

Foreword

As Queensland's Commissioner for Children and Young People and Child Guardian, I released the inaugural *Child Guardian Report 2005* in February 2006. That report was both a statement of intent and a detailed account of the steps I had taken to establish my mandated Child Guardian role to oversee the child safety and juvenile justice systems.

In 2006 the Child Guardian focus has matured and I have moved beyond setting up the role into full 'action' mode on behalf of Queensland's children and young people.

This has enabled the *Child Guardian Report 2006* to concentrate on reporting outcomes for children and young people in the child safety and juvenile justice systems. As the independent external monitor for these systems and advocate for the children and young people involved, the Child Guardian plays an important statutory role of gathering system-level evidence and reporting this evidence back to children and young people, service providers and the general public. This evidence comes from a variety of sources, including directly from children and young people through surveys and Community Visitor reporting, system level monitoring of internal and external data and case specific reviews of service delivery, such as, investigations, audits and child death reviews.

In discharging my role of external monitor and advocate, I aim to be constructive and to demonstrate respect for the personal dedication, hard work and resources which are already invested in the child safety and juvenile justice systems; at the same time, I also aim to use evidence to appropriately inform and improve these systems.

My objective as Child Guardian and independent advocate for children and young people is to highlight what results are being achieved for them in the child safety and juvenile justice systems. This allows service providers to know what they need to continue to do and where change is needed. Maintaining momentum for the implementation of the reform agenda endorsed by the Queensland Government in 2004 is critical for the future development of the many children and

young people dependent on the child safety and juvenile justice systems.

I encourage readers to approach this report from the perspective that all reform agendas need monitoring and honest appraisal to foster continuous improvement. With that in mind I also encourage you to read the pages that follow with an understanding that the outcomes I am seeking as Child Guardian are measurable benefits for children and young people, and that the information and evidence provided in this report are designed to exert pressure on government and non-government service providers and foster carers to achieve these outcomes.

Developments in 2006 which were positive for children and young people included:

- 98% of children and young people who responded to a Child Guardian Survey indicating that they felt safe in out-of-home care
- only 0.74% of visits to children and young people in out-of-home care resulting in a serious issue being recorded
- a commitment by the Department of Communities to deal with extreme temperatures that the Child Guardian identified in the Brisbane Youth Detention Centre by installing air conditioning
- initiatives such as Referral for Active Intervention and the Child Health Passport, and
- a strengthening of the foster carer approval process by the Department of Child Safety.

Areas of service delivery which require further work to improve outcomes for children and young people during 2007 include:

- action by service providers to engage children and young people in decisions about them
- targeted service delivery to Aboriginal and Torres Strait Islander children and young people, particularly in remote communities, to address their over-representation in the child safety and juvenile justice systems and their over-representation in serious matters reported by Community Visitors

- accommodation for homeless children and young people in some Queensland locations, and
- consistent reports from children and young people that they have problems with the amount of support they receive from the Department of Child Safety and the amount of contact they have with their family.

Finally, in 2006 I became aware of some ad hoc examples which suggested that the following areas may also warrant further action by service providers in the year(s) ahead:

- increasing numbers of children and young people ‘self-placing’ from approved carers to other placements outside of out-of-home care, and
- gaps in the delivery of services to children and young people who have complex and challenging needs.

Although I have no system-level data yet about these issues, I will look for ways to obtain this information and action it appropriately in 2007.

Elizabeth Fraser
 Commissioner for Children and Young People
 and Child Guardian

When looking through this report, keep an eye out for the Child Guardian’s Stamp of Approval, which looks like this:



This Stamp of Approval is used to highlight examples of child-focused service delivery by the Department of Child Safety, other government service providers, non-government service providers and foster carers. The Stamp of Approval is also used to highlight examples of individuals and agencies responding appropriately to advocacy or action by the Child Guardian in order to create an immediate good outcome for children and young people.

Executive summary

The *Child Guardian Report 2006* is separated into two parts so that it covers both the child safety system and the juvenile justice system.

Part A – The Child Safety System

Chapter 1 provides an overview of the child safety system in Queensland and the role of the Child Guardian in this system. The key messages from this chapter are that:

- the Child Guardian is the independent, external monitor of the child safety system and its ability to provide services which meet the needs of the children and young people in that system (including identifying any progress made or trends that indicate system-level service failure)
- the Child Guardian role involves monitoring, investigating, complaints resolution, advocacy about laws, policies and procedures, and visits to children and young people in out-of-home care by Community Visitors; the Child Guardian also has a role in chairing the Child Death Case Review Committee¹, which reviews the services that were delivered to children and young people in the child safety system before their death, and
- in 2006 the two most frequently raised issues with Community Visitors by children and young people were about sufficient support

being provided by the Department of Child Safety and the maintenance of family/other relationships.

The remaining chapters of Part A give an overview of what evidence the Child Guardian has about outcomes for children and young people across the continuum of different aspects of the child safety system (from entry into the system to transitions from out-of-home care) and what action the Child Guardian took during 2006.

In 2006 the Child Guardian conducted extensive research and consultation to establish an outcome-based method to assess the effectiveness of the child safety system. This work resulted in the creation of eight 'Child Guardian Key Outcomes' and a series of proposed 'Child Guardian Key Outcome Indicators' which will be used by the Child Guardian when gathering and reporting information about the child safety system (see Appendix 2).

This report adopts the Child Guardian Key Outcomes to structure the reporting of information and action by the Child Guardian in 2006. The messages from each chapter about each Child Guardian Key Outcome are as shown in the accompanying table.

Key outcome sought from service delivery agencies

Key message for 2006

Chapter 2: Effective assessment

- The number of outstanding Investigation and Assessments by the Department of Child Safety is high but has decreased from March 2006 to December 2006.
- There are marked differences in the number of outstanding Investigation and Assessments across Queensland. Further investigation is needed to determine the reasons for these differences and what action is needed to achieve systemic improvement.

Chapter 3: Appropriate service delivery for children and young people who do not enter out-of-home care but require further intervention

- The Child Guardian believes the development of Early Years Centres and the Referral for Active Intervention service model is commendable and positive.
- The Child Guardian is currently undertaking research and consultation with the Department of Child Safety, the Department of Communities and other service providers to determine whether there are any significant gaps in the referral process.

¹ For further information about the Child Death Case Review Committee, see the *Child Death Case Review Committee Annual Report 2005–06* available at <http://www.ccyceq.qld.gov.au/about/publications/cdrc06.html>.

Chapter 4:
Safety and stability in
out-of-home care

- 98% of children and young people who responded to the Child Guardian Survey² in early 2006 indicated that they felt safe in out-of-home care.
- In only 0.74% of visits by Community Visitors in 2006 were there any serious concerns about the safety of the children and young people being visited.
- The Department of Child Safety's actions to strengthen the approval processes for foster carers during 2006 are acknowledged as a positive step.
- More concerns were raised about the safety of children and young people placed in residential facilities than those in foster care.
- In 2006 the Child Guardian held a forum and released an issues paper to emphasise the need for stability in out-of-home care.

Chapter 5:
Individual needs of children
and young people

- The most frequent problems reported by Community Visitors for 2006 were about sufficient support from Department of Child Safety officers and maintenance of family/other relationships.
- Most young people advised the Child Guardian Survey that they didn't know if they had a case plan; of the ones who did, only 18.2% knew what was in the case plan.
- Substantial proportions of children and young people advised the Child Guardian Survey that they would like to see and speak to their families more often.

Chapter 6:
Best education possible

- Children and young people in out-of-home care require greater support in achieving educational outcomes than the general population and this is reflected in the commitment by the Department of Education, Training and the Arts to develop Education Support Plans for children and young people in out-of-home care.
- When responding to the Child Guardian Survey, 14.7% of young people reported having problems at school and 24.9% of children and 31.9% of young people reported repeating a year at school.
- The Child Guardian is continuing to work with the Department of Education, Training and the Arts in relation to inclusive education practices and parental access to student accounts³ for young people in out-of-home care.

Chapter 7:
Best health possible

- Children and young people in out-of-home care have greater health needs than the general population.
- The development of the Child Health Passport during 2006 is a positive step towards achieving better health outcomes for children and young people in out-of-home care.
- In 2007 the Child Guardian will be interested in how the outcomes of implementing the Child Health Passport are evaluated.
- In 2006 the Child Guardian recommended improvements to the way the Department of Child Safety manages children and young people's capacity to exercise choice in relation to medical procedures ('Gillick competency').

2 The results of the Child Guardian Survey were published in 2006 in a report called *Child Guardian Views of Children and Young People in Care Queensland 2006* which is available at www.ccypcg.qld.gov.au/about/publications/reports.html

3 Student accounts are personal and academic information as described in section 6.2.1.

Chapter 8:
Special needs of Aboriginal, Torres Strait Islander and culturally and linguistically diverse children and young people

- Aboriginal and Torres Strait Islander children and young people are over-represented in Serious Issue Forms⁴ reported by the Community Visitors in 2006.
- Substantially more Aboriginal and Torres Strait Islander children aged 0–4 were the subject of a Serious Issues Form in 2006 (30%) than were non-Aboriginal and Torres Strait Islander children aged 0–4 (15%).
- Compliance with the Indigenous Child Placement Principle as specified in section 83 of the *Child Protection Act 1999* is not currently recorded or reported by the Department of Child Safety. The legislated principle relates to the quality of decisions made about the placement of Aboriginal and Torres Strait Islander children and young people (rather than just the numbers of these children and young people who are placed with Aboriginal and Torres Strait Islander carers).

Chapter 9:
Successful and supported transitions from out-of-home care

- Entering adulthood is more challenging for young people in out-of-home care than it is for other young people.
- Approximately 13% of young people (9–17 years) and 6% of children (5–8 years) who responded to the Child Guardian Survey indicated that they had been reunited with their family more than once.
- In 2006, Community Visitors reported two examples of young people feeling uncomfortable with their transitions from out-of-home care into adulthood and the Department of Child Safety responded appropriately to these concerns.

Each chapter of Part A also contains some information about service delivery initiatives that were commenced in 2006. I welcome the investment of resources and time by the Department of Child Safety and other service providers in the below initiatives and look forward to considering what outcomes they produce for children and young people in the child safety system in 2007:

- An additional 37 Child Safety Officers were employed to address the backlog of outstanding Investigation and Assessments
- Two information booklets, titled ‘Kids’ Rights’ and ‘My Journey into Care’, were developed as resources for children and young people in out-of-home care
- The capacity of Child Safety Officers to conduct effective assessments was enhanced through improvements in the Child Safety Practice Manual and the development of a series of practice papers addressing substance misuse
- A discussion paper ‘Improving permanency for children in care’ was released for public consultation
- A Participation Strategy for children and young people was developed
- Increasing numbers of children and young people in out-of-home care were provided with Education Support Plans
- The Child Health Passport and Evolve Interagency Therapeutic Services were developed
- The Recognised Entity Service Delivery Model was developed and the capacity of the Indigenous Support and Development Branch was enhanced
- A Multicultural Action Plan was implemented, and
- A review was commenced in relation to the current legislation, policies and practice on reunification.

4 Serious Issues Forms and what they mean for the Community Visitors are described in detail in section 4.1.2 of Chapter 4.

Part B – The Juvenile Justice System

Chapter 10: Overview of the juvenile justice system outlines the nature of the system in Queensland and the role of the Child Guardian in that system. The key messages from this chapter are that:

- Aboriginal and Torres Strait Islander young people are over-represented in juvenile detention, and
- the Child Guardian – personally and through the Community Visitors – visits young people in detention, can investigate service delivery to young people in the juvenile justice system and advocates on behalf of young people in relation to laws, policy and practice within the juvenile justice system.

Chapter 11: Juvenile detention centres gives an overview of the types of issues raised with Community Visitors by children and young people in juvenile detention centres and the subsequent action taken by the Child Guardian. The key messages from this chapter are that:

- recurrent issues for young people in detention centres during 2006 included phone usage,

visits with family, detention centre staff, recreation and food, and

- the Department of Communities is installing air conditioning in the Brisbane Youth Detention Centre after a Child Guardian investigation into extreme temperatures.

Chapter 12: Advocacy about the juvenile justice system summarises the work done by the Child Guardian in 2006 to influence laws, policy and practices relating to the juvenile justice system. The key messages from this chapter are that:

- the Child Guardian continues to advocate that 17-year-old offenders should be in juvenile detention centres as opposed to adult detention centres,
- the Child Guardian will advocate on behalf of young people during a review of the *Juvenile Justice Act 1992* in 2007, and
- the Child Guardian will evaluate service delivery to young people who transition from juvenile detention during 2007.

The coming year

At the end of each chapter is a brief summary of the work which the Child Guardian plans to do in 2007 in relation to the key outcome or service delivery area described in that chapter.

The most important initiative which the Child Guardian will commence in 2007 is coordinating and collecting data about the types of outcomes that are being experienced by children and young people in the child safety system. This series of indicators will be known as the Child Guardian Key Outcome Indicators.

The data informing the Child Guardian Key Outcome Indicators will be collected from 2007 to 2010 and reported annually in the Child

Guardian Reports. Importantly, the data collected will be across government and will include the Child Guardian's own information, so that the fullest possible picture of the child safety system is created and fed back to that system to inform and influence ongoing improvement in service delivery. The Child Guardian Key Outcome Indicators are also designed to direct what types of matters are selected to be further investigated by the Child Guardian through detailed monitoring and review activities.

Also in 2007 the Child Guardian will explore the reasons children and young people in the child safety system are more vulnerable through the projects outlined in the accompanying table.

Child Guardian Projects for 2007

Type of Research/Review	Purpose	Results due
Suspected suicide research project	To analyse all cases of suicide and suspected suicide of children and young people in Queensland over a three-year period (1 January 2004 to 31 December 2006), including: <ul style="list-style-type: none"> • demographics • risk factors and circumstances surrounding the deaths, and • identifying trends and patterns in relation to the suicide of children and young people. 	Interim public report late 2007 and final public report 2008.
Indigenous Child Placement Principle Project	To analyse the operation of the Indigenous Child Placement Principle in Queensland and the outcomes it produces for children and young people.	Public report in late 2007.
Fatal assault and neglect project	To analyse all child deaths from fatal assault and neglect, or those which occurred in suspicious circumstances, registered in the period 1 January 2004 to 31 December 2006. The project will make recommendations aimed at preventing or reducing the likelihood of these deaths in the future.	Public report in late 2007.