

# Protecting children



**KATIE KOVACS provides a summary of the Queensland Inquiry into the Abuse of Children in Foster Care**

In January 2004, the report of the findings of the Queensland Crime and Misconduct Commission Inquiry into Abuse of Children in Foster Care was published.

The Queensland Inquiry was instigated following allegations made by a woman who claimed that while she was in foster care with “family X” she was subjected to sustained and serious abuse by foster family members and others. The allegations included a complaint that she was sexually abused by one family member who had been an approved foster carer, as well as by visitors and friends of the family.

The alleged sexual abuse included acts of sodomy and indecent dealing and of procuring the woman (then a child) to commit indecent acts with other children. The alleged abuse was said to have happened over a period of 13 years. The woman stated that other children in care with this family had also been subjected to sexual and physical abuse, and that some of these children still resided with the family.

Subsequently, documents relating to allegations of abuse involving other children placed with this family were made public. The material suggested apparent failures on the part of the Department of Families to deal with these allegations. Media interest was generated, and questions were also raised as to the extent to which successive ministers responsible for the Families portfolio at the relevant times were aware of the situation and took action.

## Who undertook the Inquiry?

In August 2003, the Queensland Crime and Misconduct Commissioner commenced *Operation Zellow* which made investigations into allegations that employees of the Queensland Department of Families had failed in their statutory duties to protect children they placed in the care of family X. It also investigated the claim that successive ministers and director-generals of the department had failed to act appropriately to protect children placed with family X.

During the Inquiry’s public hearings an independent consultant was appointed by the Department of Families to audit abuse notifications made against current foster carers in Queensland.

## What were the terms of reference?

The Commission resolved to inquire into and report on: (a) any systemic factors contributing to the incidence of any abuse of children in foster care; (b) the suitability of measures to protect children in foster care from abuse, in particular the adequacy of systems and procedures to prevent and detect abuse, and the adequacy of measures to respond to and deal with suspected abuse including abuse reported by foster carers; and (c) any recommendations as may be considered appropriate in relation to (a) and (b), including recommendations for any necessary changes to current policies, legislation and practices.

## What were the recommendations?

A total of 110 recommendations for reform were made; some of which are outlined below.

### *Restructuring*

- A new Department of Child Safety (DCS) should be created in Queensland to focus on core child protection functions and to be a lead agency in a whole-of-government response to child protection matters.
- A Directors-General Coordinating Committee should be established to coordinate the delivery of a multi agency child protection service.
- Child Safety Directors should be established within each department that has a role in child protection.

### *Prevention*

- The Queensland Government should maintain its commitment to primary and secondary prevention services.

### *Staffing*

- An additional of 160 Family Services Officers (FSOs) and team leaders should be recruited to deal with intake, assessment and casework demands.
- The increase of staff should occur over the next two financial years.
- DCS needs to establish an empirically rigorous means of calculating workload and project future staffing needs.
- Annual staff increases should occur in line with work demands.
- As a matter of urgency, DCS should establish enhanced training and professional development for field staff and ensure that completion of induction training is mandatory for caseworkers prior to assuming casework responsibilities. Training partnerships should be entered into with universities in developing programs and training. Cross cultural training in Indigenous issues should also be included.
- DCS should consider having all court preparation work undertaken by specialist staff.
- Child-centred casework and the provision of parental support should be vested in different staff members in order to avoid potential conflict.
- Forty specialist FSOs should be used to work exclusively with parents whose children have been subjected to a low level notification and continue to live at home

### *Complaints mechanisms*

- DCS should establish a unit with clear procedures for receiving, assessing and responding to complaints

### *External accountability*

- External accountability should be ensured by establishing a Child Guardian to be situated in the Commission for Children and Young People, whose responsibility would be to oversee the provision of services and decisions made in respect of children within the jurisdiction of the DCS.

### *Child deaths*

- A new review body should be established in Queensland called the Child Death Review Committee (CDRC), to undertake detailed reviews of the DCS's internal and external case reviews.
- The role of the Commission for Children and Young People should be expanded and include the maintenance of a register of all deaths of children in Queensland, reviews of the causes and patterns of death, the conduct of broader research focussing on strategies to reduce or remove risk factors associated with child deaths that were preventable, and the preparation of an annual report for Parliament and the public regarding child deaths.

### Multi agency relationships

- Each government department which has a role in the promotion of child protection should be required to publicly report each year on its delivery of child protection services.
- A progressive and contemporary integrated service delivery model should be created which creates a partnership between government and non-government organisations to deliver services for clients of the child protection system.
- A quality assurance strategy for both government and non-government services should be developed and implemented as well as minimum standard setting for the licensing of non-government services.

### Mandatory reporting

- Mandatory reporting requirements should be extended to registered Queensland nurses by legislating under the *Health Act* and appropriate training should accompany the change. It was also suggested that it be made mandatory for doctors to notify DCS about their suspicions of child abuse.

### Out of home care

- Research needs to be conducted to evaluate the effectiveness of different types of care options including foster care, residential services, family-group homes, therapeutic foster care, intensive support and supported independent living for different types of children.
- More therapeutic interventions are needed for children with severe psychological and behavioural problems. There is a need for programs to be evaluated and where there is evidence of effectiveness, such programs should be identified and implemented.
- A central register of all carers, children in their care and their availability for further placements should be established. It should be available for staff to search by region so they can easily obtain an up-to-date list of carers and placements in their area.
- DCS should identify and implement new ways of recruiting respite carers. To prevent carer burnout and limit placement breakdown, respite for carers should be routine and not have to be requested by carers. Plans for respite could be included in the child's case plan.
- Efforts should be made to recruit a more diverse group of carers rather than continuing to concentrate recruitment efforts in lower socio-economic areas.
- Structured exit interviews should be conducted with foster carers which would then give some insight into why Queensland carers are being discouraged from continuing to foster.



### Indigenous children

- The Queensland Government should recognise the need for community-based Indigenous organisations. Such organisations should be provided with adequate resources to ensure that they are able to provide culturally appropriate child protection services when required.
- The department's compliance with the Indigenous Child Placement Principle should be regularly audited and reported on by the new Child Guardian.
- In situations where Indigenous children are placed with carers who are non-Indigenous, legislation should specify that contact be maintained with the kinship group where this would be in the best interests of the child.
- Indigenous carers should be provided with enhanced access to respite care and adequate training and support subject to consultation.
- There is a need for urgent attention to be focussed on identifying ways of encouraging more Indigenous people to become carers.
- Legislation should reflect the importance of Indigenous participation in decision-making and specify the types of decisions that require consultation. In consultation with Indigenous stakeholders, the department should develop an agreed protocol for sharing information about children and families involved in the child protection system.

## Child protection reform implementation

In response to the findings of the Inquiry into Abuse of Children in Foster Care, the Queensland Government has initiated a number of reforms to state child protection systems. This reform process has the support of both the Labor and Liberal/National parties.

Peter Forster was appointed by the Queensland Government on 6 January 2004 to implement the recommendations of the Inquiry into Abuse of Children in Foster Care, and the Final Report on Phase One of the Audit of Foster Carers Subject to Child Protection Notifications.

The Child Protection Implementation Unit, led by Peter Forster, will deliver the reform implementation program in three phases. Phase one will see the development of a project plan to deliver recommendations; phase two will see the development of the blueprint for the new Department of Child Safety; and phase three will see the implementation of the blueprint.

The Unit released an Implementation Blueprint on 22 March 2004, which outlines the strategy, plans and processes to improve the child protection system in Queensland. This includes an implementation strategy for the new Department of Child Safety. This department was created following the re-election of the Queensland Labor Government on 7 February 2004, to focus exclusively on the needs of children at risk from harm, neglect or abuse.

*Copies of the full report Protecting Children can be downloaded at [www.cmc.qld.gov.au/FCINQUIRY/](http://www.cmc.qld.gov.au/FCINQUIRY/) To request a printed copy, contact: The Crime and Misconduct Commission, Queensland. Phone: (07) 3360 6060.*

*Copies of the Implementation Blueprint can be downloaded at [www.premiers.qld.gov.au/childprotection/blueprint/](http://www.premiers.qld.gov.au/childprotection/blueprint/)*

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## AUSTRALIAN CHILD PROTECTION

## Statistics

The latest *Child Protection Australia 2002–2003* report has recently been published by the Australian Institute of Health and Welfare. A summary of the latest statistics are provided below.

Between 1 July 2002 and 30 June 2003:

- 198,355 notifications were made to statutory child protection departments nationally.
- 40,416 cases of abuse/neglect were substantiated or confirmed across the nation.

	NSW	VIC	QLD	WA	SA	TAS	ACT	NT
Notifications 2002-2003	109,498	37,635	31,068	2,293	13,442	741	2,124	1,554
Percentage of notifications where child abuse and neglect were substantiated in 2002-2003	15%	19%	39%	39%	18%	29%	15%	21%
Number of substantiations per 1000 children	7.5	6.3	10.1	1.9	5.8	1.8	3.6	3.9

The maltreatment involved in the substantiated cases of abuse or neglect was classified as follows:

- 34 per cent emotional abuse
- 28 per cent neglect
- 28 per cent physical abuse
- 10 per cent sexual abuse

There is broad variation in the rate of substantiated child abuse and neglect among children aged between 0-16 years of age (per 1000 children) between the states and territories. This broad range is influenced by differences in the way jurisdictions both define and deal with notifications and investigations.

In Victoria, for example, the definition of a notification is very broad and may include family issues that are responded to without the need for a formal investigation process. In contrast, in Western Australia and Tasmania, reports to the departments are screened before being classified as a notification. Only those reports where maltreatment is indicated are classified as a notification and the majority of these cases are subsequently investigated. In addition, in Western Australia, the disproportionately low number of notifications and rate of substantiation (per 1000 children) is likely to be due to the fact that reporting of child abuse and neglect is not mandatory.