

General compliance

Key messages

- The Child Safety Practice Manual does not provide clear, cohesive, comprehensive guidelines compiled in one section for departmental officers to refer to when applying section 83 of the *Child Protection Act 1999*.

10.1 Compliance with section 83 of the *Child Protection Act 1999*

Compliance with the Child Placement Principle occurs when records show that all of the compulsory requirements of section 83 of the *Child Protection Act 1999* have been undertaken (Steps 1 to 5 of the Child Placement Principle Compliance Assessment Tool).

10.2 Policies and procedures

The process of applying the Child Placement Principle in accordance with section 83 of the *Child Protection Act 1999* depends on the circumstances of each child and the placement option being considered. However, clear procedures to support departmental officers' application of section 83 of the *Child Protection Act 1999* must be available in the Child Safety Practice Manual.

The Child Safety Practice Manual has a specific section on the Child Placement Principle in its section on out-of-home care as part of an integrated child protection response. That section is extracted in full in Figure 25.

Figure 25: Child Safety Practice Manual Child Placement Principle section

The Aboriginal and Torres Strait Islander Child Placement Principle

The child and their family's culture and community must be considered when making all placement decisions. Adherence to the child placement principle as it applies to Aboriginal and Torres Strait Islander children is critical to the process of making a placement for these children. The *Child Protection Act 1999*, section 83, identifies a hierarchy of preferred placement options and the requirements that must be met when it is not possible to place a child within the hierarchy.

Before placing the child in the care of a family member or other person who is not an Aboriginal person or Torres Strait Islander, proper consideration must be given to whether the person is committed to:

- facilitation of contact between the child and the child's parents and other family members, subject to any limitations on the contact under the *Child Protection Act 1999*, section 87
- helping the child to maintain contact with the child's community or language group
- helping the child maintain a connection with the child's Aboriginal or Torres Strait Islander culture, and
- preserving and enhancing the child's sense of Aboriginal or Torres Strait Islander identity.

Practice paper: *Working with Aboriginal and Torres Strait Islander People*

The Child Safety Practice Manual's section on the Child Placement Principle (see Figure 25 above) is deficient in that it:

- does not mention the involvement of the recognised entities set out in section 83(2) and (3) of the *Child Protection Act 1999*
- incorrectly identifies that there are requirements that must be met if a placement option is identified outside the hierarchy of placement options (section 83 of the *Child Protection Act 1999* is silent about what to do if no options in the hierarchy can be located), and
- does not mention the requirements for all placement options set out in section 83(5)(a) and 83(5)(b) of the *Child Protection Act 1999*.

In addition, sections 5.1.1, 6.2.1, 6.2.2, 7.2.1, 7.2.2, 7.3.2, 7.4.2, 7.5.2, 8.1.2, 8.2.1, 8.3.1 and 9.1.1 of this report highlight that the Child Safety Practice Manual's references to the Child Placement Principle do not provide clear guidelines that departmental officers use as guidance. Similarly, the Child Safety Practice Manual's practice paper *Placing Children in Out-of-Home Care – Principles and guidelines for improving outcomes* does not contain an accurate description of the department's obligations under section 83 of the *Child Protection Act 1999*.

The Child Safety Practice Manual does not provide clear, cohesive, comprehensive guidelines compiled in one section for departmental officers to refer to when applying section 83 of the *Child Protection Act 1999*. This would appear to be what is required.

Recommendation 25

Recommendations 1, 2, 3, 5, 6, 7, 9, 11, 14, 16, 18, 20 and 22 are responded to in a way that results in one comprehensive procedure, to be included in/or in support of the Child Safety Practice Manual. Situations that may require further guidance should be considered for inclusion, such as:

- approach to the Child Placement Principle when children have mixed heritage
- approach to placing large sibling groups
- placement of children long distances away from their communities
- contact with family and community – family not wanting contact and child not wanting contact
- approach to placement of disabled Indigenous children
- parental requests for non-Indigenous placements
- emergency placements.

As well, all other references to the Child Placement Principle in the Child Safety Practice Manual will need to refer to the specific procedural document.

Recommendation 26

The department develop training for departmental officers about the application of section 83 of the *Child Protection Act 1999*. This training should be rolled out once all procedural recommendations of this report have been implemented.

Recommendation 27

The department consider the introduction of specialised positions that case manage only Indigenous children. These positions could allow effective engagement with the recognised entity and local community members. Expertise in applying the Child Placement Principle would also be developed by the departmental officers.

10.3 The Integrated Client Management System's recognised entity/ Child Placement Principle form

The Integrated Client Management System's recognised entity/Child Placement Principle form is an excellent initiative that captures important information in accordance with section 83 of the *Child Protection Act 1999*. However, the recognised entity/Child Placement Principle form does not have the capacity to record all necessary information.

Sections 6.2.3, 7.2.1, 7.2.2, 7.3.3, 7.4.3, 7.5.3, 8.1.3, 8.2.2 and 9.1.2 of this report identify information that could be captured in the Integrated Client Management System's recognised entity/Child Placement Principle form that is not currently captured.

If the Integrated Client Management System's recognised entity/Child Placement Principle form captured all information required to show compliance with section 83 of the *Child Protection Act 1999* as suggested in Recommendations 4, 8, 10, 12, 13, 15, 17, 19, 21 and 24, the department would be able to review compliance with section 83 accurately.

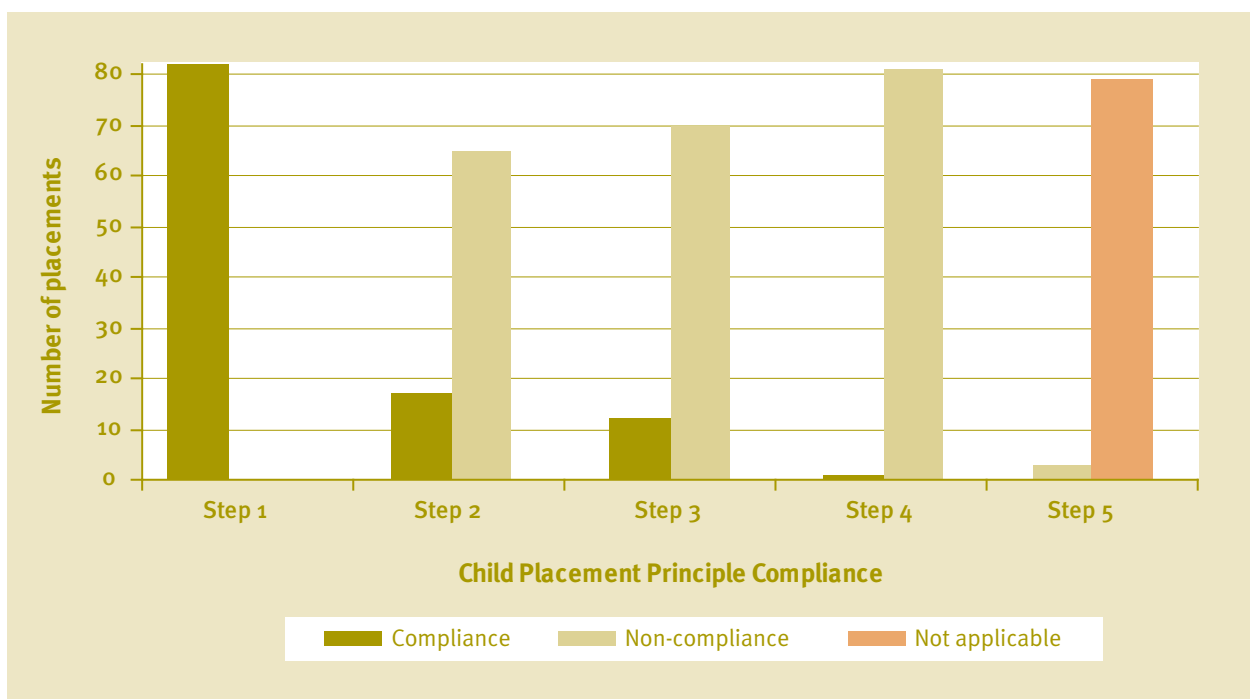
Recommendation 28

That the Integrated Client Management System's recognised entity/Child Placement Principle form is enhanced to include Recommendations 4, 8, 10, 12, 13, 15, 17, 19, 21 and 24.

10.4 Placement review findings

Of the 82 placements reviewed, from the records provided, none of the placements completely complied with section 83 of the *Child Protection Act 1999* (all five steps of the Child Placement Principle Compliance Assessment Tool). Figure 26 shows the number of placements that complied with each discrete step of the Child Placement Principle Compliance Assessment Tool.

Figure 26: Compliance with section 83 of the *Child Protection Act 1999*, 2000 – 2007



An important outcome of the audit has been the development of the Child Placement Principle Compliance Assessment Tool. Its usefulness has now been demonstrated and validated in relation to the small sample that was subject of the placement review. This means that not only has the audit delivered a variety of recommendations for enhancing compliance by the department with the Child Placement Principle, but significant progress has been made towards establishing an agreed methodology for evaluating progress and future public reporting.

This five step methodology is being utilised by the department in a discussion paper to develop practical guidance for its staff and recognised entities to work more effectively with Aboriginal and Torres Strait Islander children and young people.