ▶ high numbers of Indigenous children who were the subject of a substantiation
 - more than five times higher than other children;
- ▶ the high percentage of very young children involved in the child protection system
 - on average, 65 per cent of children involved in the child protection system across Australia are younger than ten;
 - the largest proportion of children admitted to care and protection orders in 2006–07 were between one and four years of age; and
- ▶ increasing numbers of children in out-of-home care
 - in 2007 there were 28,441 children in out-of-home care, double the number of 10 years ago;
 - the 7,892 Indigenous children in out-of-home care in 2007 is over 8 times the rate for other children.³

Notifications of suspected child abuse and neglect have more than doubled in the last eight years and have increased in most jurisdictions across the last year. Substantiations (where after investigation it is concluded that the child has been harmed or is at risk of harm) also increased in most jurisdictions over the last eight years and increased in a number of jurisdictions in the last year. This may reflect improved reporting and investigation arrangements in some jurisdictions.

increasing numbers of child protection substantiations

... ..

high numbers of Indigenous children who were the subject of a substantiation

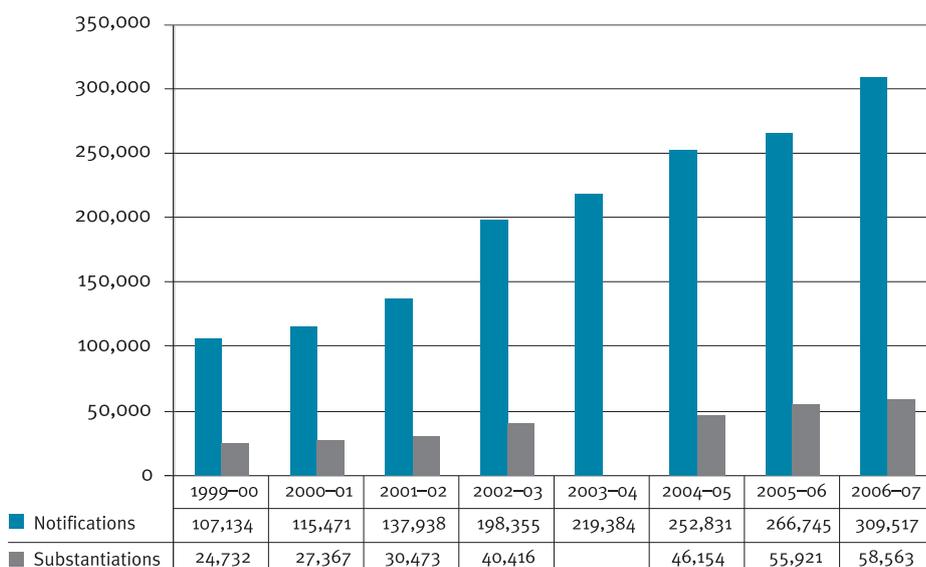
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high percentage of very young children in the child protection system

... ..

increasing numbers of children in out-of-home care

Number of notifications and substantiations received from 1999–00 to 2006–07



Source: *Child protection Australia 2006–07*, AIHW

Four out of five reports on average across Australia are not substantiated. Reporting is an important part of the child protection systems but measures that simply increase reporting are not always beneficial. International research suggests that for those families subject to an unsubstantiated investigation, the fear, anger and shame they experience can lead them to use fewer universal and secondary support services than prior to the investigation. Some commentators suggest that drawing more children and families into the statutory child protection system will not improve outcomes and indeed comes with significant risks.⁴

The safety of children rightly generates significant public interest and focuses attention on the performance of child protection systems. All State and Territory jurisdictions have experienced increases in demand for child protection services in recent years, and significant resources and policy attention have been invested by these governments to tackle the problem. Greater involvement from the Australian Government in more coordinated approaches and better alignment of investments in prevention and early intervention could help improve outcomes for children.

Staff at the frontline of child protection systems face extraordinary pressure and must cope with very challenging situations. Increased activity in a child protection system inevitably places increased burdens and strain on staff. Many jurisdictions report difficulty attracting sufficient numbers of appropriately qualified personnel, which can in turn result in more pressure being placed on relatively inexperienced social and welfare workers who must undertake case assessments and identify the core of serious, high risk cases.

Types of neglect and abuse

While the types of neglect or abuse reported to child protection authorities can vary significantly, all cause harm to children. There is no standard definition of child abuse or neglect across states and territories. Statistical collection by the Australian Institute of Health and Welfare (AIHW) groups types of substantiated abuse or neglect into four broad categories: neglect, emotional abuse, sexual abuse, and physical abuse. Increasingly, the families involved in child protection are facing long term issues such as low income, sole parenthood, substance or alcohol abuse, or mental disability. This is lifting the proportion of cases of a more chronic nature. Addressing the problems, or at least enabling the families to better cope with the problems, requires more flexible responses and sustained support.

All State and Territory jurisdictions have experienced increases in demand for child protection services in recent years, and significant resources and policy attention have been invested by these governments to tackle the problem.

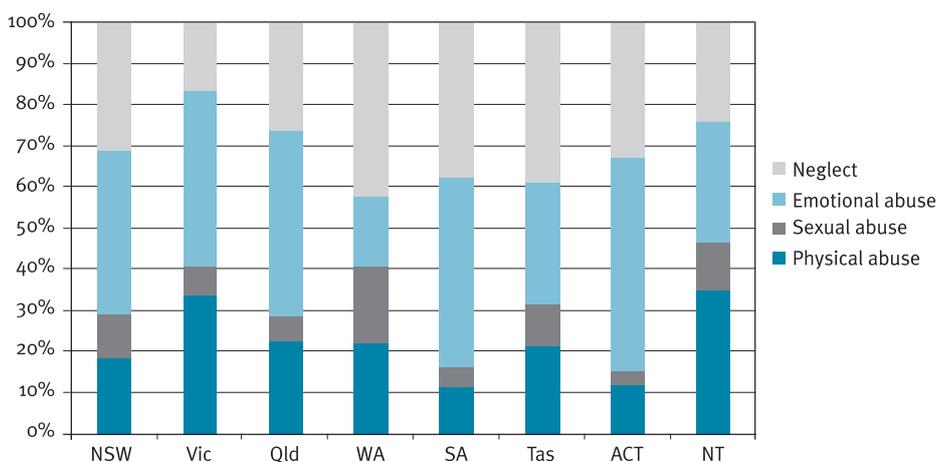
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Greater involvement from the Australian Government in more coordinated approaches and better alignment of investments in prevention and early intervention could help improve outcomes for children.

It has been suggested that the regulatory approach to child abuse (through the statutory child protection system) is highly effective in identifying and responding to significant harm, which is particularly appropriate for cases of a more episodic nature (such as some cases of sexual abuse or severe physical abuse). It is less effective, however, for cases of a more chronic nature, such as neglect and emotional abuse which are now the most commonly substantiated maltreatment types.⁵

Differences across jurisdictions are more likely to reflect differences in definition, standards and reporting rather than significant variations in prevalence of any types across the wider community.

Substantiations of notifications received during 2006–07, by type of abuse or neglect, States and Territories



Source: Child protection Australia 2006–07, AIHW

The cost of neglect and abuse

Child abuse and neglect can have a life-changing effect on individuals, and many carry trauma with them for a long time, even their whole lives. While many survivors are able to rebuild their lives, there can be many hurdles to overcome. Children who are subjected to abuse or neglect may experience fear and bodily harm, poor school performance, learning disorders, poor peer relations, antisocial behaviour and mental health disorders. Emotional abuse and neglect is associated with increased anxiety, depression, post-traumatic stress, and physical symptoms, as well as lifetime trauma exposure. A history of child sexual abuse has been associated with psychopathology, depression, anxiety disorder, phobias, panic disorder, post-traumatic stress disorder, substance abuse and violent and sexual offending later in life. The intergenerational effects of child abuse and neglect mean that problems can repeat themselves, and the cycle continues.

Not only does child abuse and neglect exact a devastating personal toll, the financial costs to the Australian community are significant. In 2003, it was estimated that the direct costs of child abuse and neglect in Australia alone were \$4.9 billion per annum in 2001–02⁶, and this excludes the longer term costs to our community of lost productivity and high service needs by adults who have grown up with poor education, health and social outcomes. Governments at all levels have made it clear that building strong, healthy, well functioning individuals, families and communities is a key priority. The social and economic benefits that result from investing in good quality early childhood and child abuse prevention programs can be maximised by consolidated national action.

Neglect and emotional abuse are now the most commonly substantiated maltreatment types.

Child abuse and neglect exact a devastating personal toll. The financial costs to the Australian community are also significant. In 2003, it was estimated that the direct costs of child abuse and neglect in Australia alone were \$4.9 billion per annum.

Child abuse is a criminal issue

Fundamentally, the abuse of children is a crime. Regardless of the relationship of the perpetrator to the victim, physical or sexual abuse of children will require a criminal justice response. A continued focus on improving the criminal justice response to child abuse such as more effective investigations and increased prosecutions is one element of a comprehensive approach to protecting children and preventing the occurrence or recurrence of abuse or neglect. Statutory child protection services must be able to respond in cases where the child is not being protected, and these interventions work most effectively when accompanied by a range of services to support victims and their families, and to rehabilitate offenders.

A focus on crises, rather than causes

Many service providers, research bodies, and key stakeholders repeatedly identify the need to move beyond only managing the crisis end of child protection, and to focus on the issues that are driving these increases. Child abuse and neglect cannot be easily disentangled from individual, family and community issues such as poverty, homelessness, drug and alcohol addiction, domestic violence, mental health issues and social isolation. Understanding the ways these factors inter-relate and developing strong connected solutions requires the effort and attention of all levels of government, the non-government sector and the broader community. It also requires government to clearly articulate its expectations of parents and families, and to develop tools to ensure parents and families can take responsibility for the care of their children.

Using a public health model, the key interventions to prevent the occurrence or recurrence of abuse can be broadly categorised as primary, secondary and tertiary interventions aimed at keeping children safe.

Primary interventions are those universal services, programs and payments available to all children and families. They include (but are not limited to) health services (antenatal, maternal and child services and Medicare), early childhood development (playgroups and other structured-learning environments for very young children, child care, pre-school and school education), and financial support (family assistance and income support payments).

The goal of primary services is to support the wellbeing of all children and families. Primary services can be used to help prevent abuse and neglect occurring. Typically, primary interventions are delivered at both the Commonwealth and State and Territory Government levels, and involve direct service provision through government entities and by third parties (community organisations).

Secondary (or early) interventions are specifically targeted to prevent child abuse and neglect by identifying and reducing the personal and social stresses on parents that lead to family breakdown and/or child abuse and neglect. They are targeted at individuals and families that need additional support or are working to overcome significant problems. The services can include in-home family support, financial or family counselling, respite care, various parenting and self-help groups and intensive supported playgroups for young children at risk and their parents. Adult-focused services directed at specific parental problems such as drug and alcohol abuse, mental health disorders and family violence may also act as secondary interventions by assisting parents to protect vulnerable children. Secondary interventions are delivered at both the Australian Government and State and Territory Government levels, and involve provision by third parties.

Tertiary interventions operate at the crisis end and respond to children who have been harmed or are at risk of harm. Tertiary interventions include assessments and

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responses to child protection notifications, foster, relative and kinship care and other out-of-home care options for children who have been at risk of significant harm, where intervention is needed to ensure the ongoing safety of the child. These services include police and the legal system (child and youth courts and family law systems), and the statutory child protection services and placement services for children who are unable to live at home. Tertiary interventions are provided by State and Territory Governments.

In an optimally functioning system, the greatest investment would be in primary and secondary responses to help ensure that children and families are in healthy safe homes and are not exposed to the risks of abuse or neglect. Tertiary interventions are the most costly and the most difficult in terms of achieving positive outcomes for children and families.

It is important that all levels of interventions are well coordinated to maximise the efficiency and effectiveness of interventions by reducing overlap and addressing gaps. There is considerable potential in Australia to improve collaboration within and between governments and with non-government providers of services.

The Australian Government is examining how its programs and policies could better support the goal of keeping children safe. While State and Territory Governments have statutory responsibility for child protection, the Australian Government also interacts with families in a range of situations at the primary and secondary intervention levels, and to a lesser extent at the tertiary level. These interactions should be demonstrating that they are strengthening families and helping prevent neglect or abuse.

Information and data limitations

The Australian Government supports child protection data collection and research, including through funding the annual report *Child protection Australia* through the AIHW; the National Child Protection Clearinghouse, through the Australian Institute of Family Studies (AIFS) and the Australian Centre for Child Protection through the University of South Australia. However, there is a lot we still do not know and are not able to understand because of differences in the ways jurisdictions collect and report data. For example, national child protection data does not currently include information on children with disabilities so the extent of abuse or neglect relating to this vulnerable group is not quantifiable.

There are differences between States and Territories that affect the national comparability of the data on children on care and protection orders and children in out-of-home care, but the differences between jurisdictions are greatest in relation to child protection notifications, investigations and substantiations. These data differences are driven by State and Territory legislation and are a consequence of having eight different child protection systems across the nation.

The AIHW and the Productivity Commission have both called for more consistent information and performance measures for child protection and wellbeing. Work is currently being undertaken by the AIHW's National Child Protection and Support Services data group to broaden the scope of the national data collection and to improve comparability. However more could be done to harmonise at least some core data and information items.

Other than the administrative data from State and Territory child protection systems published in the AIHW *Child protection Australia* report, there is no accurate information available about the number of children in Australia who have experienced abuse or neglect. National prevalence studies that could collect this kind of information through a nationally representative survey have not been conducted in Australia.

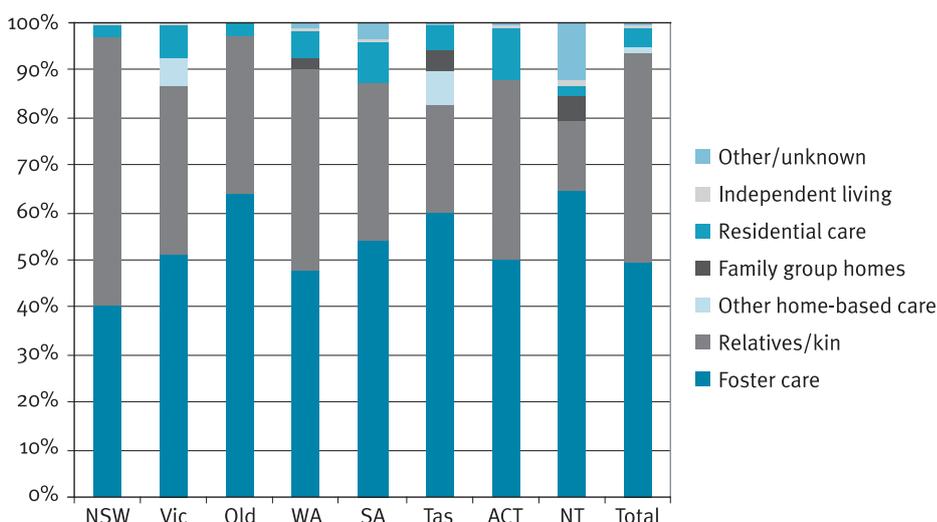
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There is a lot we still do not know and are not able to understand because of differences in the ways jurisdictions collect data.

High numbers of children in care and concerns about out-of-home care

Between 1996 and 2007, the number of children in out-of-home care in Australia increased by 104 per cent from 13,979 children in June 1996 to 28,441 children in June 2007. In 2007, 94.6 per cent of these children were living with relatives, foster carers or in some other home-based arrangement — rather than in facilities such as family group homes or residential care.

Children in out-of-home care, by living arrangements, States and Territories, at 30 June 2007



Source: *Child protection Australia 2006–07, AIHW*

Public concern has increased about the safety and wellbeing of children in care, in light of a number of investigations and reviews which have reported on inappropriate or unstable care arrangements. More children going into care has also meant that greater numbers of foster carers are required — against strong evidence that the pool of potential foster carers is decreasing. Foster carers are also now more likely to have more children in their care and themselves to be on low incomes. The number of Indigenous children requiring out-of-home care is three times the number of approved Indigenous carers. Support for foster carers can directly affect the quality of care for children and young people.

Additionally, there is a question of the adequacy of support for children and young people after leaving care. Transition services are those which support young people who are leaving out-of-home care, and they are delivered at both the Commonwealth and State and Territory Government levels, as well as by community organisations. Depending on the age of the child and the exit point, this transition can be complex involving education, accommodation, and employment options as well as emotional and financial support as young people become independent. There has been concern across the system about poor outcomes for these children and young people.

In their recently released “*Report Card, Transitioning from Care*”⁸, CREATE Foundation has reviewed progress by governments and agencies in supporting vulnerable young people who have been in care. The report includes the results of CREATE’s national survey in 2007 of young people who have left care. The report concludes that while legislation and policies seem to be in place to support young people’s successful transition from care, the uneven implementation of these policies is failing them.

More children going into care has also meant that greater numbers of foster carers are required — but the pool of potential foster carers is decreasing.

... ..

“Numerous international and national studies have documented the poor outcomes commonly experienced by young people leaving State care including higher rates of homelessness; use of drugs and alcohol; predisposition to mental health problems; poor educational and employment outcomes; poor social support systems and social isolation; juvenile prostitution; early parenthood and involvement in criminal activities⁷.”

Child and Family Welfare Association of Australia (CAFWAA)

Critical issues for Indigenous children

The safety of Indigenous children is an issue of national significance. There have been numerous reports and inquiries which have shown high levels of abuse and neglect in many Indigenous communities. Published AIHW data also shows that Indigenous children continue to be clearly over-represented in child protection systems, with:

- ▶ Indigenous children being more than five times more likely than non-Indigenous children to be the subject of a substantiation;
- ▶ rates of care and protection orders being more than seven times as high for Indigenous children; and
- ▶ rates of out-of-home care being over eight times higher for Indigenous children than for other children.

Despite this over-representation, there is also some evidence that many Indigenous children who may be experiencing abuse or neglect are not always assessed adequately and remain in very concerning situations. The factors which contribute to family and parenting pressures are more marked in many Indigenous households — economic disadvantage, extreme housing stress and overcrowding, excessive alcohol consumption, grief and trauma, health and mental health issues.

Several recent reports including *Breaking the Silence: creating the future* (NSW)⁹, *Little Children are Sacred* (NT)¹⁰ and the *Children on APY Lands Commission of Inquiry* (SA)¹¹ have identified widespread incidence of sexual abuse of Indigenous children. One of the recurring themes of these reports is the culture of silence surrounding this issue, which results in major under-reporting and a consequent lack of action.

There is a clear need to address serious risk factors such as poverty and unemployment, intergenerational grief, trauma and family violence, low maternal age, poor school attendance, alcohol and substance abuse and poor social, community and health support infrastructure particularly in some remote communities. There is also a need to work with Indigenous communities to assist them to break through the sense of powerlessness and hopelessness in the face of widespread abuse. The complexity of many of these problems requires determined and innovative ways to tackle them.

The community sector has suggested that responses to Indigenous children vary markedly within and between jurisdictions. While circumstances will vary across families and communities, greater consistency in identifying and managing their needs is required. Stakeholders have suggested that it is important to develop innovative responses which recognise that there are currently limited placement options.

Indigenous children continue to be over-represented in child protection systems.

... ..

The factors which contribute to family and parenting pressures are more marked in many Indigenous households — economic disadvantage, extreme housing stress and overcrowding, excessive alcohol consumption, grief and trauma, health and mental health issues.

Why is the Australian Government proposing a national framework?

The Australian Government has proposed a national framework for protecting children because the safety of children is a responsibility for all levels of government and for all Australians. National leadership is required for this important policy area. The Australian Government's aim in developing the framework is to help ensure better outcomes for all Australian children. The framework is not about removing responsibility from Australian families or duplicating resources.

The Australian Institute of Family Studies has pointed out that it is a difficult task to describe the child protection system in Australia as there is not one unified system but eight different systems.¹² While the models of intervention are very similar, the different legislative and operational frameworks result in a great deal of variability across the country. Common definitions, standards and monitoring could deliver improvements in child protection systems.

In November 2007, a Coalition of Organisations Committed to the Safety and Wellbeing of Australia's Children was formed to work with governments on a national child protection framework. The Coalition, made up of researchers and organisations providing services for vulnerable children, young people and families has met with the Australian Government and provided initial input to the development of this discussion paper.

The role of the national framework is to enable a more integrated response across governments and non-government organisations to ensure that Australian children can live in safe and caring environments. It should articulate roles and responsibilities more clearly. State and Territory Governments have clear statutory responsibilities in the area of child protection, and are best placed to make individual case decisions. Non-government organisations have a key role in providing support to Australian families. Through the national framework for protecting children, the Australian Government can improve the way its agencies, payments and programs interact with each other and with State and Territory Governments, and other non-government service and welfare organisations to strengthen our child protection systems.

Key areas proposed for inclusion in the framework will therefore be those where:

- ▶ common issues cut across jurisdictions and would benefit from common responses;
- ▶ there is room to improve connection and coordination across various parts of the system, for example between primary, secondary and tertiary interventions;
- ▶ a national approach to a particular issue would ensure better use of resources; or
- ▶ the Commonwealth can make use of its policies and programs to ensure children are better protected.

The role of the national framework is to enable a more integrated response across governments and non-government organisations to ensure that Australian children can live in safe and caring environments.

What would a national framework look like?

The framework should be a practical, working document outlining concrete actions to be undertaken by each part of the system to deliver improvements in protecting children. It will be a vehicle to capture agreements about areas for immediate action, individually and collectively, as well as areas where further cooperation is required. It may also be appropriate to agree a set of core principles to underpin the framework.

It is proposed that the framework be finalised by the end of the year, documenting actions that the Commonwealth, State and Territory Governments, community organisations and others agree to do immediately to keep children safer. It would also articulate a work program for establishing national approaches to various parts of the system. The detail of those common approaches would be released in 2009.

The framework will help guide investments across the broad spectrum of activities keeping children safe and well.

With agreement between jurisdictions, the Australian and State and Territory Governments would have collective responsibility for implementing the framework. This would require that all governments agree to work together to develop, implement and manage the framework. The community sector would also be invited to support this framework and make relevant commitments about specific actions and investments.

A practical working document outlining concrete actions.

What kind of actions might a national framework include?

Work has already begun on what a national framework could include. For some years there have been community calls for engagement by the Commonwealth in a comprehensive strategy for child protection. The Coalition of Organisations Committed to the Safety and Wellbeing of Australia's Children has called for national leadership in this area. There is a wide range of views on what kind of actions would usefully fall under the umbrella of a national framework. Some of these require particular work or investment on the part of the Commonwealth, State or Territory Governments, while others focus on getting the settings right across the system as a whole. In the scheme suggested below, each proposal links to and builds on the others;

1. Stronger prevention focus
2. Better collaboration between services
3. Improving responses for children in care and leaving care
4. Improving responses for Indigenous children
5. Attracting and retaining the right workforce
6. Improving child protection systems

1. Stronger prevention focus

To prevent child abuse and neglect, we need to be clear about what we are trying to achieve not just what we are trying to stop.¹³ If the goal is the wellbeing of Australia's children, the focus needs to be on the full range of services and supports that assist Australian families, including tertiary and child protection systems.

Strategies to prevent child abuse and neglect need to be part of broader strategies to tackle social disadvantage and promote social inclusion and wellbeing. Some of the key risk factors are poverty, parental alcohol and substance abuse, domestic violence, intergenerational abuse and mental illness. The challenge is to ensure that primary and secondary intervention services are meeting the needs of vulnerable families in particular.

The Australian Government funds a substantial amount of prevention and early intervention work, including family support and community development programs; service program areas such as child care, playgroups and other early childhood programs; and initiatives such as the New Directions for Indigenous Children and early intervention services for children with autism spectrum disorders. More targeted assistance is available through the Commonwealth's Special Child Care Benefit. This is available for children at risk of serious abuse or neglect where attending child care or increasing attendance would improve the child's situation.

The Australian Government's investment should be complementary to the work of State and Territory Governments and not duplicate other efforts.

OPTION FOR INCLUSION IN NATIONAL FRAMEWORK FOR PROTECTING CHILDREN: Better use of early intervention family support services to support child protection

The Government is examining its existing investment in parenting and family support early intervention and prevention programs to align it to systematically support goals of preventing child abuse and neglect and enhancing wellbeing. These programs should build upon, not replicate, existing service platforms, like maternal and child health services, preschools or child care centres, and schools.

This work will incorporate consideration of how such funding should be prioritised, together with a reform strategy to create a more integrated system for Commonwealth and State and Territory family development programs.

Changes to child care assistance could be considered to provide more developmental support for children at risk and respite for parents under stress.

Further consideration could also be given to improving the capacity of services for newly arrived migrants and refugees where there has been a high level of parental trauma, in order to assist them in adjusting to parenting in a new land where child rearing laws and norms may be very different from those in their homelands.

Family Relationship Centres may be able to provide a wider range of services beyond those to separating couples, for example where extended family members are in conflict with parents over contact and other issues.

Centrelink has dealings with most socially disadvantaged families in Australia, and has contact with State and Territory child protection authorities, primarily through its social work staff. In future these will extend to include specific interaction for implementation of the child protection income management measure starting in Western Australia.

One of the many groups that Centrelink deals with is young people in their early teens who are unable to live at home. There is a Youth Case Management Protocol agreed between the Australian and State and Territory Governments to ensure that the appropriate authorities are addressing the needs of these unsupported homeless young people. The Protocol is targeted to young people under 15 years of age who are homeless or unsupported; young people who are aged 15 to 17 years who are considered to be at risk of abuse, serious harm or violence; and young people who are subject to care and protection orders.

Centrelink staff also routinely deal with individual cases that raise issues of children's wellbeing. In the case of the Northern Territory Emergency Response, the Centrelink National Manager for Social Work Services developed a protocol with the Northern Territory Child Protection authorities to ensure roles and responsibilities were clearly outlined and agreed, prior to Centrelink social work staff becoming involved. This has led to an effective and cooperative ongoing relationship.

OPTION FOR INCLUSION IN NATIONAL FRAMEWORK TO PROTECT CHILDREN: Enhancing Centrelink's role to identify and refer vulnerable families

Options could be considered for building capacity in Centrelink to facilitate early intervention with vulnerable families.

It may be also appropriate to re-examine the Youth Case Management Protocol to ensure that assessments and referrals are working well in the interests of young people.

A key issue impacting on the capacity of parents and families to provide appropriate care for children is substance abuse, including alcohol. The Australian and State and Territory Governments recently agreed to target binge drinking by young people. Through the Northern Territory Emergency Response (NTER), the Commonwealth and the Northern Territory collaborated on alcohol management strategies that resulted in a ban on alcohol in prescribed areas of the Northern Territory. The Australian Government supports Western Australian action in Fitzroy Crossing to continue restrictions on

alcohol sales that saw a 50 per cent fall in the number of people seeking treatment at the Fitzroy Crossing Emergency Department and a 27 per cent reduction in alcohol related domestic violence.

Foetal alcohol syndrome can subvert the life chances of children before they are even born. The Australian Government is working with States and Territories through the Ministerial Council on Drug Strategy on projects to reduce the incidence of damage to unborn babies (foetal alcohol spectrum disorders), to reduce the supply of alcohol to underage people, and to provide education about proper alcohol use.

OPTION FOR INCLUSION IN NATIONAL FRAMEWORK FOR PROTECTING CHILDREN: Targeted action on parenting and alcohol misuse

While there are many programs and projects seeking to address the causes and effects of alcohol misuse, a targeted approach for parents or families in high risk situations may be required to:

- ▶ address the effects of alcohol, both on foetal development and on effective parenting, and
- ▶ identify alcohol misuse where it occurs and develop approaches to modifying behaviour, through maternal and child health services, and other forms of prenatal interaction.

In recognition of high levels of foetal alcohol spectrum disorders in Indigenous communities and high rates of teenage pregnancies, there could be specific initiatives focussed at Indigenous young people about the dangers of alcohol during pregnancy.

Further collaborative options to target alcohol and substance abuse which puts children in danger could be pursued through the national framework. This could include consideration of alcohol supply and advertising issues.

Previous campaigns to raise public awareness of child abuse and neglect are very likely to have contributed to the increased numbers of notifications over recent years. The challenge now is to consider communication and other strategies that support prevention activities and promote understanding of the critical importance of early development experiences. Extra assistance may also be required to assist children and families when disclosing abuse.

OPTION FOR INCLUSION IN NATIONAL FRAMEWORK FOR PROTECTING CHILDREN: Promotion of good parenting

In conjunction with other support services, targeted evidence-based campaigns using a public health model could help promote good parenting and prevent families falling into patterns of behaviour which end up requiring tertiary interventions.

Better information strategies could be developed collaboratively at all levels of intervention including when children and families are disclosing abuse.

Children can also be at risk through the Internet by exposure to inappropriate, offensive or illegal websites and content; or through chat rooms where they could develop inappropriate online relationships with other users. They can be at risk by giving away personal information online or by being harassed or bullied via email, chat rooms and instant messaging.

EXISTING GOVERNMENT MEASURE: Support for families to protect children online

The *NetAlert — Protecting Australian Families Online* initiative is part of the Australian Government's ongoing commitment to providing a safe online environment for all families, especially children. It provides:

- ▶ the National Filter Scheme to provide every Australian household and public library with access to a free internet content filter to help block unwanted content; and
- ▶ a new website and national helpline to provide advice about protecting children online.

The recently launched *Child Exploitation Tracking System* (CETS) is a software tool to help police better protect children from online abuse. It enables the Australian Federal Police to work with law enforcement agencies throughout Australia and the world, to share and track information relating to online child exploitation and abuse. With this system, police can speed up the process of identifying and arresting offenders.

The Australian Government supports the recent initiative of the Australian Association of National Advertisers (AANA), the peak body representing advertising and marketing communications to amend their Advertising to Children Code including the direct prohibition of the sexualisation of children or the use of sexual imagery in advertising/marketing communications to children¹⁴.

2. Better collaboration between services

There is a large number of players working to help protect children including all levels of government, a wide range of non-government service delivery organisations and child advocacy groups. To ensure that families and children receive the best assistance it is vital that all parties work together better. There is considerable room to improve collaboration within and between governments and non-government organisations. More integrated, complementary approaches will result in better outcomes and reduce gaps in service provision.

State and Territory Governments are largely responsible for tertiary interventions, such as out-of-home care, and their direct role in services delivery, like policing, education, and health services, means they are best placed to continue this role. All levels of government invest in a range of primary and secondary intervention services. Scope exists for better integration and collaboration of primary and secondary interventions at different levels of government.

The Australian Government recognises the need to review its own considerable investments. Historically, the Australian Government's role in child protection has been largely one of support through a range of primary and secondary prevention and support services. There is a significant body of work to be undertaken to ensure that Australian Government programs align with the goal of keeping children safe.

In recent years, there has been explicit discussion of the rights and responsibilities of parents and families, and of the need for government to intervene where responsibilities are not met, and children have experienced or are at risk of, abuse or neglect. Community expectations are that children will have access to basic health and safety, nurturing and education.

The Australian Government is actively developing ways to use the family payments and income support system to encourage and support changes to inappropriate parenting behaviours. With approximately \$33.5 billion in welfare payments (excluding seniors) and \$15.3 billion in family assistance payments in 2006–07, the Australian Government believes that assistance to parents should be directed to the best interests of children. Several models are being developed across different parts of the country to ensure that these payments are directed at meeting the needs of children.

In certain circumstances, the quarantining of government payments to be used only on essentials such as food, clothing and shelter, will be a useful tool for child protection authorities. At the tertiary end, Australian child protection authorities have a limited range of sanctions to use when other means of compliance have failed without involving further negative impacts on children. In cases of neglect, income management can provide another option before resorting to more drastic sanctions such as removal of a child from a family. This may be particularly appropriate where parents have the desire but lack the capacity to change detrimental behaviours in cases such as drug addiction or gambling. The effectiveness of income management will be enhanced by close collaboration with a range of other parenting support services.

EXISTING GOVERNMENT MEASURE: Income management – children at risk of neglect

The Australian Government will give State and Territory child welfare authorities the power to advise Centrelink to manage government payments (such as Newstart, Family Tax Benefit and the Baby Bonus) to ensure that in certain circumstances, parents with children at risk of neglect provide basic necessities such as food, clothing and shelter for their children.

The child protection income management measure will be implemented initially in Western Australia (WA) with a staged roll out commencing in the Cannington District and selected locations in the East Kimberley from July 2008 subject to all necessary processes being in place. WA Department for Child Protection will have the capacity to advise Centrelink to quarantine a percentage of income support and family assistance payments. The mechanism is being developed with appropriate parental support services, as well as checks and appeal processes to ensure that people are not unfairly disadvantaged.

Experience in Western Australia will help inform the implementation of similar child protection measures in cooperation with other States and Territories.

A number of income management strategies targeted at particular communities are being implemented by the Australian Government in collaboration with particular State and Territory Governments as outlined below. The experience in these communities will better inform strategies for the rest of the country.

EXISTING GOVERNMENT MEASURE: Income management approach

Northern Territory

The first iteration of income management was rolled out across remote Northern Territory (NT) Indigenous communities from the second half of 2007 in response to concerns arising from the “*Little Children are Sacred*” report about widespread child abuse and neglect in the NT’s remote Indigenous communities. That report linked the ready availability of large amounts of discretionary government income to the prevalence of anti-social behaviours such as excessive alcohol and pornography use, which contributed to children being unsafe.

In the NT context, income management is applied to all income support recipients within declared communities. Recipients are subject to compulsory quarantining of 50 per cent of their payments, which is then directed towards the provision of essentials, such as food, utilities and education costs for children. Some payments such as advanced payments and baby bonus are fully quarantined.

It is expected that income management will be fully rolled out across the prescribed communities in the NT by July 2008. The Government has committed to reviewing all elements of the NT Emergency response, including income management of communities, commencing in mid 2008.

Cape York welfare reform trials

Welfare reform trials are being implemented in the four Cape York communities of Aurukun, Hope Vale, Mossman Gorge and Coen. The trials aim to restore social norms and local authority and change behaviours in response to chronic levels of welfare dependency, social dysfunction and economic exclusion in certain communities. The Queensland Parliament has passed the Family Responsibilities Commission Act 2008, which establishes the Family Responsibilities Commission (FRC). The FRC is expected to start operation on 1 July 2008. The FRC is an independent statutory body which will support the rebuilding of local social norms and change in behaviours in the trial communities by early intervention and assistance and through attaching reciprocity to welfare payments. The FRC will consist of respected members of each of the four trial communities, such as local elders, and be chaired by a person of senior legal standing.

The Australian Government will shortly be announcing a National Council to Reduce Violence against Women and Children which will oversee a consultation process to develop a national plan to better protect women and children from domestic violence and sexual assault. The national plan will include elements designed to reduce violence against women and their children and will have close links with the national framework for protecting children. There is a growing body of evidence that in addition to being direct victims of domestic violence, children can be seriously psychologically harmed by witnessing domestic violence in their homes.

Consultation to inform the development of the national plan will consist of a public submission process, interviews and surveys with victims and survivors as well as perpetrators, and focus groups with relevant professionals and State and Territory Governments. It is proposed that the National Council will present the final plan by December 2008.

EXISTING GOVERNMENT MEASURE: National Plan to Reduce Violence against Women and Children

Immediate initiatives under the National Plan include:

- ▶ White Ribbon Day education activities in rural and regional communities to promote culture-change around violence against women.
- ▶ Respectful Relationship resources for all Australian high schools.
- ▶ Tougher and nationally consistent laws and best practice. The Government will work with the States and Territories to toughen and harmonise domestic violence and sexual assault laws.
- ▶ Boosting the Australian Institute of Criminology's National Homicide Monitoring Program to investigate domestic violence-related homicides in order to inform future interventions designed to protect women and children from violence.
- ▶ Research into international best practice models for working with perpetrators of violence to make them confront their violence and its impact on their partners and children.

Further options to link initiatives with the national framework for protecting children could be considered.

OPTION FOR INCLUSION IN NATIONAL FRAMEWORK FOR PROTECTING CHILDREN: A national mechanism to plan future work and investments

This option would see a national mechanism established to plan future work and investments across jurisdictions and all parts of the system (primary, secondary and tertiary). Work in this area could:

- ▶ identify the steps needed to reduce the over-representation of Indigenous children in the child protection system
- ▶ identify gaps in programs to build parenting skills
- ▶ identify children currently excluded from universal service provision
- ▶ define those groups with the greatest needs and those that would benefit most from early intervention programs
- ▶ identify secondary services gaps in meeting needs for those groups, including in the way such programs are targeted and provided, and
- ▶ identify priority areas for reform of tertiary service systems, based on issues identified in a national monitoring and audit process.

The work-plan could be developed on an annual or biennial basis, following on the cycle of monitoring and reporting, and using either existing COAG processes, or a stand alone intergovernmental child protection planning group.

Regular monitoring and reporting should feed agreement about future Commonwealth and State/Territory funding priorities for primary and secondary services, and ways forward in re-formulating activity and investments to ensure they match these priorities.

There should also be an emphasis on the utilisation of research in practice with consideration of appropriate mechanisms for knowledge transfer.

OPTION FOR INCLUSION IN NATIONAL FRAMEWORK FOR PROTECTING CHILDREN: A solution driven national research program

This option would build upon the national systems work identified above by adding an element of national priority-setting in research relating to the protection and wellbeing of children, and could include:

- ▶ developing a nationally agreed national research agenda for early intervention, child abuse and neglect prevention and protection
- ▶ collating research and coordinating findings to inform the development of national indicators of wellbeing and service standards
- ▶ national sharing and promoting examples of initiatives that work (at each stage of intervention)
- ▶ documenting and sharing good practice in working with Aboriginal and Torres Strait Islander children and families and those from other cultural or religious backgrounds
- ▶ monitoring links between those subject to abuse and later life pathways
- ▶ developing evaluation standards/benchmarks (including common definitions and outcome indicators)
- ▶ developing consultation guidelines to govern negotiations between communities, organisations and three layers of government.

The Australian Government could give consideration to the feasibility of conducting an Australian study of the prevalence of child abuse and neglect.

Strong links would be required between this research program and planning at the national and inter-jurisdictional level, to ensure that the research addresses priority gaps in the evidence base, feeds into actions and that investments are informed by the evidence.

The National Child Protection Clearinghouse (NCPC) is currently funded through the Australian Institute of Family Studies to provide research communications, information, and advisory services such as a website, e-discussion list, networking/outreach, help desk, policy advice to policy makers, and publications with a focus on the Australian context.

OPTION FOR INCLUSION IN NATIONAL FRAMEWORK FOR PROTECTING CHILDREN: Providing support for additional child focus in adult specialist services

The broad range of services that currently have contact with families experiencing difficulties are well placed to identify children who may be at risk of abuse and neglect. For example, drug and alcohol services, mental health services, homelessness services, some settlement services and family violence services all treat the adult as the primary client but have significant opportunities for early identification of children's needs. Currently, they are often inadequately resourced to respond to these needs.

The Australian Government is providing additional funding to tackle the serious levels of violence and increased reporting of child abuse, by providing \$1.5 million for extra workers to ensure that vulnerable children's needs are met. The child support workers will be placed into program areas that traditionally focus on supporting the parents, rather than their accompanying children. Programs that could be approached to incorporate a child support worker to help meet the needs of children may include homelessness services, drug and alcohol services, mental health service providers, etc. The intention is to trial this concept with programs that are considered prime "first to know" agencies.

Some Indigenous stakeholders have identified that secondary services such as parenting, therapeutic counselling and family support services linked to both Indigenous-specific primary services (such as child care) and tertiary services (such as Indigenous-specific child protection and out-of-home care services) are needed to keep Indigenous children safe. While such services exist, ensuring they are systematically available in areas and for families of high need requires extra coordination and planning. Identifying and responding to these service gaps could form a key part of the rolling work-planning process discussed above.

3. Improving responses for children in care and young people leaving care

There is considerable variability in key areas of legislation and policy across States and Territories regarding children in care and treatment of young people leaving care. Minimum national standards could have an important early focus on ensuring children enter and leave care in appropriate circumstances, enjoy high quality of care and have avenues for identifying concerns. Systematic reporting of results for children in care could form a key part of a national monitoring and reporting regime.

OPTION FOR INCLUSION IN NATIONAL FRAMEWORK FOR PROTECTING CHILDREN: National standards and monitoring of the out-of-home care system

The development of national standards and monitoring of the out-of-home care system and transition arrangements for children and young people leaving care could help to ensure parity across jurisdictions and consistent levels of safety and wellbeing of all such children and young people.

It is anticipated that this could include standards around the support for children and young people in short term care accommodation; competencies of foster carers; arrangements for case management of both foster carers and children in care; access to oversight and grievance procedures for foster carers and children in care; case review processes; case management arrangements and planning and follow-up support for children leaving care.

This could also include a consistent national approach to arrangements for unsupported young people, to clarify the roles of the Commonwealth and State and Territory Governments.

Given the particular concerns and emerging evidence about particularly poor results for Indigenous children in care, attention could be given to the development of specific national standards for Indigenous children in out-of-home care. These standards should focus primarily on securing the safety and wellbeing, health and educational development of Indigenous children and the maintenance of family, community and cultural connections for Indigenous children in out-of-home care.

The capacity and performance of foster care is a key element in improving outcomes for children, particularly in ensuring stability in placements for children.

An important aspect of supporting foster carers is financial support. The Commonwealth provides a number of family assistance and income support payments to formal and informal foster carers. State and Territory Governments also provide additional specific financial assistance to foster carers, and some also provide financial assistance to informal carers. There has been criticism of the significant variations in reimbursement and support across States and Territories.

There is a range of non-parental carers receiving different levels of support:

- formal foster carers who receive financial support from States/Territories as well as receiving Australian Government family assistance and income support payments;
- informal/kinship carers (grandparents and other relatives) who receive financial support from States/Territories as well as receiving Australian Government family assistance and income support payments;
- informal/kinship carers receiving Australian Government family assistance and income support payments only; and
- some informal/kinship carers who may not be receiving any financial support due to unresolved care/custody arrangements with the birth parents.

Welfare to work participation requirements for those on income support may also have had an impact on some carers providing short term care. Given concerns about declining numbers of people willing to provide formal and informal care, and about the costs of providing care, consideration could be given to improving support to these groups of carers.

Similarly, options may be available to improve support to those grandparents, relatives and other people who provide informal care to at-risk children.

OPTION FOR INCLUSION IN NATIONAL FRAMEWORK FOR PROTECTING CHILDREN: Support for foster carers and informal carers

A strategy to build the capacity, status and performance of foster care nationally could be developed. It could include consideration of case management support, financial and other incentives and disincentives to providing and continuing high quality foster care, as well as consideration of options for improved financial support and access to services such as child care for grandparents, relatives and other people providing informal care to at-risk children.

This could also consider the implications of participation requirements of welfare to work initiatives on the availability of carers.

As outlined in CREATE's "*Report Card, Transitioning from Care*", young people who have left care are more likely than other young people to experience ongoing disadvantage such as unemployment, homelessness, mental health issues and substance abuse. The transition to independence is difficult for many young people even with long term emotional and financial support from their families. For vulnerable young people without those supports, it can be hugely challenging.

The National Youth Commission advised that in the 2006 census of homeless school students, some 15 per cent of students had been in care and protection.¹⁵ An RMIT study found that 42 per cent of young adults and other adults in SAAP had been in care and protection.¹⁶

The Australian Government provides a range of services to assist young people leaving care, including assistance with housing, life skills programs, access to brokerage funds, employment and education. The Transition to Independent Living Allowance (TILA) is the primary Australian Government program to support young people leaving care.

The Australian Government has commissioned a White Paper to set the agenda on homelessness for the next decade. A discussion paper (or Green Paper) will be available in May 2008 with the White Paper to be released in August/September. The paper will set out a long-term strategy to reduce homelessness and it is expected to include specific strategies to target young people leaving care. There will be close links between the development of the national framework for protecting children and the White Paper on preventing homelessness.

OPTION FOR INCLUSION IN NATIONAL FRAMEWORK FOR PROTECTING CHILDREN: Improved assistance for young people leaving care

Support for young people as they move out of care and from childhood to adulthood needs to reflect the complex issues confronting them. Particular support is needed when young care leavers themselves become parents. Options include clearer pathways to further education and training, and more sustained individual support to prevent homelessness, early pregnancy or substance abuse. Consideration could be given to the enhancement of the Transition to Independent Living Allowance (TILA).

There has been particular discussion of the skills needed to manage the transition to independence appropriately for Indigenous children, and there could be specific options considered including increased support for foster carers to develop this competency.

4. Improving responses to Indigenous children

The significant over-representation of Indigenous children in child protection systems is of great concern to governments and the wider community, and requires particular priority. The needs of Indigenous children should be central to all initiatives progressed as part of the national framework, but because of the dimensions of the problem, specific responses are also required.

The Australian Government is implementing its *New Directions: An equal start in life for Indigenous children* policy in collaboration with State and Territory Governments. The policy includes child and maternal health services with comprehensive mothers and babies services, nurse-led home visiting and an Indigenous mothers' accommodation fund; early development and parenting support; and early years' literacy and numeracy. Local Indigenous leadership, participation and ownership are essential parts of this work.

Recent reports have identified widespread incidence of abuse of Indigenous children in remote communities. In June 2007 the current Government gave bipartisan support to the Northern Territory Emergency Response (NTER), recognising the need for an urgent national response to address issues of child abuse in Northern Territory communities. More police were deployed to help improve community safety and law enforcement and to help prevent violence and anti-social behaviour. Police are also helping to enforce the bans on alcohol and pornography. These measures support the protection of vulnerable children in remote communities in the Northern Territory.

The Australian and South Australian Governments recently committed to work together in response to the *Children on APY Lands Commission of Inquiry* findings of high levels of sexual abuse of children in those communities. The particular circumstances of remote Indigenous communities across Australia suggests a need for a national approach informed by the evidence of what worked in the NTER and in other interventions, both in Australia and internationally.

COAG established a Working Group on Indigenous Reform in December 2007 with a work program including the identification of duplication and overlap between Commonwealth and States and of possible further joint reforms and implementation timetables by the end of 2008, including in the following areas:

- basic protective security from violence for Indigenous parents and children;
- early childhood development interventions;
- a safe home environment;
- access to suitable primary health services;
- supporting school attendance;
- employment and business development opportunities;
- involving local Indigenous people in the formulation of programs; and
- optimal service delivery for small remote communities.

EXISTING GOVERNMENT MEASURE:

Targeted investigative measures

The National Indigenous Violence and Child Abuse Intelligence Taskforce (NIITF) was established to tackle violence and child abuse in remote, rural and urban Indigenous Communities. The taskforce is led by the Australian Crime Commission, and is jointly resourced by the Commonwealth and the State and Territory Governments, and is:

- improving national coordination in the collection and sharing of relevant information and intelligence;
- enhancing national understanding about the nature and extent of violence and child abuse in Indigenous communities;
- providing related intelligence and other advice, including on organised criminal involvement in drugs, alcohol, pornography and fraud; and
- conducting research on intelligence and information coordination and identification of good practice in the prevention, and detection of, and responses to violence and child abuse in Indigenous communities.

OPTION FOR INCLUSION IN NATIONAL FRAMEWORK FOR PROTECTING CHILDREN: A common approach to protecting Indigenous children

As part of developing common indicators of child wellbeing, and common national service standards, a specific set of principles and approaches for keeping Indigenous children safe, responding promptly and appropriately to the abuse and neglect of Indigenous children and providing them with stable and culturally strong out-of-home care could be adopted. This does not mean that one size should fit all but that tailored responses are underpinned by clear principles and standards.

This work could link with the wellbeing indicators used in COAG's Overcoming Indigenous Disadvantage report, and be used to drive the planning processes discussed above. It could also link with the work of the COAG Working Group on Indigenous Reform, which has a strong focus on early childhood.

OPTION FOR INCLUSION IN NATIONAL FRAMEWORK FOR PROTECTING CHILDREN: A better service model to protect Indigenous children in towns and cities

An examination of what works specifically to protect Indigenous children could involve a trial over a number of years of a new or extended service model to minimise risk to Indigenous children, that recognises the limited availability of appropriate out-of-home placement options and the desirability of ensuring children remain connected to family and community as far as possible.

Indigenous stakeholders have suggested that child protection systems in each jurisdiction need to be making greater investments in supporting Indigenous-specific services focused on both family support and statutory services, to ensure that at the local level there is a continuum of services and sources of information about individual children and families.

In line with the priorities of the COAG Working Group on Indigenous Reform, the Commonwealth and State and Territory Governments in consultation with the Secretariat of National Aboriginal and Islander Child Care (SNAICC) and other Indigenous service providers could jointly map service gaps and implement new service models for Indigenous families living in urban and rural areas, embedded within the agreed national and service level standards.

OPTION FOR INCLUSION IN NATIONAL FRAMEWORK FOR PROTECTING CHILDREN: A better service model to protect Indigenous children in remote communities

Using the findings of the Australian Government's review of the NTER and the work of the COAG Working Group on Indigenous Reform, an agreed national approach could be developed to tackling child abuse and neglect in remote communities.

The issues to be taken into account in developing the agreed approach could include:

- ▶ the greater proportion of children per head of population at risk;
- ▶ the lack of local community infrastructure;
- ▶ access to and appropriateness of out-of-home care within and outside a child's community;
- ▶ the number of child protection workers in remote areas; and
- ▶ innovative approaches to remove the risk from the child, rather than the child from the risk.

OPTION FOR INCLUSION IN NATIONAL FRAMEWORK FOR PROTECTING CHILDREN: More responsiveness to Indigenous children's issues within existing services

All jurisdictions and NGOs, as they review both their mainstream and Indigenous-specific programs, could monitor the effectiveness of interventions in improving Indigenous children's safety, with a view to improving performance.

Responsiveness to the needs of Indigenous children could be a stand alone measure against which all jurisdictions are required to report as part of the national monitoring process. The information gathered via the Longitudinal Study of Indigenous Children (LSIC) and the Western Australian Aboriginal Child Health Survey (WAACHS) will be critical in making improvements.

Work could also address capacity of Indigenous providers to meet the needs of Indigenous children and families — including consideration of innovative programs to develop emerging models of promising practice.

OPTION FOR INCLUSION IN NATIONAL FRAMEWORK FOR PROTECTING CHILDREN: Supporting compliance with Aboriginal child placement principle

This action would specifically focus on why jurisdictions have varying experiences of implementing this key principle for protecting and ensuring the wellbeing of vulnerable Indigenous children.

It is expected that such a project would highlight gaps in the availability of quality out-of-home care for Indigenous children, and would therefore supplement the work to be undertaken on establishing more appropriate risk minimisation models in Indigenous communities, as discussed earlier.

Consideration could be given to innovative models that combine elements of family-based care with residential care. Interest is growing in international developments in this area. Proposals have been developed that combine a boarding school approach with more intensive support and permanently assigned respite parents.

State to State protocols could be developed to enable Indigenous children to be placed with family interstate when this is in their best interests.

EXISTING GOVERNMENT MEASURE: Northern Territory Emergency Response review

The Australian Government remains committed to the NTER. Since June 2007, police from the Australian Federal Police, Queensland, New South Wales, South Australia, Tasmania and Victoria have been seconded to the Northern Territory Police. An additional 32 interstate police officers and 18 NT officers have been deployed to remote communities. From July 2008, interstate support will build to 66 Australian Federal Police officers will live and work in the Northern Territory. New safe houses are being built in 18 remote communities, two existing safe houses are being refitted, two new safe houses are being built in Darwin and Alice Springs, additional child-protection workers are being recruited to establish Mobile Child Protection Teams and extra Aboriginal Family and Community Workers are also being recruited. Alcohol controls and pornography bans have also been put in place.

The Australian Government has commissioned a review to examine how these measures are working and how they can be improved.

5. Attracting and retaining the right workforce

The availability and capacity of the child protection and child welfare workforce is an issue which has arisen in every context during early discussions of a national framework. Ensuring an adequate supply of well trained people in each of the primary, secondary and tertiary areas of intervention is critical to improving outcomes for children.

A national strategy requires attention to the optimal overall design of protection and support systems for children. While a key issue is how to encourage, support and resource protective workers, experience in this and similar fields suggests that focusing only on increasing supply will not be successful. Focus is required on the structure of child protection and support systems, including how the protective task itself is undertaken, opportunities for professionalisation and development, and resourcing.

OPTION FOR INCLUSION IN NATIONAL FRAMEWORK FOR PROTECTING CHILDREN: A National Workforce Strategy

A national strategy could address workforce shortages and capacity issues across each part of the system including the government and non-government sectors, with a particular focus on Indigenous specific services. Such a strategy could build on work already undertaken in this area and also in related areas such as the health and child care workforces. It should consider how to restructure the approach as well as the workforce, so the issue does not always focus on numbers of statutory workers.

Creative options around restructuring both the workforce and the protective task itself are required. Key elements could include:

- ▶ looking at the way protective and support functions are currently designed and staffed to examine whether roles can be managed differently and enriched;
- ▶ promoting the development of appropriate competencies (including cultural competency in managing issues for culturally diverse and Indigenous children) in the training of child protection and welfare workers;
- ▶ ongoing professional development, including to manage stress and promote resilience; and
- ▶ agreeing on a national program of training for secondary service providers to ensure they are competently and consistently supporting at risk groups.

There are particular issues for recruitment and retention of staff in regional and remote areas including housing and safety. The approach also needs to include training and development for other groups that play a critical role in the lives of children, such as GPs, magistrates and workers in the court system.

OPTION FOR INCLUSION IN NATIONAL FRAMEWORK FOR PROTECTING CHILDREN: Specific Indigenous child protection workforce strategy

Within the overall staffing problem, there is an identified need to increase training places and training supports for child protection workers and child and family support workers to ensure they have expertise in dealing with Indigenous children.

As part of this, jurisdictions could investigate ways to strengthen the child protection training model for Indigenous workers, and link with universities and training institutions.

6. Improving child protection systems

Each Australian child protection system operates under the auspices of separate legislation. Across the eight systems there is variation in the grounds for intervention, in what is substantiated and in the response to families who do not meet the threshold for the statutory system but where there are concerns about the welfare of children. This means that families in different parts of the country with similar circumstances may receive a different response depending on where they live¹⁷. Inequality in the care and protection of children runs counter to the principles of the United Nations Convention on the Rights of the Child.

More consistent legislative frameworks across jurisdictions may be a longer term goal. In the shorter term, a national framework could help drive best practice across jurisdictions and government and non-government sectors through clearer national reporting and accountability mechanisms. The national performance in keeping children safe could be better understood through:

- identifying indicators of child wellbeing at a national level;
- establishing common national standards for dealing with vulnerable children at each stage of the protective cycle; and
- reporting and providing an accountability mechanism in relation to the performance of various parts of the system in meeting these standards.

This work would involve developing national child protection definitions, standards, and jurisdiction level performance indicators. It would require investment in aligning approaches to data collection to ensure we are able to compare and measure approaches in line with commonly agreed standards. The Community and Disability Services Ministerial Advisory Council (CDSMAC) commenced a project in 2005 to analyse Australian child protection and early intervention approaches, policies and programs. A report highlighting the commonality and key challenges and directions for jurisdictions is expected to be available at the next CDSMAC meeting in July 2008. This report and related work underway by AIHW and the Productivity Commission could provide a good basis to consolidate and improve definitions, standards, and jurisdiction level performance indicators.

One element of the framework could be the provision for independent monitoring and reporting of how child protection systems are performing from a national perspective. This would be supported by improvements to data and research. Best practice from across Australia and around the world should serve as the goal for the continual improvement of child protection systems.

A number of State and Territory Governments have chosen to establish Commissioners for Children and/or Youth, who focus on the workings of the child protection systems within their jurisdiction. This approach recognises State and Territory statutory responsibilities for tertiary child protection interventions, and fulfils reporting obligations to State parliaments.

Options for inclusion in the national framework would optimally offer a platform for intergovernmental cooperation and a focal point to drive data improvements. If reporting is linked to strong inter-governmental agreements and targets, it will help drive changes to practice, the way information is collected and shared, and ultimately the safety of children. However, a mechanism is also required to ensure that all governments including the Australian Government explain their performance in keeping children safe and what action they plan to take to address any deficits.

OPTION FOR INCLUSION IN NATIONAL FRAMEWORK FOR PROTECTING CHILDREN: Identifying indicators of child wellbeing

An agreed set of child wellbeing indicators could tell us how well Australian children are faring across a number of key developmental domains. Such indicators would be able to be used to:

- ▶ derive targets to drive action under the child protection framework,
- ▶ identify important primary, secondary and tertiary interventions to achieve progress against these targets, and
- ▶ provide a measuring stick against which collective progress could be assessed, and performance measured.

Indicators should identify the Indigenous status of children to enable measurement of progress towards reducing the over-representation of Indigenous children in the child protection system.

Substantial work is already being progressed in this area, including by:

- ▶ Australian Research Alliance for Children and Youth (ARACY);
- ▶ Centre for Community Child Health, Melbourne, which has conducted a project to develop the Australian Early Development Index (AEDI) in consultation with the Telethon Institute for Child Health Research;
- ▶ Kulunga Research Network at the Telethon Institute for Child Health Research with the Centre for Developmental Health (Curtin University), which is developing the Indigenous Australian Early Development Index (I-AEDI); and
- ▶ Australian Institute of Health and Welfare, which is currently developing 'A picture of Australia's children 2009'. This work will contain a reporting framework and key national indicators for children's health, development and wellbeing.

OPTION FOR INCLUSION IN NATIONAL FRAMEWORK FOR PROTECTING CHILDREN: National standards and performance reporting

Work towards common definitions, standards, and performance indicators could build on existing work and should be benchmarked against international best practice to avoid lowest common denominator outcomes.

An independent mechanism could be developed to monitor ongoing performance of child protection systems nationally, analyse results, and report publicly about outcomes and areas requiring further action.

Some proposals for improved national monitoring, reporting and accountability have focused on establishing a national Children's Commissioner to advocate for children and monitor the performance of services for children and families. Such posts already exist in most State/Territory jurisdictions.

Alternatively, a national reporting function could be established under an arrangement similar to that established by COAG in 2003 on Overcoming Indigenous Disadvantage (OID). This regular report on government performance in Indigenous affairs is against a number of key indicators and is a commitment by governments to be accountable for improving outcomes. OID acts as a report card of progress and further action required.

OPTION FOR INCLUSION IN NATIONAL FRAMEWORK FOR PROTECTING CHILDREN: Improving data collection and knowledge sharing

Both the AIHW and the Productivity Commission have drawn attention to the need to continue to work towards more consistent data, information and performance measures for child protection and welfare issues.

Improvements in data collection should be driven by a national debate about roles and consistent standards, and should include specific work to improve understanding of Indigenous child protection issues.

Consideration could also be given to collecting national child protection data in unit record format to improve analysis of how children move through the child protection system and the flexibility of the data for research purposes.

The AIHW is already funded by States and Territories and the Commonwealth to produce annual reports which detail activity across all child protection systems (*Child protection Australia*). This role could be extended or this work could be undertaken by an entity taking on a monitoring role nationally.

Improved coordination and communication across governments and agencies should also include law enforcement agencies. They can be an important first point of intervention.

OPTION FOR INCLUSION IN NATIONAL FRAMEWORK FOR PROTECTING CHILDREN: Better sharing of police intelligence across jurisdictions

In 2007 COAG agreed in-principle to a framework to improve access to a consistent and expanded range of inter-jurisdictional criminal history information by child related employment screening schemes to improve the safety and protection of children. This work should be finalised and implemented.

Not all jurisdictions take into account the child abuse record of individuals, so substantiated cases of abuse or neglect are not included in criminal history checks where they are not covered by criminal law. A more consistent approach could be considered.

Issues have also been identified with vulnerable children falling through the gaps as carers move between jurisdictions. Further work could build on CDSMAC initiatives to better harmonise approaches to intelligence sharing, police operations, and mutual orders recognition, to ensure protection follows children regardless of geographic moves.

Further work could also be undertaken to ensure perpetrators of violence and abuse are monitored and tracked across systems.

Consultation process

The issues and proposals outlined in this paper form a starting point for discussions with key stakeholders, experts and others interested in protecting children. Other ideas or viewpoints are welcome. Important conversations will be held through to August 2008 with State and Territory Governments, community organisations, researchers and those with direct experience of child protection systems – children, young people, families and communities. A series of expert committees, involving key community stakeholders, will convene during May/June 2008 and provide assistance as ideas are further developed.

You are invited to comment on how Australia's children might be better protected. To do this, first download and read the instructions at www.fahcsia.gov.au. Then:

- ▶ email your comments to child.protection@fahcsia.gov.au; or
- ▶ mail them to:
Child protection discussion paper
Australian Department of Families, Housing, Community Services and Indigenous Affairs
PO Box 7576
Canberra Business Centre ACT 2610

If you are unable to download the instructions, you can request a copy by:

- ▶ calling FaHCSIA's Publications Warehouse on 1800 050 009; or
- ▶ emailing child.protection@fahcsia.gov.au and providing your mailing address.

Comments on the discussion paper will close on 30 June 2008.

Endnotes

- 1 www.ichr.uwa.edu.au/media/713
- 2 www.rch.org.au/australianedi/index.cfm?doc_id=6210
- 3 AIHW *Child protection Australia 2006-07*, www.aihw.gov.au/publications/index.cfm/title/10566
- 4 Scott, D, (2005) *Child Protection: New Hope*, Children, Youth and Women's Health Oration
- 5 The Allen Consulting Group, (2003) *Protecting Children: The Child Protection Outcomes Project*, Final Report for the Victorian Department of Human Services, www.allenconsult.com.au
- 6 Keatsdale, (2003) *Report into the cost of child abuse and neglect in Australia*, Albion, Qld: Queensland Kids First Foundation
- 7 Child and Family Welfare Association of Australia Inc, (2007) *Call to Action for Australia's Children*
- 8 McDowall, J, (2008) *CREATE Report Card 2008: Transitioning from Care*
- 9 NSW Attorney General's Department, (2006) *Breaking the Silence: creating the future*, www.lawlink.nsw.gov.au
- 10 Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse, (2007) *Little Children are Sacred*, www.nt.gov.au
- 11 *Children on Anangu Pitjantjatjara Yankunytjatjara Lands Commission of Inquiry Report*, (2008) www.service.sa.gov.au
- 12 Bromfield L, & Higgins D, (2005) *National Comparison of Child Protection Systems*, AIFS Issues No22
- 13 Testro, P & Peltola, C, (2007) *Rethinking Child Protection: A New Paradigm?*, Paper #5 Discussion Paper Series, PeakCare Queensland Inc
- 14 www.aana.com.au/childcode.html
- 15 Chamberlain, C & Mackenzie, D, (2008) *Youth Homelessness in Australia 2006*, Melbourne, quoted in National Youth Commission, 2008, *Australia's Homeless Youth*, p.125
- 16 Chamberlain, C, Johnson, G & Theobald, J, (2006) *Homelessness in Melbourne: confronting the challenge*, Centre for Applied Social Research, RMIT University, RMIT Publishing, Informit e-Library, quoted in National Youth Commission, 2008, *Australia's Homeless Youth*, p.125
- 17 Bromfield L, & Higgins D, (2005) *National Comparison of Child Protection Systems*, AIFS Issues No22

