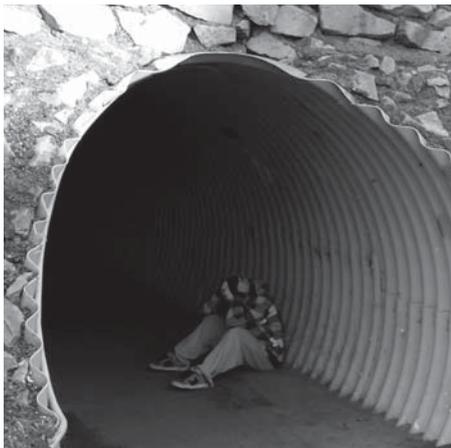


# Annual Report 2011–12





As Eye See It 2011 photo exhibition for young people living in out-of-home care

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Commissioner

promoting  
the safety  
and wellbeing  
of children

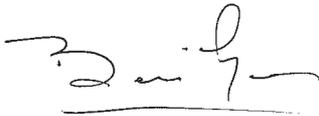
15 August 2012

The Hon. Mary Wooldridge MP  
Minister for Community Services  
Level 22  
50 Lonsdale Street  
Melbourne Vic 3002

Dear Minister

In accordance with s. 41(1) of the *Child Wellbeing and Safety Act 2005* I am pleased to submit to you the Child Safety Commissioner's annual report for the year ending 30 June 2012.

Yours sincerely



Bernie Geary OAM  
**Child Safety Commissioner**

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# From the Child Safety Commissioner



I am pleased to present my seventh Annual Report as the Victorian Child Safety Commissioner.

‘Victorian children, seen and heard’, has been the vision of the Office of the Child Safety Commissioner since its inception in 2005. I am proud to say it is a vision which continues to inspire and challenge us. We are in a privileged position to see and hear from and about some of the most vulnerable children in Victoria. What we learn from them underpins our approach to advocacy, policy analysis, child safety promotion and child protection practice reviews.

This year has been a crucial year for vulnerable children, with the government clearly indicating a commitment to improving services through its response to the findings and recommendations of the Protecting Victoria’s Vulnerable Children’s Inquiry. The *Directions Paper 2012, Victoria’s Vulnerable Children – Our Shared Responsibility* provides guidance on a cohesive and considered approach to service enhancement, for all of us working within and across government and community sector agencies.

As I reflect on the work undertaken on child death inquiries and ministerial reviews of service provision since 2005, I can see that many of the recommendations we have made are mirrored in the Directions Paper, particularly in relation to emphasising service collaboration as the cornerstone to building better services and improved outcomes for children and young people.

Our work with volunteers and the wider community has further convinced me that they hold the keys to further systemic improvements. Child protection, youth justice and out-of-home care systems cannot bear the whole weight of community fragility all on their own. They need back-up from the rest of the community.

The best outcomes for very complex young people that I have seen over the years have been where agencies have centred on the needs of a young person, with workers ‘going the extra mile’ without being precious or rigid about their specific role.

I never fail to be surprised at the inherent nervousness in accepting the role of the community as a key collaborator. This is extraordinary when you consider it is where children belong – where they start their life – and where our most vulnerable children eventually return to live, when they leave out-of-home care or are released from youth custody.

We are buoyed by the wisdom that has prevailed in relation to the overdue creation of new secondary supply of alcohol laws; promising work going

forward in regard to children with a disability; recommendations from the Taxi Industry Inquiry which support our campaign for life-saving laws that ensure children are safely secured in the seats of taxis; support for a driveway safety campaign; and progress on how to most effectively engage vulnerable and hard-to-reach families on infant safe sleeping practices.

I am grateful to those in the government and non-government systems who give us tremendous encouragement, cooperation and support; and to the wonderful volunteers who assist in ensuring the voices of children are heard in our residential care Community Integration Program, and the Youth Justice Independent Visitor Program.

The year has been a demanding and challenging period for our staff. They are a committed and tireless group, and their wise counsel sustains me.

Whilst this report describes the work of the year just finished, we are all looking forward to the future with excitement – building on what has been achieved over a number of years, but knowing there is much more to be done. That is, continuing to make sure that Victorian children and young people continue to be real winners, through being seen and heard.

A handwritten signature in black ink, appearing to read 'Bernie Geary'. The signature is fluid and cursive, with a long horizontal line extending from the end.

Bernie Geary OAM  
Child Safety Commissioner

# Functions of the Child Safety Commissioner

In the *Child Wellbeing and Safety Act 2005*, parliament expressed its objectives for the creation of a Child Safety Commissioner as promoting continuous improvement and innovation in:

- a) policies and practices relating to child safety
- b) the provision of out-of-home care services for children.

The Act includes specific legislative functions for the Child Safety Commissioner. These are:

- 1.** Providing advice to the Minister for Community Services about child safety issues.
- 2.** Promoting child-friendly and child-safe practices in the Victorian community.
- 3.** Reviewing and reporting on the administration of the *Working with Children Act 2005* and educating and informing the community about that Act.
- 4.** In relation to children in out-of-home care:
  - promoting the active participation of those children in the making of decisions that affect them
  - advising the Minister and the Secretary on the performance of out-of-home care services
  - at the request of the Minister, investigating and reporting on an out-of-home care service.

**5.** Conducting an inquiry and preparing reports:

- in relation to children who have died and who were a child protection client at the time of their death or within 12 months of their death
- in relation to children who are or were child protection clients where the Minister requests a review be undertaken and the Minister considers that the review will assist in improving child protection practices and enhancing child safety.

The Act defines 'child' to mean a person under the age of 18 years.

## **Mission**

### **The Child Safety Commissioner**

Promoting and improving the safety and wellbeing of all Victorian children

## **Vision**

Victorian children – seen and heard

# Significant achievements in 2011–12

This year, the Office of the Child Safety Commissioner (OCSC):

- Completed 32 child death inquiries the findings of which are used to inform improvements to services provided to vulnerable children and their families. The overall themes arising from the inquiries included the need for ongoing work to improve interagency communication and collaboration, thorough information gathering and comprehensive and analytical risk assessments.
- Established an Independent Visitor Program in Youth Justice Centres including the recruitment of volunteers who have begun monthly visits to the Parkville Youth Justice Centre Precinct.
- Supported, in partnership with 13 community service organisations, the second *As Eye See It* photo exhibition by children who had experiences of out-of-home care.
- Continued our support of the Community Integration Program we established in 2009–2010 which seeks to enhance the opportunities for young people who live in residential care to connect to their community in a positive manner.
- Completed the annual review and report on the administration, by the Department of Justice, of the Working with Children Check.
- Completed an in-depth analysis of 41 child death inquiries from 2004–2011 entitled *Connecting Services: Learning from child death inquiries when the co-existing parental risk factors of family violence, substance misuse and mental illness place children at risk*.
- Promoted the safety and wellbeing of children and young people through our participation in forums and working groups as well as through our written submissions relating to legislative, policy and practice reforms.
- Completed six reviews relating to children known to child protection at the request of the Minister.
- Monitored and analysed category one Critical Incident Reports involving children and young people living in out-of-home care. This work serves to assist the Department of Human Services in service enhancement.
- Undertook an in-depth review of practice in relation to 16 adolescent child protection clients who have engaged in repeated high risk behaviours.
- Supported the Victorian Child Death Review Committee's development of its annual report of inquiries into the deaths of children known to child protection.
- Presented at more than 50 community and professional forums throughout Victoria.
- Collaborated with a range of organisations to develop and finalise a driveway safety campaign and materials in preparation for the campaign launch in July 2012. The campaign includes the distribution of printed materials as well as a series of radio advertisements.
- Finalised a major project *Linking services for young people under 16 and alone* which includes a comprehensive policy and protocol framework designed for the Department of Human Services.
- Worked with Australian Children's Commissioners and Guardians to promote the safety and wellbeing of children through contributions to legislative and policy reforms.
- Utilised social media and our website to promote the work of the OCSC and safety messages.
- Hosted the third Kinship Care Forum, in collaboration with other organisations, to enhance the support provided to kinship carers and those who work with them.
- Continued to distribute a range of resources produced by the OCSC and supported the development of a new suite of resources relating to kinship care which is available through the OCSC.

# Providing advice to the Minister

The Commissioner has the great privilege of listening to the voices and stories of children, particularly some of the most vulnerable children in our community. With that privilege comes the responsibility to ensure that those in positions of power and influence are also able to hear those stories and use them to shape a community and service system that will best meet the needs of children. Providing advice to the Minister for Community Services, the Hon. Mary Wooldridge MP, through regular meetings and more formal written submissions, enables the Commissioner to do just this.

In her annual charter letter, the Minister expressed her appreciation for the advice given and encouraged the Commissioner to 'continue alerting the department and other agencies and areas of government about any child safety issue that you consider requires attention'. To this end, the Commissioner also meets with the Minister for Children and Early Childhood Development, the Hon. Wendy Lovell MP, and through the annual review of the administration of the *Working with Children Act 2005* provides advice to the Attorney-General. The Commissioner also provides formal written submissions on a range of policy and legislative initiatives.

The advice given to the Minister and other arms of government is informed by the Commissioner's meetings with children and those who care for them, the information arising from the monitoring and inquiries functions, the interagency collaborative projects and research undertaken by the OCSC as well as enquiries from and information provided to the OCSC from members of the public.

The establishment of the Community Integration Program and the Youth Justice Centres Visitor Program adds a new and richer dimension to the advice provided by the Commissioner. Our trained community volunteers, through their connections with vulnerable young people in the care of the state, provide a new avenue for the voices of these young people to be heard as well as providing an invaluable community perspective on how well Victoria is doing in meeting the needs of these young people.

# Child death inquiries and ministerial reviews – learning, reflection and change

## Child death inquiries

### How child death inquiries are conducted

The process and objectives of child death inquiries are shaped by the provisions of the Child Wellbeing and Safety Act which provides that inquiries are undertaken with the aim of promoting ‘continuous improvement and innovation in policies and practices relating to child protection and safety’. Inquiries are triggered by the death of children who were Department of Human Services’ Child Protection clients at the time of, or within twelve months of, their death. Inquiries are not designed to determine the cause of death; this role belongs to the State Coroner. Contrary to some perceptions, most inquiries relate to children who died due to illness or accidents and not from intentional injury.

Inquiry reports enable us to learn about the children’s experiences of their family, their community and the service system and what it needs to look like in the future. The inquiry process provides a unique window into the whole of a child’s life. Inquiry teams review material provided by child protection services and staff and confer with representatives from the many other professional groups involved in Victoria’s child protection system, including: education, youth justice, mental health, maternal and child health, drug and alcohol services, health services and professionals, police, family support, family violence, disability and other

practitioners. This broad approach provides a holistic perspective on the service system and an opportunity to observe and reflect on the way these services and professionals work together for the benefit of children and families. The team also gains a valuable understanding of the children’s lives by meeting with their families and carers.

The object of the inquiries and reviews is not to apportion blame, but to influence positive change and promote improvements and innovations in all areas relating to child protection. The inquiry process uses a reflective practice approach, where all participants have an opportunity to think not only about what occurred but about why and how decisions were made, and the context in which practice took place. As such, the approach of inquiries is a balanced one, highlighting good practice as well as identifying ways in which practice could be improved in future.

At the conclusion of the inquiry process, a report is prepared which places the child at the centre of the story and details the findings of the inquiry process. The report is provided to the Victorian Child Death Review Committee (VCDRC), a multidisciplinary ministerial advisory committee which undertakes an analysis of the reports and makes recommendations to the Minister. The VCDRC prepares its own annual report which is tabled in parliament. We provide secretariat support to the VCDRC and monitor the implementation of its recommendations.

## Inquiries 2011–12

In the 2011–12 period, the deaths of 25 children who had been known to child protection within the relevant time period were referred to the Child Safety Commissioner to undertake an inquiry. During this same period, 32 inquiries were completed and referred to the VCDRC for deliberation and review. The inquiries highlighted the need for:

- **Effective interagency communication and collaboration**  
Agencies working with families and children need to have open and clear lines of communication and an understanding of how they work together. Inquiries identified times when a lack of coordination, communication and agency follow-up led to significant fragmentation of information amongst the service providers. This in turn impacted on areas of practice such as analysis, risk assessment and decision making.
- **Thorough information gathering**  
Thorough information gathering from all sources is critical. Information about the traumatic childhoods of parents, their mental illnesses, significant drug use, prostitution and ongoing family violence is key to child protection forming a holistic assessment. In a number of cases, vital information was held by diverse services, but these services were not contacted by Child Protection and opportunities to incorporate this information were missed.

- **Comprehensive and analytical risk assessments**

Comprehensive and analytical risk assessments underpin planning and decision-making. Ineffective communication and information gathering from and between key services involved with a family contributes to inadequate risk assessment and an absence of analysis. In some cases service providers reported that they had very limited information, or were unaware of the extent of the concerns relating to the families. This impacted on the risk assessment, case analysis and ultimately, planning and decision making.

In summary, when crucial pieces of the information are missing or scattered between diverse agencies it is hard, if not impossible, to gain an

accurate picture of the risks to and needs of a vulnerable child.

In addition to identifying opportunities to improve practice and procedures, the inquiry process also provides an opportunity to acknowledge the good practice of many professionals, carers and services. Reviews of complex cases have found examples of highly skilled professionals working collaboratively to support very vulnerable children and their families.

The reports and findings of the OCSC provide the foundation upon which the VCDRC undertakes its reviews and reports. The VCDRC's 2012 annual report, tabled in parliament by the Minister for Community Services, the Hon. Mary Wooldridge MP, includes 13 recommendations, all of which have been accepted by the Minister. The Department of

Human Services will now develop an implementation plan to ensure appropriate action noting that further refinements to the approach to infant safe sleeping practices and information may follow the forum on safe sleeping to be hosted by the OCSC in late August 2012.

During this past year, the OCSC finalised the group analysis: *Connecting services: Learning from child death inquiries when the co-existing parental risk factors of family violence, substance misuse and mental illness place children at risk*. This report, based on 41 child death inquiries from 2004–2011, reinforces the need for an integrated whole of government response to families with multiple and complex issues. It is vital that all services work together and assume responsibility for improving the safety and wellbeing of these particularly vulnerable children in our community.

Our intention in undertaking this report is to contribute to the discussion on integrating service delivery and to ensure the learning contained in this report is acted upon, so that better outcomes are achieved for children in highly vulnerable families. The timing of the report coincides with initiatives across diverse service sectors designed to promote a strong focus on children, improve service collaboration and the adoption of a whole of government approach to service delivery.

## Acknowledgement

In conducting child death inquiries I am very conscious of the profound trust placed in us by the families of the children who died, the carers and professionals who worked with them and the wider community. We are given very privileged access to the stories of these children as we speak to the people who were part of the child's life; asking that they reflect critically and openly about whether services did or did not work well to nurture and protect the child. I know that for many this is a painful experience and I am grateful to all those who participate in the inquiry process.

I extend my sincere condolences to the families, carers and friends of the children who died. I thank you for sharing your perspectives with us so that the child's unique story can be at the centre of the inquiry and we can learn from their experiences so that the service system can be improved for other children.

**Bernie Geary OAM**  
Child Safety Commissioner

## Impact of six years of learning, reflection and change

The provisions of the Child Wellbeing and Safety Act relating to child death inquiries came into operation in June 2006 and so it is timely to reflect on the impact of the findings and recommendations arising from inquiries conducted by the OCSC over the past six years. As inquiry reports are completed and recommendations finalised by the VCDRC, the findings and recommendations arising are shared with the Department of Human Services and, where appropriate, other relevant service providers who then use the information to refine and enhance their services, policies and practices. We promote the learnings from the inquiries through participation in multidisciplinary reference groups and presentations at conferences and professional development workshops.

The findings and recommendations have underpinned specific practice changes within the Department of Human Services such as:

- strengthening working relationships between the youth justice and child protection program areas, in relation to dual order clients, and training to assist in identifying and managing suicide risk factors
- developing regional guidelines between disability services and child protection to support the current protocol between the two programs.

In addition, the department uses the information to inform their training for child protection staff. The department and agencies have also convened regional forums where learnings from child death inquiries are discussed and strategies developed to strengthen working relationships and guidelines between diverse service providers.

Over the years the findings and recommendations from child death inquiries have also had a significant impact on program, policy and practice development such as:

- **the High Risk Infant Strategy**, which included Specialist Infant Protective Workers and the Parenting Assessment and Skill Development Service
- **the High Risk Adolescent Service Quality Initiative**, which included the Intensive Case Management Service, regional High Risk Adolescent Registers, Mental Health Intensive Youth Support positions and the Working Together Strategy
- **the *Every child every chance* reform strategy** which aimed to ensure that each child has the best possible start in life and thrives, learns and grows, is valued and respected, becoming an effective adult
- **the Victorian Risk Framework** for assessing the safety and wellbeing of children and young people
- **practice instructions, guidance and protocols** relating to hospitals, mental health, drug and

alcohol, education, disability and children with complex medical needs and multiple reports to child protection

- **training and professional development programs** for new child protection practitioners, specialist training for senior practitioners and joint training across all community sectors
- **amendments to legislation to now allow reports on unborn children**
- **child protection strategic priorities** including strengthening early intervention, prevention and access to treatment regarding mental health and drugs and alcohol; pursuit of workforce strategies for stabilisation, sustainability and capacity
- **the new child protection operating model** aimed at giving practitioners the support and flexibility needed to deliver better outcomes for vulnerable children and young people.

From time to time the Child Safety Commissioner and the VCDRC have also identified particular recurring themes arising from child death inquiry reports and undertaken an in-depth analysis of a group of cases in which these themes were identified. We have produced reports entitled: *Tackling SIDS – a community responsibility*; and *Effective responses to chronic neglect*. These reports continue to be available from us and used as a resource by practitioners.

## Ministerial reviews

Section 33A of the Child Wellbeing and Safety Act empowers the Minister for Community Services to request the Commissioner to conduct inquiries into matters relating to child protection clients where the Minister believes that the inquiry will assist in improving child protection practices and enhance child safety. The Minister is also able to, and has requested the Commissioner to, undertake reviews of cases involving the quality of care provided to children in the out-of-home care system.

During the review process, the Commissioner reviews files and conducts interviews with those involved in the care of the child, and where appropriate the child and the child's family. In some cases, we engage external case analysts with particular expertise in the matters under review. As specified in the Act, the objective is to 'promote continuous improvement and innovation in policies and practices relating to child protection and safety'. At the conclusion of a review, a detailed report is provided to the Minister.

In 2011–12, the OCSC completed six ministerial reviews. These reviews highlighted a range of issues including:

- **Communication and collaboration**

More work needs to be done to ensure that there is appropriate and timely communication and collaboration within and between

government departments, non-government agencies, and the diverse range of professionals who work with vulnerable children and families.

- **Improving kinship care**

Comprehensive kinship care assessments and regular monitoring of placements as well as access to a wide range of high quality and practical support for carers are critically important to ensure the safety and healthy development of children who are placed with kinship carers. There are many benefits to children who are placed with extended family members, including family and cultural connectedness, but these benefits cannot be at the expense of the physical safety and developmental needs of the child.

- **Keeping the child at the centre of practice**

In some complex and difficult cases it appears that the wishes and needs of adults within the family have been given priority over those of the children. Reviews have reinforced the importance of keeping children at the centre of practice and of ensuring their 'voice' is heard and carefully considered.

### Reviews of 16 adolescents

During the past year, at the request of the Minister, we have conducted in-depth ministerial reviews covering the extensive child protection histories of 16 young people all of whom have engaged in repeated significant high

risk behaviours. The reviews have examined child protection and related services provided to this cohort of highly vulnerable young people and their families, in most instances since early childhood. A senior project officer from the OCSC along with an independent expert appointed by the Commissioner have led the project which has been undertaken with support from other staff of the OCSC and child protection experts. Essentially the objective is to assess what has worked and what has not worked and to use this information to formulate recommendations for the Minister for Community Services.

The evidence upon which the final report will be based includes the in-depth analysis of the child protection histories of each young person based on a file review as well as extensive interviews. The review team conducted comprehensive interviews with a range of staff who have worked with these young people including Department of Human Services' regional staff; managers and direct care staff of organisations that provided placements and in some instances family services for the 16 young people; and specialist statewide services that had involvement with some of the young people. The team adopted a reflective practice approach, where all the participants had an opportunity to think about why and how decisions were taken and the context in which practice took place.

It was considered vital, where possible and appropriate, to gain the perspectives of the young people and their family members and former carers and to discuss their experiences of the services provided to them. We particularly wish to thank the young people, family members (parents and grandparents) and home-based carers who agreed to be interviewed for the project.

With assistance from the CREATE Foundation and Wesley Youth Services, the review team conducted two focus groups with a total of ten young people who had experienced out-of-home care. These ten young

people were not themselves the focus of the inquiry but shared their own experiences of care and their perspectives on how the system could be improved. We are very grateful for their insights and generosity.

To further supplement the information arising from the file reviews and interviews, the review team also commissioned a comprehensive literature review and consulted with an expert advisory group.

A final report covering all 16 young people will be provided to the Minister in early 2012–13.

# Promoting child-friendly and child-safe practices

The Commissioner's broad mandate to promote child-friendly and child-safe practices across the whole of the Victorian community enables us to participate in a diverse range of activities. We support policy and law reform designed to enhance the wellbeing of children; undertake community awareness campaigns using traditional and social media; develop resources to support professionals, parents and carers and collaborate on initiatives to better connect vulnerable children and young people to their community. The issues covered are similarly broad including early childhood development, youth homelessness, cyber safety, prevention of accidental injuries, access to education, support to children with disabilities and care for young people in youth justice facilities.

## Supporting young people in youth justice centres

At the request of the Minister for Community Services, the Hon. Mary Wooldridge MP, this year the OCSC established an Independent Visitor Program in youth justice centres. We recruited and trained 11 volunteers from a diverse range of professional backgrounds to undertake monthly visits to the Parkville Youth Justice Centre Precinct.

The Visitors are able to enter and inspect the centre and talk to any young person in custody, observe general routines and procedures of the centre and make inquiries of staff about programs being provided

to young people in custody. Young people at the centre talk to visitors about a range of issues relating to their time in custody. The Independent Visitors assist young people with the resolution of these issues with staff and management of the centre.

The Commissioner would like to thank the wonderful group of volunteers who have been appointed as Independent Visitors for their commitment and contribution to the program and also thank the young people at the centre who have welcomed the program by talking to and sharing their experiences with the Visitors when they attend the centre each month.

## Contribution to public policy debate and reform

The OCSC participates in a range of activities designed to enhance the safety and wellbeing of children in the Victorian community. One way in which we do this is through contributing to policy and law reform at both the state and federal levels.

## Keeping children safe in taxis

Last year the OCSC made a submission to the Victorian Taxi

Industry Inquiry in which we argued that children should be kept safe in taxis in the same way that they are required to be kept safe in a car. In Victoria all children up to the age of seven are required to be restrained in an appropriate restraint or booster seat while travelling in a motor vehicle. Currently taxis in Victoria are exempt from this requirement, an exemption which we believe should be removed.

We are delighted that the Inquiry's draft report, *Customers First: Service, Safety, Choice*, recommended 'the exemption for Victorian taxis and hire cars from the mandatory use of child restraints for children aged one year or older but less than seven years should be removed'. We continue to be concerned, however, about the need to protect children under the age of one and will seek to ensure there is appropriate protection for this age group. In responding to the draft report, we will advocate for taxis being required to carry a reversible child restraint and booster seat, located in a storage container on top of each taxi.

'I decided to volunteer for the Independent Visitor Program because as a teacher I have always worked with young people who have come from privileged backgrounds and wanted to help other young people whose life journeys have been unpredictable and traumatic. Although wanting to 'give something', I have actually gained so much through this experience.'

## Collaborating with Australian Children's Commissioners and Guardians

The Australian Children's Commissioners and Guardians (ACCG) collaborate on a range of initiatives designed to enhance the safety and wellbeing of children and young people. This enables the Commissioners to explore issues common to all jurisdictions, identify opportunities to learn from the experiences of other jurisdictions and to respond to national issues that impact upon children within their states.

During 2011–12, the ACCG collaborated on a range of formal submissions, including to the:

- Australian Human Rights Commission on the *Inquiry into the treatment of individuals suspected of people smuggling offences who say they are children*
- Australian Senate Legal and Constitutional Affairs Legislation Committee on the Crimes Amendment (Fairness for Minors) Bill 2011
- Department of Families, Housing, Community Services and Indigenous Affairs on the *National Children's Commissioner Discussion Paper*
- Australian Law Reform Commission on the *National Classification Scheme Review Issues Paper* and *National Classification Scheme Review Discussion Paper*

- Association for the Wellbeing of Children in Healthcare on the *Charter on the rights of children and young people in healthcare services*
- Australian Government Attorney-General's Department and the Standing Committee of Attorneys-General on the *Commonwealth guidelines for the classification of computer games*.

## Desperate measures

In May 2012 the Commissioner had the honour of launching the report of the Victorian Equal Opportunity & Human Rights Commission (VEOHRC) entitled *Desperate measures: The relinquishment of children with disability into state care*. We participated in the reference group which assisted the VEOHRC in undertaking this project. In *Desperate Measures* the VEOHRC sought to understand the circumstances that lead parents to the conclusion that they have no option other than to surrender care of their child to the state. Through the courage and generosity of families who shared their own personal stories, the report paints a powerful picture that starkly illustrates the desperation felt by too many families. The challenge to the service system and to the broader community is to create more inclusive, accessible, flexible and effective supports for children with disabilities and their families. In partnership with the Disability Services Commissioner we will closely monitor the response to the report's recommendations.

## Inquiry into sexting

There has been increasing concern in the community about both the prevalence of sexting, especially by young people, and the response of the legal system when incidents are reported to police. The timely inquiry by the Victorian Parliament's Law Reform Committee on this topic provides an important opportunity to develop an effective response to this issue. In our submission to the committee we noted the explosion in digital technology and the speed with which information can be shared, combined with the increasing sexualisation of the culture in which we live, have combined to create a very complex world for children and young people to navigate. We argued that law reform is required to ensure that sexting by young people is addressed appropriately and proportionately. At the same time, a renewed emphasis on strategies which promote respectful relationships and ethical decision-making on-line is required. The issues are complex and young people themselves must be given the opportunity to fully participate in identifying solutions.

## Collaboration to support children and young people

### Homeless young people under the age of 16

Working with a reference group of stakeholders, the OCSC finalised a major project entitled *Linking services for young people under 16 and alone*. The project included a

Emily is fifteen and is couch surfing at the moment; a few nights ago she stayed with a man she met over the internet a week ago. Emily says she doesn't stay anywhere for more than one night. Last night, the police picked Emily up walking the streets late at night. They talked to Emily about her circumstances and contacted her mother who said Emily could not come home because she lies and stole from her. The police then contacted child protection as they were unable to identify anywhere safe for her to stay.

Emily's Dad died when she was small. Her mother has two small children with her current partner. Child protection has been involved on and off with Emily since she was born, but she is not currently on an order. Emily is Indigenous but has no ties to her culture or the Indigenous community.

It's been three weeks since Emily has been at her Mum's house, but she has been in and out of home since she was 13. Emily is not eligible for a homelessness service until she is 16 but she did have an interview with a Centrelink social worker and has been to a food-bank for travel cards and food.

(Emily's name has been changed to protect her privacy.)

Extract from *Linking services for young people under 16 and alone*

statewide consultation process with the Department of Human Services' regional staff, homelessness and youth-specific services and other agencies. We are particularly grateful to the young people who shared their own experiences of being alone and homeless.

The key outcome was a comprehensive policy and protocol framework designed for the Department of Human Services. The framework is designed to enable a collaborative approach between housing support services and child protection to better meet the needs of unaccompanied homeless young people under the age of 16 presenting at adult Supported Accommodation and Assistance Program services. The framework reflects the Department of Human Services' new approach to seamless service delivery through integration at the local level. We are eagerly awaiting advice from the department in regard to how it might apply the policy and protocol.

### **Flexible Learning and Alternative Education**

The OCSC has continued to work with the Department of Education

and Early Childhood Development (DEECD) to find new pathways for vulnerable children and young people to reconnect with school or alternative education providers. We are a member of the Youth Partnerships External Advisory Group which focuses on bringing together agencies involved with young people disengaged or at risk of disengaging from mainstream education. This advisory group helps to monitor the DEECD led initiative, *Youth Partnership*, which includes seven pilot sites across Victoria designed to promote concerted cross-government attention to re-engaging children and young people disengaged from education or those highly likely to be.

Of particular concern to the Child Safety Commissioner are those children in state care who do not attend any form of school or vocational training because of a complex array of transience and trauma related behavioural issues. We have continued to work with DEECD, the Department of Human Services and other key stakeholders to ensure this group of young people remains on the 'radar' rather than falling through service system gaps.

One way in which we have done this is through our contribution to the *Victorian Youth Conference – Connect For: improved outcomes for Victoria's vulnerable young people* held over two days in June 2012. The conference, a collaborative endeavour between the Youth Affairs Council of Victoria, the OCSC, DEECD, and a number of other government departments brought together government, local government, and the community sector. The Minister for Education, the Hon. Martin Dixon MP, and the Minister for Youth Affairs, the Hon. Ryan Smith MP, attended the conference. The conference aimed to promote the benefits of collaboration across the whole of government to address barriers to education for vulnerable young people. The conference included powerful presentations by young people in which they talked openly about the barriers they had confronted in their lives and their impact on their education.

### **Early childhood development**

The creation in 2011 of a specialist early childhood position within the OCSC has enabled us to map and engage with early childhood initiatives across government and the broader community sector. The focus has been on communicating with agencies that are working with vulnerable children and families, and exploring the development of collaborative partnerships across the early childhood sector. To this end, we have been represented on a range

of working groups including Families where a Parent has a Mental Illness; Cradle to Kinder: Intensive Ante and Post Natal Support for Vulnerable Mothers and their Families; the Department of Education and Early Childhood Development's Review of Enhanced Maternal and Child Health Services; the Department of Human Services' Review of the Early Childhood Development Worker program; the Coroners Court's Sudden Unexplained Deaths of Infants Working Group; and the Department of Health's Victorian Prevention and Health Promotion Achievement Program – Safe Environments Benchmarks. In addition we have contributed to a group convened by the Children's Protection Society focusing on issues to do with the Special Child Care Benefit and made submissions to a range of initiatives and programs including the National Quality Framework – Rating System.

### **Collaboration to reduce the incidence of SIDS**

Child death inquiries conducted by the OCSC continue to highlight the relatively high incidence of Sudden Infant Death Syndrome in vulnerable families. In its most recent annual report, the Victorian Child Death Review Committee noted, in relation to the deaths of children known to child protection between 1996 and 2011: *'Of the 202 deaths in the 0–3 age group, the most common category of death is acquired/ congenital illness, comprising 80*

*deaths (40%). The second largest category of death among infants is SIDS. Between 1996 and 2011, 44 (22%) infants died from SIDS.'*

The Minister has requested that the OCSC continue to focus on this important area. Planning is underway to host a forum to review the currency of infant safe sleeping information products as well as how to engage most effectively with vulnerable families. The forum will also draw upon the findings of a coronial inquest into the deaths of children from co-sleeping incidents.

### **Joint work with the Disability Services Commissioner**

The Child Safety Commissioner and Disability Services Commissioner have continued to meet quarterly with senior staff from the Department of Human Services' Child Protection and Disability Services program areas to discuss progress on enhancing the way in which these two program areas work together to provide the best possible services to children and families straddling both service areas. The Commissioner is pleased to note the development of a new framework document – *Children, Youth and Families and Disability Services – operating framework: supporting integrated practice*.

### **Children of prisoners**

Children of prisoners are particularly vulnerable given the multiple forms of disadvantage faced by their families and its impact on them.

We continue to work with a range of government and non-government agencies seeking to find innovative ways to enhance the wellbeing and safety of these children. We are a partner organisation in the Children of Prisoners ARC linkage research project being led by the Monash University Criminal Justice Consortium. This project will consider how children's needs may be factored into the process of parents receiving custodial sentences. In addition, the OCSC has joined a *Children in Custody Working Group* convened by the Department of Education and Early Childhood Development in conjunction with Corrections Victoria, which aims to provide advice on ways to promote improved health, development and wellbeing for children who live in custodial care with their mothers at the Dame Phyllis Frost Centre.

### **Enquiries and complaints received**

We do not have a specific mandate or powers to investigate complaints but do have general functions to promote the safety and wellbeing of children as well as specific responsibility for monitoring the out-of-home care sector. We regularly receive enquiries from professionals, families, children and members of the public about various issues relating to the safety and wellbeing of children and young people. To respond to this demand, staff within the OCSC share responsibility for responding to enquiries and we have a dedicated



Launching the driveway safety campaign in July 2012, from left to right: Dr Simon Young, Director of Emergency Medicine, RCH; Professor Christine Kilpatrick CEO, RCH; Mr Tony Beddison AO, Chairman, RCH; Mr Shane Gauci (father of injured child); The Hon Mary Wooldridge MP, Minister for Community Services; Bernie Geary, OAM, Child Safety Commissioner.

staff member who coordinates the enquiries and complaints processes within the office.

In most cases we are able to either provide some general information about services or refer callers to the government department or agency best able to respond to their concern. We have established protocols with the Department of Human Services for responding to those enquiries which relate to child protection concerns or the safety and wellbeing of children in out-of-home care. Consistent with this protocol, in some cases we provide additional assistance to support solutions which best meet the needs of the child. We would like to acknowledge the cooperation of the Department of Human Services staff in pursuing the matters we have referred to them in an effort to promote the safety and wellbeing of children.

Our monitoring and analysis of information arising from this enquiry process is also used to influence the development of policies, practice and legislation designed to improve outcomes for children in Victoria.

In the past year we received over 650 enquiries, an increase of 14 per cent over the previous year. Of these enquiries, approximately 40 per cent related to out-of-home care matters. Common themes in the out-of-home

care enquiries included matters relating to child protection, client health, foster care, kinship care and residential care. For the remaining 60 per cent of general enquiries, child protection and family law issues were most prominent.

## **Undertaking community awareness campaigns**

### **Driveway safety strategy**

This year the OCSC, in conjunction with a reference group of government and non-government agencies, developed a campaign designed to reduce the likelihood of children dying from or being seriously injured by vehicles being reversed in the family driveway. Data provided by the Coroners Prevention Unit and the Royal Children's Hospital helped to inform the design of the campaign. The Royal Children's Hospital, VicRoads, the Municipal Association of Victoria, Kidsafe, RACV, the Transport Accident Commission and Victoria Police have endorsed the campaign concept.

A range of promotional material has been developed to support the campaign. Activities will include the e-distribution of a poster, a radio advertisement, a banner on the OCSC website, and communication via social media channels. The core

messages of the campaign, *"Just because you can't see me, doesn't mean I'm not here"* along with the call to action, *"Never reverse until you know where they are"*, were designed to raise the community's awareness about the hazards of reversing without having first ensured children are safely located away from the driveway. The campaign will be ongoing and we will monitor its impact.

## **Social media and website communication**

We cautiously entered the very public sphere of social media through the establishment of our Facebook and Twitter accounts, and are slowly building our audience base which consists of individuals and organisations interested in a range of issues relevant to the wellbeing of children.

Before entering this space we developed a Social Media Policy for Employees – it provides useful guidance on authorised comment and the rules of engagement. As we continue in this space we remain mindful of respectful engagement and operating in accordance with government policy, with due regard for the rights and privacy of individuals, as well as acting on any concerns that are brought to our attention.

We use these channels to promote the work of our office, to communicate key child-safe messages and to support any relevant activity being undertaken by

government and non-government agencies.

We also continue to promote the work of our office and that of government and non-government agencies on our website. The website provides information for professionals, parents and carers on a range of issues relevant to the safety and wellbeing of children. At some stage in the future, we hope to develop the website into a more child-friendly and interactive space.

## **Supporting parents, carers and their children**

### **Development and distribution of resources**

Demand for resources we produce remains strong. Our resources support parents, carers, teachers, police and other organisations to enhance the wellbeing and safety of children and young people. Large numbers of the resources have been distributed at conferences and events. There has also been enormous online demand, with orders placed through our website ([www.kids.vic.gov.au](http://www.kids.vic.gov.au)), as well as by phone. This year we launched a suite of new resources on kinship care and family contact and continued to work on developing a new resource for residential care workers.

When a child is unable to live with their parents and is taken into the care of other family members or family friends it is referred to as kinship care. Approximately 40 per cent of children

and young people in out-of-home care live in a kinship care placement. Given the importance of this type of care, we supported the Family Links: Kinship Care and Family Contact research project conducted by the University of Melbourne (Department of Social Work). The recently launched suite of kinship care resources is based on the work undertaken during this project. It includes:

- *'Breaking the rules': Children and young people in kinship care speak about contact with their families.*
- *'It is the story of all of us': Learning from Aboriginal communities about supporting family connection.*
- *'Look at it from the parent's view as well': Messages about good practice from parents of children in kinship care.*

The reports are available free of charge from the OCSC as well as being available on our website.

### **Cyber safety**

Empowering children and young people to be responsible and ethical users of technology is increasingly important to enhancing their safety and wellbeing. New communication technologies provide significant benefits as well as significant risks. We aim to promote safety and wellbeing in this area through our participation in the Cooperative Research Centre for Young People, Technology and Wellbeing (YAW CRC) which is examining the role of technology in the lives of young

*If Nan gets sick, I would like to live with my cousins, don't want to go into foster care. You need someone in your life that you're related to. You need them there for you and you've always got them there to love.*

**Extract from *Breaking the rules***

people and exploring how technology can be used to improve their mental health and wellbeing.

In addition we continue to support the BeNetWise project undertaken by Berry Street to enhance cyber safety and digital inclusion for children and young people in the out-of-home care and alternative education sectors. The BeNetWise website includes both ideas for positive engagement with the internet as well as tools designed to enhance safety and the responsible use of computers and other communication devices.

# Reviewing the administration of the *Working with Children Act 2005* and educating the community

The Working with Children (WWC) Check, administered by the Department of Justice, is one strategy designed to help keep children safe. The Check was introduced in Victoria in 2006 and aims to prevent people who may pose a risk to the safety of children from working with them.

People who work or volunteer in child-related activities in connection with certain services, bodies or places are required to apply for a WWC Check. Organisations must determine which staff or volunteers require a WWC Check, ensure that they have a valid card and that new starters apply for a WWC Check before they commence working or volunteering. The WWC Check is only one means of helping organisations protect children from harm and we highly recommend that organisations also have sound screening and supervision practices in the workplace to complement the WWC Check.

The first Checks were completed and cards issued in 2006. By 30 April 2012, the Department of Justice had issued approximately 820,000 WWC Check cards.

## Reviewing the administration of the *Working with Children Act*

The Child Wellbeing and Safety Act assigns to the Child Safety Commissioner the responsibility of annually reviewing the administration of the *Working with Children (WWC) Act 2005* by the Department of Justice.

As 2011 was the last year of the five-year phasing-in of the WWC Act people working or volunteering across all 23 child-related occupational fields will now be required to have a WWC Check, or have applied for one. We completed a report on our *2011 Annual Review of the Administration of the WWC Act 2005* and provided it to the Minister for Community Services, the Attorney-General and the Secretary to the Department of Justice as required by legislation.

The 2011 review covered processes and controls that were in effect from 1 July 2010 to 30 June 2011 and covered six broad occupation fields that are captured in the Year 5 phasing-in period. These include:

- clubs, associations or movements of a cultural nature that:
  - provide services or conduct activities for or directed at, children; or
  - whose memberships are mainly comprised of children
- commercial entertainment or party services for children unless they are incidental to, or merely support, other business activities
- commercial gym or play facilities for children unless they are incidental to, or merely support, other business activities
- commercial photography services specifically for children unless they are incidental to, or merely support, other business activities
- commercial talent or beauty competitions for children, unless

they are incidental to, or merely support, other business activities

- paediatric wards of denominational hospitals.

It is pleasing to note that improvements in policy and practice that were enshrined in amendments to the WWC Act have addressed many of the recommendations made in previous annual reviews.

The WWC Check was introduced to Victoria gradually with all the occupational fields listed in the WWC Act being phased in between 2006 to 2011. As a WWC Check card is valid for five years, card holders must renew their card before it expires if they want to continue child-related work. The 2012 annual review will focus on new applications and card renewals.

## Educating and informing the community about the Act

Child-safe organisations acknowledge the vulnerability of children and put in place a broad based approach to safety that includes the careful recruitment, support and supervision of staff. We encourage organisations to develop a holistic approach to safety which includes compliance with the requirements of the WWC Act. This holistic approach provides the foundation for many of the resources we have produced and is regularly included in presentations we have undertaken.

# Monitoring out-of-home care services

The out-of-home care system provides a range of placement options to children and young people who are unable to live at home with their parents. We monitor this system in order to promote quality care for the children and young people who live in these services.

## Listening to children and young people

Respectfully listening to children is a core feature of the work we do. Providing opportunities to be heard for those particularly vulnerable children who live in out-of-home care is fundamental to respecting their human rights as well as being essential to protecting their safety and wellbeing.

Respectful listening requires the Commissioner and his staff to meet with children and young people in the places in which they feel most comfortable. It includes providing the children and young people with a variety of opportunities to express themselves and acknowledges that for some children and young people regular visits over a lengthy period of time may be required before they will feel able to speak out about what is important to them.

## Ongoing visits

The Commissioner and his staff have the privilege of visiting with children and young people in a variety of out-of-home care settings. We appreciate the generosity of the children and young people, as well as their carers, who have welcomed us

*I am 16 years old and have been in care since the age of 14. Through my experiences of being in residential care, I have learnt a lot of life lessons, become closer with my family and have appreciated what it feels like to be separated from the people I love. I have grown up a lot whilst being in care, realising what things are important to me. I hope to continue with getting an education and achieving my goals, doing the best I can do.*

Imogen, *As Eye See It*

*I have been through a lot in my life; a lot has changed for me over the past 6 years to who I am today. I went from a biological family which was a dysfunctional family, to a stable foster home for 6 years, the longest I have been in a home for and can finally call home. It just shows if I put my mind to it I can see the changes in myself and I am proud of myself. All that I need in my life is the one family who have stuck by me for 6 years and my friends.*

Jasinda, *As Eye See It*

into their homes, invited us to share a coffee or sometimes a meal and engage in conversations about their experiences. These opportunities inform and shape the work we do as well as the advice provided to government and the secretaries of government departments.

A typical example occurred in May 2012 when the Commissioner visited Mildura in response to an invitation to speak at a Youth Mental Health Forum for school staff. The Commissioner spoke about one of our most sought after resources, *Calmer Classrooms – A guide to working with traumatised children*. Over 200 teachers and other support professionals from across the district attended the forum. The visit also provided the Commissioner

with the opportunity to talk to a range of people planning and delivering services in this community. Over two days, the Commissioner visited a local secondary school as well as a range of other services and met with representatives from the local council; managers and staff of the Mallee Family Care; board members and senior staff from Northern Mallee Local Learning & Employment Centre; staff managing a Youth Partnerships Initiative; staff from a Multi-Disciplinary Sexual Assault Centre and staff from the local hospital.

These visits provide the Commissioner with the opportunity to see first hand the passionate, collaborative and innovative responses by many within the

*The bedroom shows stabilization and freedom to express yourself. Once you have been within the same care placement for a while your room shows signs that you are in a stable environment and are free to show who you are, this could be through how you set your clothes out each day or how much make up sits around your mirror. I think this is good as it is important for a child to feel they are able to show who they are and live in a space that is just theirs.*

**Ebony, As Eye See It**

*I currently live in a Residential Unit. I lived at my Unit for the last 2 and a bit years. Soon I will be going home. I feel really positive about this and have worked really hard to get home. My time at the Unit has been very good and tough but I feel that I have really grown up there. I have enjoyed living at the Unit and living with my workers but now I just want to go home. I want to go home because I belong there with my mum and my brother and sister. They are my family.*

**Victor, As Eye See It**

community to address local and complex issues to achieve better outcomes for vulnerable children and families.

### **As Eye See It**

The OCSC in partnership with 13 community service organisations, the CREATE Foundation, and the Department of Human Services proudly supported the second *As Eye See It* exhibition. The quotes above and the photos which appear on the inside cover of this report provide a sample of the compelling voices and pictures of the young people who participated in the project. For this exhibition, more than 60 children and young people who had experienced out-of-home care in their

lives contributed photos and stories describing the people, places and things most important to them. The children were given cameras and shown how to use them and were able to keep the cameras to use in the future to document their lives. The photos and text written by the children and young people provide a powerful insight into the life journeys of the participants. The exhibition will also be shown in Parliament House in 2012.

### **Community Integration Program**

In 2009–10 we commenced the establishment of a Community Integration Program (CIP) for children who live in residential care homes.

The CIP involves the OCSC working in tandem with a non-government organisation, Whitelion, which employs three Community Integration Leaders who are based in Gippsland, the Southern Metropolitan region and the North and West Metropolitan region. The Community Integration Leaders recruit and train community volunteers who are then linked to a young person living in residential care so as to develop the young person's connection to their local community through interests and activities.

Since the program's launch in 2010, there have been 75 volunteers recruited to the program and 60 young people connected to volunteers. On average, there are approximately 20–25 young people actively engaged with the program at any one time.

The volunteers have committed themselves to being the bridge between the young person and the community in which they live. Following National Volunteering Week, the Commissioner held a Volunteers Appreciation Luncheon to thank this dedicated group of volunteers.

### ***Is the program achieving its objectives?***

The project design includes ongoing evaluation and consideration of ways in which the program might be enhanced and structured in future. The project has begun to show results with some good community connections taking place for some children. The data so far demonstrates that the program



Volunteers and staff at the CIP luncheon at which volunteers received certificates of appreciation

has been successful in building a relationship between the volunteer and the young person.

As the example below illustrates, in those cases where that connection to the wider community has been made it can be a transformative experience in the life of the young person.

The OCSC will continue to explore options to refine and strengthen this program so that innovative and concerted efforts continue to be made to enable community connectedness of children and young people who live in residential care.

### Modelling a Generous Community Award

The Child Safety Commissioner established the Modelling a Generous Community Award to recognise and celebrate the efforts of people who make a significant contribution to enhancing the safety and wellbeing of vulnerable Victorian children. This year Ms Gaynor Lawton received the award for her volunteer work in the Community Integration Program. When presenting the award the Commissioner particularly highlighted Ms Lawton's work with one vulnerable young person who lived in residential

care with whom she was able to develop a supportive and trusting relationship and for whom she was able to create opportunities for the young person to become more connected to the community through a passion for music.

### Monitoring and improving systems

We monitor the out-of-home care service system in order to promote continuous improvement in these services. Our monitoring activities include listening to children and young people and those who care for them, undertaking inquiries and research, reviewing Critical Incident Reports and using what we learn to help inform better policies and practices within the sector. The following projects illustrate the ways in which we have been seeking to monitor services and use what we learn to promote continuous improvement in this sector.

### Leaving care

The *Report of the Protecting Victoria's Vulnerable Children Inquiry* noted that about 400 young people leave out-of-home care each year following the expiration of custody or guardianship orders. While new

Alan volunteered for CIP and was linked to Dale. Dale had been dealing with some difficult issues for the past year, had disengaged from school, was engaging in some risky behaviours and felt very uncomfortable about attending any activity and reluctant to participate in the CIP. Alan works for an environmental organisation and took Dale along to some of the organisation's activities which Dale enjoyed. However, Dale was moved from residential care to foster care and then back to residential care over the next few months – this was a difficult time for Dale, but his link with Alan and the organisation's activities provided a degree of stability which helped him. Since then Alan has secured one day per week paid work for Dale. Dale's co-workers describe him as having a fantastic work ethic and say that he mixes well within the team. Dale will soon be undergoing specific training to the industry as he is enjoying the experience.

(Names have been changed)

leaving care programs have been funded and implemented in recent years, the report concluded that there is a lack of research and information on the experiences of those who leave care and the effectiveness of post-care services as well as a need for more to be done to better support these young people.

The OCSC is engaged in two projects specifically designed to better understand the needs of and enhance support to young people leaving care. We participate in the Department of Human Services' Statewide Leaving Care Advisory Group and are a partner in a research project being undertaken by Monash University. The research project aims to identify those practices and policies that can best promote the inclusion of young people leaving care in the mainstream social and economic life of the community as well as reducing the likelihood they will become involved in the youth justice system.

### **Health of children in out-of-home care**

For several years we have been advocating at the state and national level for comprehensive health assessments and priority medical treatment for children in out-of-home care. There is a wealth of evidence that chronic and complex health conditions are more prevalent in children who live in out-of-home care than in the general Australian population. The *National Clinical Assessment Framework for Children and Young People in Out-of-Home Care* released in March

2011 is an important step in the right direction. Another significant step occurred this year with the Victorian Government allocating \$12.8 million in funding over four years to enable comprehensive assessments to be undertaken of the health and education needs of every young person entering residential care.

We support the collaborative work underway by the state and Commonwealth governments exploring the possibility of creating a new item on the Medicare Benefits Scheme specifically for health assessments for children in out-of-home care. We have monitored, and will continue to monitor these developments and advocate for all children who experience out-of-home care to receive a comprehensive health assessment and treatment. We are proud to have played a role in the development of this response.

### **Supporting carers**

#### **Kinship care forum**

The OCSC hosted the third Kinship Care Forum in November 2011 in collaboration with the Centre for Excellence in Child and Family Welfare, the Post Placement Support Service, Anglicare Victoria, Bethany Youth and Family Services, Kinship Care Victoria, the Mirabel Foundation and the Department of Human Services.

The forum, attended by 100 professionals and carers, included a range of presentations focused on

the impact of trauma; strategies to deal more effectively with challenging behaviour; techniques for supporting children and young people to be safe and responsible when using online technologies; and strategies to navigate the education sector. At the forum, the OCSC launched three kinship care publications, two of which explored the views of parents, children and carers as well as one focused on learning from Aboriginal communities about supporting family connection.

The kinship care forum provided us with a significant amount of information about the experience of kinship carers, the children in their care and the issues being dealt with by professionals who seek to support them. As with previous years, the kinship care forum generated much positive feedback from the carers and professionals who attended. We appreciate the willingness of carers to share their very personal and powerful stories with us as we continue to use this valuable information to promote better services for and a greater focus on kinship care.

### **Trends and themes in Critical Incident Reports**

#### **Category one Critical Incident Reports for children in out-of-home care**

When children and young people are removed from their families and placed in out-of-home care services, the government assumes a special responsibility for ensuring their safety

and wellbeing. The Department of Human Services requires services to compile Critical Incident Reports to enable the department to monitor the safety and wellbeing of children and young people in care and to respond to any issues raised in the reports. There are two categories of reportable incidents of which category one incidents are the most serious.

The OCSC receives category one incident reports relating to children residing in out-of-home care as well as information updates relating to the incidents. We monitor this information to identify emerging or recurring themes, trends and issues. The office works closely with the Department of Human Services to ensure that these findings result in improved quality of services to children and young people through enhancements to existing practice and policy, as well as ensuring that the immediate needs of each child are addressed.

From our monitoring of the 2011–2012 category one incident reports we have identified that drug and alcohol use, mental illness and other health related issues, together with self harming and suicidal behaviours, remain of significant concern for some of the children and young people who live in out-of-home care. Particularly concerning are the children and young people who engage in multiple high-risk behaviours which place them at risk of a range of harms including physical and sexual abuse. From the information we receive it is also evident that the Department of Human Services has enhanced the support provided to this cohort of children and young people through a significant increase in the implementation of individual behaviour plans and consultation with the principal practitioners.

# Finances

The Department of Human Services provides financial services to the Office of the Child Safety Commissioner (OCSC). The financial operations of the OCSC are consolidated into those of the department, which are audited by the Auditor-General. Full financial reports are therefore not provided as part of this annual report. A financial summary of revenue and expenditure for 2011–12 is provided below.

## Expenditure

Item	Actual	Budget	Variation
	\$	\$	\$
Salaried and contract staff and on-costs	2,716,351	2,430,588	(285,763)
Supplies and consumables – administration	655,987	1,139,001	483,014
Client services/external agencies	301,346	316,000	14,654
Total accountable expenses	3,673,684	3,885,589	211,905

## Revenue

The source of revenue for the OCSC was the allocation of funds by the Department of Human Services.

# Appendices

## Appendix 1: Contribution on committees

The Commissioner and staff of the OCSC participate in a wide range of committees and working groups which are focused on enhancing the safety and wellbeing of children. The list below provides a representative sample of the committees and working groups to illustrate the breadth of issues in which we are engaged and the diversity of partners with whom we work:

The Victorian Children's Council  
Victorian Drug & Alcohol Prevention Council  
Justice Mental Health Partnership Group  
Lord Mayor's Charitable Foundation  
Equity Trustees – R.M. Ansett Trust – Signature Projects  
Child Protection Proceedings Task Force

The Jack Brockhoff Foundation Advisory Committee  
Tee Up for Kids Foundation  
Coroners Court SUDI Working Group  
Special Child Care Benefit Working Group  
CEASE – Peak Body Intervention Network for Sexually Abusive Behaviours in Children and Young People  
Victorian Systemic Review of Family Violence Deaths Reference Group  
Ringwood Family Relationship Centre Reference Group  
Children in Custody Dame Phyllis Frost Centre Working Group  
Children of Prisoners Project Partner Group  
Victorian Safe Communities Executive Family Coaching Reference Group

Driveway Safety Working Group  
Who Am I? Advisory Group and Current Practice Project Groups  
CSO Registration Quality Reference Group  
Victoria's Youth Conference (Connect For) Advisory Group  
Leaving Care Central Advisory Group  
Leaving Care Youth Justice Advisory Committee  
Challenging Behaviour Stakeholder Project Reference Group  
Respite Care Project Consortium  
Victorian Child Death Review Committee  
Victorian Equal Opportunity & Human Rights Commission – Children with a Disability and Relinquishment Project  
As Eye See It Working Group

## Appendix 2: Speeches and presentations

Our attendance at diverse conferences and forums throughout Victoria provides us with the opportunity to share our work with professionals, carers and the wider community as well as the opportunity to learn more about the work of others and to receive feedback on the work we do. The Commissioner regularly visits schools and community groups to see and hear first hand about the experiences of children and young people and those who care for them. In addition, as the list below illustrates, we are often invited to provide formal presentations at a range of events.

Keynote address to the Leadership for Community Engagement Program entitled *Children falling through the cracks in early childhood service provision: Implications for families, communities and professionals*  
Presentation at the launch of the book *Therapeutic Residential Care for Children and Young People: an Attachment and Trauma-Informed Model for Practice*  
Keynote address to the Victorian Offender Treatment Association and the Australia New Zealand Association for the Treatment of Sexual Abuse 2011 National Symposium on *Issues*

*from the frontline of sexual assault: prevention, protection and recovery*  
Presentation at the launch of the book *Young people leaving state out-of-home care*  
Presentation at the launch of the *Eastern Metropolitan Region early years and family services resource guide*  
Presentation at the annual general meeting of the Victorian Local Governance Association  
Presentation at the launch by Anchor Inc. of *Home is ...* a collection of photographs and text by young people who have experienced homelessness

Presentation to the International Forum for Child Welfare on *The voice of children*

Opening of the Playgroup Australia Conference *All together now*

Presentation to the Regional Aboriginal Justice Advisory Committee

Opening of the Youth Workers Association conference day

Presentation to the Alcohol and Drug Foundation and Turning Point Seminar on *Developing an alcohol and drug prevention and treatment strategy: what do we need?*

Presentation at the annual general meeting of the Catchment Youth Services in Reservoir

Keynote address to the Australian Teenage Expo on the importance of looking after young people in our community

Presentation at the launch of the resources *Embedding the charter for children in out-of-home care*

Presentation to the Child Rights and Homelessness Forum

Presentation to the Inner South Parents and Friends Association

Presentations to the Upper Hume Child and Family Services Alliance Community Network Forum and the Lower Hume Protecting Children's Forum on *What is vulnerability?*

Keynote address to the Educating for Justice in Catholic Schools – Social Justice Professional Development Conference on *Building bridges not walls: a just response*

Presentation to staff at Save the Children Australia

Presentation at the 30th Anniversary celebration for the Salvation Army Westcare

Presentation to the executive of the Principals Association of Victoria Catholic Secondary Schools

Opening address to the Family Services and Early Years Forum in Camperdown

Presentation at the opening of the Post Placement Support Service Resource Centre

Opening address to the National Juvenile Justice Summit on *How do we listen to children in the youth justice sector?*

Presentation to and panel moderator at the Koorie Women Mean Business – Resistance and renewal: failure to protect workshop

Presentation at the launch of the new Leaving Care Program by Anglicare

Presentation at the Inclusion Support Facilitators' Professional Development Day on *How quality early childhood education can positively impact on a vulnerable child's development*

Presentation at the launch of the monograph *"Their voice": involving children and young people in decision, services and systems*

Practice forum for the Integrated Family Violence Partnership

Presentation at the practice forum; *What happens when a child dies in a family violence situation?* convened by the Outer South Peninsula Region Integrated Family Violence Partnership

Presentation at the launch by the Youth Support and Advocacy Service of *A resource for strengthening therapeutic practice frameworks in youth alcohol and other drug services*

Presentation at the annual general meeting of the Banyule Nillumbik Local Learning & Employment Centre

Presentation to the forum on Youth Mental Health for the education community in Mildura

Presentation launching *Desperate measures: the relinquishment of children with disability into state care in Victoria* report of the Victorian Equal Opportunity & Human Rights Commission

Presentation at the Resi Rocks workshop convened by the Centre for Excellence in Child and Family Welfare Inc

Presentation to the forum on Responsible dog ownership: balancing community and owner expectations, hosted by Wyndham City and the Victorian Safe Communities Network

Opening Address to the 2011 Kinship Care Forum

Presentation at 'Beginning Practice' forum for Child Protection staff in relation to infants and learning from inquiries

Presentation on learning from child death inquiries at a regional meeting with rural maternal and child health nurses

## Appendix 3: Compliance and accountability

### **Whistleblowers Protection Act 2001**

The *Whistleblowers Protection Act 2001* was enacted to facilitate the making of disclosures about improper conduct by public bodies and public officials and provide a number of protections for those who come forward with a disclosure (whistleblowers). It also provides for the investigation of disclosures that meet the statutory definition of 'public interest disclosure'.

The following report is provided in accordance with s. 104 of the Whistleblowers Protection Act.

#### **a) Reporting procedure guidelines** **Statement of support**

The Office of the Child Safety Commissioner has adopted guidelines in accordance with the requirements of the Whistleblowers Protection Act. The Office of the Child Safety Commissioner is an administrative office of the Department of Human Services and has modelled its guidelines on those of the Department of Human Services.

The Office of the Child Safety Commissioner does not tolerate improper conduct by its employees or officers or the taking of reprisals against those who come forward to disclose such conduct under the Whistleblowers Protection Act. The Office of the Child Safety Commissioner recognises the value of transparency and accountability in its administrative and management practices and supports the making of disclosures that reveal corrupt conduct, conduct involving a substantial mismanagement of public resources, or a substantial risk to public health and safety or the environment. The alleged conduct must be serious enough to constitute, if proven, a criminal offence or reasonable grounds for dismissal to satisfy the Act.

### **Availability of procedures**

The Office of the Child Safety Commissioner's guidelines are available for perusal by all employees of the Office of the Child Safety Commissioner. All members of the public may view these guidelines free of charge during normal business hours at the Office of the Child Safety Commissioner, Level 20, 570 Bourke Street, Melbourne. The guidelines can also be viewed on the Office of the Child Safety Commissioner's website: [www.ocsc.vic.gov.au](http://www.ocsc.vic.gov.au)

### **Corrupt conduct**

Corrupt conduct means:

- conduct that adversely affects the honest performance of functions
- the dishonest performance of functions or performance with inappropriate partiality
- conduct that amounts to a breach of public trust
- conduct that amounts to the misuse of information/material acquired in the course of one's duties
- a conspiracy or attempt to engage in the above conduct.

### **The reporting system**

Disclosures of improper conduct or detrimental action by the Office of the Child Safety Commissioner or its employees may be made directly to the Protected Disclosure Coordinator:

Mr Ray Carroll  
Manager Out-of-Home Care  
Monitoring Unit  
T 03 8601 5818  
F 03 8601 5881  
Level 20, 570 Bourke Street,  
Melbourne  
(and in the event he is unavailable to Mary McAlorum, Manager Inquiries and Review).

Where a person is contemplating making a disclosure and is concerned about confidentiality, they can call the Protected Disclosure Coordinator and request a meeting in a discreet location away from the workplace. Employees can also obtain

information about whistleblower policy and procedures from the Department of Human Services' Protected Disclosure Coordinator.

### **Alternative contact person**

A disclosure about improper conduct or detrimental action by the Office of the Child Safety Commissioner or its employees may also be made directly to the Ombudsman:

The Ombudsman Victoria  
Level 22, 459 Collins Street  
Melbourne Victoria 3000  
(DX 210174)  
[www.ombudsman.vic.gov.au](http://www.ombudsman.vic.gov.au)  
E [ombudvic@ombudsman.vic.gov.au](mailto:ombudvic@ombudsman.vic.gov.au)  
T (03) 9613 6222  
Toll free 1800 806 314

### **Employees**

Employees are encouraged to report known or suspected incidences of improper conduct, corrupt conduct or detrimental action in accordance with these procedures. All employees of the Office of the Child Safety

Commissioner also have an important role to play in supporting those who have made a legitimate disclosure by protecting and maintaining the complainant's confidentiality and refraining from any activity that is or could be perceived to be victimisation or harassment of a person who makes a disclosure.

### **Confidentiality**

The Office of the Child Safety Commissioner will take all reasonable steps to protect the identity of the whistleblower to ensure that reprisals are not made against them and to ensure that staff involved in the handling or investigation of a disclosure understand and apply the principles of the Act about the confidentiality of information.

The Office of the Child Safety Commissioner will also put in place appropriate systems to secure all material related to whistleblower matters.

In the year under review:

**b) Number of disclosures**

No disclosures of any type were made to the Office of the Child Safety Commissioner.

**c) Public interest disclosures referred to the Ombudsman**

No disclosures of any type were referred by the Office of the Child Safety Commissioner to the Ombudsman for determination as to whether they were public interest disclosures.

**d) Disclosures referred to the Office of the Child Safety Commissioner**

No disclosures of any type were referred to the Office of the Child Safety Commissioner by the Ombudsman.

**e) Disclosures of any nature referred to the Ombudsman**

No disclosures of any type were referred by the Office of the Child Safety Commissioner to the Ombudsman to investigate.

**f) Investigations taken over by the Ombudsman**

No investigations of disclosed matters of any type were taken over from the Office of the Child Safety Commissioner by the Ombudsman.

**g) Requests under section 74**

No requests were made under s. 74 to the Ombudsman to investigate disclosed matters.

**h) Disclosed matters declined to be investigated**

There were no disclosed matters of any type that the Office of the Child Safety Commissioner declined to investigate.

**i) Disclosed matters substantiated on investigation**

No disclosed matters of any type were investigated, or substantiated on investigation.

**j) Recommendations by the Ombudsman**

No recommendations were made by the Ombudsman under the Whistleblowers Protection Act relating to the Office of the Child Safety Commissioner.



As Eye See It 2011 photo exhibition for young people living in out-of-home care

**JUST  
BECAUSE  
YOU CAN'T  
SEE ME,**



**DOESN'T  
MEAN  
I'M NOT  
HERE.**



Kids die in driveways. 92% of runovers occur at home. A parent or family friend is usually the driver.  
**Never reverse until you know where they are.**

For more information visit [kids.vic.gov.au](http://kids.vic.gov.au)



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