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**Australian Institute of Family Studies**  
National Child Protection Clearinghouse

# **NCPASS comparability of child protection data**

## **Project report**

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Australian Institute of Family Studies

with the assistance of the Children, Youth and Families Unit,  
Australian Institute of Health and Welfare

Report commissioned by  
the National Child Protection and Support Services Data Group



**Australian Government**

**Australian Institute of Family Studies**  
National Child Protection Clearinghouse

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Note: Since the time of writing, some government departments have changed names.

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# Executive summary

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## Overview

The Australian Institute of Family Studies was contracted by the National Child Protection and Support Services (NCPASS) Data Group to undertake the Review of Data Comparability Project (“the Project”). The aims of the Project were to:

- Examine the rates of total notifications, investigations and substantiations, and the rates of children on orders and in out-of-home care for the period 2000–01 to 2005–06;
- Analyse the differences in rates *across* jurisdictions, and the differences in rates over time *within* jurisdictions; and
- Identify and assess factors that may explain differences in rates across jurisdictions and within jurisdictions over time.

## Method

The project was undertaken by the Australian Institute of Family Studies with guidance from the NCPASS Data Group, and with the assistance of staff from the Children, Youth and Families Unit at the Australian Institute of Health and Welfare who provided data and feedback on the draft project report. The project commenced with an examination of headline statutory child protection indicators over the past five years (2000–01 to 2005–06) in order to identify data trends (i.e., national similarities and differences, and trends over time within jurisdictions).

Having identified principal data trends for each jurisdiction, as well as overarching national trends, the Australian Institute of Family Studies developed a data collection pro forma in order to collate information to explain observed trends (see Appendix A). The data collection pro forma was comprised of multiple areas of analysis, including: 1) socio-demographic information; 2) policy and legislative variations; 3) the departmental operating environment; 4) diversionary/family support services; 5) definitions of key terms; 6) information systems; 7) counting rules; and 8) other pertinent issues.

The pro forma was circulated to NCPASS Data Group members from each jurisdiction in July 2007. Responses were provided to the pro forma between September–December 2007.

Researchers from the Australian Institute of Family Studies analysed the responses provided and compiled the draft project report. The draft project report was submitted to the NCPASS Data Group on 20 February 2008 for their review. The final project report was submitted in June 2008.

## Overview of the report

The report is divided into three sections:

- **Section 1** outlines the methodology employed in the project (Chapter 1) and provides an introduction to the Australian child protection context (Chapter 2). In so doing, the authors compare the “child protection orientation” (the approach characteristic of the Australian child protection sector over the past several decades) to the “family service orientation.” Following this, Chapter 2 provides a discussion of shared national trends in Australian statutory child protection data over the past five years. The authors contextualise this discussion with reference to historical drivers that are likely to have contributed to growth in statutory child protection activity over the past several decades.

- **Section 2** is comprised of chapters specific to each jurisdiction. Chapters 3 to 10 provide detailed state-by-state analysis of data trends observed for each Australian jurisdiction over the period 2000–01 to 2005–06. Particular attention is given to the most substantial increases and decreases (where present) over this time. Likely explanations for observed trends are identified and discussed.
- **Section 3** provides an overview of similarities and differences in statutory child protection data across Australian jurisdictions in the 2005–06 reporting period (Chapter 11). The report concludes with an overview of key project findings, limitations of the present study, and suggestions for future research (Chapter 12).

## *Section 1: Key findings*

### National data trends over the past five years

Having examined statutory child protection data for each Australian state and territory for the five-year period 2000–01 to 2005–06, the authors conclude that despite variation across jurisdictions in the rates of total notifications, investigations and substantiations, as well as children on orders and in out-of-home care, statutory activity has, on the whole, increased over the past five years. The rates of frontline indicators (i.e., total notifications, investigations and substantiations) revealed the greatest increases of all indicators, but also the greatest variation over time within jurisdictions and the greatest variation across jurisdictions in the 2005–06 reporting period. The rates of children on orders and in out-of-home care revealed the most consistent, if marginal, increases over the past five years.

The authors identify and discuss a variety of factors to explain overall increases in statutory child protection activity, many of which have exerted an historical influence on the shape and direction of child protection services in Australia, and continue to influence observed data trends, for example:

- The influence of social changes on community behaviour;
- Increased public awareness of the issue of child maltreatment and thus greater reporting of maltreatment;
- Broadening of the scope of child protection services and a commensurate expansion of community recognition of children’s rights;
- Decreases in the threshold for child protection intervention;
- Growing awareness of the cumulative impact of maltreatment on child development;
- The increasing complexity of families referred to child protection services; and
- The cumulative effect of children entering care at a younger age and spending longer in care.

## *Section 2: Key findings*

### Data trends within jurisdictions over time

Nationally, the rates of each headline indicator were found to have increased over the past five years. However, despite this general finding, there were marked differences in the trends observed within jurisdictions year over year. For example, in some jurisdictions, the rates of certain indicators exhibited pronounced spikes at particular points in time, while the rates in other jurisdictions remained relatively unchanged. That said, some data trends, and possible explanatory variables for observed data trends, were common to several jurisdictions.

To illustrate, pronounced spikes were observed in the rates of total notifications in both Tasmania and the Australian Capital Territory. The periods in which these trends occurred corresponded to periods during which both jurisdictions implemented caller-defined notifications and centralised intake services. Other developments that also appeared to fairly consistently contribute to increases in notifications across Australian jurisdictions were: the establishment and implementation of policy/legislation in relation to family violence; reviews and inquiries into child protection services or specifically, child deaths; and media scrutiny in relation to child protection services. At times, highly visible government responses to child protection inquiries, such as the development of a new department, or the transfer of child protection services to another departmental area, were also identified as likely to have contributed to increases in notifications by drawing attention to the problem of child maltreatment and a particular department’s role in protecting children.

Many of the same factors outlined above were also identified as likely contributors to increases in total investigations and substantiations, and children on orders and in out-of-home care. Where this was the case, the authors suggest that increasing demand in the form of rising notifications may have led to increases on these indicators via improved detection of child maltreatment. However, in line with previous research concerning internal and external scrutiny of child protection services, and the implications of child death reviews and child protection inquiries for child protection services, the authors also acknowledged that changes to the threshold at which protective services intervene may underlie part of the increases observed on these indicators.

Other variables such as changes to record keeping practices and/or data provided for national reporting purposes at times contributed to fluctuation in statutory data, but the influence of these types of factors was specific to individual states and territories and not necessarily consistent in terms of the direction of observed data trends in response to such changes (i.e., whether the development appeared to result in increased or decreased rates of statutory activity). Chapters 3 to 10 provide a discussion of trends specific to each jurisdiction and possible explanations for observed trends.

### *Section 3: Key findings*

#### Similarities and differences across jurisdictions in the rates of each headline indicator in the 2005–06 reporting period

The rates of each headline indicator (i.e., total notifications, investigations, substantiations, and children on orders and in out-of-home care) were compared across jurisdictions in the 2005–06 reporting period. There was marked variation in the rates of total notifications, investigations and substantiations, and minor differences in the rates of children on orders and in out-of-home care. The following section provides a brief overview of the main explanations identified to explain observed differences. A more detailed summary is provided in the concluding chapter to the report (Chapter 12), while the greatest detail is provided in Chapter 11 (“Explaining similarities and differences in child protection data across Australia”).

Nationally, the rate of **total notifications** in 2005–06 ranged from a low of 7.2 per 1,000 children in Western Australia to a high of 118.2 per 1,000 children in Tasmania. A variety of factors were identified as contributing to the variation observed in the rate of total notifications across jurisdictions, the most influential of which were:

- Differences in whether notifications are caller-defined or agency-defined;
- Differences in the application of the national counting rule for notifications;
- Differences in the availability of diversionary and family support services;
- Whether jurisdictions employ centralised intake or local area intake services;
- Differences in mandatory reporting requirements and agency reporting policies;
- Matters for which notifications are recorded (i.e., extra-familial maltreatment and abuse of children in care); and
- Threshold differences in the point at which jurisdictions record a notification.

Nationally, the rate of **total investigations** in 2005–06 ranged from a low of 6.9 per 1,000 children in Western Australia to a high of 50.6 per 1,000 children in New South Wales. A range of factors appeared to contribute to differences observed across jurisdictions, the most influential of which were thought to be:

- Differences in volume of clients entering the child protection stream of the service system;
- Policy differences;
- Differences in the availability of diversionary and family support services; and
- Threshold differences in the point at which a notification proceeds to an investigation.

Nationally, the rate of **total substantiations** in 2005–06 ranged from a low of 2.1 per 1,000 children in Western Australia to a high of 19.8 per 1,000 children in New South Wales. Several factors appeared to contribute to differences observed across jurisdictions in the rate of total substantiations, the most influential of which were:

- Differences in the availability and capacity of diversionary and family support services;
- Differences in what is substantiated; and
- Threshold differences in the point at which child protection services determine there has been harm/abuse and determine that there is a risk of harm/abuse.

There was much less variation in the rates of children on orders and in out-of-home care across jurisdictions than that observed in the preceding indicators. This suggests that the greatest differences in Australian child protection systems are to be found in the initial intake and investigation phases, but that there is a broadly consistent threshold across Australian child protection systems in the point at which court orders are sought to mandate various interventions with children and families, and a broadly consistent threshold in the point at which children are placed in out-of-home care.

Nationally, the rate of **children on orders** at 30 June 2006 ranged from a low of 4.2 per 1,000 children in Western Australia to a high of 7.4 per 1,000 children in the Australia Capital Territory. The following factors appeared to contribute to the moderate differences observed across jurisdictions in the rates of children on orders:

- Differences in the types of orders available across jurisdictions;
- Variation in data provided for national reporting purposes;
- Differences in whether children in out-of-home care are on an order; and
- Threshold differences in the point at which an order is sought.

Nationally, the rates of **children in out-of-home care** at 30 June 2006 ranged from a low of 4.0 per 1,000 children in Western Australia to a high of 6.2 per 1,000 children in New South Wales. The following factors appeared to contribute to the minor differences observed across jurisdictions in rates of children in out-of-home care:

- Differences in family service sector capacity to provide intensive family support to prevent placement;
- Variations in the capacity of the out-of-home care sector across jurisdictions;
- Data extraction issues; and
- Threshold differences in the point at which a child is placed into care.

Factors suggested to explain differences across jurisdictions in rates of total notifications, investigations, and substantiations are also likely to have contributed to differences in rates of children on orders and in out-of-home care.

## Concluding thoughts

In summary, this project: (a) examined the rates of total notifications, investigations and substantiations, and the rates of children on orders and in out-of-home care for the period 2000–01 to 2005–06; (b) analysed the differences in rates *across* jurisdictions, and the differences in rates over time *within* jurisdictions; and (c) identified and assessed factors that may explain differences in rates across and within jurisdictions over time. In so doing, the authors suggest that multiple factors exert an influence on the rates of each headline indicator in any given reporting period. Some factors were thought to exert a national influence on statutory child protection activity (e.g., increased public awareness of the issue of child maltreatment and the broadened concept of what constitutes child maltreatment), while other factors were suggested to be specific to particular jurisdictions (e.g., the implementation of policy reforms and the flow on effects of reviews of child protection services).

It is important to note that trends observed in the rates of headline statutory child protection indicators are insufficient on their own to confirm that factors identified as occurring at corresponding intervals are causally related (e.g., policy developments, child protection inquiries etc.). There may be—in fact, there are likely to be—multiple, interacting and perhaps competing explanations for the trends observed in statutory child protection data (Mansell, 2006). That said, the observation that many of the factors suggested to explain data trends observed within individual jurisdictions occurred in several jurisdictions with largely similar corresponding data trends provides some support for the conclusion that there is a relationship between the two. Further research is necessary to test the extent of the relationships suggested between identified data trends and various national and jurisdiction specific developments. Arguably, research employing a longitudinal methodology drawing on statistical local area data and unit record data for each jurisdiction would provide the most fruitful examination of these issues.

# SECTION 1

## Background to the project

Section 1 commences with an overview of the methodology employed in the project (Chapter 1). Following this, Chapter 2 provides an introduction to the Australian child protection context and compares the operation of Australian child protection systems to that of other Western nations. Where available, comparisons are made between Australian child protection data and data derived from other countries with a comparable approach to protecting children. While acknowledging that there are differences in rates of headline indicators both within jurisdictions over time and across jurisdictions, Chapter 2 provides a discussion of shared national trends over the past five years and outlines factors that are likely to have contributed to observed trends—this discussion is situated in an analysis of historical drivers for increased statutory child protection activity. The differences within jurisdictions over time and across jurisdictions are the basis of sections 2 and 3 of the report.

# Chapter 1: Method

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## 1.1 Overview

The NCPASS Comparability of Child Protection Data Project was undertaken by the National Child Protection Clearinghouse, Australian Institute of Family Studies, with guidance from the NCPASS Data Group, and with the assistance of staff from the Children, Youth and Families Unit at the Australian Institute of Health and Welfare who provided data and feedback on the draft project report. The project was designed to:

- Examine the rates of total notifications, investigations and substantiations, and the rates of children on orders and in out-of-home care for the period 2000–01 to 2005–06<sup>1</sup>;
- Analyse differences in rates *across* jurisdictions, and differences in rates over time *within* jurisdictions; and
- Identify and assess factors that may explain differences in rates across jurisdictions and within jurisdictions over time.

The project commenced with an examination of headline statutory child protection indicators over the period 2000–01 to 2005–06 in order to identify data trends. The scope of the project was limited to examining the following headline statutory child protection indicators: total notifications, investigations and substantiations, and children on orders and in out-of-home care. Although there are a range of other measures on which data are available in relation to child protection activity (e.g., the age of children in out-of-home care, placement types, and Indigenous status of children subject to care and protection orders), this project was designed to focus on broad trends in relation to volume of statutory activity; specifically, trends in volume of statutory activity over time within jurisdictions, and across jurisdictions in the 2005–06 reporting period.

To control for population differences, comparisons were made across jurisdictions and within jurisdictions over time using rates rather than raw figures (note, however, that raw figures are provided in tables in each chapter). Rates were calculated for total notifications, investigations and substantiations using ABS population estimates for 0–16-year-olds<sup>2</sup> at 31 December for each reporting period, while rates were calculated for children on orders and in out-of-home care using ABS population estimates for 0–17-year-olds at 31 March for each year. This approach to calculating rates was adopted in order to be consistent

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1 **Notification:** The term “notification” refers to the process whereby a professional or other member of the community lodges a report with the appropriate statutory child protection department to signify that they have reason to believe that “a child is in need of protection”. Depending on the circumstances, not all reports received by a child protection department will be recorded as a “notification”. Where, for example, a determination is made that a child and family are better served by family support services rather than a child protection response, and the alleged behaviour does not meet the definition of a “child in need of protection”, a “child concern report” or equivalent may be recorded instead.

**Investigation:** The term “investigation” refers to the process undertaken by a statutory child protection department to obtain more detailed information about a child who is the subject of a notification to determine whether the child is in need of protection. Where it is practical to do so, an investigation will include interviewing or sighting the subject child.

**Substantiation:** The term “substantiation” refers to a possible outcome of an investigation. To substantiate means that there is reasonable cause to believe that the child has been, is being or is likely to be abused or neglected or otherwise harmed.

**Orders:** The term “orders” refers to a court order entered into for the purpose of protecting a child, or to provide for continued departmental involvement with a child and his or her family where it is determined that such involvement is necessary. Orders can vary in scope from supervision orders to extended placement orders.

**Out-of-home care:** The term out-of-home care refers to the placement of children in alternative care in circumstances where they are unable to live with their parent(s) or primary carer(s). An out-of-home care placement can encompass a placement with kin (i.e., kinship care), or in other home-based care settings (e.g., foster care), as well as residential-based care arrangements. (Australian Institute of Health and Welfare, 2007; Steering Committee for the Review of Government Service Provision, 2007).

2 In this report, *total* notifications, investigations and substantiations are used as measures of front line statutory child protection activity (i.e., volume of child protection activity), rather than *children in* notifications, investigations and substantiations. Figures provided in *Child Protection Australia* in relation to *children in* notifications, investigations and substantiations concern children aged 0–16 years (i.e., 17-year-olds are excluded from the count). This approach is adopted as very few notifications, investigations and substantiations involve 17-year-old children. Data published in relation to *total* notifications, investigations and substantiations do not exclude 17-year-old children despite the fact that few 17-year-olds are the subjects of notifications, investigations and substantiations. Thus, in calculating rates per 1,000 children using *total* notifications, investigations and substantiations, the authors were left with two options: (1) the technically accurate option of using population estimates for 0–17-year-olds at 31 December of each year (despite the fact that very few notifications, investigations and substantiations concern 17-year-old children) and thus artificially deflate the rates calculated for *total* notifications, investigations and substantiations; or (b) calculate rates using 0–16-year-old population estimates with the knowledge that this would mean that some 17-year-olds would be included in these calculations, but that such rates would provide a more accurate reflection of the extent of child protection activity. Given the purpose of calculating rates for each indicator was to produce a tool to compare statutory activity across jurisdictions and within jurisdictions over time, the authors adopted the second option of employing 0–16-year-old population estimates to calculate rates for total figures that do include a small number of 17 year-olds. The authors recognise, however, that neither method is without some limitations.

with the mode of calculating rates employed by the Australian Institute of Health and Welfare (in Child Protection Australia) and the Productivity Commission (in Report on Government Services).<sup>3</sup>

The authors identified principal changes over time within jurisdictions by calculating percentage changes for the rates of each headline indicator year over year (e.g., the percentage change in the rate of total substantiations between 2002–03 and 2003–04 was calculated).<sup>4</sup> By reference to percentage changes, principal differences were identified as the largest increases and decreases (if any) observed for each indicator. Where there were several percentage changes of a similarly large amount, all were examined. Similarities and differences were identified at a national level by plotting the rates of each headline indicator and examining the distribution across jurisdictions.

Having identified principal data trends for each jurisdiction, as well as overarching national trends, the Australian Institute of Family Studies developed a data collection pro forma in order to collate information to explain observed trends (see Appendix A). The data collection pro forma was comprised of multiple areas of analysis, including: 1) socio-demographic information; 2) policy and legislative variations; 3) the departmental operating environment; 4) diversionary services; 5) definitions of key terms; 6) information systems; 7) counting rules; and 8) and other pertinent issues.

The pro forma was circulated to NCPASS Data Group members from each jurisdiction in July 2007. Jurisdictions were required to provide approved written responses to the pro forma. Responses were received from each jurisdiction between the months September–December 2007. Jurisdictions' written responses to the pro forma were the source of data on which the majority of the project report was based. However, where necessary, consultations were also held with some jurisdictions to clarify responses, and to seek further information.

Researchers from the Australian Institute of Family Studies analysed the responses provided by each jurisdiction and compiled a master coding list of all variables suggested by jurisdictions to explain observed data trends. This list was used to review all jurisdictions' data to determine whether there were any other variables that may have influenced data trends (in addition to those suggested by jurisdictions), and to assess factors that may explain differences across jurisdictions (i.e., national differences) (see Appendix B).

Researchers from the Australian Institute of Family Studies compiled the draft project report, which was submitted to the NCPASS Data Group on 20 February 2008 for their review. In order to consolidate the final project report, researchers from the Australian Institute of Family Studies held consultations with NCPASS representatives from each Australian jurisdiction to obtain their feedback on the draft report. Consultations were also used to enlist NCPASS representatives' input in relation to the relative contribution of factors identified to explain differences across jurisdictions in the 2005–06 reporting period. The final project report was submitted in June 2008.

## 1.2 Limitations of the present study

### 1.2.1. A point-in-time analysis

It is important to note that the report—and the responses provided by jurisdictions to the data collection pro forma, which formed the bulk of the data on which the report is based—is a point-in-time analysis of Australian child protection systems. Information was collected from jurisdictions during the period September–December 2007 in relation to the timeframe 2000–01 to 2005–06. Thus, the information contained within this report is an accurate reflection of each child protection system during the period subject to analysis (2000–01 to 2005–06). Readers are advised that the statutory child protection policy environment changes rapidly, thus enquiries should be made to confirm whether references made to legislative provisions, policy documents and practice directions are still current beyond the data collection period. To illustrate, since the reporting period 2005–06, the following developments have taken place:

1. The Western Australian Government implemented vast structural changes to the (former) Department for Community Development. Essentially, the roles and responsibilities of the Department have been segmented to create two separate departments: (a) the Department for Child Protection and (b) the Department for Communities. Western Australia has also implemented new legislation (the *Children and Community Services Act 2004* (WA));

3 The authors acknowledge that there are conceptual difficulties in calculating rates using total notifications, investigations and substantiations as numerators rather than children in notifications, investigations and substantiations. However, rates calculated for these indicators were not intended to be a reflection of incidence. Instead, rates were calculated for these indicators in an attempt to produce relatively comparable trend lines for each indicator across jurisdictions.

4 Percentage changes year over year, and from 2000/01–2005/06, were calculated according to the following formula: Percentage change from Rate A = [(Rate B–Rate A) ÷ Rate A] × 100.

2. Victoria implemented new legislation (the *Children, Youth and Families Act 2005* (Vic)) and commenced the roll-out of Child and Family Information, Referral and Support Teams (Child FIRST);
3. Tasmania released the *Report on Child Protection Services in Tasmania* (October 2006) and completed a detailed review by KPMG of Child Protection Services and Family Support Services during 2007;
4. New South Wales commenced the Wood Special Commission of Inquiry into Child Protection Services following a number of high profile child deaths;
5. The Australian Capital Territory introduced a differential response system in 2007 as part of its centralised intake service, which increased the Department's capacity to respond to family needs as well as risks; and
6. The Australian Government proclaimed and commenced the implementation of provisions contained in the *Northern Territory National Emergency Response Act 2007*.

These developments and others have given rise to further changes in reported rates of statutory child protection activity in the 2006–07 period. The following section provides a brief overview of data trends observed in 2006–07.

- **Australian Capital Territory:** In 2006–07, the steady increase in notifications received in the Australian Capital Territory continued, but the number of investigations and substantiations decreased. The decline in the number of investigations is due to the introduction of a differential response system in 2007 as part of the centralised intake service. The differential response system increased the ability of the Department to respond to need as well as risk. The decline in substantiations observed in 2006–07 is partly attributable to the decline in investigations, but also attributable to a Departmental requirement implemented during this reporting period that staff substantiate emotional abuse or neglect only if there is or is likely to be significant harm and there is no one with parental responsibility willing and able to protect the child or young person.
- **New South Wales:** There continued to be an increase in the number of child protection notifications in New South Wales in 2006–07, with 189,928 notifications received in 2006–07 compared to 152,806 in 2005–06. This equates to a 24.3% increase. The increase in notifications has led to a similar increase in investigations (50.4%) and substantiations (24.4%). In response to the increasing rate of reported child abuse and neglect, planning began during 2006–07 for a major review of the NSW child protection system. The review aims to increase the efficiency with which reports are handled and improve the effectiveness of interventions for children, young people, and their families. There was also an increase in the number of children and young people on care and protection orders, and placed in out-of-home care in 2006–07 compared to 2005–06. Children on care and protection orders increased from 9,213 children at 30 June 2006 to 10,639 at 30 June 2007—an increase of 15.5%. The number of children and young people in out-of-home care at 30 June 2007 was 11,843—an increase of 19.6% on the number of children in out of home care in at 30 June 2006.
- **Northern Territory:** Notifications in the Northern Territory continued to rise from 2004–05 to 2006–07, with the most notable increases between the 2004–05 and 2005–06 periods (36%). Although there was only a slight increase (5%) in notifications in 2006–07, there was a 26% increase in the number of investigations and a 29% rise in substantiations. The increase in investigations may have resulted in part from: higher quality information being referred to child protection services as part of increased interest in the abuse of Indigenous children in the Northern Territory; the introduction of a central intake system for managing all notifications; and an increase in child protection staff numbers. The number of children (at 30 June 2007) on care and protection orders remained steady with a 3% increase, while there was a 13% increase in children in out-of-home care. The larger increase in out-of-home care, compared to children on orders, is most likely attributable to fewer children being placed in placement types that do not meet the national counting rule for inclusion in out-of-home care figures (i.e. children placed with parents, or with relatives who are not financially supported).
- **Queensland:** Data published for Queensland for 2006–07 is interim due to the transition to a new information management system introduced in March 2007. These data will be finalised in 2008. However, key data trends from 2005–06 to 2006–07 interim data include: (a) departmental intake increased by 2.8% but notifications decreased by 15%, largely due to the introduction of structured decision making tools in 2005–06 and recording changes in 2006/07; (b) substantiations dropped by 36% due to a decrease in notifications, the introduction of structured decision making tools and recording changes; (c) children subject to protective orders decreased by 4.5%, possibly also due to the introduction of structured decision making tools; and (d) the number of children in out-of-home care increased by 2.7%. Queensland is continuing to consolidate its recent reforms and new information system, and these issues will continue to impact on reported data trends in the short-term.

- South Australia: In 2006–07 South Australia received 18,434 notifications of suspected child abuse and neglect, which represents a 22% increase compared to the 2005–06 reporting period. Following this same trend, total investigations and substantiations increased by 18% and 21% respectively. The number of children on care and protection orders increased by 12.6%, and the number of children in out-of-home care increased by 12%. The increase in child protection notifications observed in 2006–07 compared to 2005–06 reversed the downward trend experienced in 2005–06. South Australia identified the increasing complexity of child and family situations as one of the main drivers for the increases observed in 2006–07.
- Tasmania: The number of notifications and investigations continued to rise in Tasmania in 2006–07 in line with existing trends since 2003–04. Although only small increases were noted for substantiations and children on orders, the low percentage of finalised investigations under reported the true number of substantiations for 2006–07. Additionally, the reduction in the reported rate of children in out-of-home care during 2006–07 is not comparable with previous years due to the exclusion of a cohort of children on orders who did not meet the national counting rule for inclusion in the figures provided for children in out-of-home care.
- Victoria: Statutory child protection activity data remained relatively stable in Victoria in 2006–07. Notifications increased by 1.8%, substantiations decreased by 9.7%, children on orders increased by 3.3%, and children in out-of-home care increased by 5.4%.
- Western Australia: Notifications increased by 132% in 2006–07 primarily due to a change in the local application of the national counting rule to increase comparability of data across jurisdictions. Commencing in 2006–07, the Department defined “child protection notification” as a referral of “concern for a child’s wellbeing”, previously only those that were followed by an investigation were counted as a notification. The change in counting rule has no impact on policy or practice aspects of responding to a referral of a concern for a child’s wellbeing, nor does the change in counting rule impact on how and when investigations are undertaken. Western Australia attributes some of the increase in notifications to increased community awareness of child protection issues and increased preparedness to report concerns for children. The reporting period 2006–07 also evidenced a 22% increase in investigations, and a 28% increase in substantiations, both of which can largely be attributed to the increase in notifications and a decrease in the proportion of investigations not finalised or still in process at 31 August from 25.3% to effectively 20.9%. The increase in children on care and protection orders between 2006 and 2007 primarily reflects the first full year of operation of the *Children and Community Services Act 2004* (WA) which provides for a greater range of protection orders than previously available. The number of children on orders increased by 28.5%, while the number of children in out-of-home care increased by 20.5%. Some of the increase in the number of children on orders and the number of children in out-of-home care is a flow on effect from increasing notifications requiring investigation and also substantiation in the most recent financial year.

### 1.2.2. Scope

The scope of the present project extended only to an examination of the following headline indicators: total notifications, investigations and substantiations, and children on orders and in out-of-home care. As a result, other important issues have not been considered in detail, including, for example, the over representation of Indigenous children and families in statutory child protection systems across Australia.

### 1.2.3. Causality

The chapters that follow outline a range of variables that are likely to be related to trends observed in statutory child protection data across Australia. However, trends observed in the rates of headline statutory child protection indicators are insufficient on their own to confirm that factors identified as occurring at corresponding intervals are causally related (e.g., policy developments, child protection inquiries etc.). There may be—in fact, there are likely to be—multiple, interacting and perhaps competing explanations for the trends observed in statutory child protection data (Mansell, 2006). That said, the observation that many of the factors suggested to explain data trends observed within individual jurisdictions occurred in several jurisdictions, with largely similar corresponding data trends, provides some support for the conclusion that there is a relationship between the two. Further research is necessary to test the extent of the relationships suggested between identified data trends and various national and jurisdiction specific developments (see Chapter 12).

## 1.3 Structure of the report

The project report is divided into three sections. The first section provides an introduction to the Australian child protection context. Specifically, Chapter 2: (a) outlines the broad orientation of child protection services in Australia and compares this approach to the approach adopted in other Western nations; (b) contrasts Australian statutory child protection activity data with data derived from countries with a similar child protection orientation; and (c) discusses shared trends in statutory child protection data across Australian jurisdictions over the past five years.

Comprised of eight chapters, Section 2 provides a state-by-state analysis of statutory child protection data trends over the past five years. Trends in headline indicators (i.e., total notifications, investigations, and substantiations, and children on orders and in out-of-home care) are examined for each jurisdiction. Particular attention is given to the most substantial increases and decreases (where present) observed in each jurisdiction. Variables that are likely to have contributed to the trends observed for each state and territory are discussed.

Section 3 concerns differences in the rates of each headline child protection indicator across Australian jurisdictions during the reporting period 2005–06. Specifically, an analysis of the reported rates of each headline indicator across each jurisdiction is provided, and variables that are likely to explain differences across jurisdictions are identified and discussed (Chapter 11). The report concludes with a summary of key project findings, a discussion of the limitations of the present study, and suggestions for future research (Chapter 12).

# Chapter 2: Child protection in Australia

## 2.1 Australian child protection systems

In Australia, state and territory governments exercise sole responsibility for the administration and operation of child protection services. As a result, there are eight different Acts of Parliament providing for the operation of child protection services, as many separate departments responsible for the administration of such services, and multiple policy and practice frameworks pursuant to which child protection services are delivered (Bromfield & Higgins, 2005; Hatty & Hatty, 2001; Higgins, 2007; E. Scott, 2006). Table 2.1 provides an overview of the departments that exercise responsibility for child protection, and the legislation that guides their work.

**Table 2.1: Departments responsible for child protection and the legislation that guides their work (at 30 June 2006)**

Jurisdiction & responsible department	Legislation
Australian Capital Territory  (Office for Children, Youth and Family Support; Department of Disability, Housing and Community Services)	Principal Act: <ul style="list-style-type: none"> <li>• <i>Children and Young People Act 1999</i> (ACT)</li> </ul> Other relevant Act/s: <ul style="list-style-type: none"> <li>• <i>Adoption Act 1993</i> (ACT)</li> <li>• <i>Human Rights Act 2004</i> (ACT)</li> <li>• <i>Human Rights Commission Act 2005</i> (ACT)</li> <li>• <i>Public Advocate Act 2005</i> (ACT)</li> <li>• <i>Family Law Act 1975</i> (Cth)</li> </ul>
New South Wales  (Department of Community Services)	Principal Act: <ul style="list-style-type: none"> <li>• <i>Children and Young Persons (Care and Protection) Act 1998</i> (NSW)</li> </ul> Other relevant Act/s: <ul style="list-style-type: none"> <li>• <i>Child Protection (Offenders Registration) Act 2000</i> (NSW)</li> <li>• <i>Crimes Act 1900</i> (NSW)</li> <li>• <i>Commission for Children and Young People Act 1998</i> (NSW)</li> <li>• <i>Ombudsman Act 1974</i> (NSW)</li> <li>• <i>Family Law Act 1975</i> (Cth)</li> </ul>
Northern Territory  (Family and Children's Services; Department of Health and Community Services)	Principal Act: <ul style="list-style-type: none"> <li>• <i>Community Welfare Act 1983</i> (NT)</li> <li>• <i>Care and Protection of Children Draft Act</i> (NT) (currently before Cabinet)</li> </ul> Other relevant Act/s: <ul style="list-style-type: none"> <li>• <i>Information Act 2006</i> (NT)</li> <li>• <i>Disability Services Act 2004</i> (NT)</li> <li>• <i>Criminal Code Act 2006</i> (NT)</li> <li>• <i>Family Law Act 1975</i> (Cth)</li> </ul>
Queensland  Department of Child Safety	Principal Act: <ul style="list-style-type: none"> <li>• <i>Child Protection Act 1999</i> (Qld)</li> </ul> Other relevant Act/s: <ul style="list-style-type: none"> <li>• <i>Commission for Children and Young People and Child Guardian Act 2000</i> (Qld)</li> <li>• <i>Education (General Provisions) Act 2006</i> (Qld)</li> <li>• <i>Public Health Act 2005</i> (Qld)</li> <li>• <i>Adoption of Children Act 1964</i> (Qld)</li> <li>• <i>Family Law Act 1975</i> (Cth)</li> </ul>
South Australia  (Families SA; Department for Families and Communities)	Principal Act: <ul style="list-style-type: none"> <li>• <i>Children's Protection Act 1993</i> (SA)</li> </ul> Other relevant Act/s: <ul style="list-style-type: none"> <li>• <i>Young Offenders Act 1994</i> (SA)</li> <li>• <i>Adoption Act 1988</i> (SA)</li> <li>• <i>Children's Protection Regulations 2006</i> (SA)</li> <li>• <i>Family and Community Services Act 1972</i> (SA)</li> <li>• <i>Family Law Act 1975</i> (Cth)</li> </ul>

Table 2.1 continued on p. 8

Table 2.1 continued from p. 7

Jurisdiction & responsible department	Legislation
Tasmania  (Child Protection Services; Department of Health and Human Services)	Principal Act: • <i>Children, Young Persons and Their Families Act 1997</i> (Tas)  Other relevant Act/s: • <i>The Family Violence Act 2004</i> (Tas) • <i>Family Law Act 1975</i> (Cth)
Victoria  (Child Protection and Juvenile Justice Branch; Department of Human Services)	Principal Act: • <i>Children, Youth and Families Act 2005</i> (Vic)  Other relevant Act/s: • <i>Working with Children Act</i> (Vic) • <i>Child Wellbeing and Safety Act 2005</i> (Vic) • <i>The Charter of Human Rights and Responsibilities Act 2006</i> (Vic) • <i>Family Law Act 1975</i> (Cth)
Western Australia  (At the time data were collected, the Department for Community Development—now, the Department for Child Protection)	Principal Act: • <i>Children and Community Services Act 2004</i> (WA)  Other relevant Act/s: • <i>Working with Children (Criminal Record Checking) Act 2004</i> (WA) • <i>Family Court Act 1997</i> (WA) • <i>Adoption Act 1994</i> (WA) • <i>Child Care Services Act 2007</i> (WA) • <i>Family Law Act 1975</i> (Cth)

Source: <http://www.aifs.gov.au/nch/resources/legislation/legislation.html>

Although there are eight different child protection systems, Bromfield and Higgins (2005) concluded that the child protection related laws and services for the care of children are more similar than different across Australian jurisdictions. Specifically, they concluded that while there were differences in the procedures and legislation guiding the provision of services, the core activities being undertaken by child protection practitioners were more similar than different. The greatest areas of difference were in the initial intake and investigation phases: the phases from which most statutory child protection data are drawn. There was also considerable difference in the responses provided to those cases that did not meet the threshold for statutory child protection intervention (Bromfield & Higgins, 2005).

Although there are differences in the legislation that guides the work of statutory child protection services, and variation in the services provided to children and families who do not meet the threshold for child protection intervention, broadly speaking, over the past several decades, Australian jurisdictions have employed an approach to the delivery of child protection services described as the “child protection orientation” (Allen Consulting Group, 2003). The following section compares and contrasts the “child protection orientation” with the “family services orientation”, and briefly examines similarities and differences between Australian child protection activity data and that of other countries with a comparable approach to protecting children.

## 2.2 The child protection and family services orientations

The identification of the “battered child syndrome” in the 1960s (Kempe *et al.*, 1962) was the catalyst for governments, both nationally and internationally, to recognise that they had a responsibility for protecting children where a child’s parents were unable or unwilling to do so. Broadly speaking, Western nation states implemented one of two approaches to protecting children: the “child protection orientation” and the “family service orientation”. The “child protection orientation” is evident in countries such as the United States, the United Kingdom, Canada, New Zealand and Australia. The “family service orientation” is evident in many European countries, such as Denmark, Germany and the Netherlands. Table 2.2 provides a comparison of the two orientations.

By the 1970s, every Australian state and territory had implemented legislation modelled on the “child protection orientation”. On the surface it would appear that Western nations with a child protection orientation such as the United States, Canada, New Zealand and Australia have kept pace of each other

with the result that current models of child protection are broadly comparable from one country to the next. However, statistics concerning child protection activity vary substantially both within and across nation states. The aim of this project was to examine the comparability of child protection data within Australia. However, before examining the comparability of child protection data within Australia the following section examines broad trends in child protection internationally and considers where Australia is situated relative to other countries with a child protection orientation.

**Table 2.2: Characteristics of the child protection and family service orientation in responding to child maltreatment**

Characteristic	Child Protection Orientation	Family Service Orientation
Framing the problem of child abuse	The need to protect children from harm	Abuse is a result of family conflict or dysfunction stemming from social, economic and psychological difficulties
Entry to services	Single entry point; report or notification by third party	Range of entry points and services
Basis of government intervention and services provided	Legalistic, investigatory in order to formulate child safety plans	Supportive or therapeutic responses to meeting the needs of children and families or resolving problems
Place of services	Separated from family support services	Embedded within and normalised by broad child welfare or public health services
Coverage	Resources are concentrated on families where risks of (re-) abuse are high and immediate	Resources are available to more families at an earlier stage
Service Approach	Standardised procedures; rigid timelines	Flexible to meet clients' needs
State-parent relationship	Adversarial	Partnership
Role of the legal system	Adversarial; formal; evidence-based	Last resort; informal; inquisitorial
Out-of-home care	Mainly involuntary	Mainly voluntary

Source: Allen Consulting Group (2003, p. 14, Table 2.1)

Note: The "child protection orientation" and "family services orientation" are described as opposing archetypes. In reality these orientations occur on a continuum with child protection services incorporating elements of both orientations reflecting different positions on a continuum.

## 2.3 Child protection data in countries with a child protection orientation<sup>5</sup>

*Notifications.* Australia has more than 50 notifications per 1,000 children per annum (see Table 2.3). When comparing Australia's rate to rates reported internationally, there appears to be two distinct groupings of countries: countries with higher rates (in excess of 40 per 1,000 children) and countries with lower rates (less than 10 per 1,000 children). Australia's rate is comparable to the higher rates reported in New Zealand, the United States and Canada. In contrast, the Australian rate of notifications is almost 6–9 times that recorded in the United Kingdom (England, Ireland and Scotland).

**Table 2.3: Notifications: Rates per 1,000 children**

Country	Rate
New Zealand <sup>`</sup>	53.3
Australia <sup>`</sup>	52.6
United States <sup>^</sup>	47.8
Canada <sup>*</sup>	45.7
Scotland <sup>`</sup>	8.6
England <sup>`</sup>	6.2
Northern Ireland <sup>`</sup>	5.4

Notes: \* = data are for the period 2003

<sup>^</sup> = data are for the period 2004

<sup>`</sup> = data are for the period 2005

<sup>5</sup> Note that these data are provided for the purpose of identifying general trends and are not strictly comparable across countries.

*Investigations:* As can be seen from Table 2.4, Australia reported the highest rate of finalised investigations compared to comparable countries for which data were available.<sup>6</sup> However, the differences observed across countries in the rate of investigations were not as great as those identified across countries for the rate of notifications.

**Table 2.4: Investigations: Rates per 1,000 children**

Country	Rate
Australia	18.6
Northern Ireland	3.1
England	2.3
Scotland	2

Note: Data are for the period 2005

*Children in care:* At 30 June 2005, an average of 4.9 children per 1,000 were in state care across Australia. Unlike the rates derived from countries with a comparable approach to protecting children in relation to notifications and investigations, there does not appear to be as much variation in the rates reported for children in care. Instead, it appears that Western nations with a child protection orientation cluster towards a point of central tendency of approximately 5 children in care per 1,000 children in the population (see Table 2.5).

**Table 2.5: Number of children in care per 1,000 children in the population**

Country	Rate
United States <sup>^</sup>	7.1
Scotland <sup>`</sup>	6.6
England <sup>`</sup>	5
Australia <sup>`</sup>	4.9
New Zealand <sup>`</sup>	4.8
Northern Ireland <sup>`</sup>	3.6
Canada <sup>*</sup>	2.8

Notes: \* = data are for the period 2003

<sup>^</sup> = data are for the period 2004

<sup>`</sup> = data are for the period 2005

Given the shift towards a median rate of children in care, it seems unlikely that differences across countries with a child protection orientation in the rates of notifications and investigations reflect actual differences in the incidence of child abuse and neglect. Instead, the high degree of variation for notifications and investigations compared to rates of children in care suggest that there is greater variation in the screening and assessment of child protection reports, but a more stable threshold for determining the point at which a child can no longer safely remain in the care of his or her parents. Given these differences, discussions regarding the comparability of child protection data throughout this report will be separated into two parts: (1) notifications, investigations and substantiations; and (2) children on orders and in out-of-home care.

## 2.4 Australian child protection data: Shared national trends

An awareness of the complexities involved in interpreting statutory child protection data—particularly in understanding differences across jurisdictions and within jurisdictions over time—is what motivated the National Child Protection and Support Services (NCPASS) Data Group to commission the present study. It is the differences within jurisdictions over time and across jurisdictions that are the focus of sections 2 and 3 of this report. However, while there is variation in the rates of headline indicators across Australian jurisdictions, there is some similarity in the overarching trends observed in the rates of headline indicators across jurisdictions over the past five years. It is the broad similarities across jurisdictions that are the focus of the remainder of this chapter.

<sup>6</sup> As stated, data are not reported in a consistent fashion across countries. Data comparable to the figures reported in Australia regarding “investigations” were only available for Scotland, England and Northern Ireland.

### 2.4.1 Data trends for the five-year period 2000–01 to 2005–06

Figures 2.1–2.5 plot the rates of each headline indicator for the five-year period 2000–01 to 2005–06, while tables 2.6, 2.7, 2.8, 2.10 and 2.11 contain the rates and raw figures for each indicator over this same time. As can be seen from Figures 2.1–2.3, although the rates of total notifications, investigations and substantiations varied markedly across jurisdictions, on the whole, rates for each of these indicators increased over the past five years. Table 2.9 contains ratios of rates of total notifications to rates of total investigations, and ratios of rates of total investigations to rates of total substantiations for each jurisdiction for the reporting periods 2000–01 to 2005–06 (inclusive). As can be seen from this table, there are some striking differences across jurisdictions in the proportion of notifications that proceed to investigation, and the proportion of investigations that are substantiated. These differences point to policy, practice and threshold differences across jurisdictions—all of which are considered in Chapter 11. In contrast, as can be seen from Figures 2.4 and 2.5 there was less variation evident in the rates of children on orders and in out-of-home care across Australian jurisdictions. Nonetheless, the rates of children on orders and in out-of-home care on the whole increased over the past five years.<sup>7</sup>

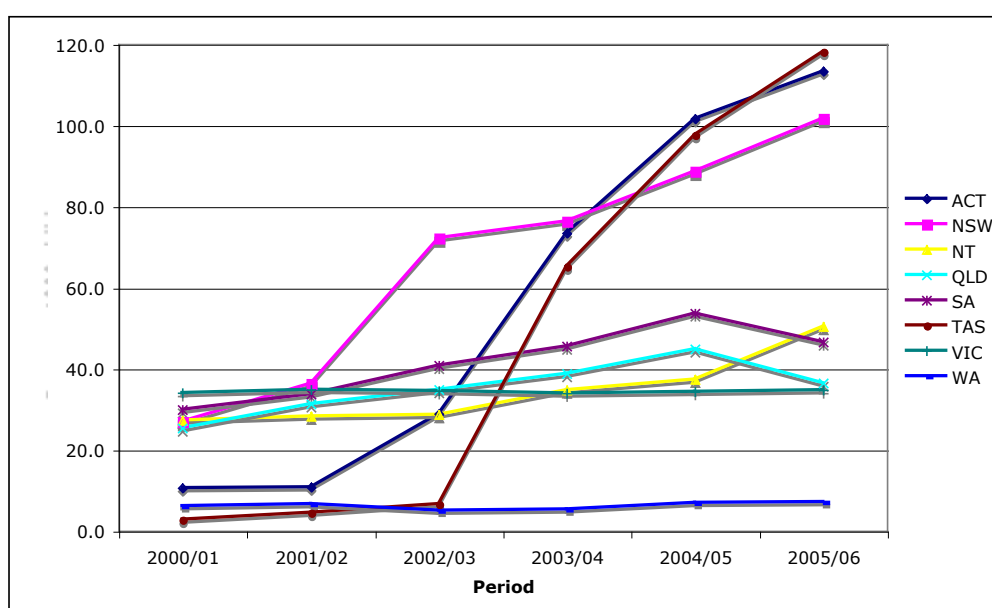


Figure 2.1: The rate of total notifications in each state and territory during the period 2000–01 to 2005–06

Table 2.6: The rates and raw figures of total notifications in each state and territory during the period 2000–01 to 2005–06

	Total notifications 2000–01 to 2005–06											
	2000–01		2001–02		2002–03		2003–04		2004–05		2005–06	
	Figure	Rate	Figure	Rate	Figure	Rate	Figure	Rate	Figure	Rate	Figure	Rate
ACT	794	10.6	801	10.8	2,124	28.9	5,325	73.5	7,275	101.6	8,064	113.3
NSW	40,937	26.9	55,208	36.3	109,498	72.3	115,541	76.4	133,636	88.7	152,806	101.7
NT	1,551	27.3	1,605	28.3	1,554	28.7	1,957	34.7	2,101	37.3	2,863	50.4
Qld	22,069	25.3	27,592	31.3	31,068	34.8	35,023	38.8	40,829	44.8	33,612	36.4
SA	9,988	29.9	11,203	33.7	13,442	40.8	14,917	45.5	17,473	53.7	15,069	46.5
Tas	315	2.8	508	4.5	741	6.7	7,248	65.3	10,788	97.7	13,029	118.2
Vic	36,966	34.0	37,976	34.8	37,635	34.5	36,956	33.9	37,523	34.3	37,987	34.7
WA	2,851	6.2	3,045	6.7	2,293	5.0	2,417	5.3	3,206	7.0	3,315	7.2

Note: Rate = Rate per 1,000 children

<sup>7</sup> Note that this chapter considers shared trends only and provides some contextual and historical information in relation to observed shared trends. Differences in the rate of headline indicators within jurisdictions are discussed in detail in chapters specific to each state and territory in Section 2 of the report (i.e., Chapters 3–10). Differences across jurisdictions in the rate of each headline indicator (e.g., the way in which some jurisdictions exhibit substantially larger rates of certain indicators relative to other jurisdictions, and the way in which some jurisdictions appear to cluster around certain rates) are discussed in detail in Chapter 11 of the report.

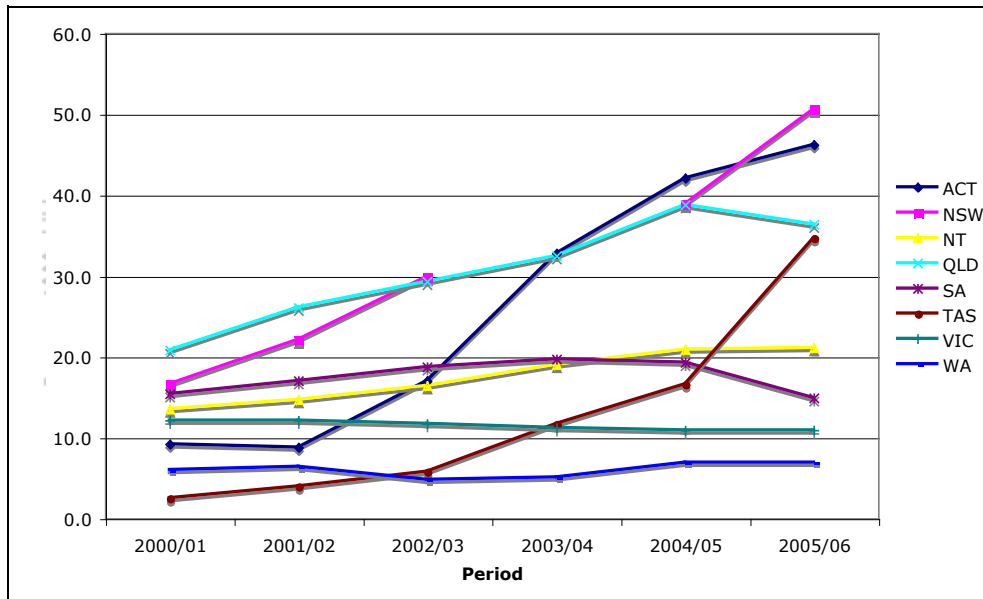


Figure 2.2: The rate of total investigations in each state and territory during the period 2000-01 to 2005-06

Table 2.7: The rates and raw figures of total investigations in each state and territory during the period 2000-01 to 2005-06

	Total investigations 2000-01 to 2005-06											
	2000-01		2001-02		2002-03		2003-04		2004-05		2005-06	
	Figure	Rate	Figure	Rate	Figure	Rate	Figure	Rate	Figure	Rate	Figure	Rate
ACT	684	9.2	650	8.8	1,247	17.0	2,378	32.8	3,017	42.1	3,292	46.2
NSW*	25,292	16.6	33,618	22.1	45,265	29.9	n/a	n/a	58,572	38.9	75,980	50.6
NT	769	13.5	835	14.7	890	16.4	1,072	19.0	1,180	20.9	1,195	21.1
Qld	18,122	20.8	23,034	26.1	26,187	29.3	29,315	32.5	35,361	38.8	33,612	36.4
SA	5,156	15.4	5,633	17.0	6,175	18.7	6,445	19.7	6,279	19.3	4,842	14.9
Tas	278	2.5	453	4.0	641	5.8	1,294	11.7	1,833	16.6	3,824	34.7
Vic	13,205	12.1	13,211	12.1	12,769	11.7	12,259	11.2	11,888	10.9	11,894	10.9
WA	2,759	6.0	2,937	6.4	2,208	4.8	2,318	5.1	3,162	6.9	3,190	6.9

Note: \* New South Wales implemented a new information recording system during the period 2003/04, and thus were unable to extract data for investigations in this reporting period.  
Rate = Rate per 1,000 children

Table 2.8: The rates and raw figures of total substantiations in each jurisdiction for the period 2000-01 to 2005-06

	Total substantiations 2000-01 to 2005-06											
	2000-01		2001-02		2002-03		2003-04		2004-05		2005-06	
	Figure	Rate	Figure	Rate	Figure	Rate	Figure	Rate	Figure	Rate	Figure	Rate
ACT	222	3.0	220	3.0	310	4.2	630	8.7	1,213	16.9	1,277	17.9
NSW*	7,501	4.9	8,606	5.7	16,765	11.1	n/a	n/a	15,493	10.3	29,809	19.8
NT	349	6.1	349	6.1	327	6.0	527	9.4	473	8.4	480	8.5
Qld	8,395	9.6	10,036	11.4	12,203	13.7	17,473	19.4	17,307	19.0	13,184	14.3
SA	1,998	6.0	2,230	6.7	2,423	7.4	2,490	7.6	2,384	7.3	1,855	5.7
Tas	103	0.9	158	1.4	213	1.9	427	3.8	782	7.1	793	7.2
Vic	7,608	7.0	7,687	7.1	7,287	6.7	7,412	6.8	7,398	6.8	7,563	6.9
WA	1,191	2.6	1,187	2.6	888	1.9	968	2.1	1,104	2.4	960	2.1

Note: \* New South Wales implemented a new information recording system during the period 2003/04, and thus were unable to extract data for investigations in this reporting period.  
Rate = Rate per 1,000 children

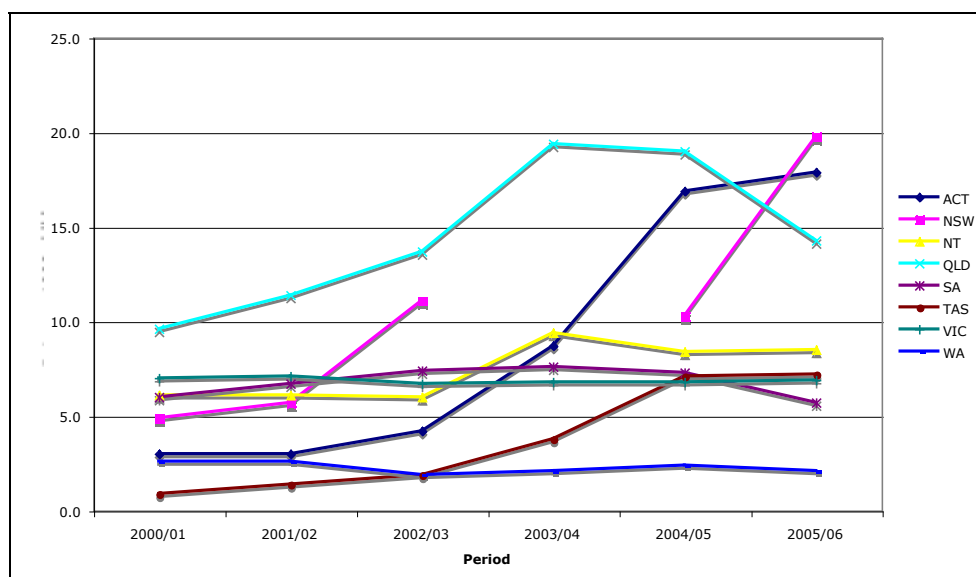


Figure 2.3: The rate of total substantiations in each state and territory during the period 2000–01 to 2005–06

Table 2.9: Ratios of rates of total notifications to rates of total investigations, and rates of total investigations to rates of total substantiations, for each Australian jurisdiction for the period 2000–01 to 2005–06

Reporting period	Indicator ratios	ACT	NSW*	NT	Qld	SA	Tas	Vic	WA
2000–01	Notifications: investigations	1.15: 1	1.62: 1	2.02: 1	1.22: 1	1.94: 1	1.12: 1	2.81: 1	1.03: 1
	Investigations: substantiations	3.07: 1	3.39: 1	2.21: 1	2.17: 1	2.57: 1	2.78: 1	1.73: 1	2.31: 1
2001–02	Notifications: investigations	1.23: 1	1.64: 1	1.93: 1	1.20: 1	1.98: 1	1.13: 1	2.88: 1	1.05: 1
	Investigations: substantiations	2.93: 1	3.88: 1	2.41: 1	2.29: 1	2.54: 1	2.86: 1	1.70: 1	2.46: 1
2002–03	Notifications: investigations	1.70: 1	2.42: 1	1.75: 1	1.19: 1	2.18: 1	1.16: 1	2.95: 1	1.04: 1
	Investigations: substantiations	4.05: 1	2.69: 1	2.73: 1	2.14: 1	2.53: 1	3.05: 1	1.75: 1	2.53: 1
2003–04	Notifications: investigations	2.24: 1	n/a	1.83: 1	1.19: 1	2.31: 1	5.58: 1	3.03: 1	1.04: 1
	Investigations: substantiations	3.77: 1	n/a	2.02: 1	1.68: 1	2.59: 1	3.08: 1	1.65: 1	2.43: 1
2004–05	Notifications: investigations	2.41: 1	2.28: 1	1.78: 1	1.15: 1	2.78: 1	5.82: 1	3.15: 1	1.01: 1
	Investigations: substantiations	2.49: 1	3.78: 1	2.49: 1	2.04: 1	2.64: 1	2.37: 1	1.60: 1	2.88: 1
2005–06	Notifications: investigations	2.45: 1	2.01: 1	2.39: 1	1: 1	3.12: 1	3.41: 1	3.18: 1	1.04: 1
	Investigations: substantiations	2.58: 1	2.56: 1	2.48: 1	2.55: 1	2.61: 1	4.82: 1	1.58: 1	3.29: 1

Notes: \* New South Wales implemented a new information recording system during the period 2003/04, and thus were unable to extract data for investigations in this reporting period.

Ratios were calculated for each jurisdiction using the rates of total notifications, investigations and substantiations contained in Tables 2.6–2.8.

Ratios were rounded to two decimal places.

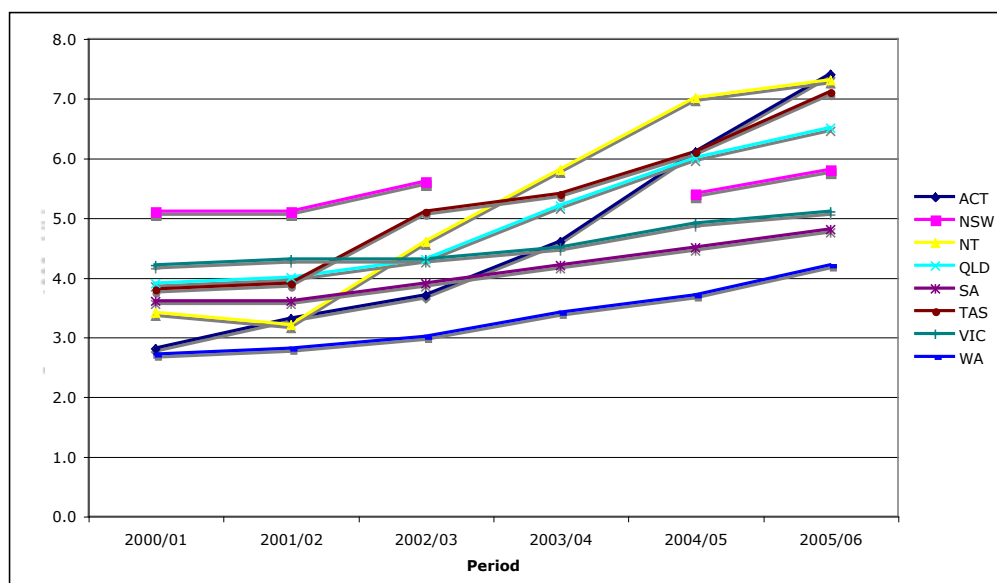


Figure 2.4: The rate of children on orders at 30 June in each state and territory during the period 2001–2006

Table 2.10: The rates and raw figures of children on orders at 30 June in each state and territory during the period 2001–2006

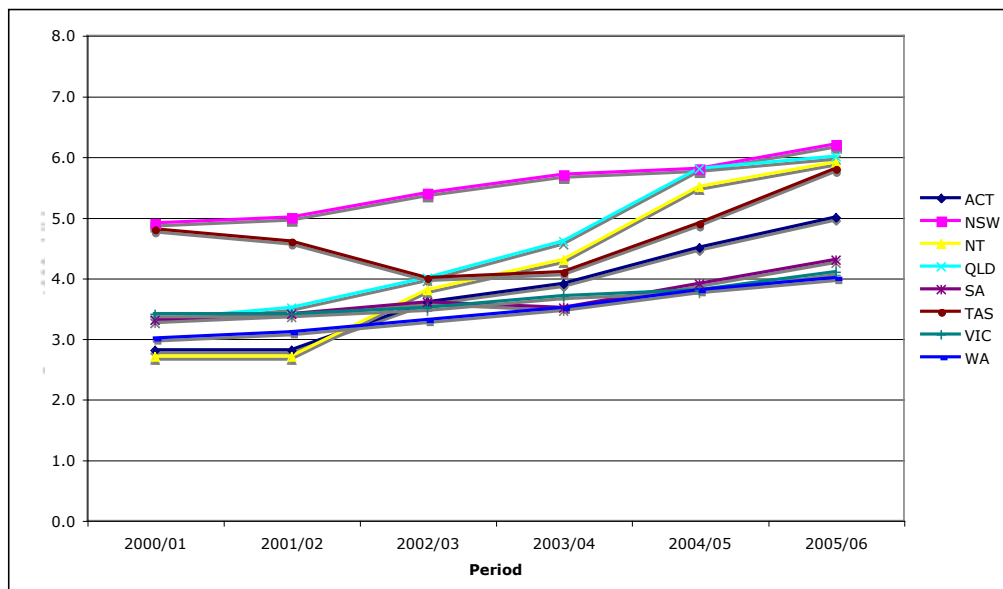
	Children on orders at 30 June 2001–2006											
	2001		2002		2003		2004		2005		2006	
	Figure	Rate	Figure	Rate	Figure	Rate	Figure	Rate	Figure	Rate	Figure	Rate
ACT	219	2.8	261	3.3	288	3.7	353	4.6	464	6.1	558	7.4
NSW*	8,105	5.1	8,229	5.1	8,975	5.6	n/a	n/a	8,620	5.4	9,213	5.8
NT	205	3.4	194	3.2	274	4.6	345	5.8	414	7.0	437	7.3
Qld	3,573	3.9	3,765	4.0	4,107	4.3	4,950	5.2	5,857	6.0	6,446	6.5
SA	1,260	3.6	1,286	3.6	1,378	3.9	1,455	4.2	1,553	4.5	1,671	4.8
Tas	453	3.8	463	3.9	600	5.1	634	5.4	716	6.1	833	7.1
Vic	4,782	4.2	4,975	4.3	5,038	4.3	5,251	4.5	5,658	4.9	5,984	5.1
WA	1,320	2.7	1,384	2.8	1,470	3.0	1,639	3.4	1,783	3.7	2,046	4.2

Note: \* New South Wales implemented a new information recording system during the period 2003/04, and thus were unable to extract data for investigations in this reporting period.  
Rate = Rate per 1,000 children

Table 2.11: The rates and raw figures of children in out-of-home care at 30 June in each state and territory during the period 2001–2006

	Children in out-of-home care at 30 June 2001–2006											
	2001		2002		2003		2004		2005		2006	
	Figure	Rate	Figure	Rate	Figure	Rate	Figure	Rate	Figure	Rate	Figure	Rate
ACT	215	2.8	224	2.8	277	3.6	298	3.9	342	4.5	388	5.1
NSW	7,786	4.9	8,084	5.0	8,636	5.4	9,145	5.7	9,230	5.8	9,896	6.2
NT	164	2.7	163	2.7	223	3.8	258	4.3	324	5.5	352	5.9
Qld	3,011	3.3	3,257	3.5	3,787	4.0	4,413	4.6	5,657	5.8	5,876	6.0
SA	1,175	3.3	1,196	3.4	1,245	3.6	1,204	3.5	1,329	3.9	1,497	4.3
Tas	572	4.8	544	4.6	468	4.0	487	4.1	576	4.9	683	5.8
Vic	3,882	3.4	3,918	3.4	4,046	3.5	4,309	3.7	4,408	3.8	4,794	4.1
WA	1,436	3.0	1,494	3.1	1,615	3.3	1,681	3.5	1,829	3.8	1,968	4.0

Note: Rate = Rate per 1,000 children



**Figure 2.5: The rate of children in out-of-home care at 30 June in each state and territory during the period 2001–2006**

#### Key messages:

- While there were substantial differences in the rates of front line indicators (i.e., total notifications, investigations and substantiations) both within jurisdictions over time and across jurisdictions, nationally the rates of total notifications, investigations and substantiations overall increased over the past five years.
- Nationally, between the periods 2000–01 to 2005–06, total notifications increased from 115,471 (or 25.6 per 1,000 children) to 266,745 (or 58.7 per 1,000 children)—an increase of approximately 130%.
- Nationally, between the periods 2000–01 to 2005–06, total investigations increased from 66,265 (or 14.7 per 1,000 children) to 137,829 (or 30.4 per 1,000 children)—an increase of approximately 108%.
- Nationally, between the periods 2000–01 to 2005–06, total substantiations increased from 27,367 (or 6.1 per 1,000 children) to 55,921 (or 12.3 per 1,000 children)—an increase of approximately 104%.
- There was greater similarity in the rates of children on orders and in out-of-home care across jurisdictions. Nonetheless, although less pronounced than the increases observed for front line indicators, the rates of children on orders and in out-of-home care increased over the past five years.
- During the years 2001–2006, the number of children on orders across Australia at 30 June increased from 19,917 (or 4.2 per 1,000 children) to 27,188 (or 5.6 per 1,000 children)—an increase of approximately 37%.
- During the years 2001–2006, the number of children in out-of-home care across Australia at 30 June increased from 18,241 (or 3.9 per 1,000 children) to 25,454 (or 5.3 per 1,000 children)—an increase of approximately 40%.

## 2.5 Explaining shared trends over the past five years

At a national level, all headline statutory child protection indicators increased over the past five years. In part, these increases can be explained as a continuation of broader historical trends over the past 30–40 years, which have given rise to the current shape of child protection services in Australia, including:

- The influence of social changes on community behaviour;
- Increased public awareness of the issue of child maltreatment and thus greater reporting of maltreatment;
- Broadening of the scope of child protection services and a commensurate expansion of community recognition of children's rights;
- Decreases in the threshold for child protection intervention;

- Growing awareness of the cumulative impact of maltreatment on child development;
- The increasing complexity of families referred to child protection services; and
- The cumulative effect of children entering care at a younger age and spending longer in care.

### *2.5.1 The influence of social changes on community behaviour*

The mid to late 1900s saw continued changes in social structures and systems—changes that have exerted a significant influence on the concept of “family” and the construction of “community”. For example, greater diversity in the concept of “family” has meant that families now come in a variety of forms; economic and social developments have seen changes to the labour force, including greater numbers of women entering paid employment; and developments in communication technology and transport have influenced the many ways in which people experience and engage with family and community (Cannon, 2003; de Vaus, 2004; Office for Women, 2007). These developments and others have led to suggestions that current generations live in “different times” than those of earlier generations (Cannon, 2003). Whether or not such developments have produced “community-free” zones comprised of less community engagement and greater community fragmentation is a point of contention. However, few would disagree that social transactions are more diverse and complex than they once were (Cannon, 2003).

With respect to the rearing of children, social developments (such as those outlined above) have been identified as contributing to: the reduction of supports available to families through informal community networks; and the gradual movement of family supports from informal social arrangements, to organised charitable endeavours, and finally, to professional service settings (Scott & Swain, 2002).

Consistent with international developments, the delivery of child protection services in Australia has become a specialisation (Scott & Swain, 2002). At present, the minimum entry-level requirement for a child protection worker in Australia is a relevant degree followed by additional vocational training on appointment (Bromfield & Ryan, 2007). An unintended consequence of this development is the “privileging” of expert-knowledge and action over other types of knowledge and action (for example, the work of other non-specialist professionals and the role of community members) in responding to family needs. The privileging of expert-knowledge and action can lead other professionals and community members to feel reluctant to intervene to assist a family (as this is thought to be the role of specialists), and to feel that they have discharged their responsibility for a child and family’s welfare by notifying child protection authorities (i.e., “the specialists”) of their concerns. While professional government services were established with the intention of providing an intervention to protect those children most in need of support, it is possible that the growth of visible “specialist” departments designed to respond to child maltreatment has contributed to the growth observed in notifications as community members have come to understand such services as the destination to which all concerns for children are directed.

#### *Key message:*

- The professionalisation of child welfare—ultimately culminating in child protection being perceived as the responsibility of “the child protection department”, rather than a community or broader child health and welfare sector responsibility—may have contributed to increased notifications.

### *2.5.2 Increased public awareness of the issue of child maltreatment and thus greater reporting of maltreatment*

By the 1970s, all Australian states and territories had enacted some form of legislation to protect children. The enactment of legislation to protect children also saw the gradual implementation of mandatory reporting requirements across Australian states and territories, as well as the use of public education strategies to inform the community of reporting requirements, the deleterious consequences of child abuse, and steps that can be taken to prevent child abuse (Bromfield, 2005). As a result, Poole and Tomison (2000) argued, societal awareness of child maltreatment and the developmental needs of children reached new heights.

It is likely that high profile cases of child abuse (particularly child deaths) also contributed to increased public awareness of the problem of child maltreatment. Mendes (2000) discussed the influence of the media in response to the death of Daniel Valerio. He argued that media coverage mobilised pressure groups to push for the introduction of mandatory reporting laws in Victoria, increased community awareness and intolerance of all forms of cruelty to children, and “placed the issue of children’s rights firmly on the public policy agenda” (Mendes, 2000, p. 50). The trends Mendes observed are not unique to Victoria. Internationally, media coverage of child deaths has been linked to pronounced spikes in community

reporting to child protection authorities, wide-reaching reviews of departments responsible for delivering child protection services, and substantial structural and procedural changes to such services (Connolly & Doolan, 2007; Mansell, 2006).

*Key message:*

- Since the introduction of child protection services in the 1970s, public awareness of child maltreatment has grown and thus reporting of child maltreatment has also increased.

### 2.5.3 Broadening of the scope of child protection services and a commensurate expansion of community recognition of children's rights

The scope of child protection services, which were originally established to respond to cases of serious physical abuse, slowly evolved to incorporate physical abuse, sexual abuse, emotional abuse, neglect and witnessing family violence (see Table 2.12). Over the same period, and in response to changing social values, the threshold at which statutory child protection services intervene to protect a child has decreased from the multiple fractures characteristic of the “battered child syndrome” to bruising, developmental delay and psychological harm. The increase in scope and decrease in threshold for child protection services has been a major driver of global increases in indicators of child protection activity (i.e., notifications, investigations, substantiations, children on orders and children in care) over the past 30–40 years. The past five years alone have seen a growth in the emphasis placed on witnessing family violence as a form of child maltreatment across Australian states and territories, which is likely to account for some of the increases observed in headline statutory activity data within this timeframe.

The gradual reduction in the threshold at which statutory child protection departments intervene to protect children has been accompanied by a commensurate increase in the community's recognition of children's rights. The modern children's rights movement has its origins in the 1960s (Pardeck, 2006). Since that time, considerable ground has been made in promoting children as individuals with rights independent of their parents; a development that the ratification of the United Nations Convention on the Rights of the Child is likely to have contributed to (Poole & Tomison, 2000). In the child welfare context, the development of a rights discourse has seen greater emphasis placed on principles concerning the basic living standards to which children are entitled in order to optimise their development, children's right to participation (particularly in decisions affecting their lives), and children's right to safety and freedom from violence. These broad social developments are likely to have heightened community standards in relation to children's rights and consequently lowered the community's threshold for reporting concerns in relation to children (refer to 2.5.4 “Decrease in the threshold for child protection intervention” for more detailed discussion on the concept of a threshold for statutory intervention).

**Table 2.12: Child protection services: Historical trends**

1962	Battered Child Syndrome discovered Kemp and colleagues (1962) discovered the “battered child syndrome”. The discovery of the battered child syndrome pushed child abuse into the realm of professionals and resulted in the application of a medical model to the problem of child maltreatment. Professionals focussed on the psychopathology of perpetrators, which led to a substantial growth in government run child protection services.
1960s	Mandatory Reporting introduced in the United States By the late 1960s, mandatory reporting of child abuse and neglect had been introduced in most states of the US.
1970s	Legislation introduced to protect children in all Australian jurisdictions
1970s	First mandatory reporting requirements The 1970s saw the introduction of the first mandatory reporting requirements in Australia. Mandatory reporting was subsequently and gradually introduced right across the country. The introduction of mandatory reporting was undertaken reluctantly in some jurisdictions (particularly as the unintended consequences of mandatory reporting, such as exponential rises in demand on child protection services, became apparent). At times, however, mandatory reporting was introduced as a result of immense media pressure, particularly following sentinel events in a child protection system, such as a child death (e.g., Victoria and Western Australia).
1980s	Sexual abuse recognised on the world stage

Table 2.1 continued on p. 18

Table 2.1 continued from p. 17

1990s	Neglect re-discovered The original child rescue movement of the late nineteenth and early twentieth century was primarily focussed on “rescuing” children from neglect by “morally corrupt and lazy” parents. In the 1990s neglect was more commonly conceptualised as being a consequence of economic and social disadvantage and inadequate parenting competence or capacity.
1990s	Emotional abuse started to be recognised
2000s	Exposure to family violence recognised as a distinct maltreatment sub-type The 1990s saw increasing support among academics for the recognition of witnessing family violence as a separate and distinct maltreatment sub-type. The recognition of witnessing family violence as a distinct maltreatment sub-type has subsequently begun to be incorporated into mandatory reporting requirements and into legislative definitions of a child “in need of protection”.

Source: Bromfield (2005)

*Key message:*

- Broadening of the scope of child protection services is likely to have contributed to increases in statutory activity. In the past five years alone, the inclusion of exposure to family violence as a maltreatment subtype is likely to have contributed to increases in all headline indicators. The broadened scope of child protection services is a reflection of shifting community attitudes, which themselves are likely to have been influenced by burgeoning discourse in relation to children’s rights.

### 2.5.4 Decrease in the threshold for child protection intervention

The concept of a shifting threshold for statutory intervention was discussed above—both in relation to the point at which a department intervenes to protect a child, and also the point at which a community member reports his or her concerns in relation to a child. Broadly, the term “threshold” is used in the child welfare and child protection context to refer to a child and family’s entry into, and progression along, several points in the service continuum. For example:

1. There is a threshold at which individuals (both mandated and voluntary reporters) decide to notify child protection services of their concerns for a child.
2. With the exception of jurisdictions in which notifications are caller-defined, there is a threshold at which statutory child protection services record a notification rather than, for example, refer the child and family to support services.
3. Once a notification has been recorded, there is a threshold at which statutory child protection services determine that a case should proceed to an investigation rather than be referred to other services (with the exception of jurisdictions in which there is a policy that all notifications are to be investigated).
4. Once an investigation has taken place, there is a threshold at which statutory child protection services will substantiate harm or risk of harm to a child.
5. There is a threshold at which statutory child protection services determine that a court order is to be sought for maintaining involvement with a child and family (rather than pursuing voluntary service engagement), and a threshold at which a child is placed in alternative care (rather than remaining in the care of his or her natural parent(s)).

As can be seen in Table 2.12, the threshold at which statutory child protection services intervene to protect a child has decreased over the past 30–40 years from the multiple fractures characteristic of the “battered child syndrome” to bruising, developmental delay and psychological harm. The historical trend for decreases to the threshold for intervention can be attributed to changing social values such as elevated standards of what constitutes appropriate care, a broadened concept of where childhood starts and ends, and a growing awareness of child welfare and child rights (as discussed above) (Gough, 1996).

Mansell (2006) examined drivers of statutory child protection activity in New Zealand. In so doing, he argued that the threshold for statutory intervention at all points along the service continuum ebbs and flows in response to a combination of critical drivers in the child protection and child welfare context, including, for example: the level of risk assurance demanded by the community and other stakeholders; a department’s own risk-screening and escalation threshold; and the existing work load/demand facing a department. In other words, the threshold for statutory intervention can increase or decrease depending on the nature of critical drivers at a given point in time. The outcome of a lowered threshold at which

statutory child protection agencies intervene is to increase the number of children and families entering the child protection system. Mansell argued that an analysis of demand—particularly where there are steep increases in demand over relatively short periods of time—reveals that while factors external to the service system (e.g., changes in the client population leading to an increasing incidence of child maltreatment) may play a part, factors relating to the behaviour of the child protection system itself contribute substantially to rising demand (e.g., a trend towards increasingly risk averse approaches to risk assessment).

Moves towards increasingly risk-averse approaches to practice are likely to have contributed to lowered thresholds for statutory intervention (Connolly & Doolan, 2007; Mansell, 2006). Researchers have argued that risk assessment, as a practice tool in child protection, has its roots in what Beck (1992) termed the “risk society”. Within this discourse, risk to children is considered to be measurable and manageable. The implication being that harm to children both can and should be prevented—and if it is not, that someone is to blame (Gillingham, 2006; Gillingham & Bromfield, 2008). Child protection services have been the subject of negative media attention when the perceived “wrong” decision is made, particularly in the case of child deaths (Connolly & Doolan, 2007). In response to such attention, practice and the process of assessments become increasingly risk averse—to the extent that Spratt (2001) argued that risk assessment in child protection involved an additional un-stated dimension—risk to the individual/organisation of making the “wrong” decision. Connolly and Doolan (2007) argued that high profile child death reviews and the media response to them, which tends to create an “alarmed community reaction” is a key way in which risk-averse practice has been reinforced in recent years.

*Key message:*

- A risk-averse approach to practice can result in a decreased threshold for statutory intervention such that greater numbers of children and families enter and progress through the child protection system. The outcome of a lowered threshold at which statutory child protection agencies intervene is to increase the number of children and families entering the child protection system.

### *2.5.5 Growing awareness of the cumulative impact of maltreatment on child development*

In recent years there has been growing recognition of the cumulative impact of chronic child maltreatment, child neglect, trauma, “toxic stress” and unrelenting low-level care on children’s development (including brain development), attachment, and psychological, educational and social functioning. Greater recognition of the impact of various patterns of maltreatment may have led to a decrease in the severity of individual incidents that trigger statutory involvement and thus resulted in an increase in child protection activity across the continuum. The focus on identifying and responding to cumulative harm is likely to have had its greatest impact in relation to increasing demand in response to cases of “omission” (i.e., neglect)—cases that may have previously been considered “low risk” when addressed episodically.

*Key message:*

- Recognition of the cumulative impact of maltreatment may have led to a decrease in the severity of individual incidents that trigger statutory involvement and thus resulted in an increase in child protection activity across the continuum.

### *2.5.6 Increasing complexity of families referred to child protection services*

Anecdotal and departmental analyses suggest that children and families are entering the child protection system with increasingly complex family circumstances, including parental substance abuse, mental health problems and family violence. For example, research by the Western Australian Department for Community Development involving a representative sample of 175 applications revealed that rarely do drug and alcohol use occur in isolation. In 55% of cases where drug and alcohol use was a contributing factor to a care and protection application, other issues such as neglect, family violence, homelessness, emotional abuse, and psychological/psychiatric illness also featured (Leek, Seneque, & Ward, 2004).

Research completed by the Victorian Department of Human Services also illustrates the complexity and multiplicity of issues faced by families who have contact with child protection services. The Department of Human Services found that of all cases that proceeded to investigation in 2001–02, 40% involved family violence, 25% involved substance abuse, 21% involved alcohol abuse, 15% involved psychiatric illness, 3% involved physical disability and 2% involved intellectual disability. The Department found

that these figures were greater for cases substantiated following an investigation, and for cases in which children were placed in out-of-home care.

- Of all cases that were substantiated in 2001–02, 52% involved family violence, 33% involved substance abuse, 31% involved alcohol abuse, 19% involved psychiatric illness, 4% involved physical disability and 3% involved intellectual disability.
- Of all cases in which a child was placed in out-of-home care in 2001–02, 56% involved family violence, 43% involved substance abuse, 37% involved alcohol abuse, 31% involved psychiatric illness, 4% involved physical disability and 3% involved intellectual disability (Allen Consulting Group, 2003).

Further, the research illustrated that the incidence of these problems had increased among families referred to child protection services over the period 1996–97 to 2001–02 (Allen Consulting Group, 2003). It is not clear from existing population data whether the incidence of these problems has increased in the population, or whether an increased awareness of these problems has led to greater detection and reporting to child protection services. Whatever the case, the need to respond to increasingly complex family situations requires greater departmental resources to manage presenting family problems (e.g., seeking court orders for drug screening, placing children in care).

*Key message:*

- Families entering the child protection system often face multiple and complex problems. An increasing incidence of such problems and/or greater detection of such problems is likely to have contributed to increases observed in headline indicators, particularly the rates of children on orders and in out-of-home care.

Finally, in relation to complexity, changes in patterns of parental substance abuse may also have increased demand on child protection services across all headline indicators. Specifically, the rise in amphetamine use, the psychological effects of which include interpersonal sensitivity, hyper-vigilance, anger, tension, suspiciousness, and paranoid ideas may have contributed to growth in statutory child protection activity over the past decade. Researchers in the area have argued that amphetamines are the most dangerous form of drug use in relation to their impact on parenting capacity. The rise in amphetamine use is likely to have increased demand across the child protection service continuum (Dawe, 2007).

*Key message:*

- Increases in the incidence of specific parenting problems are likely to have increased demand across the child protection service continuum.

### 2.5.7 The cumulative effect of children entering care at a younger age and spending longer in care

The cumulative effect of children spending longer in care, and entering care at a younger age has contributed to growth observed in the number of children on orders and in out-of-home care across jurisdictions. Data for the number of children on orders and in out-of-home care at 30 June are composite figures comprised of: (a) children who remained on orders from earlier periods; (b) children admitted to an order in 2005–06; (c) children who entered care in 2005–06; and (d) children who remained in care from earlier years.

The number of children who entered care during 2005–06 was greater than the number of children discharged from care—this has been a consistent trend nationally over the past five years. For example, at 30 June 2006, between 8% (Northern Territory) to 34% (Western Australia) of children in out-of-home care had been in care for 5 years or more. Table 2.13 provides an overview of the number of children who were admitted to care and discharged from care during 2005–06.

**Table 2.13: Number of children admitted and discharged from care during 2005–06**

	ACT	NSW	NT	Qld	SA	Tas	Vic	WA
Admitted 2005–06	269	3,309	263	3,129	1,271	426	3,166	713
Discharged 2005–06	133	2,442	60	1,446	271	308	3,076	558
Difference	136	867	203	1,683	1,000	118	90	155
At 30 June	388	9,896	352	5,876	1,497	683	4,794	1,968

Further, children are entering care at increasingly younger ages: in 2005–06, over one third (39%) of children admitted to out-of-home care were aged under 5 years; 13% were aged under 1 year (Australian

Institute of Health and Welfare [AIHW], 2007b). The proportion of children under 5 years of age admitted to care in 2005–06 was slightly higher than that in 2004–05 (38%) and 2003–04 (36%). While out-of-home care is viewed as an intervention of last resort, it is likely that these trends reflect the increasing complexity of family circumstances (as discussed above) as well as policy responses to research in the areas of developmental neuropsychology and attachment theory (for example, Shonkoff & Phillips, 2001), which emphasise a child’s need for security, continuity and attachment in order to develop optimally. Taken together, these trends appear to have contributed to the growth observed in statutory child protection activity data, particularly in relation to the rates of children on orders and in out-of-home care over the past five years.

## 2.6 Conclusion

This chapter provided an introduction to the Australian child protection context by outlining the legislation pursuant to which child protection services are delivered across Australian states and territories, and comparing the approach Australian jurisdictions have adopted to the delivery of child protection services over the past several decades to the family service approach—an approach adopted in many European countries (such as Denmark, Germany and the Netherlands). After comparing Australian child protection data to data derived from other countries with a comparable approach to protecting children, a discussion of shared trends across Australian jurisdictions was provided. Although there were differences observed in rates reported across jurisdictions, on the whole, rates of each headline indicator increased over the past five years. The conclusion of this chapter provided a discussion of variables that are likely to have contributed to the national increases observed over the past five years.

## SECTION 2

# Statutory child protection data trends specific to each state and territory over the past five years

This section provides a state-by-state analysis of statutory child protection data trends for the five-year period 2000–01 to 2005–06. The headline indicators total notifications, investigations and substantiations, and children on orders and in out-of-home care are examined for each jurisdiction. Particular attention is given to the most substantial percentage increases and decreases (where present) year over year in each jurisdiction. Variables that appear to have contributed to the trends observed are discussed. Note that the authors analysed variables that are likely to have contributed to change (whether increases or decreases) in the rates of each indicator according to a master coding list (see Appendix B) compiled with reference to the explanations suggested by all jurisdictions in the data collection pro forma circulated as a part of this project (see Appendix A).

# Chapter 3: Australian Capital Territory

## 3.1 Data trends

As can be seen from Figure 3.1, statutory child protection activity increased in the Australian Capital Territory over the past 5 years. This trend is particularly apparent in the rate of total notifications (which increased substantially), as well as investigations, and substantiations, and to a lesser extent, the rate of children on orders and in out-of-home care. Table 3.1 contains statutory child protection data for the Australian Capital Territory during the period 2000–01 to 2005–06.

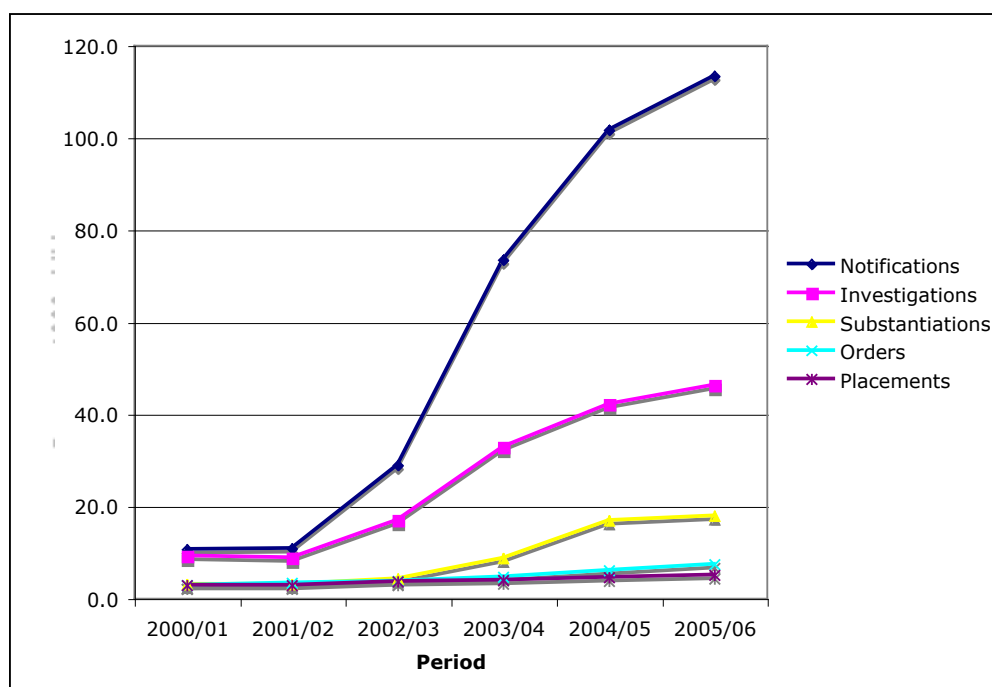


Figure 3.1: Headline statutory activity in the Australian Capital Territory for the period 2000–01 to 2005–06

Table 3.1: Australian Capital Territory statutory child protection data for the period 2000–01 to 2005–06

	2000–01		2001–02		2002–03		2003–04		2004–05		2005–06	
	Figure	Rate	Figure	Rate	Figure	Rate	Figure	Rate	Figure	Rate	Figure	Rate
Notifications <sup>^</sup>	794	10.6	801	10.8	2,124	28.9	5,325	73.5	7,275	101.6	8,064	113.3
Investigations <sup>^</sup>	684	9.2	650	8.8	1,247	17.0	2,378	32.8	3,017	42.1	3,292	46.2
Substantiations <sup>^</sup>	222	3.0	220	3.0	310	4.2	630	8.7	1,213	16.9	1,277	17.9
Ch'n on orders <sup>*</sup>	219	2.8	261	3.3	288	3.7	353	4.6	464	6.1	558	7.4
Ch'n in OOHC <sup>**</sup>	215	2.8	224	2.8	277	3.6	298	3.9	342	4.5	388	5.1

Notes: <sup>^</sup> Total number

<sup>\*</sup> Children on orders at June 30

<sup>\*\*</sup> Children in out-of-home care at June 30

Rate = Rate per 1,000 children

The rate of total notifications exhibited an overall increase of 965% for the 5-year period 2000–01 to 2005–06. The most significant annual increases in the rate of total notifications recorded in the Australian Capital Territory occurred in the reporting periods 2002–03 (which recorded an increase of 168% on the rate recorded in 2001–02) and 2003–04 (which recorded an increase of 154% on the rate recorded in 2002–03).

The rate of total investigations exhibited an overall increase of 405% for the 5-year period 2000–01 to 2005–06. The most significant annual increases in the rate of total investigations recorded in the Australian

Capital Territory took place during the reporting periods 2002–03 (which recorded an increase of 94% on the rate recorded in 2001–02) and 2003–04 (which recorded an increase of 93% on the rate recorded in 2002–03), which is consistent with the trend recorded for notifications.

The rate of total substantiations exhibited an overall increase of 503% for the 5-year period 2000–01 to 2005–06. The most significant annual increases in the rate of total substantiations recorded in the Australian Capital Territory took place during the reporting periods 2003–04 (which recorded an increase of 106% on the rate recorded in 2002–03) and 2004–05 (which recorded an increase of 95% on the rate recorded in 2003–04).

While less pronounced than the increases recorded for notifications, investigations and substantiations, the rates of children on orders and children in out-of-home care also exhibited an upward trend over the period under investigation. The rate of children on orders exhibited an overall increase of 164% over the past five years (2001–2006). The most significant annual increases in the rate of children on orders occurred at 30 June 2004 (which recorded a 24% increase on the rate recorded the year prior), 2005 (which recorded a 33% increase on the rate recorded the year prior) and 2006 (which recorded a 21% increase on the year prior).

The rate of children in out-of-home care exhibited an overall increase of 82% over the past five years (2001–2006). The most significant annual increase in the rate of children in out-of-home care occurred on 30 June 2003 (which recorded a 29% increase on the year prior).

#### Key messages:

- The rates of total notifications, investigations and substantiations exhibited pronounced increases over the past five years. The most significant increases in the rates of total notifications and investigations occurred in 2002–03 and 2003–04, while the most significant increases in the rate of total substantiations occurred in 2003–04 and 2004–05.
- The rates of children on orders and in out-of-home care increased over the past five years. The past three years all evidenced significant increases in the number of children on orders, the largest of which occurred at 30 June 2005, while the most significant increase in children in out-of-home care occurred at 30 June 2003. Note, however, that the increases observed in the rates of children on orders and in out-of-home care were less pronounced than those observed for front line indicators.

## 3.2 Explaining data trends

Having identified key trends in the rates of headline statutory child protection indicators in the Australian Capital Territory over the past five years, the authors applied the master coding list of identified explanatory variables to examine their applicability to the Australian Capital Territory (see Appendix B). Having done so, the authors found the following factors to have had the greatest relationship to the increases observed in each headline indicator over the past five years:

- The introduction of caller-defined notifications;
- The introduction of a centralised intake service;
- A coronial inquiry/child protection inquiry/child protection review (i.e., *The Territory as Parent and The Territory's Children*);
- Threshold changes along the child protection service continuum;
- Increased public awareness of child protection;
- Introduction of policy/legislation/reporting protocols specific to family violence; and
- Improvements to record keeping practices/information recording systems.

### 3.2.1 Notifications, investigations and substantiations

The most substantial increases observed in the rates of total notifications are largely explained by the move to caller-defined notifications in January 2003. Following a Coronial Inquiry in 2002, which led to a refocus in child protection practice, the Australian Capital Territory removed the consultation response at intake. In January 2003, a Practice Instruction was issued to Care and Protection Services (then known as Family Services) instructing that all notifications were to be caller-defined. This meant that the discretion formerly afforded to protective staff in determining whether the substance of a call constituted a notification was removed. The move to caller-defined notifications is likely to explain to a large extent the increases in the rate of total notifications observed in the reporting periods 2002–03 and 2003–04.

Another factor likely to have contributed to some of the growth observed in statutory data in the Australian Capital Territory over the past five years is the recognition that exposure to family violence as a form of child maltreatment has received within Care and Protection Services. The Australian Capital Territory recognised exposure to family violence as a form of child maltreatment in the *Children and Young Persons Act 1999* (ACT) as proclaimed in 1999. Although exposure to family violence is not a form of maltreatment for which it is mandatory to report, by the end of 2002, an ACT Police policy had been implemented across all police units that requires officers to make a child protection report when they attend an incident of violence where children are in the family—irrespective of whether or not the children (or child) were present at the time the incident occurred.

Further, in November 2005, the Australian Capital Territory introduced “exposure to family violence” as a specific harm type when recording child protection reports. The introduction of this harm type was accompanied by an education campaign to inform protective staff of the reporting category and more generally of family violence and its consequences for children and families. It is likely that ACT Police policy, coupled with the educative and recording measures that have taken place within Care and Protection Services, have contributed to the growth observed in the rates of total notifications, investigations and substantiations in over the past few years.

The increases observed in the rates of total investigations and substantiations may in part be explained by increasing demand (i.e., increasing notifications as a result of implementing caller-defined notifications). However, this explanation assumes an increase in the incidence of child maltreatment in the community and/or greater detection of child maltreatment in the community. While these factors may account for some of the increase observed, it seems unlikely that these factors alone could explain annual increases in the order of those observed for both investigations and substantiations. It seems likely that at least part of the increase observed in the rates of total investigations and substantiations was driven by threshold differences arising from internal and external scrutiny of child protection practice in the Australian Capital Territory.

Child protection practice was the subject of two significant reviews in the Australian Capital Territory commencing in 2003—*The Territory as Parent: Review of the Safety of Children in Care in the ACT and of ACT Child Protection Management* (Vardon, 2004) and *The Territory's Children: Ensuring Safety and Quality Care for Children and Young People* (Murray, 2004). Both reviews heavily scrutinised the work of protective services and were accompanied by considerable media attention.

*The Territory as Parent* (also known as the Vardon review) was released in May 2004. The terms of reference of the review were to conduct “a comprehensive investigation into the Department’s failure to fulfil statutory obligations under section 162 of the *Children and Young People Act 1999* (ACT) including considering departmental action, and to conduct an audit of files relating to children in care”. The review was also required to consider departmental policies and resource allocations and to recommend future directions to improve the safety of vulnerable children and young people in the Australian Capital Territory.

The review conducted over 80 interviews with individuals and groups, and received 36 submissions. The review made a series of recommendations, which related to a wide range of protective issues, including, for example: (a) that best practice in case management should be based on a child-focused framework; (b) that protective services should be moved from the (then) Department of Education, Youth and Family Services; (c) that the Australian Capital Territory should establish an independent Children’s Commission with the power to advocate, investigate and intervene on behalf of children and young people; and (d) that data recording systems were inadequate and needed to be consolidated and centrally recorded.

*The Territory's Children* (also known as the Murray Review) was released in July 2004. This Review was based on an audit of case files relating to reports concerning children for whom the Chief Executive had parental responsibility during the period 10 May 2000 to 30 December 2003. Having searched Care and Protection cases files, the auditors found that 241 reports concerning 150 children came within section 162(2) of the Act, which pertained to record keeping of reports made regarding protective concerns for children.

On the basis of an analysis of identified case files, *The Territory's Children* made a variety of recommendations concerning the provision of protective services in the Australian Capital Territory, including, that there was an urgent need for: (a) child death review procedures in the Australian Capital Territory; (b) improvements to record keeping practices and information systems (e.g., auditors reported that information was not always consistently and accurately recorded on a child’s case file, and in some instances, case files could not be located at all); and (c) increases in resource allocation to protective services to address issues of chronic under-staffing and excessive case loads.

Both reviews heavily scrutinised the work of protective services in the Australian Capital Territory, particularly in the areas of record keeping and information management, assessment and decision-making, and responses to children and families for whom there were protective concerns. Further, both reviews were subject to much media attention. In response to the findings and recommendations of *The Territory as Parent* and *The Territory's Children* the Australian Capital Territory Government relocated Care and Protection Services (then known as Family Services) to the Department of Disability, Housing and Community Services in 2004, centralised Care and Protection Teams into one location, and provided an increase in funding to the Office for Children, Youth and Family Support for additional staff for Care and Protection Services. The Australian Capital Territory also issued an Implementation Strategy for *The Territory as Parent* recommendations, which outlined a 2–3 year reform program for child protection practice.

The findings and recommendations of *The Territory as Parent* and *The Territory's Children* had a significant impact on statutory child protection practice in the Australian Capital Territory. The policy and practice shifts brought about by the reviews are likely to account for a substantial part of the increases observed in all headline indicators during the period under investigation. Specifically, it is likely that the release of the reviews and the repositioning of Care and Protection Services heightened public awareness of child protection, which contributed to the growth observed in total notifications from 2003–04 onwards. Further, the centralising of intake services in 2004, which provided for greater consistency in intake and record keeping practices, is also likely to have contributed to the increases observed in the rate of notifications from 2004–05 onwards.

It is also likely that the scrutiny associated with the conduct of *The Territory as Parent* and *The Territory's Children*, and the internal policy and procedural shifts flowing from the findings and recommendations made in the reviews, accounts for a substantial part of the increases observed in the rate of total investigations and substantiations from 2003–04 onwards. Although more difficult to quantify, changes in work place culture, the parameters around risk and the threshold at which protective workers assess that there is a need to investigate may have been refined as a result of the scrutiny arising from the reviews. Similarly, refined parameters for substantiating harm or risk of harm may explain the increases observed in the rate of total substantiations from 2003–04 onwards—such patterns have been observed in international child protection systems (Connolly & Doolan, 2007; Mansell, 2006).

The increase in funding that accompanied structural changes following the reviews could also have contributed to the increases observed in the rate of investigations and to some extent substantiations from 2003–04 onwards as funding increases brought about substantial increases in staff numbers. The Office for Children, Youth and Family Support was established in 2004 with an operating budget of \$59.5 million. Within the first 12 months of the Office's establishment, the number of child protection workers employed by the Department increased by approximately 58% (there were 51 child protection workers in April 2004; this figure had increased to 88 in January 2005). As a result of an increase in resources, Care and Protection Services had greater capacity to investigate the circumstances of a child for whom there were protective concerns. An increased capacity to conduct investigations may in part explain the increase in the rate of investigations and substantiations assuming there existed previously unmet demand.

#### Key messages:

- The move to caller-defined notifications appears to explain to a large extent the increases in the rate of total notifications observed in the reporting periods 2002–03 and 2003–04, as well as a proportion of the increase observed in the rate of total investigations and substantiations (via increased demand and improved detection) from 2003 onwards.
- The introduction of ACT Police policy which requires officers to make a child protection report when they attend an incident of violence where children are involved also appears to have contributed to the increases observed in rates of total notifications, investigations and substantiations over the past few years.
- Centralising intake services is likely to have contributed to the increases observed in the rate of total notifications from 2004 onwards, as well as a proportion of the increases observed in the rate of investigations and substantiations from 2004 onwards (via increased demand at intake).
- The scrutiny (both internal and external) associated with the conduct of *The Territory as Parent* and *The Territory's Children* is likely to have contributed to the increases observed in the rate of total notifications, investigations and substantiations from 2003–04 onwards by raising public awareness and expectations of protective services, and refining the parameters around risk and the threshold at which protective workers assess the need to intervene.

### 3.2.2 Children on orders and in out-of-home care

It is likely that part of the increase in children on orders and in out-of-home care can be explained by scrutiny arising from the Coronial Inquiry of 2002 (which led to the uptake of caller-defined notifications), as well as scrutiny associated with *The Territory as Parent* and *The Territory's Children* (as discussed previously). Essentially, the move to caller-defined notifications, the centralising of intake services, and the implementation of reporting policies in relation to family violence and refined risk of harm assessments may have enabled Care and Protection Services (then Family Services) to more effectively detect child maltreatment.

It is also possible that a modest part of the increase observed in the rates of children on orders and in out-of-home care can be explained by improvements in record keeping practices. Both *The Territory as Parent* and *The Territory's Children* were critical of record management practices in the Australian Capital Territory. *The Territory's Children* noted that information contained in case files was at times lacking important details or otherwise incomplete, and in some instances case files could not be located at all. Since the release of the review, analysis and consideration of alternative data management and record keeping systems has been identified as a priority area for Care and Protection Services, which may account for a modest part of the data increases observed over the past few years (see, for example, Office for Children, Youth and Family Support, 2004).

Finally, a proportion of the increases observed in the rates of children on orders and in out-of-home care in the Australian Capital Territory can be attributed to the same factors identified as contributing to such trends nationally, such as the younger ages at which children are entering care, and the increasing length of time children are remaining in care (see Chapter 2 for a discussion).

#### Key messages:

- The move to caller-defined notifications, the centralising of intake services, and the implementation of family violence reporting policies may explain part of the increase observed in the number of children on orders and in out-of-home care as these developments enabled Care and Protection services to more readily detect child maltreatment.
- The scrutiny associated with reviews of child protection services in the Australian Capital Territory are likely to have contributed to the increases observed in the rates of children on orders and in out-of-home care from 2003–04 onwards by raising expectations of protective services, and through refinement of the parameters for intervention.
- A modest part of the increase observed in the rates of children on orders and in out-of-home care may be explained by improvements in record keeping practices.

## 3.3 Conclusion

In this chapter, trends in the Australian Capital Territory's statutory child protection data for the five-year period 2000–01 to 2005–06 were analysed. Overall, statutory headline indicators increased; the most substantial increases were observed from 2002–03 onwards. The most influential developments in explaining the increase in rates of total notifications observed over the past five years were the move to caller-defined notifications, centralising intake services, and the implementation of reporting policy in relation to exposure to family violence. It is also likely that increased public awareness arising from two prominent reviews of child protection practice in the ACT, and the highly visible changes that followed the release of the reviews, contributed to growth in the rate of total notifications. Part of the increases observed in rates of total investigations and substantiations, and rates of children on orders and in out-of-home care may be explained by an improved capacity for detection following the implementation of caller-defined notifications, centralising intake services, and the implementation of reporting policy regarding family violence. However, it also seemed likely that changes in the threshold for statutory intervention had an impact.

# Chapter 4: New South Wales

## 4.1 Data trends

As can be seen from Figure 4.1, statutory child protection data for New South Wales increased over the period 2000–01 to 2005–06. The most substantial increases occurred at the front end of the service system (notifications, investigations, and substantiations). New South Wales implemented a new information recording system during the period 2003–04, and thus were unable to extract data for investigations, substantiations, and children on orders for the 2003–04 reporting period. As a result, for the purpose of calculating percentage increases between reporting periods for investigations, substantiations, and children on orders, data for 2004–05 were compared to data for 2002–03. Note, however, that these figures are not strictly comparable due to the re-development of counting rules within New South Wales that span the period of analysis. Table 4.1 contains statutory child protection data for New South Wales during the period 2000–01 to 2005–06.

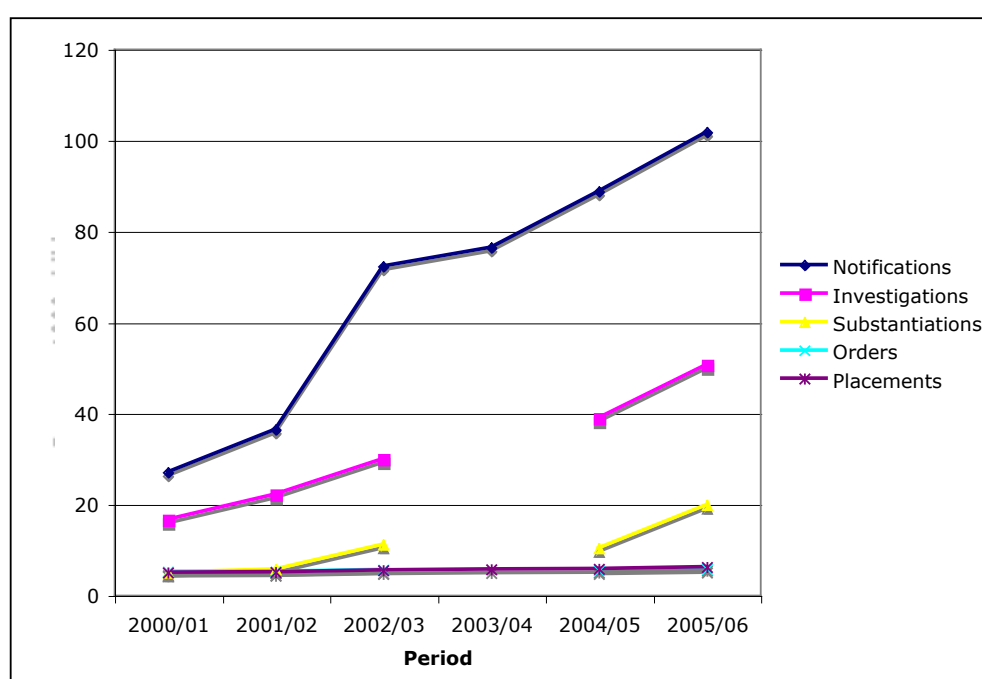


Figure 4.1: New South Wales statutory child protection activity for the period 2000–01 to 2005–06

Table 4.1: Statutory child protection data for New South Wales during the period 2000–01 to 2005–06

	2000–01		2001–02		2002–03		2003–04		2004–05		2005–06	
	Figure	Rate	Figure	Rate	Figure	Rate	Figure	Rate	Figure	Rate	Figure	Rate
Notifications <sup>^</sup>	40,937	26.9	55,208	36.3	109,494	72.3	115,541	76.4	133,636	88.7	152,806	101.7
Investigations <sup>^</sup>	25,292	16.6	33,618	22.1	45,265	29.9	n/a	n/a	58,572	38.9	75,980	50.6
Substantiations <sup>^</sup>	7,501	4.9	8,606	5.7	16,765	11.1	n/a	n/a	15,493	10.3	29,809	19.8
Ch'n on orders <sup>*</sup>	8,105	5.1	8,229	5.1	8,975	5.6	n/a	n/a	8,620	5.4	9,213	5.8
Ch'n in OOHC <sup>**</sup>	7,786	4.9	8,084	5.0	8,636	5.4	9,145	5.7	9,230	5.8	9,896	6.2

Notes: <sup>^</sup> Total number  
<sup>\*</sup> Children on orders at June 30  
<sup>\*\*</sup> Children in out-of-home care at June 30  
Rate = Rate per 1,000 children

The rate of total notifications exhibited an overall increase of 278% for the 5-year period 2000–01 to 2005–06. The most significant annual increases in the rate of total notifications recorded in New South Wales occurred during the reporting periods 2001–02 (which recorded an increase of 34.6% on the rate recorded in 2000–01) and 2002–03 (which recorded an increase of 99.3% on the rate recorded in 2001–02).

The rate of total investigations exhibited an overall increase of 204% for the 5-year period 2000–01 to 2005–06. Each reporting period for which there were data recorded roughly equal annual increases in the rate of total investigations (the rate ranged from a low of 16.6 per 1,000 children to a high of 50.6 per 1,000 children).

The rate of total substantiations exhibited an overall increase of 302% for the 5-year period 2000–01 to 2005–06. The most significant annual increases in the rate of total substantiations recorded in New South Wales occurred in the reporting periods 2002–03 (which recorded an increase of 95.8% on the rate recorded in 2001–02) and 2005–06 (which recorded an increase of 93.0% on the rate recorded in 2004–05).

While much less pronounced than the increases recorded for notifications, investigations and substantiations, the rates of children on orders and in out-of-home care also exhibited an upward trend over the past five years (2001–2006). The rate of children on orders exhibited an overall increase of 14% between 2001 to 2006 (the rate ranged from a low of 5.1 per 1,000 children to a high of 5.8 per 1,000 children), while the rate of children in out-of-home care exhibited an overall increase of 27% for the 5-year period 2001 to 2006 (the rate ranged from a low of 4.9 per 1,000 children to a high of 6.2 per 1,000 children).

#### *Key messages:*

- The rate of total notifications, investigations and substantiations increased significantly over the past five years. The most pronounced increases in notifications occurred in the reporting periods 2001–02 and 2002–03, while the rate of total investigations exhibited fairly consistent increases year-over-year for the past five years (i.e., in periods for which data were available). The rate of total substantiations exhibited the most pronounced increase of all headline indicators over the past five years. The greatest increases in the rate of substantiations occurred in the reporting periods 2002–03 and 2005–06.
- The rates of children on orders and in out-of-home care increased over the past five years (the rate of children in out-of-home care increased more so than the rate of children on orders). The largest annual increases in the rates of children on orders and in out-of-home care occurred at 30 June 2003 and 2006. Note, however, that the rates of children on orders and in out-of-home care did not increase to the same extent as front line indicators.

## 4.2 Explaining data trends

Having identified key trends in headline statutory child protection data in New South Wales over the past five years, the authors applied the master coding list of identified explanatory variables to examine their applicability to New South Wales (see Appendix B). Having done so, the authors found the following factors to have had the greatest relationship to the trends observed in each headline indicator over the past five years:

- The introduction of new legislation (i.e., the proclamation of the *Children and Young Persons (Care and Protection) Act 1998* (NSW) in 2000, which brought about the expansion of mandatory reporting requirements and was coupled with much media attention);
- The introduction of a centralised intake service (i.e., the centralised DoCS helpline);
- A coronial inquiry/child protection inquiry/child protection review (i.e., the release in December 2002 of the report *Care and Support: Final Report on Child Protection Services*, Standing Committee on Social Issues, 2002);
- Threshold changes along the child protection service continuum; and
- Funding increases extending departmental capacity (i.e., the progressive implementation of a \$1.2 billion reform package).

### 4.2.1 Notifications, investigations and substantiations

The increases observed in New South Wales' statutory data are likely to be the result of a range of interrelated and complex factors. It is likely that part of the increase observed in the rate of total notifications in the

reporting periods 2000–01 to 2001–02 can be explained by the proclamation of the *Children and Young Persons (Care and Protection) Act 1998* (NSW) in 2000. The Act served to extend mandatory reporting requirements to people who work with children in health care, welfare, education, children's services, residential services, or law enforcement (section 27). The Act made it mandatory for such professionals with reasonable grounds to suspect that a child is at risk of harm to report to the Director-General. The Act defined a child to be a risk of harm in a range of circumstances and as a result of a variety of behaviours, including, for example, where the child or young person is living in a household where there have been incidents of family violence, and as a result, the child or young person is at risk of serious physical or psychological harm (section 23). The proclamation of the Act was also accompanied by much media attention, which overtime is likely to have heightened the community's awareness of child protection and reporting responsibilities, and thus contributed to rising notifications.

Another development that is likely to have significantly contributed to the increase observed in the rate of total notifications in 2000–01 to 2001–02 was the introduction of the centralised DoCS helpline in December 2000. Before the introduction of the helpline, local DoCS Community Service Centres received and recorded child protection information locally. The helpline was established in response to the Police Royal Commission's recommendation that the Department of Community Services improve its child protection intake services. The introduction of the helpline provided a centralised and visible intake point that served to standardise intake and record keeping processes.

The trend of increasing notifications continued in 2002–03, which recorded the most pronounced increase in the rate of total notifications over the past five years. It is likely that this increase is also explained by the implementation of the Act, as it continued to be progressively proclaimed, and the establishment of the helpline, as its capacity continued to be improved. When the helpline was first established it employed 54 caseworkers and had an operating budget of \$6.942 million. However, the introduction of the Act, coupled with the visibility of the helpline, resulted in a substantial rise in reports, which the helpline struggled to meet. In response, the New South Wales Government increased staff numbers, upgraded the helpline's technology and software infrastructure, and increased its operating budget. It is likely that these developments account for part of the continued rise in the rate of notifications observed in 2002–03.

In addition to the aforementioned factors, the release of the Standing Committee on Social Issues' report *Care and Support: Final Report on Child Protection Services* in December 2002 may also have served to increase the rate of total notifications by raising public awareness of child protection (Standing Committee on Social Issues, 2002). The Standing Committee was required to investigate:

- the adequacy of systems to receive, investigate and assess reports of children and young people at risk of harm;
- the ability of systems to receive and respond to requests for assistance concerning children, young people and families;
- the availability of appropriate out-of-home care placements for children and young people; and
- outcomes for children and young people in out-of-home care.

The Standing Committee's report contained a variety of recommendations, including that the Department of Community Services required clear direction and considerable resources to pursue a program of reform to address continuing demand and better meet the needs of vulnerable children and families. Further, the Standing Committee argued that New South Wales "must develop a strong, coordinated approach to universal children's services and prevention, so that as few children as possible ever come into contact with the child protection system" (Standing Committee on Social Issues, 2002, p. xi). Conversely, due to the visibility of the Department of Community Services, particularly the DoCS helpline as a central entry point for service access, it is possible that the media attention associated with the release of the report in fact contributed to the growth in notifications observed in 2002–03.

Another factor that is likely to have contributed to the increase in notifications in 2002–03 was the New South Wales Government's move to reform the child protection system. In December 2002, the New South Wales Government announced a funding increase of \$1.2 billion to implement a child protection reform package. The reform package was designed to enable the Department of Community Services to better meet continually increasing demand. Among other things, the package of reforms resulted in:

- the creation of 750 new caseworker positions in early intervention, child protection and out-of-home care;
- the development of the Brighter Futures early intervention program;

- the provision of greater support for frontline staff including enhanced training, evidence-based policies, new information management systems, improved occupational health and safety, and more specialist support staff such as psychologists and legal officers; and
- the creation of a new Communities Division bringing together programs such as Families NSW, the NSW Strategy to Reduce Violence Against Women, Brighter Futures and the Aboriginal Child Youth and Family Strategy.

It is possible that the media attention surrounding the proposed reforms to the child protection system, coupled with the developments already outlined (i.e., the proclamation of the Act and the establishment of the centralised DoCS helpline) contributed to the increase observed in the rate of total notifications in 2002–03 by turning public attention to child protection. It is also possible that the structural arrangements associated with entering the Brighter Futures early intervention program contributed to increased notifications. Specifically, although community agencies and/or individuals can refer to lead agencies involved in the delivery of early intervention programs under the umbrella of the Brighter Futures program, in practice the majority of families receiving early intervention services are streamed via the Department of Community Services—that is, families are the subject of a risk of harm report to the Department, and are assessed as either not meeting the threshold for statutory intervention, or early intervention support services are determined to be the most suitable response option.

The increases observed in the rates of total investigations and substantiations may in part be explained by increasing demand in the form of rising notifications. However, this explanation assumes an increase in the incidence of child maltreatment in the community and/or greater detection of child maltreatment in the community. While these factors may account for some of the increase observed, it seems unlikely that these factors alone could explain annual increases such as those observed for both investigations and substantiations. It seems likely that threshold differences contributed to growth in the rate of total investigations and substantiations over the past five years with the result that greater numbers of children and families were “screened in” to child protection (i.e., proceeded to investigation), while the scope of what constitutes maltreatment widened with the result that the rate of substantiations also increased (the rate of total substantiations exhibited the largest increase of all headline indicators in New South Wales over the past five years).

It may be that increases in staff numbers and broader departmental resources following vast funding increases contributed to growth in the rates of total investigations and substantiations. An increase in staff numbers provided the Department with a greater capacity to deploy staff for the purpose of investigating suspected child maltreatment and thus to subsequently substantiate allegations of maltreatment. Note, however, that such an explanation assumes an existing level of demand that hereto had exceeded the Department’s capacity to respond or that the threshold lowered in response to increased capacity.

*Key messages:*

- Proclamation of the *Children and Young Persons (Care and Protection) Act 1998* (NSW) in 2000 served to extend mandatory reporting requirements to a broad range of professionals and in a variety of circumstances (including in relation to family violence), and was coupled with much media attention. Combined, these developments are likely to have contributed to growth in the rate of notifications.
- The introduction and expansion of the centralised DoCS helpline is also likely to have contributed substantially to growth observed in the rate of notifications as the helpline provided a visible intake point and standardised intake and record keeping processes. Centralising intake services may also have contributed to the increases observed in the rates of total investigations and substantiations by increasing demand.
- Reviews and media scrutiny of child protection practice may also have contributed to growth in total notifications by raising community awareness, and to growth in the rate of investigations and substantiations by raising expectations of the Department of Community Services and consequently lowering the threshold at which the Department intervenes.
- Increased capacity following the New South Wales Government’s implementation of substantial child protection funding and service reform may also have contributed to growth in the rates of total notifications, investigations and substantiations assuming previously unmet demand.

### 4.2.2 Children on orders and in out-of-home care

Although the rates of children on orders and in out-of-home care exhibited much smaller increases relative to those observed in rates of total notifications, investigations and substantiations, the reporting periods in which the greatest increases in the rates of children on orders and in out-of-home care were observed were consistent with the reporting periods in which the greatest increases in the rate of total substantiations were observed. This suggests that the rise in the rate of children on orders and in out-of-home care is related to greater numbers of substantiated cases of child maltreatment. Accordingly, factors identified to explain the increases observed in the rate of substantiations (i.e., specifically within New South Wales and with respect to national trends) are also likely to have contributed to growth in the rate of children on orders and in out-of-home care.

It is also likely that the New South Wales Government's move to reform the child protection system by providing a funding increase of \$1.2 billion in December 2002 contributed to the increase in the number of children on orders and in out-of-home care at 30 June 2003. An expanded capacity across the system enables staff time and funding resources to be allocated to a greater extent to the tertiary end of the child protection continuum.

Finally, a proportion of the increases observed in the rates of children on orders and in out-of-home care in New South Wales can be attributed to the same factors identified as contributing to such trends nationally, for example, the younger ages at which children are entering care, and the increasing length of time children are remaining in care (see Chapter 2 for a discussion).

#### *Key messages:*

- Increasing demand (in the form of increasing rates of substantiations) is likely to have contributed to growth in the rates of children on orders and in out-of-home care.
- Assuming previously unmet demand, substantial funding increases are also likely to have contributed to growth in the rate of children on orders and in out-of-home care by enhancing capacity to provide services at the tertiary end of the continuum.

## 4.3 Conclusion

This chapter considered statutory child protection data for New South Wales over the past five years. On examining the data for this period it was found that all headline indicators increased to varying degrees during this time. Increases were particularly apparent in rates of total notifications, investigations, and substantiations. It is likely that the proclamation of the Children and Young Persons (Care and Protection) Act 1998 (NSW) in 2000, which expanded mandatory reporting requirements contributed to the growth observed in the rate of total notifications. Further, the establishment of the centralised DoCS helpline—a visible point of contact for concerns about children and families—is also likely to have contributed to the increases observed in rates of total notifications. Increases in the rates of total investigations and substantiations are likely to be explained by multiple factors including the Department's expanding capacity (i.e., substantial funding increases and growth in staff numbers), increased demand, and a lowered threshold over time such that greater numbers of children and families entered the child protection system. The rates of children on orders and in out-of-home care are also likely to have increased as a result of factors that impacted on the front end of the system, in addition to variables identified as exerting an influence on these indicators at a national level (e.g., the greater length of time children are spending in care).

# Chapter 5: Northern Territory

## 5.1 Data trends

As can be seen from Figure 5.1, statutory child protection data in the Northern Territory increased over the past five years. The rates of total notifications and investigations, and to a lesser extent, the rate of children in out-of-home care increased year on year throughout the period under investigation. There was greater variation in the rates of total substantiations and children on orders, which overall recorded increases, but at various times plateaued and decreased between 2000–01 and 2005–06. Table 5.1 contains statutory child protection data for the Northern Territory over the past five years.

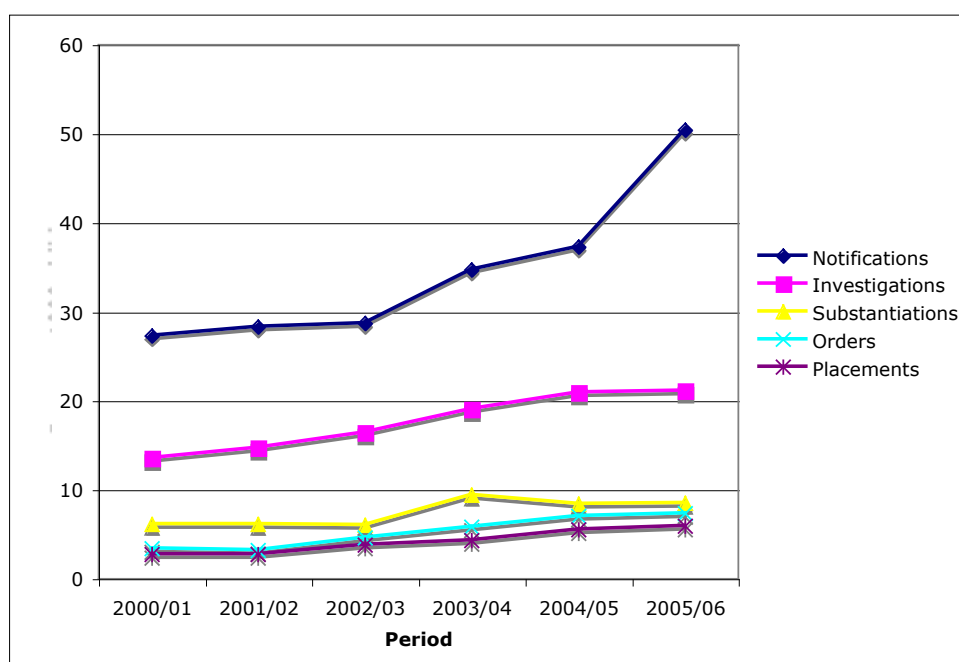


Figure 5.1: Northern Territory: Statutory child protection activity for the period 2000–01 to 2005–06

Table 5.1: Northern Territory statutory child protection data for the period 2000–01 to 2005–06

	2000–01		2001–02		2002–03		2003–04		2004–05		2005–06	
	Figure	Rate	Figure	Rate	Figure	Rate	Figure	Rate	Figure	Rate	Figure	Rate
Notifications <sup>^</sup>	1,551	27.3	1,605	28.3	1,554	28.7	1,957	34.7	2,101	37.3	2,863	50.4
Investigations <sup>^</sup>	769	13.5	835	14.7	890	16.4	1,072	19.0	1,180	20.9	1,195	21.1
Substantiations <sup>^</sup>	349	6.1	349	6.1	327	6.0	527	9.4	473	8.4	480	8.5
Ch'n on orders <sup>*</sup>	205	3.4	194	3.2	274	4.6	345	5.8	414	7.0	437	7.3
Ch'n in OOHC <sup>**</sup>	164	2.7	163	2.7	223	3.8	258	4.3	324	5.5	352	5.9

Notes: <sup>^</sup> Total number

<sup>\*</sup> Children on orders at June 30

<sup>\*\*</sup> Children in out-of-home care at June 30

Rate = Rate per 1,000 children

The rate of total notifications exhibited an overall increase of 85% for the 5-year period 2000–01 to 2005–06. The most significant annual increases in the rate of total notifications recorded in the Northern Territory occurred in the reporting periods 2003–04 (which recorded a 21.0% increase on the rate recorded in 2002–03) and 2005–06 (which recorded a 35.3% increase in the rate recorded in 2004–05).

The rate of total investigations exhibited an overall increase of 55% for the 5-year period 2000–01 to 2005–06. Each reporting period, with the exception of the 2005–06 reporting period, exhibited a fairly

consistent increase on the year prior (increases in the rate of total investigations ranged from approximately 8.6% to 15.8%). The rate of total investigations plateaued in the 2005–06 reporting period.

The rate of total substantiations exhibited an overall increase of 38% for the 5-year period 2000–01 to 2005–06. The most significant annual changes in the rate of total substantiations recorded in the Northern Territory occurred in the reporting periods 2003–04 (which recorded a 54.9% increase on the rate recorded in 2002–03) and 2004–05 (which recorded a 10.2% decrease on the rate recorded in 2003–04).

The rates of children on orders and children in out-of-home care exhibited greater increases over the past five years than those observed for notifications, investigations, and substantiations. The rate of children on orders exhibited an overall increase of 115% for the 5-year period 2001 to 2006. The most significant annual increase in the rate of children on orders was observed at 30 June 2003 (which recorded a 43.8% increase on the rate recorded the year prior). While not as large, additional increases of 26.1%, and 20.7% were recorded year over year in the two reporting periods that followed (i.e., 30 June 2004 and 2005).

The rate of children in out-of-home care exhibited the greatest increase of any indicator in the Northern Territory for the 5-year period 2001 to 2006 recording an overall increase of 119%. The most significant annual increases in the rate of children in out-of-home care occurred at 30 June 2003 (which recorded an increase of 40.7% on the rate recorded at 30 June 2002) and 2005 (which recorded an increase of 27.9% on the rate recorded at 30 June 2004).

#### Key messages:

- The rate of total notifications, investigations and substantiations increased over the past five years. The most significant increases in the rate of total notifications occurred in 2003–04 and 2005–06, while each reporting period under investigation (with the exception of the 2005–06 reporting period), exhibited a fairly consistent increase in the rate of total investigations. The most significant changes in the rates of total substantiations occurred in 2003–04 and 2004–05.
- The rate of children on orders and in out-of-home care increased over the past five years. In percentage terms, the increases observed on these indicators were greater than those observed in front line indicators (the rate of children in out-of-home care exhibited the greatest increase of all indicators of statutory child protection activity in the Northern Territory over the past five years). The most significant increase in the rate of children on orders was observed at 30 June 2003, while the most significant increases in the rate of children in out-of-home care were observed at 30 June 2003 and 2005.

## 5.2 Explaining data trends

Having identified key trends in statutory child protection data in the Northern Territory over the past five years, the authors applied the master coding list of identified explanatory variables to examine their applicability to the Northern Territory (see Appendix B). Having done so, the authors found the following factors to have had the greatest relationship to the trends observed in each headline indicator over the past five years:

- A coronial inquiry/child protection inquiry/child protection review (i.e., the release of the report *State of Denial: The Neglect and Abuse of Indigenous children in the Northern Territory* (Pocock, C2003) and the *Review of the Department of Health and Community Services* report (the “Bansemer Report”) (Banscott Health Consulting, 2003), and associated public scrutiny and Departmental changes);
- Policy reform agendas (i.e., the “Caring for our Children” reform agenda, which was coupled with a substantial injection of funds);
- Funding increases extending departmental capacity; and
- Media scrutiny concerning child abuse in the Northern Territory, particularly sexual abuse of Indigenous children.

### 5.2.1 Notifications, investigations and substantiations

Several developments in 2003–04 are likely to have contributed to the increase observed in the rate of total notifications, investigations and substantiations: (1) the release of the report *State of Denial: The Neglect and Abuse of Indigenous children in the Northern Territory* (Pocock, 2003); (2) the release of the *Report on the Review of the Northern Territory Department of Health and Community Services* (the “Bansemer Report”) (Banscott Health Consulting, 2003); and (3) the development and implementation of the Northern Territory’s “Caring for our Children” reform agenda.

The report *State of Denial: The Neglect and Abuse of Indigenous Children in the Northern Territory*, which was published by the Secretariat of National Aboriginal and Islander Child Care (SNAICC) in July 2003, represents the culmination of a substantial research project that aimed to:

- Develop an understanding of the factors that give rise to a recorded lower level of substantiated child abuse and neglect and placement in out of home care for Aboriginal and Torres Strait Islander children in the Northern Territory compared to Aboriginal and Torres Strait Islander children in other states and territories;
- To illustrate how the Northern Territory child protection system operates compared to child protection systems in other states and territories;
- To determine if the current child protection system in the Northern Territory is meeting its obligations to Aboriginal and Torres Strait Islander children as prescribed under the *Community Welfare Act 1983* (NT);
- To determine if the Northern Territory Government responds to alleged and potential cases of child abuse and neglect involving Aboriginal and Torres Strait Islander children in accordance with: (a) the expectations of Aboriginal and Torres Strait Islander agencies working in the area of child protection and welfare; and (b) the provisions of the *Community Welfare Act 1983* (NT); and
- To determine if there are likely to be significant numbers of Aboriginal and Torres Strait Islander children in the Northern Territory who would fall within the definition of a child in need of protection, pursuant to the *Community Welfare Act 1983* (NT), but who are not provided with protection by the Northern Territory child welfare authorities.

The report was critical of the Northern Territory child protection system arguing that the system was fragmented and poorly resourced. The report also found that although the reported rates of child maltreatment were disproportionately low in the Northern Territory compared to other Australian states and territories, many factors associated with child maltreatment were disproportionately high, pointing to a significant problem of under-reporting in the Territory. For example, Pocock (2003) reported that problems such as overcrowding and inadequate housing, and limited access to essential utilities (such as clean drinking water, power and transport) were more prevalent in the Northern Territory than in any other part of the country. Communicable diseases were also reported to be more prevalent in the Northern Territory than elsewhere in Australia, as was unemployment. Pocock explained that chronic environmental health problems and entrenched poverty experienced by some Aboriginal communities put children at considerable risk of major health problems including hearing impairment and malnutrition.

It is possible that the exposure the report received contributed to the increase observed in the rate of total notifications in 2003–04 as the wider community was reminded of the problem of child maltreatment in the Territory, and alerted to their reporting responsibilities. Similarly, the release of the *Report on the Review of the Northern Territory Department of Health and Community Services* (Banscott Health Consulting, 2003, discussed below), may also have served to increase public awareness of the Department's responsibility for child protection and thus the public's propensity to report.

In response to *State of Denial*, the Northern Territory Government announced a \$53.8 million "Caring for our Children" child protection reform agenda. The reforms to the child protection system in the Northern Territory were intended to enable the Department of Health and Community Services to cope with increased service demand and to restructure its service system. "Caring for our Children" involved:

- A funding injection of \$11.6 million over three years during the period under investigation (i.e., Dec 2004 \$1 million; 2004–05 financial year \$3.8 million; 2005–06 financial year \$6.8 million; the remaining funding will be provided over the next three years);
- A review of the *Community Welfare Act 1983* (NT) and the development of new legislation for children and families; and
- An analysis of the child protection system to improve outcomes for children and create partnerships to reinforce the notion that child protection is "everyone's business".

It is likely that the media attention generated by the "Caring for our Children" reform agenda (as well as the preceding reviews of child protection services in the Northern Territory) contributed to the growth observed in the rate of total notifications in the period 2003–04. The development and implementation of the "Caring for our Children" reform agenda is also likely to explain the increases observed in the rate of total investigations in the periods 2003–04 and 2004–05, and the increase in the rate of total substantiations in 2003–04. Specifically, greater funding as a result of the reform agenda enabled the recruitment of additional staff, which provided an increased capacity to investigate and substantiate allegations of suspected child maltreatment. To illustrate, following commencement of the reform agenda

in January 2004, 71 new positions were created across operational, planning and development branches of Family and Children's Services. Note, however, that this explanation assumes an increase in the incidence of maltreatment, and/or an existing level of previously unmet demand, which following increases in resources, the Department was better able to detect and respond to. It is unlikely that an increase in the underlying incidence of child maltreatment in a 12-month period could account for an increase in the rate of total substantiations in excess of 50% in the 2003–04 reporting period. Therefore, the better explanation, particularly with reference to the findings outlined in Pocock (2003), is that funding increases enabled the Department to better meet existing demand that had hereto exceeded its capacity. It is also possible that a lowered threshold arising from internal departmental scrutiny and independent external review could account for part of the increase in the rate of children and families proceeding to investigation, and the increase observed in the rate of substantiations.

Another pronounced increase in the rate of total notifications occurred in the reporting period 2005–06. Media coverage and comment on child protection issues increased during the 2005–06 reporting period (see, for example, Department of Health and Community Services, 2006). As a result of increasing public scrutiny, particularly concerning the abuse of Aboriginal children, the Northern Territory Government established a Board of Inquiry to investigate and report on allegations of sexual abuse of Aboriginal children. It is likely that media coverage, which alerted the public to child protection issues, contributed to the growth observed in the rate of total notifications in 2005–06.

*Key messages:*

- It is likely that media attention in relation to various reviews of child protection over the past few years contributed to the increase observed in the rate of total notifications by alerting the community to the problem of child maltreatment in the Territory, and reminding Territorians of their reporting responsibilities.
- Development and implementation of the “Caring for our Children” reform agenda is likely to have contributed to the growth observed in the rate of total notifications via the public exposure the agenda has received. The “Caring for our Children” reform agenda is also likely to explain the increases observed in the rate of total investigations and substantiations as funding increases provided an increased capacity to investigate and substantiate allegations of suspected child maltreatment.
- It is likely that recent media coverage, particularly in relation to the abuse of Aboriginal children, contributed to further growth in the rate of total notifications.

### *5.2.2 Children on orders and in out-of-home care*

It is likely that the increases observed in the rates of children on orders and in out-of-home care at 30 June 2003 are in part attributable to threshold differences arising from the release of *State of Denial: The Neglect and Abuse of Indigenous children in the Northern Territory* (as discussed above) and the *Report on the Review of the Department of Health and Community Services* (the “Bansemer Report”). The Bansemer Report in particular was critical of the Department’s structure, decision-making, management, and financial systems, and also highlighted inadequacies in the delivery of core services. The scrutiny of the Bansemer Review, coupled with the findings of *State of Denial*, may have led protective workers to become more inclined to seek protective orders and alternative care placements for children.

In light of the findings of independent reviews, the Northern Territory Government announced an agency restructure in February 2003 and devised the “Caring for our Children” reform agenda. The increasing capacity of the system as a result of associated funding injections may also have contributed to increases in the rates of children on orders and in out-of-home care, as greater resources were available to pursue such options. Such arguments assume an existing level of previously unmet demand; however, as discussed above, particularly with reference to the findings of Pocock (2003), it seems likely that there existed demand that had hereto exceeded the Department’s capacity.

Finally, a proportion of the increases observed in the rates of children on orders and in out-of-home care in the Northern Territory can be attributed to the same factors identified as contributing to such trends nationally, for example, the younger ages at which children are entering care, and the increasing length of time children are remaining in care (see Chapter 2 for a discussion).

*Key findings:*

- It is likely that the increases observed in the rates of children on orders and in out-of-home care are in part attributable to threshold differences as a result of scrutiny arising from various reviews of child protection services. That is, reviews of protective services may have led workers to lower the threshold for statutory intervention to correspond with the definition of a child in need of care.
- The “Caring for our Children” reform agenda, and associated funding injections, are also likely to have contributed to increases in the rates of children on orders and in out-of-home care by increasing the Department’s capacity to provide such statutory responses.

### 5.3 Conclusion

This chapter considered statutory child protection data for the Northern Territory over the past five years. On examining the data for this period it was found that all headline indicators increased to varying degrees. Increases were particularly apparent in the rates of total notifications and children on orders and in out-of-home care. It was argued that media attention surrounding reviews of child protection services, the Department of Health and Community Services generally, and specific incidents of sexual abuse of children in the Northern Territory were likely to explain a large part of the increases observed in the rate of total notifications. The development and implementation of the “Caring for our Children” reform agenda was thought to account for some of the increases observed in the rates of total investigations and substantiations, and the rates of children on orders and in out-of-home care, particularly as the reform agenda resulted in increased funding, which expanded staff numbers considerably.

# Chapter 6: Queensland

## 6.1 Data trends

As can be seen from Figure 6.1, statutory child protection data in Queensland has fluctuated over the past five years. All indicators, with the exception of total number of substantiations, increased from 2000–01 through to 2004–05. In 2005–06, the rates of total notifications, investigations and substantiations decreased, while the rates of children on orders and in out-of-home care continued to rise. Table 6.1 contains statutory child protection data for Queensland during the period 2000–01 to 2005–06.

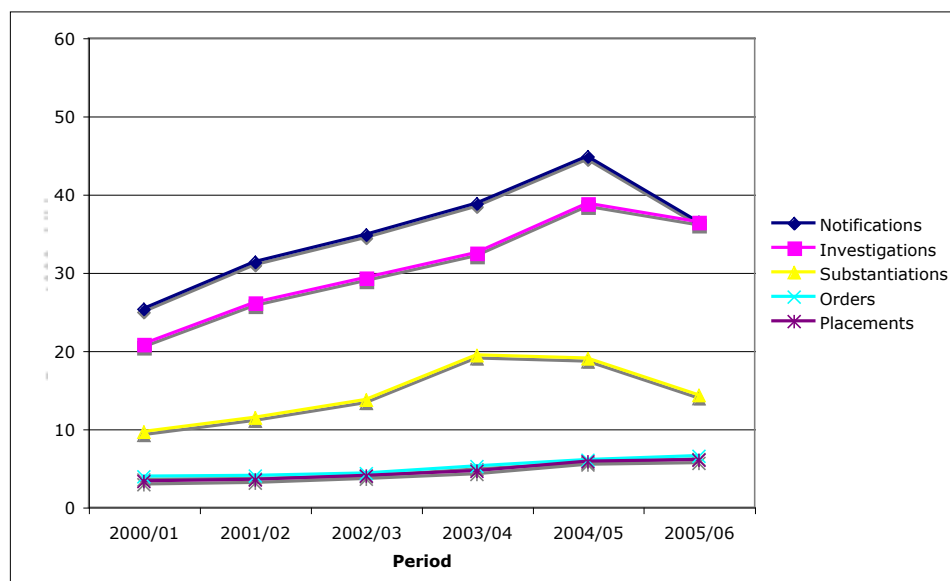


Figure 6.1: Queensland statutory child protection data for the period 2000–01 to 2005–06

Table 6.1: Queensland statutory child protection data for the period 2000–01 to 2005–06

	2000–01		2001–02		2002–03		2003–04		2004–05		2005–06	
	Figure	Rate	Figure	Rate	Figure	Rate	Figure	Rate	Figure	Rate	Figure	Rate
Notifications <sup>^</sup>	22,069	25.3	27,592	31.3	31,068	34.8	35,023	38.8	40,829	44.8	33,612	36.4
Investigations <sup>^</sup>	18,122	20.8	23,034	26.1	26,187	29.3	29,315	32.5	35,361	38.8	33,612	36.4
Substantiations <sup>^</sup>	8,395	9.6	10,036	11.4	12,203	13.7	17,473	19.4	17,307	19.0	13,184	14.3
Ch'n on orders <sup>*</sup>	3,573	3.9	3,765	4.0	4,107	4.3	4,950	5.2	5,857	6.0	6,446	6.5
Ch'n in OOHC <sup>**</sup>	3,011	3.3	3,257	3.5	3,787	4.0	4,413	4.6	5,657	5.8	5,876	6.0

Notes: <sup>^</sup> Total number  
<sup>\*</sup> Children on orders at June 30  
<sup>\*\*</sup> Children in out-of-home care at June 30  
 Rate = Rate per 1,000 children

The rate of total notifications exhibited an overall increase of 44% for the 5-year period 2000–01 to 2005–06. The most significant annual changes in the rate of total notifications recorded in Queensland occurred during the reporting periods 2001–02 (which recorded an increase of 23.4% on the rate recorded in 2000–01) and 2005–06 (which recorded a decrease of 18.7% on the rate recorded in 2004–05).

The rate of total investigations exhibited an overall increase of 75% for the 5-year period 2000–01 to 2005–06. The most substantial annual changes in the rate of total investigations occurred in the reporting periods 2001–02 (which recorded an increase of 25.5% on the rate recorded in 2000–01), 2004–05 (which recorded an increase of 19.4% on the rate recorded in 2003–04), and 2005–06 (which recorded a decrease of 6.1% on the rate recorded in 2004–05).

The rate of total substantiations exhibited an overall increase of 48% for the 5-year period 2000–01 to 2005–06. The most pronounced annual changes in the rate of total substantiations recorded in Queensland occurred in the reporting periods 2003–04 (which recorded an increase of 41.7% on the rate recorded the year prior) and 2005–06 (which recorded a decrease of 24.7% on the rate recorded in 2004–05).

The increases observed in the rates of children on orders and children in out-of-home care were largely consistent with the increases observed over time for notifications, investigations, and substantiations. The rate of children on orders exhibited an overall increase of 67% for the 5-year period 2001 to 2006. The rates recorded for children on orders ranged between a low of 3.9 per 1,000 children to a high of 6.5 per 1,000 children.

The rate of children in out-of-home care exhibited the most pronounced increase of all headline indicators in Queensland for the 5-year period 2001 to 2006 with an overall increase of 82%. The rate of children in out-of-home care ranged from a low of 3.3 per 1,000 children to a high of 6.0 per 1,000 children. While data for notifications, investigations and substantiations were observed to decrease in the 2005–06 reporting period, no such trend was observed in the rates of children on orders or in out-of-home care.

#### *Key messages:*

- The rate of total notifications, investigations, and substantiations increased over the past five years. Each reporting period, with the exception of the 2005–06 reporting period, evidenced an increase in the rate of total notifications—the most substantial increase was observed in the 2001–02 reporting period. The trend observed in the rates of total investigations mirrored that of notifications, while the most significant increase in the rate of total substantiations occurred in 2003–04.
- The rate of children on orders and in out-of-home care increased over the past five years. The most significant increases in the rate of children on orders occurred at 30 June 2004 and 2005, while the most significant increase in the rate of children in out-of-home care occurred at 30 June 2005.

## 6.2 Explanatory variables

Having identified key trends in statutory child protection data in Queensland over the past five years, the authors applied the master coding list of identified explanatory variables to examine their applicability to Queensland (see Appendix B). Having done so, the authors found the following factors to have had the greatest relationship to the trends observed in each headline indicator over the past five years:

- The introduction of new legislation (i.e., the *Child Protection Act 1999* (Qld))
- The expansion of mandatory reporting requirements;
- Policy developments in non-mandated notifier agencies that require professionals to report suspicions of maltreatment (e.g., Queensland Police and Department of Education);
- A coronial inquiry/child protection inquiry/child protection review (e.g., the Forde Inquiry; the Crime and Misconduct Commission Inquiry);
- Substantial structural change to child protection services (e.g., the creation of a stand-alone Department of Child Safety with primary responsibility for child protection and the appointment of Child Safety Directors in all other Government Departments);
- Funding increases extending departmental capacity;
- Changes to data recording practices (i.e., removing child concern reports from the data provided in relation to notifications); and
- The use of an actuarial decision making tool (i.e., the implementation of the Structured Decision Making (SDM) Tool).

### 6.2.1 Notifications, investigations and substantiations

It is likely that the introduction of the *Child Protection Act 1999* (Qld), which expanded mandatory reporting requirements, explains some of the increase in notifications in the 2001–02 reporting period. In 2000, the *Child Protection Act 1999* (Qld) came into operation replacing the *Children's Services Act 1965* (Qld). While mandatory reporting existed in some form in Queensland from 1980 onwards when an amendment to the *Health Act 1937* (Qld) made it mandatory for medical practitioners to report suspected child abuse to the Director-General of the Department of Health, the *Child Protection Act 1999* (Qld) expanded mandatory reporting requirements to a broader range of professionals in relation to harm to children in departmental and licensed care services. It is likely that the expansion of mandatory reporting

requirements, coupled with public education initiatives concerning reporting responsibilities and the *Child Protection Act 1999* (Qld) generally, contributed to part of the growth observed in the rate of total notifications in 2000–01 and 2001–02.

Significant structural developments arising from reviews of the child protection system in Queensland, and the publicity surrounding the reviews themselves, are also likely to have influenced notification rates during the period under investigation. The Queensland Government commissioned the first of a number of reviews and inquiries pertinent to the delivery of child protection services in Queensland in 1998. The *Commission of Inquiry into Child Abuse in Queensland Institutions* (the Forde Inquiry) investigated the treatment of children in licensed government and non-government institutions in Queensland between 1911 and 1999. The Inquiry reported that abuse occurred in numerous settings and made 42 recommendations relating to contemporary child protection practice, youth justice, the provision of counselling and support services to victims of abuse, and reconciliation for victims of abuse in Queensland institutions (Forde et al., 1999).

In response to the findings and recommendations of the *Commission of Inquiry into Child Abuse in Queensland Institutions*, the Queensland Government devised and implemented a broad range of reform initiatives. In September 2001, two years after the publication of the original Inquiry, the Queensland Government released the *Queensland Government Response to Recommendations of the Commission of Inquiry into Abuse of Children in Queensland Institutions*—a report documenting Queensland’s progress in implementing the recommendations of the Forde Inquiry (Forde Implementation Monitoring Committee, 2001).

It is likely that the attention thrust upon child protection issues during the period of the Forde Inquiry, and the Queensland Government’s implementation of reform initiatives in response to the Inquiry, accounts for some of the increases observed in the rate of total notifications in the period 2001–02. Specifically, the Inquiry attracted considerable media attention, which is likely to have heightened public awareness of child protection issues.

In relation to increases in the rates of investigations and substantiations, it is possible that the Queensland Government’s implementation of recommendations, which resulted in vast funding and staff increases, contributed to growth on these indicators by enhancing capacity. Note, however, that this argument assumes one or more of the following: (a) an existing level of previously unmet demand for statutory intervention; (b) an increase in the incidence of child maltreatment in the community; (c) greater detection of child maltreatment in the community; or (d) a lowering of the threshold at which statutory involvement is initiated (e.g., as a result of internal and external scrutiny). It seems unlikely that an increase in incidence in a 12-month period could, in isolation, account for increases observed in the rates of investigations and substantiations (e.g., increases in the order of 20%). Therefore, the better argument would seem to be that a combination of expansion of resources (which enabled the Department to respond to demand that hereto had exceeded its capacity), as well as greater detection, and a lowered threshold at which statutory intervention was initiated contributed to the increases observed in the rates of investigations and substantiations.

In 2003–04, child protection services in Queensland were again the subject of a substantial Inquiry following media attention in relation to the abuse of children in foster care. After a series of articles concerning the physical and sexual abuse of children in care in the Queensland press, the Crime and Misconduct Commission undertook an extensive investigation of allegations of abuse in foster care. The Crime and Misconduct Commission’s report *Protecting Children: An Inquiry into Abuse of Children in Foster Care* was released in January 2004 (Crime and Misconduct Commission, 2004). The report was critical of the (then) Department of Families’ child protection processes, and drew attention to the shortcomings of the system in protecting children. Accordingly, the report contained 110 recommendations, many of which related to systemic change in order to build a robust system best placed to advance the interests of Queensland’s most vulnerable children. One of the Commission’s recommendations was to create a separate department that focused exclusively on child protection issues, and in September 2004 the Queensland Government established the Department of Child Safety.

The continued increases in the rate of total notifications, investigations and substantiations recorded for the periods 2003–04 and 2004–05 are likely to be explained to a large extent by the above developments. Both the Crime and Misconduct Commission’s Inquiry, and the Queensland Government’s response to the Inquiry’s recommendations, were accompanied by intense public scrutiny. These developments combined are likely to have increased the public’s propensity to notify the Department of child protection concerns, and to have created an increasingly risk averse practice culture in response to intense scrutiny of departmental decision-making and case-planning.

Funding increases to enable the establishment of the Department of Child Safety also allowed for the number of direct child protection staff to grow significantly, which further extended the Department's capacity to investigate and substantiate allegations of maltreatment. For example, between the period 2003 to 2006, the Department's workforce increased by approximately 103%. However, as already noted, this argument is premised on a variety of assumptions in relation to previously unmet demand, an increase in the underlying incidence of child maltreatment in the community and so on (see above). As above, it seems unlikely that a significant increase in the rate of total substantiations in the space of 12 months (e.g., an increase in excess of 40% in the rate of substantiations in 2003–04) could be explained by an increase in incidence alone. Therefore, it seems more likely that during this period the Department was: (a) better able to meet previously unmet demand for protective intervention; (b) more able to detect child maltreatment; and/or (c) that the threshold for statutory involvement lowered such that greater numbers of allegations were substantiated. Given that the period in which the most significant increase in the rate of total substantiations took place (2003–04) coincided with extensive media scrutiny in relation to the Crime and Misconduct Commission Inquiry and the perceived failings of the child protection system to adequately protect children in its care, it is likely that the increase observed at this time arose from changes to the threshold at which protective workers substantiated allegations of child maltreatment.

In contrast to the trend observed over the preceding reporting periods, 2005–06 recorded a lower rate of total notifications, investigations and substantiations than that recorded in 2004–05. The lower rate of total notifications observed in 2005–06 compared to 2004–05 is likely to be explained to a large extent by a change in recording practice implemented by the Department in March 2005. Prior to this time, the data for total notifications included notifications that were (a) responded to by investigative measures, and (b) responded to by way of advice or referral. As of March 2005, child concern reports responded to by way of advice or referral were no longer included in the count of total notifications. This development is likely to account for much of the decrease observed in the rate of notifications at this time as historically child concern reports responded to by way of advice or referral had comprised approximately 15% of all notifications.

It may also be that the decline in notifications observed in 2005–06 relates to the introduction of the Structured Decision Making (SDM) tool in October 2005. The SDM is a package of decision-making tools for different phases of statutory involvement. At the intake phase, departmental staff employ the SDM intake tool to determine whether a report should proceed to a notification. Greater consistency in assessing whether concerns should proceed to a notification when measured against the threshold for recording a notification may account for a modest part of the reduction in the rate of total notifications observed in 2005–06. Note, however, that existing literature suggests that actuarial decision-making tools are typically associated with increased rates of statutory child protection activity (i.e., increases in “false-positives”) (see Shlonsky, 2007, for a discussion). Therefore, it may also be that the threshold for recording a notification was raised in response to the Department's new policy that all notifications are to proceed to investigation. Consistent with the trend observed in the rate of total notifications, the rate of total investigations declined in the 2005–06 reporting period—although the decrease in total investigations was not as substantial as the decrease in total notifications.

Similarly, 2005–06 recorded a decrease in the rate of total substantiations. This may also have been the result of the introduction of the Structured Decision Making (SDM) tool in 2005–06. The SDM is used in an investigation to determine whether harm or risk of harm is or is not substantiated. The SDM incorporates an actuarial decision-making tool and a safety assessment and family risk evaluation. It is possible that the implementation of the SDM reduced the number of substantiations recorded in 2005–06 as a result of increasing consistency in the way in which cases are assessed against the Department's threshold for recording a substantiation in the investigation phase. Again, however, there is some debate as to whether actuarial risk assessment tools lead to higher or lower rates of statutory child protection activity (Shlonsky, 2007).

#### *Key messages:*

- It is likely that the expansion of mandatory reporting requirements pursuant to the proclamation of the *Child Protection Act 1999* (Qld), coupled with public education initiatives concerning reporting responsibilities contributed to part of the growth observed in the rate of total notifications.
- Significant structural developments arising from various reviews of the child protection system in Queensland, and the publicity surrounding the reviews themselves, are also likely to have contributed to increases in the rate of total notifications, investigations and substantiations by raising community awareness and preparedness to report, as well as lowering the threshold at which statutory intervention is initiated (e.g., proceeding to investigation).

- An expansion of resources, as well as greater detection, may also have contributed to the increases observed in the rates of investigations and substantiations assuming previously unmet demand or a lowered threshold for intervention.
- The lower rate of total notifications observed in 2005–06 compared to 2004–05 is likely to be explained to a large extent by a change in recording practice such that child concern reports were no longer included in the count of total notifications.
- Lower rates of notifications, investigations and substantiations in 2005–06 compared to 2004–05 may also be explained to some extent by the introduction of the Structured Decision Making tool (SDM). However, in other contexts, the introduction of actuarial decision-making tools have been linked with increases in the volume of statutory activity. Therefore, decreases in 2005–06 may also be associated with other factors such as an increase in the threshold at which statutory interventions were initiated.

### 6.2.2 Children on orders and in out-of-home care

The rates of children on orders and in out-of-home care increased over the past five years. It is possible that increasing demand at the front end of the system (i.e., in the form of increased reporting and detection) accounts for some of the increases observed on these indicators. In addition, as the most significant increases in the rate of children on orders and in out-of-home care coincided with the Crime and Misconduct Commission Inquiry, the Queensland Government's response to the recommendations of the Inquiry, and associated media scrutiny, it may also be that a lowered threshold for statutory intervention contributed to these increases. As outlined above with respect to notifications, investigations and substantiations, it is possible that the increases in children on orders and in out-of-home care were the result of protective staff becoming increasingly risk averse due to internal and external scrutiny of departmental decision-making. Such outcomes have been reported elsewhere (Connolly & Doolan, 2007; Mansell, 2006).

As discussed with respect to investigations, reforms to the child protection system from 2003–04 onwards necessitated vast funding increases, which increased staff numbers substantially. Assuming a level of previously unmet demand, it is also possible that increased departmental capacity accounts for some of the growth observed in the rate of children on orders and in out-of-home care.

Finally, a proportion of the increases observed in the rates of children on orders and in out-of-home care in Queensland can be attributed to the same factors identified as contributing to such trends nationally, for example, the younger ages at which children are entering care, and the increasing length of time children are remaining in care (see Chapter 2 for a discussion).

#### *Key messages:*

- Increasing demand at the front end of the system (i.e., in the form of increased reporting and detection) may account for some of the increases observed in the rates of children on orders and in out-of-home care.
- Internal and external scrutiny of child protection may also have contributed to the increases observed in children on orders and in out-of-home care by lowering the threshold at which such interventions are sought.
- Increased departmental resources may also have contributed to growth in the rate of children on orders and in out-of-home care, assuming previously unmet demand.

## 6.3 Conclusion

This chapter considered trends in Queensland's statutory child protection data over the past five years. At the outset of the chapter it was noted that all headline indicators increased from 2000–01 through to 2004–05, but that notifications, investigations, and substantiations decreased in 2005–06, while the rates of children on orders and in out-of-home care continued to rise (although the increases observed on these indicators were not as pronounced). It was suggested that the introduction of the *Child Protection Act 1999* (Qld), which expanded mandatory reporting requirements, and was accompanied by public education and awareness raising measures explained some of the early increases observed in the rate of total notifications. Other factors argued to be relevant to the increases observed on all headline indicators were the media and public scrutiny associated with various reviews of child protection services in Queensland (i.e., the Forde Inquiry and the Crime and Misconduct Commission Inquiry) and the Queensland Government's response to such inquiries (e.g., vast funding increases and highly visible structural changes to the Department). Threshold differences arising from these developments were thought to account for some of the increases observed for investigations, substantiations, children on orders and in out-of-home care. The introduction of the Structured Decision Making (SDM) tool was suggested as a possible explanation for some of the decreases observed in total notifications, investigations, and substantiations in 2005–06. However, the more influential factor in relation to the decline observed in total notifications in 2005–06 was argued to be a change in Queensland's data recoding practices (i.e., that child concern reports were excluded from the count of total notifications in 2005–06).

# Chapter 7: South Australia

## 7.1 Data trends

As can be seen from Figure 7.1, headline statutory child protection indicators fluctuated in South Australia during the period under investigation. On the whole, headline indicators increased during this time, with the largest increases occurring for notifications. There were some exceptions to this general trend: (a) the rate of children in out-of-home care decreased at 30 June 2004; (b) in 2004–05 there were slight decreases for both investigations and substantiations; and (c) during the reporting period 2005–06 the rate of total notifications, investigations, and substantiations all declined. Table 7.1 contains statutory child protection data for South Australia during the period 2000–01 to 2005–06.

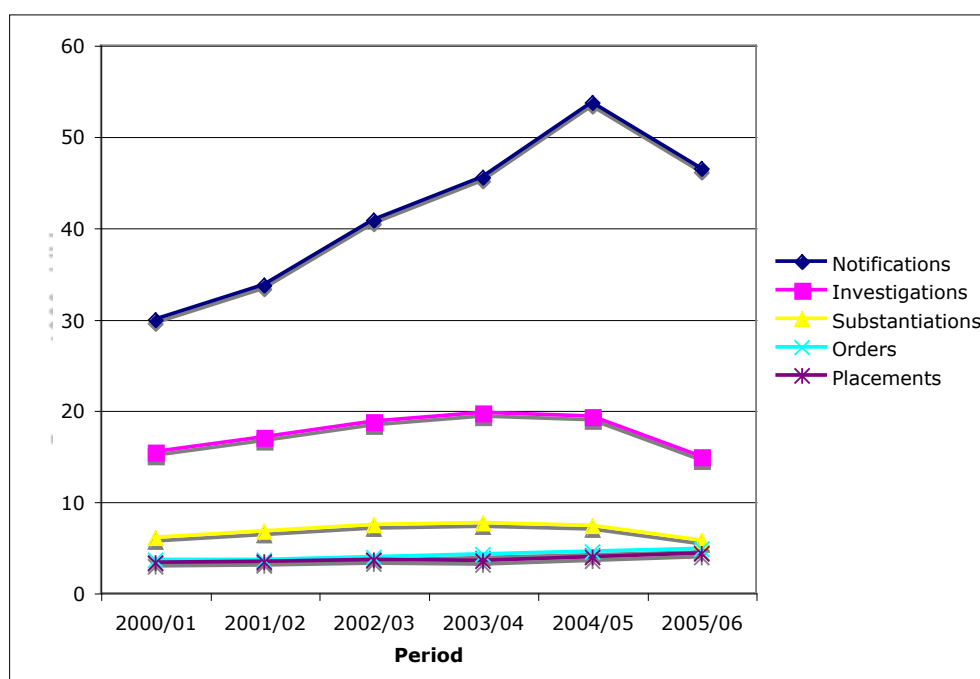


Figure 7.1: South Australia: Statutory child protection activity for the period 2000–01 to 2005–06

Table 7.1: South Australian statutory child protection data for the period 2000–01 to 2005–06

	2000–01		2001–02		2002–03		2003–04		2004–05		2005–06	
	Figure	Rate	Figure	Rate	Figure	Rate	Figure	Rate	Figure	Rate	Figure	Rate
Notifications <sup>^</sup>	9,988	29.9	11,203	33.7	13,442	40.8	14,917	45.5	17,473	53.7	15,069	46.5
Investigations <sup>^</sup>	5,156	15.4	5,633	17.0	6,175	18.7	6,445	19.7	6,279	19.3	4,842	14.9
Substantiations <sup>^</sup>	1,998	6.0	2,230	6.7	2,423	7.4	2,490	7.6	2,384	7.3	1,855	5.7
Ch'n on orders <sup>*</sup>	1,260	3.6	1,286	3.6	1,378	3.9	1,455	4.2	1,553	4.5	1,671	4.8
Ch'n in OOHC <sup>**</sup>	1,175	3.3	1,196	3.4	1,245	3.6	1,204	3.5	1,329	3.9	1,497	4.3

Notes: <sup>^</sup> Total number

<sup>\*</sup> Children on orders at June 30

<sup>\*\*</sup> Children in out-of-home care at June 30

Rate = Rate per 1,000 children

The rate of total notifications exhibited an overall increase of 56% for the 5-year period 2000–01 to 2005–06. The most significant annual changes in the rate of total notifications occurred in the reporting periods 2002–03 (which recorded an increase of 20.9% on the rate recorded in 2001–02) and 2005–06 (which recorded a decrease of 13.4% on the rate recorded in 2004–05).

The rate of total investigations exhibited an overall decrease of 3% for the 5-year period 2000–01 to 2005–06. The most significant annual changes in the rate of total investigations recorded in South

Australia occurred in 2002–03 (which recorded an increase of 10.4% on the rate recorded in 2001–02) and 2005–06 (which recorded a decrease of 22.6% on the rate recorded in 2004–05).

The rate of total substantiations exhibited an overall decrease of 4% for the 5-year period 2000–01 to 2005–06. The most pronounced annual changes in the rate of total substantiations recorded in South Australia took place during the reporting periods 2001–02 (which recorded an increase of 12.4% on the rate recorded in 2000–02) and 2005–06 (which recorded a decrease of 21.9% on the rate recorded in 2004–05).

The rates of children on orders and in out-of-home care were subject to less variation than the rates of total notifications, investigations and substantiations. The rate of children on orders recorded fairly small but consistent increases each reporting period, with the exception of 30 June 2002 (the increases observed in the rate of children on orders were between 6.7% and 8.3%). The overall increase for the 5-year period 2001 to 2006 in the rate of children on orders was approximately 33%.

The rates of children in out-of-home care exhibited an overall increase of 30% for the 5-year period 2001 to 2006. Much like the rate of children on orders, fairly small but consistent increases were recorded each reporting period, with the exception of 30 June 2003–04 (the increases observed in the rate of children in out-of-home care were between 3.0% and 11.4%).

#### *Key messages:*

- The rate of total notifications increased in South Australia over the past five years. The rate increased each reporting period (with the exception of the 2005–06 reporting period), the most substantial of which occurred in the reporting periods 2002–03 and 2004–05.
- The rate of total investigations and substantiations decreased marginally over the past five years. Despite these overall decreases, the first three years of the period under investigation recorded increases in the rate of total investigations and substantiations.
- The rate of children on orders increased over the past five years. The greatest increase in the rate of children on orders was observed at 30 June 2003. Similarly, the rate of children in out-of-home care increased over the past five years. The most pronounced increases were observed at June 30 2005 and 2006.

## 7.2 Explanatory variables

Having identified key trends in statutory child protection data in South Australia over the past five years, the authors applied the master coding list of identified explanatory variables to examine their applicability to South Australia (see Appendix B). Having done so, the authors found the following factors to have had the greatest relationship to the trends observed in each headline indicator over the past five years:

- Introduction of policy/legislation/reporting protocols specific to family violence (e.g., the South Australia Police);
- The expansion of mandatory reporting requirements;
- Media scrutiny;
- A coronial inquiry/child protection inquiry/child protection review (e.g., the Layton Review);
- Departmental difficulties in sourcing out-of-home care placements;
- Funding increases extending the capacity of the Department for Families and Communities;
- Improvements to record keeping practices; and
- Threshold changes along the child protection service continuum.

### *7.2.1 Notifications, investigations and substantiations*

One of the most influential factors concerning the increase in the rate of total notifications in South Australia over the past five years is a policy shift arising within South Australia Police. South Australian police are mandated notifiers according to section 11 of the *Children's Protection Act 1993 (SA)*, but in 2000, the South Australian Police Force implemented a policy requiring police personnel to notify child protection of their suspicions of child maltreatment if they found children present in a home in which family violence was present. This development contributed significantly to the increase in notifications observed over four of the past five years. Evidence of this is the increase in notifications arising from police, which have risen by approximately 150% over the past five years.

Significant media attention in the latter part of 2001 and in 2002 concerning the abuse of children in schools, churches, immigration detention centres and other institutions, is likely to have contributed to the most pronounced annual increase in notifications observed in 2002–03. The media attention generated in relation to these issues led the South Australian Government to commission the Layton Review of South Australia's child protection system. The Layton Review itself led to the development of the South Australian Government's *Keeping Them Safe* reform agenda. It is likely that public awareness generated as a result of media scrutiny of child maltreatment in various institutions, as well as the commissioning of the Layton Review, contributed to the increase in notifications observed in 2002–03.

It is possible that the above factors also contributed to the marginal increases observed in the rate of total investigations and substantiations during 2001–02 and 2002–03. That is, increases in the rate of total investigations and substantiations could in part be understood as a consequence of greater numbers of notifications to child protection (e.g., as a result of South Australia Police policy which saw greater numbers of notifications to child protection, or media scrutiny that raised public awareness of child protection). It is also possible, however, that threshold differences arising from internal and external scrutiny contributed to these trends (i.e., the threshold lowered with the result that marginally greater numbers of children and families proceeded to investigation and were the subject of a substantiation). It is interesting to note, however, that while the rate of total notifications increased to a greater extent than any other headline indicator in South Australia over the past five years, the rates of investigations and substantiations did not exhibit commensurate increases. It would seem that despite pronounced media attention and scrutiny of protective services, the threshold at which children and families proceeded to investigation, and the threshold at which investigated cases were substantiated, remained largely consistent over the past five years.

The Layton Child Protection Review culminated in the report *Our Best Investment: A State Plan to Protect and Advance the Interests of Children* (2003), which contained many recommendations concerning service reform. For example, the Review recommended that South Australia develop collaborative approaches to protecting the welfare of children with other arms of government and non-government organisations, increase the availability of family support services, and implement a State-wide nurse home visiting program.

In response to the Layton Review of child protection services, the South Australian Government developed *Keeping them Safe: The South Australian Government's Child Protection Reform Program* (2004). *Keeping them Safe* contained five key platforms for change: (1) support to children and families; (2) effective, appropriate interventions; (3) reform to work practice and culture; (4) collaborative partnerships; and (5) improved accountability. In late 2005, the South Australian Government made amendments to the *Children's Protection Act 1993* (SA) in line with these broad goals. The media scrutiny that led to the Layton Review, and the media attention associated with the Review itself and the South Australian Government's response (the *Keeping them Safe* reform agenda), are likely to have significantly contributed to the increases observed in notification data in 2004–05.

A further factor that may have contributed modestly to the increase in the rate of total notifications observed in 2004–05 is the consultation that took place in drafting amendments to the mandatory reporting requirements in the *Children's Protection Act 1993* (SA). Section 11 of the *Children's Protection Act 1993* (SA) mandates a range of professionals to report where they have reasonable grounds to suspect that a child has been or is being abused or neglected. The most recent amendments to section 11 of the Act took place in February 2006. This amendment resulted in the addition of several professional categories to the list of professionals mandated to report, namely: Ministers of Religion, employees and volunteers in religious organisations, and employees and volunteers in sporting and recreational organisations. While little impact was observed on the rate of total notifications following proclamation of the amended mandatory reporting provision, there had already been increases in the number of notifications received from Ministers of Religion in the 2004–05 reporting period, when the consultations about the draft legislation occurred.

In contrast to the trend observed in the previous four years, the rate of total notifications decreased from 2004–05 to 2005–06. It is possible that the health sector's establishment of South Australia's Universal Home Visiting Program and Family Home Visiting Program may have contributed to this trend. South Australia's Universal Home Visiting Program sees nurses visit every new born baby within the first weeks following birth, while the Family Home Visiting Program provides targeted and sustained home visiting for "at risk" families over the first two years of a child's life. The establishment of a universal home visiting program was a recommendation of the Layton Review. However, aside from the health sector's Universal Home Visiting Program and Family Home Visiting Program, South Australia has little in the

way of targeted diversionary services designed to respond to children and families for whom there are risks or vulnerabilities that could give rise to contact with child protection services. Therefore, it is unlikely that these programs would account for much of the reduction in notifications, investigations and substantiations.

On the basis of available data, it appears that the most likely explanation for the reduction observed in the rate of total notifications in the period 2005–06 is that there were variations in the interpretation of the threshold for recording a notification, specifically, that a more stringent interpretation of the definition of abuse or neglect was applied. In support of this proposition, calls to the Child Abuse Report Line did not decline during the period 2005–06 despite the fact that the number of calls recorded as notifications decreased.

The reporting period 2005–06 also evidenced a decrease in the rate of total investigations and substantiations. It is possible that the rate of investigations and substantiations decreased at this time as the rate of notifications decreased (for reasons outlined above). However, the decreases observed in the rates of investigations and substantiations were more pronounced than that for notifications. Therefore, it would seem likely that additional factors influenced the observed trends. For example, it is possible that the demand the Department was experiencing for out-of-home care placements in 2005–06, and the difficulty the Department had in sourcing a sufficient number of suitable alternative care placements, resulted in protective staff having to invest more time sourcing placements which reduced the time available to investigate and thus substantiate new notifications. Note, however, that despite some variation in rates of investigations and substantiations, relative to the variation observed in notifications, these indicators were fairly stable over the five years under investigation.

#### *Key messages:*

- One of the most influential factors concerning the increase in the rate of total notifications in South Australia over the past five years is a policy shift arising within South Australia Police that requires police personnel to notify child protection of their suspicions of child maltreatment if they find children present in a home in which there is family violence.
- It is likely that public awareness generated as a result of media scrutiny of child maltreatment in various institutions, as well as the commissioning of the Layton Review, contributed to the increase in notifications observed in 2002–03.
- Although marginal increases in the rates of total investigations and substantiations were observed in some reporting periods, overall, the rates of both indicators were fairly constant. Thus, it appeared that the threshold at which children and families proceeded to investigation, and the threshold at which investigated cases were substantiated remained largely unchanged over the past five years.
- In contrast to the trend observed in the previous four years, the rates of total notifications, investigations and substantiations decreased from 2004–05 to 2005–06. On the basis of available data, it appears that the most likely explanation for the reduction observed in the rate of total notifications in 2005–06 is that there were variations in the interpretation of the threshold for recording a notification, specifically, that a more stringent interpretation of the definition of abuse or neglect was applied. The reduced rate of notifications in 2005–06 is likely to have contributed in part to the reduction in the rate of investigations and substantiations also observed in 2005–06.
- In addition to the reduced rate of total notifications contributing to the reduction observed in the rate of investigations and substantiations in 2005–06, it appeared likely that the difficulty the Department had in sourcing a sufficient number of suitable out-of-home care placements in 2005–06 reduced the time available to investigate and thus substantiate new notifications.

### *7.2.2 Children on orders and in out-of-home care*

The rates of children on orders and in out-of-home care increased marginally over the past five years. It is likely that a variety of factors combined contributed to these increases. For example, it may be that media scrutiny associated with the abuse of children in institutions and deaths of children known to children protection services contributed to these increases by lowering the threshold at which protective workers intervened. It is also highly likely that the increasing complexity of children and families coming to the attention of child protection services and a limited availability of early intervention services contributed to these increases also.

The increases in the rates of children on orders and in out-of-home care observed more recently (i.e., the rates at 30 June 2004, 2005 and 2006) may be explained by the changes introduced following the release

of *Keeping them Safe: The South Australian Government's Child Protection Reform Program* (2004), including a substantial injection of resources into the Department for Families and Communities. As a result, the Department's staffing profile was expanded, which enabled it to respond to demand that had hereto exceeded its capacity. In 2003–04, 73 new positions were created, 60 of which were social work positions for care and protection activity. In 2004–05, a further 158 new positions, including 78 residential care workers, 35 social workers, and 32 family support workers, were created. These developments increased Departmental capacity to seek orders in circumstances where there were protective concerns for a child.

It is likely that the above factors are also relevant to explaining increases observed in the rates of children in out-of-home care. However, some factors appear to have been particularly influential on the more substantial annual changes in the rate of children in out-of-home care observed at 30 June 2005 and 2006.

A significant development in the provision of out-of-home care services took place in South Australia in 2003–04—namely, responsibility for family preservation services was transferred to the Department from the non-government sector. Workforce pressures at the front end of the system meant that staff time was expended on investigating reports to child protection rather than providing intensive support to families to prevent placement. The role of non-government providers became that of supporting reunification, which meant that intensive family support services were often not commenced with a family until after a child had been placed in care. It is likely that this practice direction (i.e., limited provision of preventative family support services) explains some of the increases observed in the rates of children on orders and in out-of-home care in 2004–05 and 2005–06.

Another factor that contributed marginally to increases in the rate of children in out-of-home care was the Children in State Care Commission of Inquiry, led by the Honourable Edward P. Mullighan Q.C., which commenced in 2004. The purpose of the Inquiry was to examine and report on the performance of government agencies, employees and other relevant persons, in investigating and responding to allegations concerning sexual offences against children in state care. The conduct of the Inquiry involved the retrieval of thousands of client records, which itself led to a renewed focus on documentation and record keeping. It has since been established that a modest part of the increase observed in the number of children in out-of-home care in 2004–05 can be explained by more accurate recording practices, as these figures include a number of children who remained in care from the 2003–04 reporting period, but who were not included in South Australia's figures at that time due to data inaccuracies.

The information recording system in South Australia was modified in two further ways in the 2004–05 reporting period: (1) the system was modified to allow for the recording of children in interim emergency accommodation; and (2) the system was modified to enable the recording of relative carers awaiting registration. Prior to 2004–05, interim accommodation placements could not be recorded in the Client Information System, therefore, these figures were not included in the year-end population figures for number of children in out-of-home care. Similarly, the system did not allow for the recording of provisional carers, thus some months could lapse after a child entered the care of a relative before the placement was recorded on the Client Information System. With these factors in mind, it is likely that a modest part of the increase in children in out-of-home care observed in 2004–05 can be explained by improvements in recording practices.

Finally, a proportion of the increases observed in the rates of children on orders and in out-of-home care in South Australia can be attributed to the increasing complexity of children and families coming to the attention of child protection services, the younger ages at which children are entering care, and the increasing length of time children are remaining in care. A detailed discussion of these issues is provided in Chapter 2.

#### *Key messages:*

- The rates of children on orders and in out-of-home care increased marginally over the past five years.
- Factors that made the most substantial contributions to the increases observed include internal and external scrutiny of protective services, limited preventative and early intervention family support services, and the increasing complexity of children and families coming into contact with the child protection system.

## 7.3 Conclusion

This chapter considered trends in South Australia's statutory child protection data over the past five years. At the outset of the chapter it was noted that South Australia's data varied during the period under investigation. However, on the whole, the rates of total notifications, children on orders and children in out-of-home care increased, while the rates of total investigations and substantiations decreased. It was argued that the increases observed in the rates of total notifications related to the implementation of policy in notifying agencies (particularly South Australia Police), media scrutiny of child protection issues, which led to the Layton Review of child protection in South Australia, and limited family support services. Similar influences were also argued to explain increases observed in the rates of total investigations and substantiations (during the period 2000–04), and children on orders and in out-of-home care. The decrease observed in the rate of total notifications in 2005–06 was suggested to be the result of a more stringent interpretation of the threshold for recording a notification. The reduction in the rate of total notifications was argued to explain part of the reduction in the rates of investigations and substantiations. However, as the reductions for these indicators were somewhat more pronounced than that observed for notifications, it was also suggested that difficulty in sourcing out-of-home care placements may have served to divert staff capacity from the entry points of the system (i.e., investigations and substantiations). A combination of factors were outlined as having contributed to increases observed in the rates of children on orders and in out-of-home care, including limited preventative and early intervention family support services, the increasing complexity of children and family problems, and to a lesser extent, improvements in record keeping practices.

# Chapter 8: Tasmania

## 8.1 Data trends

As can be seen from Figure 8.1, statutory activity in Tasmania increased in volume over the past five years. This trend was particularly apparent in the rate of total notifications and, to a lesser extent, investigations. Although not as pronounced, the rate of total substantiations, and the rate of children on orders and in out-of-home care also increased over the past five years. Table 8.1 contains statutory child protection data for Tasmania during the period 2000–01 to 2005–06.

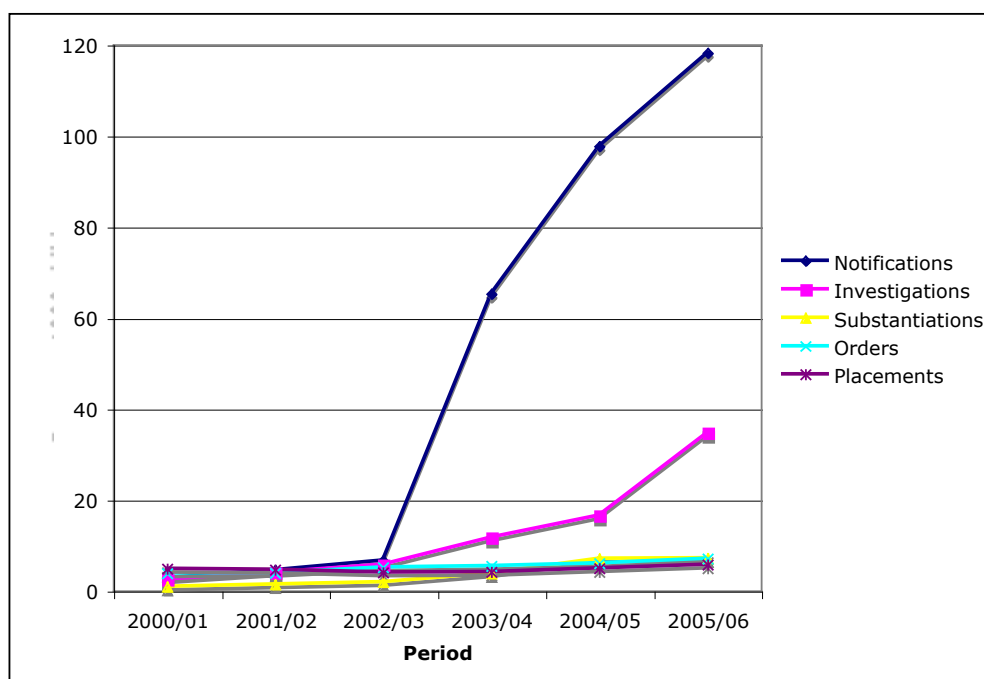


Figure 8.1: Tasmanian statutory child protection activity for the period 2000–01 to 2005–06

Table 8.1: Tasmanian statutory child protection data for the period 2000–01 to 2005–06

	2000–01		2001–02		2002–03		2003–04		2004–05		2005–06	
	Figure	Rate	Figure	Rate	Figure	Rate	Figure	Rate	Figure	Rate	Figure	Rate
Notifications <sup>^</sup>	315	2.8	508	4.5	741	6.7	7,248	65.3	10,788	97.7	13,029	118.2
Investigations <sup>^</sup>	278	2.5	453	4.0	641	5.8	1,294	11.7	1,833	16.6	3,824	34.7
Substantiations <sup>^</sup>	103	0.9	158	1.4	213	1.9	427	3.8	782	7.1	793	7.2
Ch'n on orders*	453	3.8	463	3.9	600	5.1	634	5.4	716	6.1	833	7.1
Ch'n in OOHC**	572	4.8	544	4.6	468	4.0	487	4.1	576	4.9	683	5.8

Notes: <sup>^</sup> Total number

\* Children on orders at June 30

\*\* Children in out-of-home care at June 30

Rate = Rate per 1,000 children

The rate of total notifications exhibited an overall increase of 4152% for the 5-year period 2000–01 to 2005–06. This was the largest increase observed for all indicators across all Australian states and territories.<sup>8</sup> Each reporting period evidenced a substantial increase in the rate of total notifications year on year, the

8 Note that Tasmania's particularly high rate of total notifications relative to other jurisdictions can largely be explained by the fact that Tasmania employs a caller-defined approach to recording notifications. This means that Tasmania is unable to comply with the national counting rule for notifications (e.g., where multiple reporters provide information to child protection services in relation to the one event, multiple notifications are recorded in relation to that one event). These points are considered in greater detail in the national comparisons chapter (Chapter 11).

largest of which was observed in the reporting period 2003–04 (which recorded an increase of 880.0% on the rate recorded in 2002–03).

The rate of total investigations exhibited an overall increase of 1314% for the 5-year period 2000–01 to 2005–06. The most significant annual increases in the rate of total investigations recorded in Tasmania occurred in the reporting periods 2003–04 (which recorded an increase of 102.3% on the rate recorded in 2002–03) and 2005–06 (which recorded an increase of 109.0% on the rate recorded in 2004–05).

The rate of total substantiations exhibited an overall increase of 691% for the 5-year period 2000–01 to 2005–06. The most significant annual increases in the rate of total substantiations recorded in Tasmania occurred in the reporting periods 2003–04 (which recorded an increase of 100.9% on the rate recorded in 2002–03) and 2004–05 (which recorded an increase of 84.1% on the rate recorded in 2003–04).

The data for rates of children on orders and in out-of-home care were subject to less pronounced increases than those observed for notifications, investigations and substantiations. The rate of children on orders exhibited an overall increase of 87% for the 5-year period 2001 to 2006. The greatest annual increases in the rate of children on orders were observed at 30 June 2003 (30.8% increase) and 2006 (16.4% increase).

The rates of children in out-of-home care exhibited an overall increase of 21% for the 5-year period 2001 to 2006. Despite this overall trend, the rate of children in out-of-home care decreased by 13% between 30 June 2002 and 30 June 2003.

#### Key messages:

- The rate of total notifications increased substantially over the past five years—each reporting period evidenced a relatively large increase, the largest of which occurred in the reporting period 2003–04. The increase observed in Tasmania’s rate of total notifications was the largest observed over the past five years of all Australian jurisdictions.
- The rate of total investigations and substantiations also increased substantially over the past five years. Relatively large increases were observed each year in the rate of total investigations, the largest of which were recorded in the reporting periods 2003–04 and 2005–06. Relatively large increases were also observed year-over-year in the rate of total substantiations (with the exception of the 2005–06 reporting period), the largest increases were observed in the reporting periods 2003–04 and 2004–05.
- The rates of children on orders and in out-of-home care also increased over the past five years. However, the increases observed in the rates of children on orders and in out-of-home care were not as pronounced as those observed in front line indicators.

## 8.2 Explanatory variables

Having identified key trends in statutory child protection data in Tasmania over the past five years, the authors applied the master coding list of identified explanatory variables to examine their applicability to Tasmania (see Appendix B). Having done so, the authors found the following factors to have had the greatest relationship to the trends observed in each headline indicator over the past five years:

- The introduction of new legislation (i.e., the proclamation of the *Children, Young Persons and Their Families Act 1997* (Tas)).
- The introduction of a centralised intake service.
- The introduction of caller-defined notifications.
- The implementation of the Tasmanian Risk Assessment Framework.
- Introduction of policy/legislation/reporting protocols specific to family violence (i.e., the introduction of the *Family Violence Act 2004* (Tas); the introduction of the whole-of-government “Safe at Home” initiative; the introduction of Tasmania Police policies requiring police to notify Child Protection Services of children exposed to family violence).
- Media scrutiny.
- Increased public awareness of child protection.
- Data system limitations (i.e., limitations of the Child Welfare Information System resulting in data anomalies).
- Changes to data recording practices/data provided for national reporting purposes (i.e., greater compliance with national counting rules).
- Limited availability of diversionary/family support services.

### 8.2.1 Notifications, investigations and substantiations

There have been a number of legislative and policy developments in Tasmania over the past five years that have had a substantial influence on all statutory child protection headline indicators, but particularly the increases observed in the rate of total notifications, which has been disproportionate to the increases observed in all other indicators.

In 2000, the *Children, Young Persons and Their Families Act 1997* (Tas) was proclaimed. The Act extended mandatory reporting requirements to a broad range of professionals in circumstances where they know, believe or suspect on reasonable grounds that a child has been or is being abused or neglected, or that there is a reasonable likelihood of a child being killed or abused or neglected by a person with whom the child resides (section 14). From 2000 onwards, Tasmania recorded quite substantial increases in the rate of total notifications. It is likely that the proclamation of the Act explains part of these increases. The extension of mandatory reporting requirements with the proclamation of the Act is also likely to account for some of the increases observed in the rate of total investigations and substantiations as increasing demand at the entry point of the child protection system may have flow on effects to subsequent indicators.

The exponential increase in the rate of total notifications that occurred in 2003–04 can be explained by reference to operational changes in the Department of Health and Human Services. In 2003–04, the Department centralised intake services by establishing the Child Protection Advice and Referral Service (CPAARS). At the same time, notifications became caller-defined. Prior to 2003–04, workers exercised some discretion in determining whether a call was a notification or a child concern report. Child concern reports were not recorded as notifications or included in the count of total notifications for the purpose of national reporting. The move to caller-defined notifications, combined with the centralising of intake services, which is likely to have led to greater consistency in the recording of notifications and a more consistent application of the threshold at which statutory services intervene, resulted in the most substantial increase observed in the rate of total notifications over the past five years.

Changes to the Department's staffing profile around this same time are also likely to have contributed to the increases observed in the number of investigations undertaken, and thus the rate of total substantiations. Between 2003–04 and 2005–06, staff numbers increased by approximately 26%. The increase in staff numbers occurred across a range of areas, including intake, assessment and case management. Staff increases enabled a greater number of investigations to be undertaken in response to the rising numbers of notifications.

The increase observed in the rate of total substantiations in 2003–04 and 2004–05 is in part explained by an increase in the number of children and families entering the child protection system (i.e., increasing numbers of notifications and investigations). However, it is also likely that the implementation of the Tasmanian Risk Assessment Framework in 2003 contributed somewhat to this trend. The Tasmanian Risk Assessment Framework provides a professional tool to support information gathering, analysis, and decision-making in relation to assessing the risk of abuse or neglect to a child. The implementation of this tool provided greater consistency in approach to assessing risk, which is likely to account for some of the increase observed in the rate of total substantiations.

A further development that had a substantial influence on the rate of total notifications, investigations and substantiations was the introduction of the *Family Violence Act 2004* (Tas) in 2005. The *Family Violence Act 2004* (Tas) included an amendment to the *Children, Young Persons and Their Families Act 1997* (Tas) which extended the definition of abuse and neglect to include a child affected by family violence. According to section 4 of the *Children, Young Persons and Their Families Act 1997* (Tas), a child is at risk where he or she is an "affected child" within the *Family Violence Act 2004* (Tas). According to section 4 of the *Family Violence Act 2004* (Tas), an "affected child" means a child whose safety, psychological wellbeing or interests are affected or likely to be affected by family violence. The rise observed in the rates of total notifications, investigations and substantiations in 2004–05 and 2005–06 have been linked to the expansion of the definition of abuse and neglect (and thus child protection mandatory reporting requirements) that took place as a result of the *Family Violence Act 2004* (Tas), and the exposure these developments received in the public domain.

Policy developments that have also contributed to growth in all headline indicators, but particularly notifications, includes the launch of the "Safe at Home" social policy initiative in 2004 by the Tasmanian Government. "Safe at Home" is the Tasmanian Government's response to the problem of family violence. The policy is designed to address family violence by linking services to devise a response that supports victims of family violence, including children and young people, while making offenders responsible for their behaviour. The launch of a round-the-clock Family Violence Response and Referral Line, and the

commencement of a “Safe at Home” advertising campaign, followed soon after the launch of the “Safe at Home” initiative in May 2004. The combined effect of the above initiatives largely explains the increases observed in the rate of total notifications received by Child Protection Services in 2004–05 and 2005–06, and is likely to have contributed to some of the growth observed in the rates of total investigations and substantiations.

It is also likely that the limited availability of diversionary and family support services contributed to the growth observed in the rate of total notifications, investigations and substantiations. Child protection services, and the structure and availability of family support services in Tasmania, have been the subject of significant review over the past five years. Recent reviews, including the *Report on Child Protection Services in Tasmania* (Jacob & Fanning, 2006) and the *Review of the Tasmanian Family Support Service System* (KPMG, 2006), have driven Tasmania’s child protection reform agenda (as can be seen in *A Way Forward: Implementation of Actions in Response to the Review of Child Protection Services in Australia*, Child Protection Services, 2006).

The *Review of the Tasmanian Family Support Service System* revealed that there was limited availability of community-based supports to which families with some level of risk, but who did not meet the threshold for statutory services, could be referred. Further, support services in operation were found to lack the capacity to meet presenting demand. Specifically, the *Review of the Tasmanian Family Support Service System* found that “there is a serious limit to the availability of family support services for vulnerable and at risk families” (KPMG, 2006, p. 10). It is plausible that limited availability of family support services to which protective staff can refer children and families contributed to the growth observed in all headline statutory child protection indicators. In addition, an inability to provide families with appropriate referrals to support services may partly explain the high re-notification and re-substantiation rates in Tasmania.

#### *Key messages:*

- The proclamation of the *Children, Young Persons and Their Families Act 1997* (Tas), which extended mandatory reporting requirements, coupled with community education about child protection and reporting responsibilities, explains part of the substantial increase observed in the rate of total notifications since 2000.
- The move to caller-defined notifications, combined with the centralising of intake services, to a large extent explains the most substantial increase in the rate of total notifications observed in 2003–04.
- Recent policy and legislative developments in the area of family violence also contributed to growth observed in the rates of total notifications, investigations and substantiations (i.e., the proclamation of the *Family Violence Act 2004* (Tas)).
- Limited availability of family support services to which protective staff can refer children and families is also likely to have contributed to the growth observed in all headline statutory child protection indicators.

### **8.2.2 Children on orders and in out-of-home care**

Although not as pronounced as the increases observed in the rate of total notifications, investigations and substantiations, the rate of children on orders and in out-of-home care increased over the past five years. The most significant annual increase in the rate of children on orders was recorded at 30 June 2003 (when compared to the rate recorded the year prior). This increase may in part be attributed to the delayed effect of amendments to the *Children, Young Persons and Their Families Act 1997* (Tas), proclaimed in 2000, which introduced a range of short-term orders. Implementing a variety of short-term orders appeared to have the result of increasing the number of children on orders at a given point in time, perhaps because short-term orders are less invasive and thus are more likely to be applied for by protective workers than long-term orders.

The increase observed in the rate of children on orders has also been influenced by information and record keeping practices. Child Protection Services in Tasmania use the Child Welfare Information System (CWIS) to record child protection data. Analysis of the data extracted for national reporting purposes has revealed a number of problems with the integrity of the data derived from the CWIS, particularly with respect to delays in data entry. For example, data “lag” can be problematic when reporting information such as the number of completed investigations or substantiations as this information is entered retrospectively.

As a result of the limitations present in the CWIS, data collated prior to 2004–05 is thought to have been incorrectly extracted, and therefore, to incorrectly reflect the volume of statutory activity in Tasmania. Specifically, the system is thought to have inflated the number of children on orders due to the time

taken to update information contained in the CWIS. This limitation is thought to have contributed to the 30.8% increase in the rate of children on orders observed at 30 June 2003.

As outlined, the rate of children in out-of-home care increased over the past five years. However, despite this overall trend, a decrease in the rate of children in out-of-home care was observed at 30 June 2003 compared to the rate recorded the previous year. The decrease observed at 30 June 2003 is largely explained by a change in the definition (counting rule) that Tasmania was using prior to 2003 to extract data regarding the number of children in out-of-home care. Before this period, Tasmania included children who were in care arrangements that had not been orchestrated by Child Protection Services (e.g., children who were living with relatives due to an informal arrangement made between their parents and relatives) in its count of children in out-of-home care. Thus, the decrease observed in the rate of children on orders at 30 June 2003 when compared to 30 June 2002 reflects the fact that Tasmania's data were now aligned with the national counting rule for number of children in out-of-home care at June 30.

The overall increases observed in the rates of children on orders and in out-of-home care are also likely to be explained by the aforementioned factors that increased the number of children and families entering the child protection system (e.g., the development of policy and legislation regarding family violence, which served to increase the number of children and families notified to child protection).

Finally, a proportion of the increases observed in the rates of children on orders and in out-of-home care in Tasmania can be attributed to the same factors identified as contributing to such trends nationally, for example, the younger ages at which children are entering care, and the increasing length of time children are remaining in care (see Chapter 2 for a discussion).

#### Key messages:

- The most significant annual increase in the rate of children on orders was recorded at 30 June 2003 (when compared to the rate recorded the year prior). This increase may in part be attributed to the delayed effect of amendments to the *Children, Young Persons and Their Families Act 1997* (Tas), proclaimed in 2000, which introduced a range of short-term orders.
- It is also likely that factors thought to have increased the number of children and families entering the children protection system contributed to growth in the rate of children on orders and in out-of-home care (e.g., legislative and policy developments in the area of family violence).
- It appeared that data recording issues inflated the rates of children on orders, and when corrected, contributed to reductions observed on this same indicator. In other words, some movement in the rate of children on orders was thought to reflect data correction rather than substantive shifts in the actual rate of children on orders.
- Similarly, the decrease observed at 30 June 2003 in the rate of children in out-of-home care is largely explained by a change in the data provided such that it accords with greater accuracy to the national definition (counting rule).

### 8.3 Conclusion

This chapter considered Tasmania's statutory child protection data for the period 2000–01 to 2005–06. At the beginning of the chapter it was observed that headline statutory child protection indicators increased to varying degrees over the past five years. In particular, the rate of total notifications was found to have increased disproportionately when compared to other headline indicators. Factors that contributed to growth in the rate of total notifications included the expansion of mandatory reporting requirements, the development of policy and legislation regarding exposure to family violence (and associated public education campaigns), the move to caller-defined notifications, and the centralising of intake services. These developments were also argued to have contributed to increases in the rate of total investigations and substantiations, as well as the rates of children on orders and in out-of-home care as they resulted in greater numbers of children and families coming into contact with the child protection system. Changes specific to the rates of children on orders and in out-of-home care were thought to have been influenced by anomalies in information recording systems and adherence to national counting rules, as well as the introduction of a range of short-term orders. Finally, a limited array of preventative and early intervention services were also argued to have contributed to growth in the rate of all indicators.

# Chapter 9: Victoria

## 9.1 Data trends

As can be seen from Figure 9.1, Victorian statutory child protection activity data has remained relatively constant over the past 5 years. Overall, during the period 2000–01 to 2005–06 the rates of total notifications, investigations, and substantiations remained largely unchanged or decreased slightly, while the rates of children on orders and in out-of-home care increased marginally. Table 9.1 contains statutory child protection data for Victoria during the period 2000–01 to 2005–06.

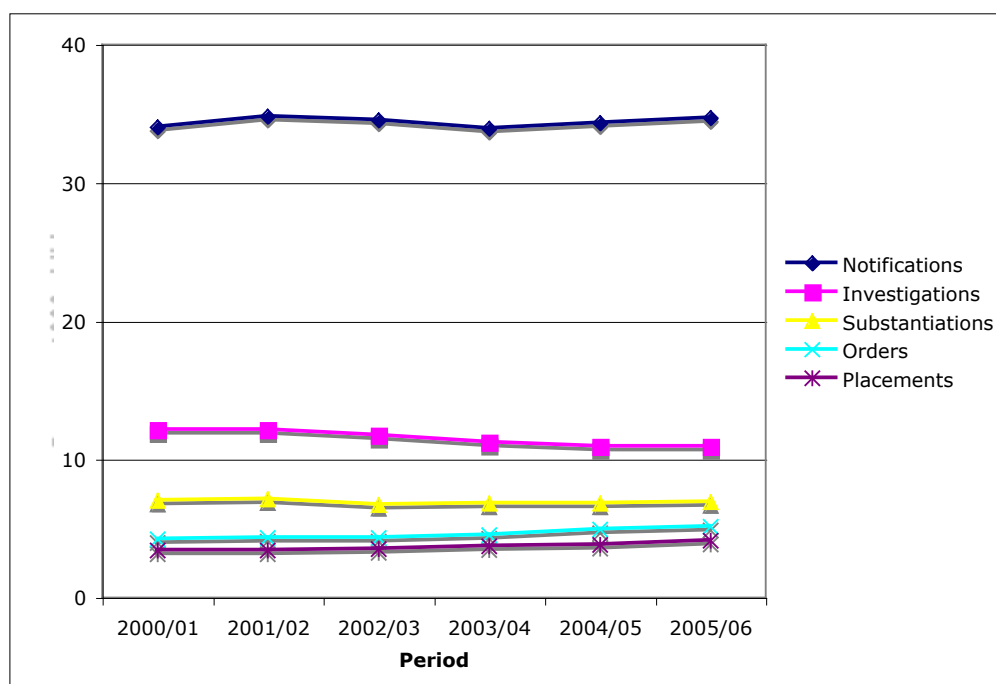


Figure 9.1: Victorian statutory child protection activity for the period 2000–01 to 2005–06

Table 9.1: Victorian statutory child protection data for the period 2000–01 to 2005–06

	2000–01		2001–02		2002–03		2003–04		2004–05		2005–06	
	Figure	Rate	Figure	Rate	Figure	Rate	Figure	Rate	Figure	Rate	Figure	Rate
Notifications <sup>^</sup>	36,966	34.0	37,976	34.8	37,635	34.5	36,956	33.9	37,523	34.3	37,987	34.7
Investigations <sup>^</sup>	13,205	12.1	13,211	12.1	12,769	11.7	12,259	11.2	11,888	10.9	11,894	10.9
Substantiations <sup>^</sup>	7,608	7.0	7,687	7.1	7,287	6.7	7,412	6.8	7,398	6.8	7,563	6.9
Ch'n on orders <sup>*</sup>	4,782	4.2	4,975	4.3	5,038	4.3	5,251	4.5	5,658	4.9	5,984	5.1
Ch'n in OOHC <sup>**</sup>	3,882	3.4	3,918	3.4	4,046	3.5	4,309	3.7	4,408	3.8	4,794	4.1

Notes: <sup>^</sup> Total number

<sup>\*</sup> Children on orders at June 30

<sup>\*\*</sup> Children in out-of-home care at June 30

Rate = Rate per 1,000 children

The rate of total notifications remained largely unchanged, recording an overall increase of 2% for the 5-year period 2000–01 to 2005–06. On the whole, each reporting period evidenced a relatively consistent rate of total notifications (the total notification rate ranged from a low of 33.9 per 1,000 children to high of 34.8 per 1,000 children).

The rate of total investigations exhibited an overall decrease of 10% for the 5-year period 2000–01 to 2005–06. Consistent with the trend observed for notifications, the rate of total investigations was fairly consistent across each reporting period—only each reporting period evidenced a moderately lower rate of

total investigations than the preceding period (the rate of total investigations ranged from a low of 10.9 per 1,000 children to a high of 12.1 per 1,000 children).

The rate of total substantiations remained largely unchanged recording an overall decrease of 1% for the 5-year period 2000–01 to 2005–06. Consistent with the trends already outlined for both notifications and investigations, the rate of total substantiations was largely consistent in Victoria over the past five years (the rate of total substantiations ranged from a low of 6.7 per 1,000 children to a high of 7.1).

The rates of children on orders and in out-of-home care were also largely unchanged for the five-year period 2000–01 to 2005–06. The rate of children on orders ranged from a low of 4.2 per 1,000 children to a high of 5.1 per 1,000 children, which overall equated to an increase of 21% for the 5-year period. The rate of children in out-of-home care ranged from a low of 3.4 per 1,000 children to a high of 4.1 per 1,000 children, which equated to an increase of 21% for the 5-year period.

#### Key messages:

- With the exception of some relatively minor fluctuations, the rates of total notifications, investigations, and substantiations remained largely unchanged in Victoria over the past five years.
- The rates of children on orders and in out-of-home care increased marginally over the past five years.

## 9.2 Explanatory variables

Having identified that statutory child protection data remained largely unchanged in Victoria over the past five years, the authors applied the master coding list of identified explanatory variables to examine their applicability to the Victorian context (see Appendix B). Having done so, the authors found the following factors to have had the greatest relationship to the relative stability observed in statutory child protection indicators in Victoria over the past five years:

- Policy reform agendas (i.e., the reshaping of the Victorian child and family welfare system); and
- The implementation of a wide array of diversionary services to steer children and families from the child protection system (e.g., the implementation of Family Support Innovation Projects).

### 9.2.1 Notifications, investigations and substantiations

The rates of total notifications, investigations and substantiations remained largely unchanged over the past five years, which is in stark contrast to the trends observed in most other jurisdictions. It is likely that substantial structural, policy and practice developments account for these occurrences.

Policy directions during the period under investigation emphasised the provision of family support services to divert children and families from entering the child protection system. The Victorian Government's desire to reshape service provision in this manner stemmed from an awareness of the growing demand faced by child protection, a high re-notification rate, and an absence of early intervention and prevention services. Momentum for service reform emerged in response to several major reviews of child protection services in Victoria: (1) *An Integrated Strategy for Child Protection and Placement Services* (Department of Human Services, 2002); (2) *Public Parenting: A Review of Home-Based Care in Victoria* (Department of Human Services, 2003); and (3) *Protecting Children: The Child Protection Outcomes Project* (Allen Consulting Group, 2003).

Accordingly, the Victorian Government, in collaboration with non-government service providers, developed a range of services at a universal level that also served to provide more targeted interventions when required (such as the maternal and child health nurse home visiting program and the Family Support Innovation Projects). These types of services were designed to provide a timely, targeted and holistic response to children and families, and to reduce the demand on the tertiary child protection system by children and families who would be better served by early intervention and family support services.

In 2002, the Department of Human Services began working with community service organisations to establish Family Support Innovation Projects (note that Family Support Innovation Projects now operate as Integrated Family Services, together with Child and Family Information, Referral and Support Teams (Child FIRST), and Family Services, in many locations across the state). The Victorian Government's aim in establishing Family Support Innovation Projects were to:

- Divert a significant proportion of families notified to Child Protection Services to community based services;

- Minimise client renotifications and the progression of families into the Child Protection system, thereby reducing the growth in demand for high cost out-of-home care services; and
- Provide an improved service capacity for families who may not come into contact with Child Protection services.

An independent evaluation of the Family Service Innovation Projects points to their utility in achieving these broad objectives. Specifically, the state-wide evaluation of the Family Service Innovation Projects conducted by a team of evaluators (formerly auspiced by La Trobe University, now based at Monash University, Faculty of Medicine) found that in non-Indigenous Family Support Innovation Projects, notifications for the 2002–03 reporting period reduced by 9–10% compared with an increase in notifications of 2.9% for the remainder of the State. In the reporting period 2003–04, non-Indigenous Family Support Innovation Projects demonstrated a 9.4% reduction in notifications compared with an increase of 0.9% across the remainder of the State (Thomas, Anderson & Browning, 2007).

The reduction observed in the rate of total investigations and substantiations over the past five years are also largely attributable to the developments that took place in the provision of an extensive network of family support/diversionary services, in the form of Family Support Innovation Projects. In support of this proposition, the independent evaluators of the Victorian Family Support Innovation Projects concluded:

“[Victoria’s statutory child protection activity] has been significantly lower than that in most other Australian jurisdictions over the last five years...in no small part due to the Innovations program... We conclude from this analysis that Victoria stands out in terms of its maintenance of almost zero growth in Child Protection notifications. Its prevention policies and programs, including the Family Support Projects program, have been very successful in constraining growth in notifications and enabling access to earlier intervention services for families and children. We also conclude the substantiations data show the same trend as the notifications data: no growth in Victoria over the comparison period versus strong growth in the other jurisdictions.” (Thomas et al., 2007, pp. 7–8)

Another factor likely to have contributed to reductions in the rates of total investigations and substantiations is the development of new Victorian legislation. In 2005, Victoria commenced consultation in relation to the development of new legislation to guide child and family welfare practice; legislation that served to further entrench the structural framework underpinning existing service reform directions. The *Children, Youth and Families Act 2005* (Vic) provided a legislative mandate that prioritised the best interests framework (among other practice principles), while the *Child Wellbeing and Safety Act 2005* (Vic) outlined general principles as to how and why services should be provided to all children and families.

Although the *Child Wellbeing and Safety Act 2005* (Vic) and the *Children, Youth and Families Act 2005* (Vic) did not come into effect until 1 June 2006 and 23 April 2007 respectively, the momentum generated through consultation and development of both Acts is likely to have contributed to the continued reductions observed in the rates of investigations and substantiations, and to the development of a shared direction across the family services, child protection and out-of-home care sector. That is, it would appear that the implementation of significant structural changes to services delivery and the development and implementation of policy and legislation to that effect has been a consultative and collaborative process designed to bring about and reinforce shared cultural change throughout the child welfare sector and the broader community.

*Key messages:*

- It is likely that the reshaping of the Victorian child and family welfare system, including the implementation of Family Support Innovation Projects, in order to divert children and families from statutory child protection involvement has contributed substantially to the fairly constant rates of total notifications, investigations and substantiations.
- The consultative and collaborative processes undertaken in order to develop and implement structural changes to the service system, and to introduce policy and legislation to that effect, is likely to have further contributed to the fairly constant rate of total notifications, investigations and substantiations by encouraging broad cultural change throughout the child welfare sector and the wider community.

### 9.2.2 Children on orders and in out-of-home care

The rates of children on orders and in out-of-home care remained fairly constant over the past five years, exhibiting only minor increases year over year. Although the diversionary services established in Victoria are designed to divert children and families from Child Protection Services, and programs such as the Family Support Innovation Projects appear to have had considerable success towards this end, in practice

it takes more time for such programs to influence the data for orders and placements as rates on these indicators are comprised of children already in the system prior to the introduction of a given program or initiative (Thomas et al., 2007).

Although somewhat counter intuitive, it is also possible that the establishment of a robust array of diversionary services may, at least in the short term, have contributed to the growth observed in children on orders and in out-of-home care. As already outlined, Child Protection was originally established to provide a crisis response to protect children at risk of harm. Struggling under the weight of demand brought about largely by children and families who were in need of support rather than an emergency crisis response, the Victorian Government set about reshaping the service system to divert such families to more appropriate service avenues. The motivation for reshaping the system was to reduce demand, but also to enable the Child Protection System to better serve the children and families it was originally intended to serve. With the introduction of diversionary services channelling children and families to community-based services where appropriate to do so, it may be that Child Protection Services are better able to identify and respond to those children at greatest risk, thus partly explaining the increases observed in children on orders and in out-of-home care. This argument has been advanced by a number of prominent scholars with respect to the Australian child welfare context (for a discussion, see D. Scott, 2006).

Finally, a proportion of the increases observed in the rates of children on orders and in out-of-home care in Victoria can be attributed to the same factors identified as contributing to such trends nationally, for example, the younger ages at which children are entering care, and the increasing length of time children are remaining in care (see Chapter 2 for a discussion).

#### *Key messages:*

- While family services and other diversionary services have had some impact on the rates of total notifications, investigations and substantiations, in practice it takes more time for these types of initiatives to influence the rates of children on orders and in out-of-home care as rates for these indicators are composite figures (i.e., comprised of children who enter the system in a given reporting period, and those who remain under an order and/or in care from a previous period).
- Although intended to reduce demand on the service system, the introduction of programs to divert children and families in need of support from the tertiary child protection system may actually have contributed to the marginal increases observed in the rates of children on orders and in out-of-home care by enhancing the Department's capacity to detect and respond to children and families in need of an investigative response.

### 9.3 Conclusion

This chapter considered Victoria's statutory child protection data for the period 2000–01 to 2005–06. At the beginning of the chapter it was observed that the rates of total notifications, investigations, and substantiations remained largely unchanged or decreased slightly during the period under investigation, while the rates of children on orders and in out-of-home care increased marginally during this same time. The remainder of the chapter considered the factors that may explain these data trends. To summarise, it was argued that the most likely explanation for Victoria's fairly constant rate of total notifications, investigations and substantiations is the policy and legislative direction Victoria has taken in building a comprehensive infrastructure of family support and diversionary services to prevent children and families coming into contact with the child protection system. In addition, the significant training and culture change processes that have taken place to support these developments were also thought to have contributed to the fairly constant rates of total notifications, investigations and substantiations by reinforcing the respective roles and responsibilities of each branch of the child welfare sector both within the welfare sector itself, and in the broader community. The increases observed in the rates of children on orders and in out-of-home care were suggested to be the result of successfully diverting children and families in need of support services from the tertiary child protection system, and as a result, enabling protective services to more readily identify those children and families in need of the forensic response.

# Chapter 10: Western Australia

## 10.1 Data trends

As can be seen from Figure 10.1, Western Australian statutory child protection activity has remained relatively constant over the past five years, with the exception of some comparatively minor fluctuations in the rates of total notifications, investigations and substantiations, and steady but marginal increases in the rates of children on orders and in out-of-home care. Table 10.1 contains statutory child protection data for Western Australia during the period 2000–01 to 2005–06.

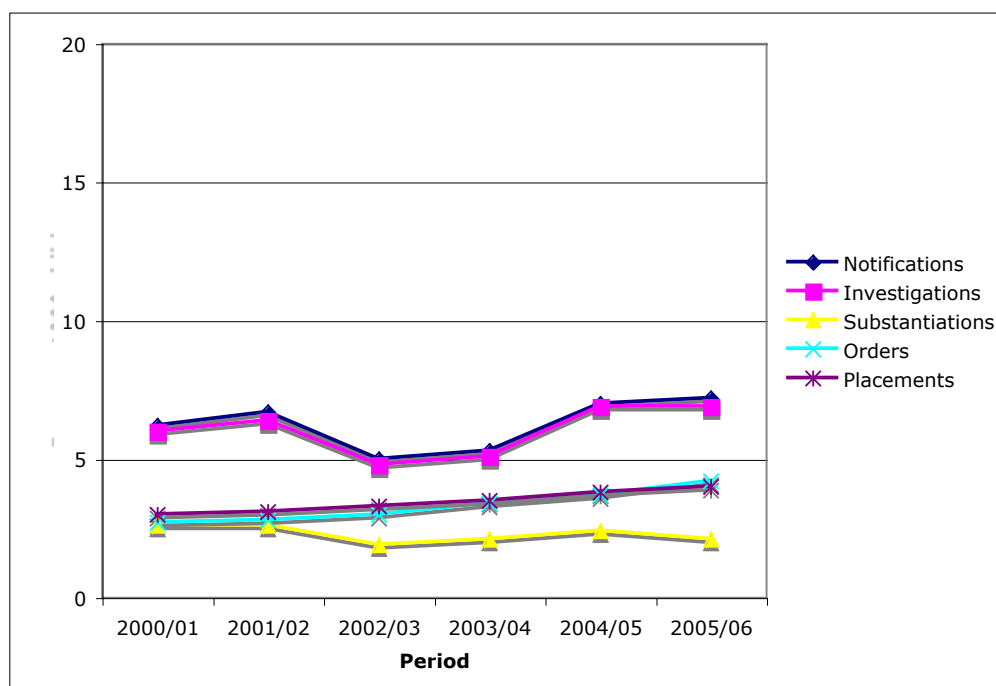


Figure 10.1: Western Australian statutory child protection data for the period 2000–01 to 2005–06

Table 10.1: Western Australian statutory child protection data for the period 2000–01 to 2005–06

	2000–01		2001–02		2002–03		2003–04		2004–05		2005–06	
	Figure	Rate	Figure	Rate	Figure	Rate	Figure	Rate	Figure	Rate	Figure	Rate
Notifications <sup>^</sup>	2,851	6.2	3,045	6.7	2,293	5.0	2,417	5.3	3,206	7.0	3,315	7.2
Investigations <sup>^</sup>	2,759	6.0	2,937	6.4	2,208	4.8	2,318	5.1	3,162	6.9	3,190	6.9
Substantiations <sup>^</sup>	1,191	2.6	1,187	2.6	888	1.9	968	2.1	1,104	2.4	960	2.1
Ch'n on orders <sup>*</sup>	1,320	2.7	1,384	2.8	1,470	3.0	1,639	3.4	1,783	3.7	2,046	4.2
Ch'n in OOHC <sup>**</sup>	1,436	3.0	1,494	3.1	1,615	3.3	1,681	3.5	1,829	3.8	1,968	4.0

Notes: <sup>^</sup> Total number

<sup>\*</sup> Children on orders at June 30

<sup>\*\*</sup> Children in out-of-home care at June 30

Rate = Rate per 1,000 children

The rate of total notifications remained relatively constant over the past five years exhibiting an overall increase of 16%. The total notification rate ranged from a low of 5.0 per 1,000 children to a high of 7.2 per 1,000 children. The reporting periods that evidenced the greatest annual changes in the rate of total notifications were 2002–03 (which recorded a 24.4% decrease on the year prior) and 2004–05 (which recorded a 32.3% increase on the year prior).

Consistent with the rate of total notifications, the rate of total investigations remained relatively constant exhibiting an overall increase of 15% for the 5-year period 2000–01 to 2005–06. The rate of total

investigations ranged from a low of 4.8 per 1,000 children to a high of 6.9 per 1,000 children. The greatest annual changes were observed in the reporting periods 2002–03 (which recorded a 24.5% decrease on the year prior) and 2004–05 (which recorded a 35.9% increase on the year prior). The reporting periods in which these changes occurred, and the direction of these changes, are consistent with the pattern observed in the rate of total notifications.

The rate of total substantiations also remained relatively constant over the past five years. In total, the rate of total substantiations exhibited a decrease of 20% for the 5-year period 2000–01 to 2005–06. The rate of total substantiations ranged from a low of 1.9 per 1,000 children to a high of 2.6 per 1,000 children. The most significant annual changes in the rate of total substantiations were observed in the reporting periods 2002–03 (24.9% decrease), 2004–05 (13.6% increase), and 2005–06 (13.4% decrease).<sup>9</sup>

The data for rates of children on orders and in out-of-home care were subject to somewhat more variation than the rates of total notifications, investigations and substantiations. The rate of children on orders exhibited an overall increase of 56% for the 5-year period 2000–01 to 2005–06. The rate of children on orders ranged from a low of 2.7 per 1,000 children to a high of 4.2 per 1,000 children.

The rates of children in out-of-home care exhibited an overall increase of 33% for the 5-year period 2000–01 to 2005–06. The rate of children in out-of-home care ranged from a low of 3.0 per 1,000 children to a high of 4.0 per 1,000 children.

#### Key messages:

- With the exception of some comparatively modest data fluctuations, the rates of total notifications, investigations and substantiations remained relatively constant in Western Australia over the past five years.
- The rates of children on orders and in out-of-home care increased over the past five years.

## 10.2 Explanatory variables

Having observed relatively constant rates of each headline indicator in Western Australian over the past five years (with the exception of some comparatively modest data fluctuations), the authors applied the master coding list of identified explanatory variables to determine their applicability to the Western Australian context (see Appendix B). Having done so, the authors found the following factors to have had the greatest relationship to the largely consistent rates of each headline indicator observed in Western Australia between the period 2000–01 to 2005–06:

- A long-term emphasis on prevention, early intervention and community development;
- Careful screening of what is formally recorded and progressed as child protection;
- Changes to data recording practices/data provided for national reporting purposes (i.e., figures for the number of children on orders for the period 2003–04);
- Media scrutiny;
- A coronial inquiry/child protection inquiry/child protection review (e.g., the Gordon Inquiry (2002), the Cant and Downie Review (2004), and the Murray Review (2005)); and
- The introduction of new legislation (i.e., the introduction of the *Children and Community Services Act 2004* (WA) in March 2006 which expanded the range of orders available to protective staff).

### 10.2.1 Notifications, investigations and substantiations

There are a number of factors that appear to explain the generally low rates of statutory activity for the headline indicators of notifications, investigations and substantiations, as well as the very limited growth (or in the case of total substantiation rates, marginal reduction) in statutory data in Western Australia over the past five years.

<sup>9</sup> Western Australia's rate of total substantiations was consistently lower than its rate of children on orders and in out-of-home care throughout the five-year period under analysis. This is partly explained by the fact that Western Australia has a high percentage of children in out-of-home care who have been in care for more than 5 years. As the rates of children on orders and in out-of-home care are composite figures (i.e., rates are comprised of children who become the subject of an order and who enter care in a particular reporting period, as well as children who remain on an order or in care from a previous reporting period), Western Australia's rates of children on orders and in care are inflated relative to its rate of total substantiations. In addition, the way in which Western Australia rigorously screens children and families at intake and diverts appropriate cases to family support services also means that far fewer children and families enter the statutory child protection system, thus resulting in far fewer investigations and in turn substantiations.

Much like Victoria's systemic reshaping of child protection services, Western Australia has also developed a comprehensive infrastructure of family support services to divert children and families from child protection involvement. In Western Australia, a policy position *New Directions in Child Protection and Family Support* was established in 1995 in order to bring about significant reform to the delivery of children and family support services. The impetus for the program of reforms was recognition of the growing demand on child protection services (Parton & Mathews, 2001). Rather than focusing on the forensic statutory child protection approach, *New Directions* emphasised professional judgment, assessment and supervision rather than prescriptive assessment procedures; removed caller-defined notifications and introduced agency-defined child maltreatment reports; and introduced the child concern report as a contact/report classification. In short, *New Directions* was "an explicit move by the Department to re-focus its work away from a narrow forensic concern with child maltreatment investigations, towards a greater emphasis on family support and providing services on a voluntary basis to families" (Parton & Mathews, 2001, p. 102). The structural changes and philosophical approach to child protection that commenced in 1995 as a result of the implementation of *New Directions* to a large extent explains Western Australia's sustained and comparatively low rates of total notifications, investigations and substantiations over the past five years.

Over the past five years (2000–2001 to 2005–2006), Western Australia invested further resources in the area of family support. In the reporting period 2001–02, the Western Australian Government provided additional funding to diversionary and family support services through its Family Strength policy. Family support programs received an injection of \$7.75 million over 4 years to provide a range of prevention and early intervention programs. It is likely that the continued availability and further expansion of family support services accounts for the reduction observed in rates of notifications, investigations and substantiations in the period 2002–03.

A further catalyst for reforms undertaken to reshape Western Australian child and family welfare services that may have contributed to the limited growth observed in statutory child protection data is the Gordon Inquiry and the Western Australian Government's response to it. Following the release of a coronial report concerning the death of a 15-year-old girl at the Swan Valley Nyoongar Community in Lockridge, the Premier of Western Australia announced that the Western Australian Government would hold an Inquiry into the response of government agencies to complaints of family violence and child abuse in Aboriginal communities. The Inquiry commenced in January 2002. The terms of reference required the Inquiry members to investigate a broad range of issues, including:

- Any necessary legislative and administrative measures to be taken by government agencies in responding to family violence and child abuse;
- The mandatory reporting of sexually transmitted diseases;
- Support measures for children reporting abuse; and
- Practical solutions for responding to family violence and child abuse.

*Putting the Picture Together: Inquiry into Response by Agencies to Complaints of Family Violence and Child Abuse in Aboriginal Communities* (Gordon *et al.*, 2002) contained a wealth of recommendations, including that changes must be made in order to: better respond when family violence and child abuse occur; deal effectively with the underlying factors that both result from, and cause family violence and child abuse; and develop a comprehensive and systemic approach to family violence and child abuse that goes beyond the approaches of individual agencies.

The Western Australian Government's response to the Gordon Inquiry was tabled in Parliament in December 2002. The Government's response *Putting People First* prioritised immediate, co-ordinated and sustained change to enhance the safety and welfare of Aboriginal children. Accordingly, in 2002–03, the Western Australian Government employed an additional 10 Child Protection Workers; placed 8 specialist Domestic Violence Police Officers in country police districts; expanded the Strong Families case management program; and commenced the refurbishment and expansion of the Child Protection Unit services at Princess Margaret Hospital. October 2003 also saw the launch of the Western Australian Government's Early Years strategy, which placed a strong priority on early intervention and community development.

It is likely that the Western Australian Government's emphasis on early intervention, community development and alternative approaches to addressing concerns in relation to children—coupled with the Department of Community Development's careful screening of matters formally recorded and progressed as child protection (that is, the matters that are responded to according to the investigative child protection arm of the Department)—led to the comparatively limited growth seen in statutory child protection indicators during the period 2000–01 to 2005–06. This has occurred despite media scrutiny

of child protection issues much like that of other jurisdictions. It may be that public awareness of the Gordon Inquiry and the Government's response to it contributed to the marginal increases observed in the rate of total notifications in 2003–04. That said, on the whole Western Australia's notification data are best understood as exhibiting only minor fluctuations over the past five years relative to the increases observed in most other jurisdictions. However, because notifications are not recorded as a proportion of all calls to the Department, it is not clear whether there were increasing reports from the community, which were categorised as family support cases (i.e., child concern reports) and therefore did not impact on child protection indicators.

The momentum inspired by the release of the Gordon Inquiry and the Government's response to it saw additional funding of \$25.77 million to address family violence and child abuse in Aboriginal communities in 2003–04. Additional funding enabled greater numbers of welfare and protective staff to be employed, which may have contributed to the marginal increases observed in the rates of total investigations and substantiations in 2003–04 and 2004–05. However, it might also be that the increase observed in the rates of total investigations and substantiations was the result of a lowered threshold at which cases reported to the Department proceeded to investigation and were subsequently substantiated.

The reporting period 2004–05 also saw a funding increase of \$18.8 million over four years to employ an additional 50 case workers, and the implementation the Children First Strategy—a whole-of-government approach to supporting children, families and communities, which emphasises that providing for the wellbeing and protection of children and young people is a whole of community responsibility. It is possible that the Children First strategy, the media attention and public education that accompanied it, and the additional staff employed within the Department account for the moderate increases observed in the rate of total notifications, investigations and substantiations in 2004–05. Note however, that on the whole, notifications, investigation and substantiation data in Western Australia during the period under investigation are best understood as exhibiting comparatively limited growth (if any), which is likely to be the result of an emphasis on diverting children and families from the investigative child protection arm of the Department for Community Development to the family support arm of the same Department. However, it is worth noting that Western Australia's comparatively high rate of investigations not finalised may also have served to limit growth in rates of total substantiations (e.g., in 2005–06, 25.3% of investigations were not finalised, which was the second highest rate of all jurisdictions).

*Key messages:*

- The structural changes and philosophical approach to child protection that commenced in 1995 as a result of the implementation of *New Directions* to a large extent explains Western Australia's sustained and comparatively low rates of total notifications, investigations and substantiations over the past five years.
- It is likely that the Western Australian Government's emphasis on early intervention, community development and alternative approaches to addressing concerns in relation to children—coupled with the Department of Community Development's careful screening of what is formally recorded and progressed as child protection—has contributed substantially to the comparatively limited growth seen in statutory child protection indicators in Western Australia over the past five years.

### 10.2.2 Children on orders and in out-of-home care

The rates of children on orders and in out-of-home care increased marginally in Western Australia over the past five years. The increase observed in the number of children on orders at 30 June 2004 is likely to be explained to a large extent by the fact that in this reporting period, Western Australia included for the first time children in care applications adjourned at 30 June where no subsequent court appearance had occurred by the end of August. Data regarding the number of children on orders had not included these children prior to 2004.

The increase in the rate of children on orders at 30 June 2006 is likely to be explained by the introduction of the *Children and Community Services Act 2004* (WA), which came into operation in March 2006. The Act contains provisions concerning the care and protection of children, and the functions of government towards this end. The Act also provides for an expanded range of orders when a child is found to be in need of protection and requires children to be in out-of-home care according to legally prescribed means, which had not been the case in Western Australia previously (i.e., prior to the introduction of the Act, the Department had been able to place children in out-of-home care through consented placements). Consequently, the rate of children on orders at 30 June 2006 is likely to have increased as a result of the

expanded range of orders available to protective staff as well as the need to formalise the status of some children in care, for example, by initiating care and protection applications.

It is also possible that additional funding received in 2004–05 and 2005–06 to provide for greater numbers of Departmental staff may in part account for the increase in the rate of children on orders and in out-of-home care observed in this period. As outlined, this argument assumes an existing level of previously unmet demand for such intervention or a lowered threshold.

In addition to the aforementioned legislative developments, 2005–06 saw the Western Australian Government announce that it had appointed an independent consultant to review specific cases of substantiated abuse of children and young people in care in Western Australia during the period 1 April 2004 to 12 September 2005. The Murray Review reported that there were 2,987 children who were in the care of the Department, for at least one day, during this period. Fifty-nine substantiated child maltreatment allegations, relating to 57 children, were the subject of the report *A Duty of Care to Children and Young People in Western Australia: Report on the Quality Assurance and Review of Substantiated Allegations of Abuse in Care*, which was released in December 2005.

Although the review did not find any structural shortcomings in the Department, the report did make a number of recommendations regarding future directions in Western Australia. Specifically, the report noted the seriousness of shortages in suitable placement options for children in need of alternative care, stressed the need for increased staff in the Department (both specialist and administrative), and emphasised the need for mentoring, training and on-going staff support to build and retain a resilient and knowledge-based workforce. The scrutiny of the review may have contributed to the increase observed in the rate of children on orders and in out-of-home care at 30 June 2006, as protective staff sought a variety of orders to secure the welfare of children in need of protection, and to provide for suitable placements types. As has been noted for other jurisdictions, reviews and media attention concerning Departmental responsibility for the care and protection of children, and critiques of specific decisions made in case planning, can lead to a lowered threshold for statutory intervention. However, were a lowered threshold to have been a contributing factor, it seems likely that a similar pattern would have been observed across most, if not all, indicators—but this was not the case (e.g., the rate of substantiations decreased marginally rather than increased as one would expect). Although, it may be that Western Australia's comparatively high rate of investigations not finalised in the 2005–06 reporting period masked what would otherwise have been an increase in the rate of total substantiations. In addition, increased demand for out-of-home care placements and a need to formalise the status of some children in care as a result of changes to the Act may have diverted staff time from the front end of the system.

Consistent with the argument presented in relation to the marginal increases observed in Victoria in the rates of children on orders and in out-of-home care (in the context of largely constant, and sometimes overall decreases in the rates of other headline indicators), Western Australia's comprehensive array of family support services and diversionary strategies may have enhanced the Department's capacity to detect and respond to those children and families most in need of an investigative response—thus contributing to increases observed in the rates of children on orders and in out-of-home care (D. Scott, 2006).

#### *Key messages:*

- Some of the marginal increases observed in the rate of children on orders can be explained by variability in the data provided for national reporting purposes (i.e., changes to the data that are extracted from Western Australia's information system).
- The increase in the rate of children on orders at 30 June 2006 is likely to be in part explained by the introduction of the *Children and Community Services Act 2004* (WA), which provided for an expanded range of orders when a child is found to be in need of protection and required the Department to formalise the status of some children in care.
- An increase in the Department's capacity (via funding increase) may also have contributed to the increase observed in children on orders and in out-of-home care (assuming an existing level of previously unmet demand for such intervention or a lowered threshold for such intervention).
- The Western Australian Government's diversionary and family support services may have enhanced the Department's capacity to detect and respond to those children and families most in need of an investigative response – thus contributing to increases observed in the rates of children on orders and in out-of-home care.

## 10.3 Conclusion

This chapter considered Western Australia's statutory child protection data for the period 2000–01 to 2005–06. At the outset of the chapter it was observed that headline indicators in Western Australia have remained relatively constant over the past five years with the exception of some comparatively minor fluctuations in the rates of total notifications, investigations and substantiations, and a steady but marginal increase in the rates of children on orders and in out-of-home care. The remainder of the chapter considered the variables that may explain these trends. It was suggested that the most likely explanation for Western Australia's comparatively low and fairly constant rate of total notifications, investigations and substantiations is the Western Australian Government's emphasis on early intervention, prevention, and community development, and its focus on diverting children and families from forensic child protection involvement in favour of voluntary and collaborative interventions. The rates of children on orders and in out-of-home care were found to have increased marginally over the past five years. It was argued that these increases were largely the result of differences in data extracted for national reporting purposes, legislative developments providing for an expanded range of orders, and an improved capacity to detect children and families in need of such interventions.

## SECTION 3

# Differences across Australian jurisdictions in statutory child protection data recorded during 2005–06

This section examines similarities and differences in rates of headline statutory child protection indicators across each Australian state and territory. Chapter 11 commences with a discussion of differences observed in rates of total notifications, investigations and substantiations across jurisdictions in the 2005–06 reporting period—the indicators for which the greatest degree of variation was observed across jurisdictions. The chapter then considers the rates of children on orders and in out-of-home care across jurisdictions at 30 June 2006, and discusses variables that may have contributed to the more minor differences observed across these indicators. Chapter 12 provides an overview of key project findings, the limitations of the present project, and suggestions for future research.

# Chapter 11: Explaining similarities and differences in child protection data across Australia

## 11.1 Notifications

Notifications are considered the most volatile of child protection indicators due to the variation they exhibit across jurisdictions, as well as within jurisdictions over time. Figure 13.1 plots the rates of total notifications for each jurisdiction in the 2005–06 reporting period.

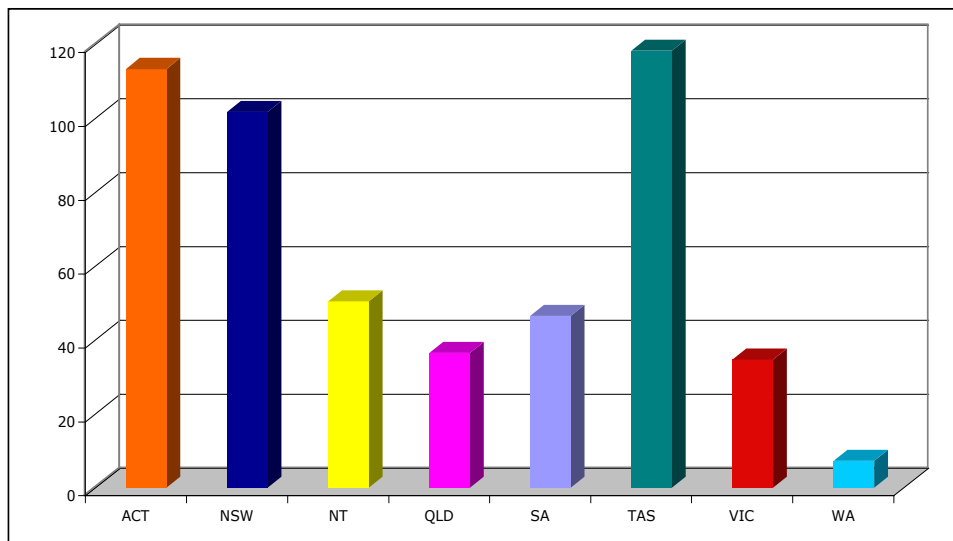


Figure 11.1: The rate of total notifications per 1,000 children in each state and territory for the period 2005–06

### 11.1.1 Description

As can be seen from Figure 11.1, the rate of total notifications in each state and territory varied substantially in the 2005–06 reporting period. The rate of total notifications ranged from a low of 7.2 per 1,000 children in Western Australia to a high of 118.2 per 1,000 children in Tasmania. Within this broad range, rates appeared to cluster into three groups: (1) New South Wales, the Australian Capital Territory and Tasmania recorded rates of total notifications between 101.7 and 118.2 per 1,000 children; (2) Victoria, Queensland, South Australia and the Northern Territory recorded rates of total notifications between 34.7 and 50.4; while (3) Western Australia stood out with the lowest total notification rate of 7.2 per 1,000 children. Table 11.1 contains the raw figures and rates of total notifications per 1,000 children for each jurisdiction in the 2005–06 reporting period.

Table 11.1: Total notifications for each jurisdiction in the 2005–06 financial year

Jurisdiction	Total notifications 2005–06	
	Total notifications	Rate
ACT	8,064	113.3
NSW	152,806	101.7
NT	2,863	50.4
Qld	33,612	36.4
SA	15,069	46.5
Tas	13,029	118.2
Vic	37,987	34.7
WA	3,315	7.2

## 11.2 Factors accounting for variation in notifications

The following section examines factors that contribute to the marked differences observed across jurisdictions in rates of total notifications recorded in 2005–06:

- Differences in whether notifications are caller-defined or agency-defined.
- Differences in the application of the national counting rule for notifications.
- Differences in the availability of diversionary and family support services.
- Differences in whether jurisdictions employ centralised intake or local area intake services.
- Differences in mandatory reporting requirements and agency reporting policies.
- Differences in the matters for which notifications are recorded (i.e., extra-familial maltreatment and abuse of children in care).
- Threshold differences in the point at which jurisdictions record a notification.

### 11.2.1 Differences in whether notifications are caller-defined or agency-defined

Notifications are defined in Australian jurisdictions in one of two ways: (1) notifications may be caller-defined; or (2) notifications may be defined by the receiving child protection service. Where notifications are defined by the receiving child protection service, the report will be screened to determine whether the substance of the report constitutes a child protection notification (that is, whether the report falls within the mandated scope of the statutory child protection service) or whether the call is more appropriately responded to via family support services (in which case the report may be recorded as a child protection concern or equivalent and referred to another agency). In contrast, where notifications are caller-defined, almost all reports are classified as notifications (with the exception of those distinguished as general enquiries). As a result, jurisdictions that employ a caller-defined approach to recording notifications generally report greater numbers of notifications than jurisdictions in which notifications are agency-defined.

In 2005–06, the Australian Capital Territory, Tasmania and Victoria employed a caller-defined approach to recording notifications, whereas in other states and territories, notifications were defined by the receiving child protection service (see Table 11.2). The use of caller-defined notifications to a large extent explains why the Australian Capital Territory and Tasmania exhibited substantially greater rates of total notifications than other jurisdictions. However, Victoria did not exhibit an equivalently high rate of total notifications. This can be explained by Victoria's more stringent approach to caller-defined notifications. In 2005–06 in Victoria, reports to child protection were recorded as notifications when reporters: (a) expressed a significant concern for the wellbeing of a child; or (b) believed that a child is in need of protection. In contrast, all matters that are not general enquiries are recorded as notifications in the Australian Capital Territory and Tasmania.

**Table 11.2: The approach to recording notifications employed in each jurisdiction in 2005–06**

Jurisdiction	Caller-defined	Agency-defined
Australian Capital Territory	✓	
New South Wales		✓
Northern Territory		✓
Queensland		✓
South Australia		✓
Tasmania	✓	
Victoria	✓	
Western Australia		✓

#### Key message:

- Jurisdictions that employ a caller-defined approach to recording notifications generally report greater numbers of notifications than jurisdictions in which notifications are agency-defined. The Australian Capital Territory and Tasmania's comparatively high rates of total notifications can largely be explained by their use of caller-defined notifications.

### 11.2.2 Differences in the application of the national counting rule for notifications

Differences across jurisdictions in the application of the national counting rule for notifications contributed to some of the differences observed in reported rates of total notifications in 2005–06. The national counting rule stipulates that data provided for notifications are to concern “contacts made to an authorised department by persons or other bodies making allegations of child abuse or neglect, child maltreatment or harm to a child. Notifications should not include reports regarding wider concerns about a child or family, which are classified as child concern reports” (AIHW, 2005b, p. 8). Further, according to the national counting rule:

“a notification can only involve one child. Where it is claimed that two children have been abused or neglected or harmed, this is counted as two notifications, even if the children are from one family. Where there is more than one notification about the same ‘event’, this should be counted as only one notification. Where there is more than one notification [within the reporting period], but relating to different events (for instance, a different type of abuse or neglect or a different person believed responsible), these should be counted as separate notifications.” (AIHW, 2005b, p. 8)

As already outlined, the Australian Capital Territory and Tasmania’s comparatively high rates of total notifications can largely be explained by their use of caller-defined notifications. However, Tasmania’s rate of total notifications is further inflated by its inability to comply with the national counting rule for notifications, particularly the stipulation that where there is more than one notification about the same event, that these notifications should only be counted as one notification. New South Wales also reported having some difficulty ensuring that multiple reports are removed from data provided for national reporting purposes.

In contrast, Victorian staff are unable to record an additional notification where there is already an “open” notification in the electronic state-wide database of child protection information (the Client and Service Information System (CASIS)). This is the case irrespective of whether the report relates to the same event, or another event in relation to the same child. This attribute of the Victorian information system is likely to partly explain Victoria’s lower rate of total notifications compared to other Australian jurisdictions.

A difference in the application of the national counting rule for notifications also partly explains why Western Australia and Queensland have lower rates of total notifications relative to other jurisdictions. In 2005–06 in both Western Australia and Queensland, only matters that proceeded to investigation were recorded as notifications—a more stringent application of the national counting rule than that employed in other jurisdictions.

#### *Key message:*

- Differences in the application of the national counting rule for notifications appear to contribute to some of the difference observed across jurisdictions in rates of total notifications. Tasmania and New South Wales both reported having difficulty complying with the national counting rule such that their rates are inflated by the inclusion of multiple reports. In contrast, policy positions in both Western Australia and Queensland in 2005–06 led to a more stringent application of the national counting rule rendering their rates of total notifications comparatively lower than other jurisdictions, as only notifications that proceeded to investigation were counted as notifications. Victoria’s rate of total notifications also appeared to be comparatively lower than other jurisdictions as the Victorian information system cannot record further reports against an already “open” case.

### 11.2.3 Differences in the availability of diversionary and family support services

Diversionary and family support services are programs and interventions designed to provide assistance to children and families in order to prevent the development and/or escalation of risk factors and vulnerabilities for child protection involvement. Such services may involve parent education programs, home visiting programs, skills training, and intensive family preservation services. Such programs may be delivered by government organisations or funded by government and delivered by non-government/ community organisations (Holzer et al., 2006).

There is some variation in the availability of diversionary and family support services across Australian jurisdictions, which appear to account for some of the differences observed in rates of total notifications. For example, in Victoria, a comprehensive suite of diversionary services was established with the introduction of Intensive Family Support Innovation Projects in 2002. In establishing the Intensive Family Support Innovation Projects, the Department of Human Services aimed to divert a significant

proportion of families notified to Child Protection Services to community-based services, and to minimise client renotifications and the progression of families into the child protection system. An independent evaluation of the Family Support Innovation Projects suggests that they have had some success towards this end (Thomas et al., 2003).

In Western Australia, a policy position *New Directions in Child Protection and Family Support* was established in 1995 in order to bring about significant reform to the delivery of children and family services. The impetus for the program of reforms was recognition of the growing demand on child protection services, and research that pointed to a need for change to ensure that the delivery of child protection services and family support services was not an “either/or” arrangement (Parton & Mathews, 2001). *New Directions* emphasised professional judgment, assessment and supervision rather than prescriptive assessment procedures; removed caller-defined notifications and introduced agency-defined child maltreatment reports; and introduced the child concern report as a contact/report classification. The child concern classification could be assigned to a referral where there was no indication of maltreatment, but where there were concerns about a child’s welfare on the basis of his or her home environment or standard of care, or in circumstances where the precise nature of the issue or problem required further examination. Parton and Mathews explained that the development of *New Directions* can be understood as “an explicit move by the Department [i.e., the Department for Community Development] to re-focus its work away from a narrow forensic concern with child maltreatment investigations, towards a greater emphasis on family support and providing services on a voluntary basis to families” (2001, p. 102).

The Victorian and Western Australian reforms are indicative of broader trends, not only across Australia, but also internationally. As child protection systems struggle under the weight of increasing referrals, and there is growing recognition that a child protection response is not the most appropriate form of intervention for families with support needs, many systems (particularly those modelled on the child protection approach of the US), have begun to implement strategies that emphasise the provision of family support services, prevention and early intervention services. These types of services are designed to prevent the development of risk factors and vulnerabilities for child protection involvement, and to reduce the likelihood of children and families repeatedly coming to the attention of child protection services (e.g., as re-notifications and re-substantiations) (Blakester, 2006; Holzer et al., 2006; James, 1994; D. Scott, 2006).

The fact that Western Australia has had such an approach in place for over ten years largely explains the considerably lower rate of total notifications in Western Australia compared to other jurisdictions. In contrast, a limited array of family support services, or the relatively recent development of such services, is likely to go some way in explaining why other jurisdictions have considerably higher rates of notifications.

*Key message:*

- A comparatively long-standing emphasis on diverting children and families from the children protection system and providing early intervention largely explains the considerably lower rate of total notifications reported in Western Australia compared to other jurisdictions.

#### 11.2.4 Centralised intake

There are differences across Australian jurisdictions as to whether intake (i.e., the process of receiving reports) is performed centrally or by local areas/district centres (see Table 11.3). In 2005–06, four jurisdictions employed a centralised intake service, while four employed local area intake. Centralised intake is said to bring greater consistency in practice to the initial assessment of reports to child protection services. Centralised intake is also argued to reduce intake assessment bias by limiting client involvement with intake staff and reducing the likelihood that intake decision-making will be affected by local area capacity constraints (Bromfield & Higgins, 2005).

In part as a result of the above benefits of centralised intake services, centralised intake has been linked with higher rates of notifications than local area intake services. For example, centralised intake was first implemented in Auckland, New Zealand in 1997 and was progressively rolled out to the rest of the country by early 2001. Mansell (2006) explained that since 2001, notifications to New Zealand’s statutory child protection agency have doubled. Although there are likely to be a number of factors at play in explaining the increases observed, Mansell argued that the move to centralised intake was a key contributor to this trend primarily because centralised intake “decoupled” intake decision-making from the systemic consequences of those decisions. Mansell argued that branch or district-based intake is a “naturally self adjusting system” that enables protective staff to mediate demand on the system via a feedback loop between professionals

performing intake and those performing investigations or placement services for example (2006, p. 117). On the other hand, centralised intake enables intake decision-making to take place at a distance from capacity constraints within the system. Of note, three of the four Australian jurisdictions that employed local area intake services in 2005–06 (Queensland, Victoria and Western Australia) also reported the lowest rates of total notifications (the Northern Territory was the exception). The use of local area intake services may contribute to these jurisdictions' lower rates of total notifications.

**Table 11.3: The approach to intake employed in each Australian jurisdiction in 2005–06**

Jurisdiction	Centralised intake	Local area intake
Australian Capital Territory	✓	
New South Wales	✓	
Northern Territory		✓
Queensland		✓
South Australia	✓	
Tasmania	✓	
Victoria		✓
Western Australia		✓

*Key message:*

- Centralised intake services have been linked with higher rates of notifications than local area intake services. Australian jurisdictions that employ centralised intake services generally report higher rates of total notifications than those jurisdictions that employ local-area intake services (i.e., Queensland, Victoria and Western Australia employed local-area intake services in 2005–06 and also reported the lowest rates of total notifications).

### 11.2.5 Mandatory reporting requirements & agency reporting policies

All jurisdictions possess mandatory reporting requirements of some description. There are, however, differences in the scope of mandatory reporting requirements across jurisdictions. For example, in the Northern Territory, mandatory reporting requirements extend to police and all other people with reasonable grounds to believe that a child has suffered or is suffering maltreatment. In contrast, mandatory reporting requirements extend only to family court personnel, counsellors and mediators, as well as licensed providers of childcare or outside school hours care services in Western Australia. Table 11.4 provides an overview of mandatory reporting requirements in each state and territory.

It is possible that differences across jurisdictions in the breadth of people mandated to report child maltreatment contribute to some of the differences observed in notification rates. For example, Western Australia had the lowest notification rate in 2005–06 and also the most narrowly construed mandatory reporting requirements. Although the Northern Territory had the most expansive mandatory reporting requirements, yet did not have the highest notification rate, the Northern Territory is argued to have a high rate of under reporting (further discussion of this point is provided in Chapter 5) (Pocock, 2003).

It is also possible that the abuse types for which it is mandatory to report contribute to some of the differences observed in rates of total notifications across jurisdictions. In Tasmania and New South Wales, mandatory reporters are mandated to report each of the abuse types, including exposure to family violence. These jurisdictions also reported the first and third highest rates of total notifications respectively in 2005–06. Exposure to family violence is not a maltreatment type for which it is mandatory to report in any other Australian jurisdiction, however, the Australian Capital Territory, Queensland, South Australia and Western Australia all have police reporting policies in place in relation to exposure to family violence.<sup>10</sup> The fact that it is mandatory to report exposure to family violence in Tasmania and New South Wales is likely to partly explain these jurisdictions' higher rates of total notifications relative to other Australian jurisdictions. However, as other jurisdictions have similar police reporting policies in place it is unlikely that this factor explains a substantial part of the variation across jurisdictions.

<sup>10</sup> In 2000, South Australia Police implemented a policy requiring officers to notify child protection of children exposed to family violence. The implementation of this policy saw a sharp rise in notifications received from police. Similar trends were observed in Tasmania in 2005 following the implementation of the *Family Violence Act 2004* (Tas). The *Family Violence Act 2004* (Tas) included an amendment to the *Children, Young Persons and Their Families Act 1997* (Tas), which extended the definition of abuse and neglect to include a child affected by family violence. Consistent observations were made with respect to reporting protocols implemented by New South Wales Police in 1997, which subsequently became mandatory in 2000 following the proclamation of the *Children and Young Persons (Care and Protection) Act 1998* (NSW) (Irwin et al., 1999).

**Table 11.4: Mandated reporters and the matters that are to be notified in each Australian state and territory**

	Who is mandated to notify?	What is to be notified?	Abuse types for which it is mandatory to report	Relevant sections of the Act/Regulations
<b>ACT</b>	A person who is a— doctor; dentist; registered or enrolled nurse; teacher at a school; police officer; person employed to counsel children and young people at a school; person caring for a child at a child-care centre; a person coordinating or monitoring the provision of home-based care on behalf of a family day care scheme licensee; a public servant who, in the course of employment as a public servant, works with, provides services personally to, children and young people or families; public advocate; official visitor; a prescribed person.	(a) A reasonable suspicion that a child or young person has suffered or is suffering sexual abuse or non-accidental physical injury, and  (b) Those grounds arise during the course of or from the persons work.	<ul style="list-style-type: none"> <li>■ Physical</li> <li>■ Sexual</li> </ul>	Section 159 of the <i>Children and Young People Act 1999</i>
<b>NSW</b>	(a) a person who, in the course of his or her professional work or other paid employment delivers health care, welfare, education, children's services, residential services, or law enforcement, wholly or partly, to children, and  (b) a person who holds a management position in an organisation the duties of which include direct responsibility for, or direct supervision of, the provision of health care, welfare, education, children's services, residential services, or law enforcement, wholly or partly, to children.	Reasonable grounds to suspect that a child is at risk of harm.	<ul style="list-style-type: none"> <li>■ Physical</li> <li>■ Sexual</li> <li>■ Emotional</li> <li>■ Neglect</li> <li>■ Exposure to family violence</li> </ul>	Section 27 of the <i>Children and Young Persons (Care and Protection) Act 1998</i>
<b>NT</b>	Police; all other people with reasonable grounds	Reasonable grounds that a child has suffered or is suffering maltreatment	<ul style="list-style-type: none"> <li>■ Physical</li> <li>■ Sexual</li> <li>■ Emotional</li> <li>■ Neglect</li> </ul>	Sections 13 & 14 of the <i>Community Welfare Act 1983</i>
<b>Qld</b>	An authorised officer; employee of the Department of Child Safety; a person employed in a departmental care service or licensed care service; a doctor; a registered nurse; the Registrar and Deputy Registrar of a Registry of the Family Court; a Registrar of the Federal Magistrates Court; a family consultant; a family counsellor; a family dispute resolution practitioner; an arbitrator; a lawyer independently representing a child's interests.	Harm or suspected harm to a child	<ul style="list-style-type: none"> <li>■ Physical</li> <li>■ Sexual</li> <li>■ Emotional</li> <li>■ Neglect</li> </ul>	Section 148 of the <i>Child Protection Act 1999</i> ; section 20 of the <i>Commission for Children Young People and Child Guardian Act 2000</i> ; sections 191 and 192 of the <i>Public Health Act 2005</i>
<b>SA</b>	Doctors, pharmacists, nurses, dentists, psychologists, police officers, community corrections officers, social workers, teachers, family day care providers, employees/volunteers in a government department, agency or instrumentality, or a local government or non-government agency that provides health, welfare, education, sporting or recreational, child care or residential services wholly or partly for children; ministers of religion (with the exception of disclosures made in the confessional), employees or volunteers in a religious or spiritual organisations.	Reasonable grounds that a child has been or is being abused or neglected	<ul style="list-style-type: none"> <li>■ Physical</li> <li>■ Sexual</li> <li>■ Emotional</li> <li>■ Neglect</li> </ul>	Section 11 of the <i>Children's Protection Act 1993</i>

Table 11.4 continued on p. 72

Table 11.4 continued from p. 71

Who is mandated to notify?	What is to be notified?	Abuse types for which it is mandatory to report	Relevant sections of the Act/Regulations
<b>Tas</b> A registered medical practitioner; a nurse, within the meaning of the Nursing Act 1995; a person who is registered as a dentist, dental therapist or dental hygienist under the Dental Practitioners Registration Act 2001; a registered psychologist, within the meaning of the Psychologists Registration Act 2000; a police officer; a probation officer appointed or employed under section 5 of the Corrections Act 1997; a principal and a teacher in any educational institution (including a kindergarten); a person who provides child care, or a child care service, for fee or reward; a person concerned in the management of a child care service licensed under the Child Care Act 2001; any other person who is employed or engaged as an employee for, of or in, or who is a volunteer in a Government Agency that provides health, welfare, education, child care or residential services wholly or partly for children, and an organisation that receives any funding from the Crown for the provision of such services; and any other person of a class determined by the Minister by notice in the Gazette to be prescribed persons.	Belief, suspicion, reasonable grounds or knowledge that a child has been or is being abused or neglected or is an affected child within the meaning of the Family Violence Act 2004; or that there is a reasonable likelihood of a child being killed or abused or neglected by a person with whom the child resides.	<ul style="list-style-type: none"> <li>■ Physical</li> <li>■ Sexual</li> <li>■ Emotional</li> <li>■ Neglect</li> <li>■ Exposure to family violence</li> </ul>	Sections 13, 14 & 15 of the <i>Children Young Persons and Their Families Act 1997</i>
<b>Vic</b> A registered medical practitioner; a registered nurse; a person who is registered as a teacher under the <i>Victorian Institute of Teaching Act 2001</i> or has been granted permission to teach under that Act; the head teacher or principal of a State school within the meaning of the <i>Education Act 1958</i> or of a school registered under Part III of that Act; a member of the police force.	Reasonable grounds that physical or sexual abuse is occurring.	<ul style="list-style-type: none"> <li>■ Physical</li> <li>■ Sexual</li> </ul>	Section 182(1) a-e of the <i>Children, Youth and Families Act 2005</i>
<b>WA*</b> Family court personnel, counsellors and mediators. Licensed providers of child care or outside school hours care services.	Allegations or suspicions of child abuse in Family Court cases; allegations of child abuse in a child care service.	<ul style="list-style-type: none"> <li>■ Physical</li> <li>■ Sexual</li> <li>■ Emotional</li> <li>■ Neglect</li> </ul>	Section 160 of the <i>Western Australia Family Court Act 1997</i> ; Regulation 20 of the Child Care Services Regulations 2006; Regulation 19 of the Child Care Services (Family Day Care) Regulations 2006; Regulation 20 of the Child Care Services (Outside School Hours Family Day Care) Regulations 2006; Regulation 21 Child Care Services (Outside School Hours Care) Regulations 2006.

- Notes:
- Note that when the *Children and Community Services Amendment (Reporting Sexual Abuse of Children) Act 2008* is proclaimed, Western Australia will introduce mandatory reporting of child sexual abuse by doctors, nurses, teachers, and police officers when they form a belief on reasonable grounds that child sexual abuse has occurred or is occurring.
  - Section 67ZA of the *Family Law Act 1975* (Cth) also applies to all states and territories

*Key message:*

- It is likely that differences in the breadth of people mandated to report child maltreatment, and differences in the maltreatment types for which mandatory reporters are mandated to report contribute to part of the difference observed in rates of total notifications across jurisdictions. Specifically, Western Australia's narrow mandatory reporting requirements appears to contribute to its lower rate of total notifications, while the fact that it is mandatory to report all abuse types (including exposure to family violence) in Tasmania and New South Wales is likely to contribute to these jurisdictions' higher rates of total notifications relative to other jurisdictions.

Interagency reporting guidelines may also contribute to some of the variation observed in rates of total notifications. For example, New South Wales first implemented *New South Wales Interagency Guidelines for Child Protection Intervention* in 1991. The Guidelines have since been reviewed and revised to reflect the legislative and agency changes that have taken place. The Guidelines are designed to assist professionals and agencies working with children and families where there are child protection concerns. The Guidelines provide detailed information in relation to reporting responsibilities and processes for such professionals. It is possible that the visibility of the Guidelines, and the assistance they provide mandated and non-mandated reporters alike, has, overtime, contributed to New South Wales' high rate of total notifications. However, as other jurisdictions such as Western Australia, have similar practice manuals in place (e.g., Reciprocal Child Protection Procedures (WA)), it is unlikely that this factor explains much of the variation evident in the rate of total notifications across jurisdictions.

*Key message:*

- It is unlikely that interagency reporting guidelines explain much of the variation evident in the rate of total notifications across jurisdictions as such guidelines are present in jurisdictions with comparatively high and low rates per 1,000 children (i.e., New South Wales and Western Australia respectively).

### **11.2.6 Matters for which notifications are recorded: Extra-familial maltreatment and abuse of children in care**

Extra-familial maltreatment refers to abuse perpetrated by non-family members (i.e., someone other than a child's parent or guardian). Such abuse may be perpetrated by a professional in an organisation, or an adult connected to the child in some other way (Irenyi et al., 2006). Extra-familial maltreatment is not within the mandate of most jurisdictions unless a child's parents are not acting to protect the child (Bromfield & Higgins, 2005). However, some states and territories have policies in place about reporting such matters to police and do include such matters in the data provided for national reporting purposes (e.g., Tasmania has a Memorandum of Understanding that requires child protection services to make a referral to police, and also includes such matters in the data provided for national reporting purposes). Table 11.6 outlines the approach adopted in each Australian jurisdiction regarding recording reports of extra-familial maltreatment.

The different ways in which jurisdictions record reports concerning extra-familial maltreatment is likely to make a modest contribution to the difference observed across jurisdictions in rates of total notifications. New South Wales includes in data it provides for national reporting purposes all notifications, investigations and substantiations recorded within the given reporting period—no distinction is made regarding extra-familial maltreatment. In Tasmania, reports concerning extra-familial maltreatment are included in notification and investigation data, but excluded from substantiation data, while in South Australia extra-familial matters are included in notification data, but excluded from investigation and substantiation data. All other jurisdictions may record extra-familial matters but only in certain circumstances (e.g., where it concerns abuse in care or where action is not taken by police, or where action is taken jointly by police and child protection services), but do not routinely include in notification data all matters involving extra-familial maltreatment as is done in New South Wales, Tasmania, and South Australia. However, given that jurisdictions that include extra-familial maltreatment in their notification data report both comparatively high and comparatively low rates of total notifications (e.g., New South Wales and Tasmania compared to South Australia), it is unlikely that this factor accounts for more than a modest part of the difference observed across jurisdictions.

**Table 11.6: How each Australian jurisdiction records reports of extra-familial maltreatment**

Jurisdiction	Approach to recording matters concerning extra-familial maltreatment
ACT	Extra-familial matters are included in ACT's count of notifications and are counted in investigations where a joint investigation is conducted with ACT police or where the police decline involvement due to lack of evidence. If the matter is referred solely to the police it would be counted as dealt with by other means.
NSW	Extra-familial matters are included in New South Wales's national count (notifications, investigations and substantiations). No distinction is made to identify whether a matter relates to an intra or extra familial matter.
NT	Extra-familial matters may be included in data provided for national reporting purposes. Generally, extra-familial matters are referred to the Police. However, as FaCS and NT Police have a joint Child Abuse Taskforce (CAT), an extra-familial matter may be referred to (CAT) and therefore FaCS will be involved and may register the matter as a child protection notification—in which case, it would be included in data provided for national reporting purposes.
Qld	Queensland included extra-familial maltreatment in data provided for national reporting purposes if the matter related to abuse in care.
SA	Extra-familial maltreatment is included in South Australia's count of notifications, but excluded from investigations—instead recorded as dealt with by other means.
Tas	Reports concerning extra-familial maltreatment are included in the count of total notifications and investigations.
Vic	Extra-familial maltreatment is only recorded where it concerns abuse of children in care, and where this is the case, this information is only recorded as case notes as the Victorian information system does not enable new reports to be recorded in relation to an already "open" case. The recording of case notes for abuse of children in care has no bearing on the data provided for national reporting purposes.
WA	Extra-familial maltreatment is only included in the count of notifications if the matter relates to abuse in care or if the alleged perpetrator is someone acting in loco parentis (e.g., a child care worker, someone babysitting the child).

**Key message:**

- Differences in the way Australian jurisdictions record reports regarding extra-familial maltreatment are likely to contribute to a modest amount of the difference observed across jurisdictions in rates of notifications. Tasmania, New South Wales and South Australia routinely include extra-familial matters in the notification data they provide for national reporting purposes. With the exception of South Australia, Tasmania and New South Wales also recorded the first and third highest rates of total notifications relative to other Australian jurisdictions.

In addition to differences across jurisdictions in the way in which extra-familial abuse is reported, there are also differences in the way in which jurisdictions record notifications specifically regarding abuse of children in care (e.g., where a child has been abused while residing in an out-of-home care placement). Table 11.7 outlines the way in which Australian jurisdictions record notifications specifically regarding abuse of children in care.

As can be seen from Table 11.7, the Australian Capital Territory, New South Wales, the Northern Territory, Queensland, Tasmania, and Western Australia all included reports concerning abuse of children in care in data provided for national reporting purposes in 2005–06, while South Australia and Victoria did not. Despite these differences, the fact that few reports relate to abuse of children in care in any given reporting period suggests that it is unlikely that such differences account for more than a very modest part of the variation observed across jurisdictions.

**Key message:**

- With the exception of South Australia and Victoria, all Australian jurisdictions include reports concerning abuse of children in care in data provided for national reporting purposes. However, it is unlikely that differences such as these explain much, if any, of the difference observed across jurisdictions in rates of total notifications in 2005–06.

**Table 11.7: How Australian jurisdictions record notifications specifically regarding abuse of children in care**

Jurisdiction	How reports regarding abuse of children in care are recorded
ACT	ACT records a notification regarding abuse in care if the caller requests that the information is regarded as a report rather than case information, or where the intake worker considers the information to be of a sufficiently serious nature. Reports of abuse in care are investigated and may or may not be substantiated. These reports are counted in the national reporting data if they meet the national counting rule for notifications.
NSW	NSW includes information relating to abuse in care in its national count of notifications, investigations and substantiations.
NT	NT includes information relating to abuse in care in its national count of notifications, investigations and substantiations.
Qld	Queensland included in its count of notifications, investigations and substantiations matters concerning abuse of children in care.
SA	Matters concerning abuse of children in care are not included in the notification data SA provides for national reporting purposes.
Tas	In response to the introduction of caller-defined notifications as stipulated in the Children, Young Persons and Their Families Act 1997 (Tas), it became mandatory for complaints regarding children in care to be recorded as notifications. However, including notifications, investigations and substantiations regarding children in care as part of standard reporting of notifications, investigations and substantiations only formally commenced in December 2005 with the implementation of the Complaints in Care Guidelines.
Vic	Victoria does not include matters concerning abuse of children in care in the data it provides for national reporting purposes.
WA	Data regarding abuse of children in care are included in WA's count of notifications, investigations and substantiations.

### 11.2.7 Threshold differences

It is unlikely that the factors identified thus far explain all of the difference observed across Australian states and territories as some of the factors discussed were applicable to several jurisdictions (i.e., not just jurisdictions with comparatively high or low rates of total notifications). An analysis of each state and territory's legislative mandate to intervene when a child is in need of protection or when a child is "at risk" revealed that they are largely very similar across jurisdictions (see Table 11.12 on page 85). However, a department's legislative mandate to intervene may not always be interpreted consistently. In practice, the threshold for protective intervention may differ within a jurisdiction over time and across jurisdictions. For example, in Queensland, an internal analysis of the Department of Child Safety's threshold for receiving and recording notifications showed that there was inconsistency in interpretation resulting in differences in notification rates throughout the state. The implementation of the Structured Decision Making tool was designed to ensure that the threshold for recording a notification aligned with the directive contained within the *Child Protection Act 1999* (Qld) and was applied uniformly across the state.

It appears that threshold differences across Australian jurisdictions in the point at which a report is recorded as a notification account for some of the difference observed in rates of total notifications. Specifically, having found that the Australian Capital Territory, Tasmania and New South Wales possessed the highest rates of total notifications, but that the Australian Capital Territory and Tasmania's rates could largely be understood as the result of a combination of caller-defined notifications and centralised intake, it appears that New South Wales employs a lower threshold for recording a notification, and thus as a result, reports a considerably higher rate of total notifications relative to other jurisdictions. In contrast, Western Australia's strict screening of matters that proceeded along the investigative child protection arm of the Department for Community Development in 2005–06 appears to have given rise to a considerably higher threshold for recording a notification relative to other jurisdictions.

New South Wales' threshold for statutory intervention is considered in detail in two recent submissions to the Special Commission of Inquiry into Child Protection Services in New South Wales (Department of Community Services, 2008a, 2008b). The Submission of the Department of Community Services on Assessment Models and Process provides an overview of the Department's current approach to intake and assessment and outlines directions for reform and system change. The Submission states that there is "much scope to improve the New South Wales child protection system to ensure that [its] assessment tools and processes discriminate more effectively between different types and levels of client need, and support provision of the most appropriate service response to identified needs" (Department of Community Services, 2008a, p. 6). Further, the reform options presented in the Submission "presuppose changes to raise the evidentiary threshold for child protection reports to where there is a 'real likelihood' of a child

being at risk of harm” (Department of Community Services, 2008a, p. 6). The Department takes this stance as it recognises that the design of the child protection system, including the legislative framework and administrative systems and processes involved in service delivery, is a key factor in service demand. The Submission states that raising the legislative threshold for reporting to a “real likelihood” rather than a requirement to report “current concerns” would reduce the number of reports to the Department concerning children who are generally not found to require secondary assessment. At present, this group of children comprises approximately 25–35% of children reported to the Department in any given year (Department of Community Services, 2008a).

*Key message:*

- It appears that threshold differences across Australian jurisdictions in the point at which a notification is recorded accounts for some of the difference observed in rates of total notifications. A lower threshold for recording a notification is particularly thought to explain New South Wales’ higher rate of total notifications relative to other jurisdictions.

#### **Differences in rates of total notifications: Key explanatory factors**

Tasmania, the Australian Capital Territory and New South Wales reported the highest rates of total notifications relative to other Australian jurisdictions, while Western Australia reported the lowest rate of total notifications relative to other Australian jurisdictions. These trends appear to be explained as follows:

- Both the Australian Capital Territory and Tasmania employ a caller-defined approach to recording notifications, which substantially inflates their rates of total notifications relative to other jurisdictions.
- New South Wales appears to possess a lower threshold for recording a notification relative to other Australian jurisdictions resulting in a comparatively high rate of total notifications.
- Tasmania has difficulty complying with the national counting rule such that they cannot exclude multiple reports about the same event (as the national counting rule requires), which inflates Tasmania’s rate of total notifications. New South Wales also reported having a similar difficulty in complying with the national counting rule.
- In contrast, in 2005–06 Western Australia employed a policy position whereby only reports that proceeded to investigation were recorded as a notification (a more stringent application of the national counting rule than that employed in other jurisdictions with the exception of Queensland).
- Finally, a comparatively long-standing emphasis on diverting children and families from the child protection system, careful screening of matters that enter the child protection system (i.e., meet the threshold for entering the child protection arm of the department), limited mandatory reporting requirements, and the provision of early intervention services largely explains Western Australia’s substantially lower rate of total notifications compared to other jurisdictions.

## **11.3 Investigations**

The rates of total investigations differed significantly across Australian jurisdictions in the 2005–06 reporting period. Figure 11.2 plots the rate of total investigations for the year 2005–06.

### **11.3.1 Description**

As can be seen from Figure 11.2, the rate of total investigations in each state and territory varied substantially in the 2005–06 reporting period. The rate of total investigations ranged from a low of 6.9 per 1,000 children in Western Australia to a high of 50.6 per 1,000 children in New South Wales. Table 11.8 contains the raw figures and rates of total investigations for each jurisdiction in the 2005–06 reporting period.

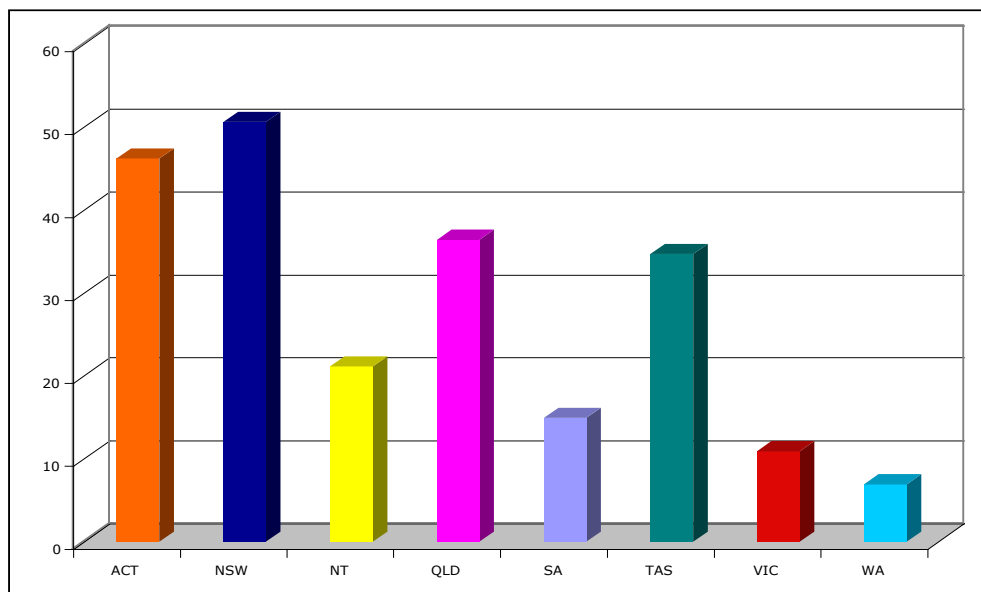


Figure 11.2: The rate of total investigations in each state and territory for the period 2005–06

Table 11.8: Total investigations for each jurisdiction in the 2005–06 reporting period

Total investigations 2005–06		
Jurisdiction	Total investigations	Rate
ACT	3292	46.2
NSW	75980	50.6
NT	1195	21.1
Qld	33612	36.4
SA	4842	14.9
Tas	3824	34.7
Vic	11894	10.9
WA	3190	6.9

## 11.4 Factors accounting for variation in rates of investigations

The following section examines factors that may account for the marked differences observed in the rates of total investigations recorded in 2005–06:

- Differences in volume of clients entering the child protection stream of the service system.
- Differences in the application of the national counting rule for investigations.
- Differences in the availability of diversionary and family support services.
- Organisational workforce capacity.
- Threshold differences.

### 11.4.1 Differences in volume of clients entering the child protection stream of the service system

With the exception of Queensland, the jurisdictions that recorded the highest rates of total notifications also recorded the highest rates of total investigations—New South Wales, the Australian Capital Territory and Tasmania. This suggests that variation in the volume of clients entering the child protection stream of child and family services (i.e., via a notification), rather than entering a child and family services stream, drives their continuation along the traditional “forensic” and investigatory path, and as such, contributes to the higher rates of total investigations in each of these jurisdictions.

*Key message:*

- A greater volume of clients entering the child protection stream of the service system (i.e., via a notification rather than a family support case) appears to explain New South Wales, the Australian Capital Territory, Tasmania's higher rates of total investigations relative to other jurisdictions.

#### *11.4.2 Differences in the application of the national counting rule for investigations*

Queensland's rate of total investigations was relatively high compared to other jurisdictions (Queensland had the third highest rate of total investigations). This is in contrast to the trend observed for Queensland's rate of total notifications relative to other jurisdictions (Queensland had the third lowest rate of total notifications). This trend can be explained by the way in which Queensland provided data for "investigations" in 2005/06.

The national counting rule for investigations stipulates that:

"An investigation is the process whereby state and territory child protection and support services obtain more detailed information about a child who is the subject of a notification and make an assessment about the harm or degree of harm to the child and the child's protective needs. An investigation includes the interviewing or sighting of the subject child where it is practicable to do so. Investigations...counted in [the 2005/06] collection relate to those child protection notifications of children aged 0-17 years that were made to an authorised department between 1 July 2005 and 30 June 2006, and which were subsequently investigated." [Emphasis added] (AIHW, 2007, p. 81)

As can be seen above, the national counting rule defines an investigation as the activity undertaken by a department in response to a notification received within the reporting period. Data published with respect to total investigations are broken down into (a) "investigations finalised" (i.e., investigations that were completed and had outcomes recorded) and (b) "investigations not finalised" (i.e., investigations that had commenced within the reporting period but had not been completed).

In 2005/06, Queensland provided data for "total investigations" that included notifications referred for investigation where the investigation had *not* commenced, as well as investigations finalised and investigations not finalised (i.e., commenced). The inclusion of notifications referred for investigation as well as investigations finalised and investigations commenced inflated Queensland's rate of total investigations relative to other jurisdictions.<sup>11</sup>

*Key message:*

- Queensland's provision of data for total investigations in 2005/06, which included investigations not yet commenced, contributed to the higher rate of total investigations reported in Queensland relative to other jurisdictions.

#### *11.4.3 Differences in the availability of diversionary and family support services*

As already discussed in relation to differences in rates of total notifications, it appears that differences in the availability of diversionary and family support services also accounts for the differences observed in the rate of total investigations. For example, Western Australia has had a policy in place since 1995 (*New Directions in Child Protection and Family Support*), which has prioritised the use of non-statutory child protection responses. The longevity of such an approach in Western Australia—compared to the more recent implementation of similar strategies in other jurisdictions—is likely to explain to a large extent why Western Australia has the lowest rate of total investigations. The development of a similar culture of practice in Victoria (as reflected in the Family Support Innovation Projects) is likely to explain Victoria's low rate of total investigations also.

*Key message:*

- A relatively long-standing practice of prioritising the use of non-statutory child protection responses largely explains Western Australia's low rate of total investigations relative to other jurisdictions.

<sup>11</sup> In 2005/06, Queensland implemented a policy whereby all notifications are to be investigated. This explains why Queensland's rate of total notifications is equivalent to its rate of total investigations (i.e., as all notifications were referred for investigation, and referrals to investigation were included in the count of total investigations, the figures for notifications and investigations would be the same).

### 11.4.4 Organisational workforce capacity

Bromfield and Ryan (2007) identified that there are significant differences in the number of child protection staff involved in direct service delivery across Australian states and territories. A large proportion of the variation in staffing levels can be attributed to differences in population size across jurisdictions. However, population size alone does not appear to explain differences in workforce size. For example, Victoria has the fifth largest workforce but the second largest population, while the Northern Territory has the seventh largest workforce but the smallest population.

It may be that geographic differences in part account for differences in workforce size, as jurisdictions that need to service a population dispersed in remote areas may require a disproportionately large workforce to do this (e.g., the Northern Territory and Western Australia). However, it is also possible that jurisdictions with smaller workforce sizes relative to the population exhibit lower rates of total investigations due to workforce capacity constraints. Figures compiled by Bromfield and Ryan (2007) indicate that there are differences across jurisdictions in the size of the statutory child protection workforce relative to the size of the population (see Table 11.9). Note that these figures are only indicative of general trends and are limited in terms of their comparability across jurisdictions as some functions (e.g., early intervention and family support services; out-of-home care services) are largely provided by non-government agencies in some jurisdictions and non-government agency staff are not included in the count of statutory child protection staff. Further analysis is required to assess the extent to which workforce capacity might influence rates of investigations across jurisdictions.

#### Key message:

- Limited workforce capacity in some jurisdictions may contribute to lower rates of total investigations per 1,000 children. Further analysis of the numbers of staff working in direct service delivery across Australian jurisdictions is required to assess the extent to which this may be the case.

**Table 11.9: The number of child protection staff in each jurisdiction relative to the population size of each jurisdiction**

Jurisdiction	Total population	Child protection staff	Ratio of staff to population
VIC	5,022,300	937	1:5,360
NSW	6,774,200	1,479	1:4,580
ACT	325,200	115	1:2,828
QLD	3,964,000	1,432	1:2,768
SA	1,542,000	600	1:2,570
TAS	485,300	220	1:2,206
NT	202,800	120	1:1,690
WA	2,010,100	1,198	1:1,678

Note: Table sourced from Bromfield and Ryan (2007). Bromfield and Ryan sourced population data from the Australian Bureau of Statistics (2005) and child protection staff numbers from the relevant human resource and training departments of each state and territory.

### 11.4.5 Threshold differences

It is unlikely that the factors identified above explain all of the difference observed across jurisdictions. Although variation in the volume of clients entering the child protection stream of child and family services was identified as contributing to difference in rates of total investigations, the distribution of jurisdictions with the highest rates of total investigations was not consistent with the distribution of jurisdictions with the highest rates of notifications (e.g., New South Wales reported the third highest rate of total notifications but the highest rate of total investigations). Further, as notifications are generally screened before proceeding to investigation, a high rate of notifications need not automatically equate to a high rate of investigations (i.e., reports that do not involve a child in need of protection or a child at risk, or reports that do not meet the threshold for departmental involvement should be screened out of the tertiary child protection system). Therefore, it appears that threshold differences across jurisdictions in determining when to proceed to investigation account for part of the variation in rates of total investigations.

The initial risk assessment process used to determine whether a report should proceed to an investigation is based on professional judgment in most jurisdictions. Queensland is the exception in employing an actuarial based structured decision-making tool, and together, Western Australia and Queensland are unique in investigating all notifications. Table 11.10 outlines the initial risk assessment tool employed in each jurisdiction and the range of possible outcomes of an intake assessment.

**Table 11.10: Approach to, and possible outcomes of, initial risk assessments in each Australian jurisdiction**

<b>Australian Capital Territory</b>	
Initial risk assessment	Professional judgment using a Risk Assessment Tool developed in 2004 based on a combination of the Victorian Risk Assessment and Manitoba (Canada) tools. The assessment of needs is based on a framework adapted from the UK “Framework for the Assessment of Children in Need and their Families” (London, 2000).
Range of possible outcomes	<ul style="list-style-type: none"> <li>■ No further action</li> <li>■ Referral and advice</li> <li>■ Appraisal (investigation)</li> </ul>
<b>New South Wales</b>	
Initial risk assessment	Professional judgement. Initial Assessment (IA): to assess immediate safety and risk of future harm (modified VRF).
Range of possible outcomes	<ul style="list-style-type: none"> <li>■ Stage 1, information only contact: information does not meet risk of harm definition in the legislation. Information is recorded on the client record.</li> <li>■ Stage 1, risk of harm but it is not considered the child or young person may be in need of care and protection. Case closed at intake.</li> <li>■ Stage 2, full initial assessment is completed and referred for secondary assessment as it is considered the child or young person may be in need of care and protection</li> </ul>
<b>Northern Territory</b>	
Initial risk assessment	Initial Child Danger Assessment: an Intake specific tool designed to assess immediate danger to the child. The tool is used to guide professional judgment.
Range of possible outcomes	<ul style="list-style-type: none"> <li>■ Closed (allegations do not constitute abuse),</li> <li>■ Closed (insufficient information),</li> <li>■ Proceed to investigation.</li> </ul>
<b>Queensland</b>	
Initial risk assessment	The information is screened using the Structured Decision Making Screening Criteria tool. The SDM is an actuarial risk assessment tool that incorporates professional judgment. The tool helps staff to determine whether a report should proceed to a notification.
Range of possible outcomes	<ul style="list-style-type: none"> <li>■ There is only one response when a matter proceeds to a notification—investigation and assessment.</li> </ul>
<b>South Australia</b>	
Initial risk assessment	The Initial Safety Assessment tool is designed to assess immediate danger. The assessment tool was constructed locally and is largely based on professional practice wisdom. The Initial Safety Assessment tool possesses some similarities to an actuarial assessment tool; however, the Initial Safety Assessment tool has not been validated through longitudinal research.
Range of possible outcomes	<ul style="list-style-type: none"> <li>■ Investigative response</li> <li>■ Family Support Response</li> <li>■ Dealt with by other means</li> </ul>
<b>Tasmania</b>	
Initial risk assessment	The Tasmanian Risk Framework (TRF) is designed to assess immediate safety and risk of future harm (modified VRF), and is based on professional judgment.
Range of possible outcomes	<ul style="list-style-type: none"> <li>■ No further action</li> <li>■ Dealt with by other means</li> <li>■ Referred for investigation</li> </ul>
<b>Victoria</b>	
Initial risk assessment	Initial risk assessment is guided by the Best Interests Framework, which builds on the Victorian Risk Framework (VRF). The assessment is based professional judgement.
Range of possible outcomes	<ul style="list-style-type: none"> <li>■ Open (investigation)</li> <li>■ Well Being Report—refer to Child FIRST/Family Services</li> <li>■ Closed (no further action)</li> <li>■ Closed (advice/referral)</li> </ul>

### Western Australia\*

Initial risk assessment	Initial risk assessment is guided by the Child Safety Assessment Framework (CSAF). The CSAF is child centred and promotes a strengths-based approach to assessing the safety needs of the child. The framework incorporates guided decision making to inform professional judgment.
Range of possible outcomes	<ul style="list-style-type: none"> <li>■ No further action</li> <li>■ Provision of information, referral or voluntary social services (family support)</li> <li>■ Child protection investigation to determine if a child is in need of protection.</li> <li>■ Short-term assessment when it is not clear from the presenting information if the Department needs to take action or what the most appropriate response should be.</li> </ul>

Note: Note that Western Australia's initial screening occurs before a matter is recorded as a notification, and then Western Australia's policy is to investigate all notifications.

As can be seen from Table 11.10, there is considerable similarity in the approaches employed by Australian jurisdictions in performing an initial risk assessment at intake. Further, the possible outcomes of such assessments are also similar.

Despite similarities in approaches to initial risk assessment, there are considerable differences in the rates of total investigations across Australian jurisdictions. It seems likely that threshold differences in determining at what point a notification proceeds to an investigation contribute to these differences. Specifically, jurisdictions exhibiting the highest rates of total investigations (i.e., New South Wales and the Australian Capital Territory) appear to employ a lower threshold for referral to investigation.<sup>12</sup>

As an illustration of threshold differences, it is interesting to note that while Queensland employs an actuarial decision making tool, and South Australia employs a locally constructed assessment tool with some similarities to an actuarial-based assessment tool, the rate of total investigations reported by each in 2005–06 differed significantly (Queensland reported a rate of 36.4 per 1,000 children, while South Australia reported a rate of 14.9 per 1,000 children). Moreover, both Queensland and Western Australia have policies in place whereby all notifications are to be investigated, yet the rates of total investigations in each jurisdiction differs markedly (Western Australia reported a rate of 6.9 per 1,000 children compared to Queensland's rate of 36.4 per 1,000 children).

**Key message:**

- A lower threshold at which a notification proceeds to an investigation appears to have contributed to New South Wales and the Australian Capital Territory's higher rates of total investigations per 1,000 children in 2005–06.

#### Differences in rates of total investigations: Key explanatory factors

New South Wales, the Australian Capital Territory, and to a lesser extent, Queensland and Tasmania reported the highest rates of total investigations, while Western Australia report the lowest rate of total investigations. These trends can be explained as follows:

- The volume of clients entering the child protection stream of the service system (i.e., via a notification rather than a family support case) was considerably higher in New South Wales, the Australian Capital Territory, and Tasmania. Entering the service system via a notification appears to drive children and families' continuation along the traditional investigative path, thus contributing to higher rates of investigations in these jurisdictions relative to other jurisdictions. In contrast, Western Australia's comparatively long-standing emphasis on diverting children and families from the child protection system, careful screening of matters that enter the child protection system, limited mandatory reporting requirements, and provision of early intervention and family support services largely explains its low rate of investigations as much smaller numbers of children and families enter the statutory child protection system.
- Queensland's policy of investigating all notifications contributed to its higher rate of total investigations in 2005–06 relative to other jurisdictions.
- A lower threshold at which notifications proceed to investigation appears to have contributed to New South Wales' and the Australian Capital Territory's higher rates of total investigations relative to other jurisdictions.

<sup>12</sup> A detailed discussion of New South Wales' threshold for statutory intervention is provided in two recent Submissions to the Special Commission of Inquiry into Child Protection Services in New South Wales, both of which were prepared by the Department of Community Services (Department of Community Services, 2008a, 2008b). The Department's Submissions emphasise the need for the reporting threshold to be raised and for intake and assessment processes to more effectively discriminate between clients who require the traditional investigative response and clients who have family support needs.

## 11.5 Substantiations

The rates of total substantiations differed across Australian jurisdictions in the 2005–06 reporting period. Figure 11.3 plots the rate of total substantiations in each Australian jurisdiction in the period 2005–06.

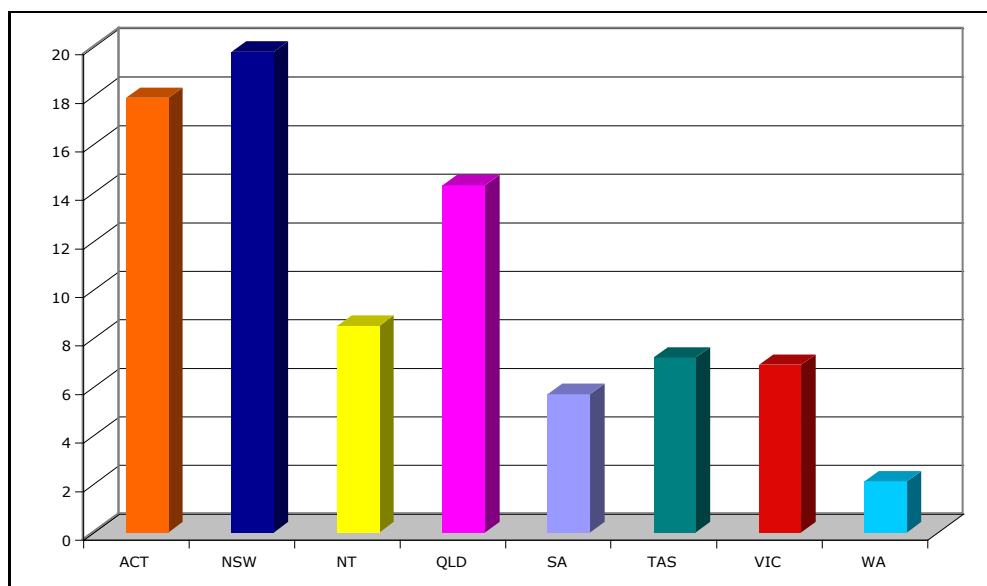


Figure 11.3: The rate of total substantiations in each state and territory for the period 2005–06

### 11.5.1 Description

As can be seen from Figure 11.3, the rates of total substantiations ranged from a low of 2.1 per 1,000 children in Western Australia to a high of 19.8 per 1,000 children in New South Wales. Within this range, rates appeared to loosely cluster into three groups: (1) Queensland, the Australian Capital Territory and New South Wales recorded the highest rates between 14.3 and 19.8 per 1,000 children; (2) South Australia, Victoria, Tasmania and the Northern Territory recorded rates between 5.7 and 8.5; and (3) Western Australia recorded the lowest total substantiation rate of 2.1 per 1,000 children. Table 11.11 contains the raw figures and rates of total substantiations for each jurisdiction in the 2005–06 reporting period.

Table 11.11: Total substantiations for each jurisdiction in 2005–06

Total substantiations 2005–06		
Jurisdiction	Total substantiations	Rate
ACT	1,277	17.9
NSW	29,809	19.8
NT	480	8.5
Qld	13,184	14.3
SA	1,855	5.7
Tas	793	7.2
Vic	7,563	6.9
WA	960	2.1

## 11.6 Factors accounting for variation in rates of substantiations

The following section examines factors that may account for the differences observed in the rates of total substantiations recorded in 2005–06:

- Organisational workforce capacity.
- Differences in the availability and capacity of diversionary and family support services.
- Differences in what is substantiated.
- Threshold differences.

### 11.6.1 Organisational workforce capacity

The influence of workforce capacity on rates of statutory child protection activity was discussed above in relation to rates of total investigations. Workforce capacity is also relevant to differences across jurisdictions in rates of total substantiations as capacity to conduct and subsequently finalise an investigation will influence the rate of total substantiations reported by jurisdictions in any given reporting period. For example, in the 2005–06 reporting period, Queensland (32.9%), Western Australia (25.3%) and Tasmania (18.5%) had the highest percentages of investigations not finalised. The remaining jurisdictions reported percentages of investigations not finalised between the range of 0.4% (South Australia) and 9.9% (the Australian Capital Territory). Note, however, that the utility of these figures is somewhat limited as the percentages of investigations not finalised within a reporting period do not capture the number of notifications referred for an investigation where the investigation had not commenced by the time data were provided for national reporting purposes. Figures are not reported nationally on the numbers of notifications referred for investigation where investigations do not commence during the reporting period. An inability to commence and subsequently complete an investigation will clearly influence the rate of total substantiations. Further analysis of workforce capacity across jurisdictions is required in order to determine the extent to which limited workforce capacity (as exhibited by both an inability to commence and subsequently complete investigations), contributed to differences in rates of total substantiations across jurisdictions within the reference period.

#### *Key message:*

- Workforce capacity to commence and finalise investigations will influence the rate of total substantiations in any given reporting period. Further analysis of workforce capacity across jurisdictions is required in order to determine the extent to which this factor may explain differences in rates of total substantiations.

### 11.6.2 Differences in the availability of diversionary and family support services

As outlined earlier for both notifications and investigations, it is likely that differences in the availability of diversionary and family support services accounts for some of the differences observed in statutory data across jurisdictions. With respect to substantiations, insufficient family support services may lead children and families to repeatedly come into contact with the child protection system as needs and vulnerabilities are not adequately met.

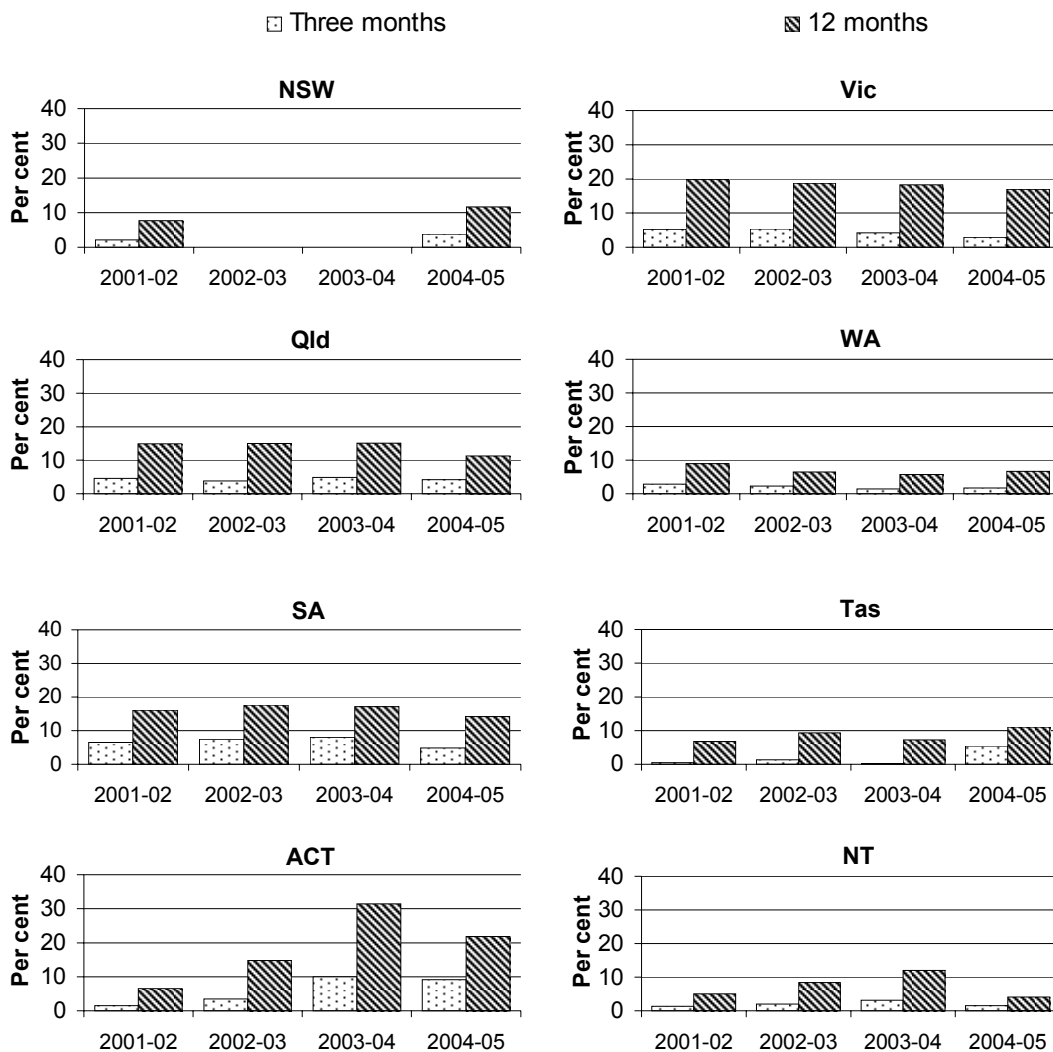
Re-substantiation data provide an indication of the numbers of children repeatedly entering and re-entering the system, and in effect, “partly reveals the extent to which intervention by child protection services has succeeded in preventing further harm” (Steering Committee for the Review of Government Service Provision, 2007) Figure 11.4, reproduced from *Report on Government Services 2007*, represents the percent of substantiations that were re-substantiated 3 and/or 12 months after a substantiation across all Australian jurisdictions.

As can be seen from Figure 11.4, the largest percentage of substantiations that were re-substantiated within 3 and 12-months for the period 2004–05 was observed in the Australian Capital Territory (12.9% at 3-months; 29.7% at 12-months), followed by Queensland (9.2% at 3-months; 20.6% at 12-months), and New South Wales (7.5% at 3-months; 19.8% at 12-months). A high rate of re-substantiations is likely to go some way in explaining these jurisdictions’ overall high rates of total substantiations.

Although these figures appear to suggest that children and families are returning to child protection services as the issues that led to the original substantiation have yet to be sufficiently addressed, it is important to note that re-substantiation figures do not distinguish between those that are related to the same source of initial risk and those that are unrelated (e.g., issues giving rise to a further substantiation may be the result of changes in circumstance from the initial substantiation, such as a parent/carer re-partnering, loss of employment and so on).

#### *Key message:*

- The largest percentage of substantiations that were re-substantiated within 3 and 12-months for the period 2004–05 was observed in the Australian Capital Territory, followed by Queensland, and New South Wales. A high rate of re-substantiations is likely to go some way in explaining these jurisdictions’ overall high rates of total substantiations.



Note: NSW was unable to provide data for 2003–04 due to the introduction of a new client information system. As this indicator is calculated using two years of data, 2002–03 rates are also not available for NSW.

Source: AIHW *Child protection notifications, investigations and substantiations, Australia* data collection (unpublished); tables 15A.10, 15A.32, 15A.49, 15A.66, 15A.83, 15A.100, 15A.117, 15A.134 and 15A.151.

Figure 11.4: Percentage of substantiations that are re-substantiated within 3 and/or 12 months

### 11.6.3 Differences in what is substantiated: abuse, harm and/or risk

The point at which abusive or neglectful behaviour becomes child maltreatment is determined by legislation and is usually defined in relation to the harm that abusive or neglectful actions have caused or may cause. Legal definitions of “a child in need of protection” or a child “at risk” set the legal threshold at which sub-optimal behaviours become abuse or neglect such that the state needs to intervene to protect the child. In general, the concept of “a child in need of protection” or a child “at risk” provides the legislative grounds for intervention and it is these grounds that form the basis of what is substantiated following a child protection investigation. Note, however, that legislation varies across jurisdictions. Table 11.12 contains legislative excerpts from the relevant Acts of each state and territory that define “a child in need of protection” or a child “at risk”, and form the basis of what is substantiated across jurisdictions.

**Table 11.12: Legislative definitions of “a child in need of protection” or a child “at risk”**

<p><b>Australian Capital Territory</b></p> <p>According to section 156 of the Children and Young People Act 1999 (ACT), “a child or young person is in need of care and protection” if:</p> <p>(1) a) the child or young person—</p> <ul style="list-style-type: none"> <li>i) has been abused or neglected; or</li> <li>ii) is being abused or neglected; or</li> <li>iii) is at risk of abuse or neglect; and</li> </ul> <p>b) no-one with parental responsibility for the child or young person is willing and able to protect the child or young person from suffering the abuse or neglect.</p> <p>(2) Without limiting subsection (1), a child or young person is in need of care and protection in the following circumstances:</p> <p>a) if a person with whom the child or young person lives or is likely to live—</p> <ul style="list-style-type: none"> <li>i) has threatened to kill or injure the child or young person and there is a real possibility of the threat being carried out; or</li> <li>ii) has killed, abused or neglected a child or young person and there is a real possibility of the person killing, abusing or neglecting the relevant child or young person; and no-one with parental responsibility for the child or young person is willing and able to protect the child or young person;</li> </ul> <p>b) no-one with parental responsibility for the child or young person (other than the chief executive) is willing and able to provide him or her with adequate care and protection;</p> <p>c) if there is a serious or persistent conflict between the child or young person and the people with parental responsibility for him or her (other than the chief executive) to such an extent that the care and protection of the child or young person is, or is likely to be, seriously disrupted;</p> <p>d) the people with parental responsibility for the child or young person (other than the chief executive) are—</p> <ul style="list-style-type: none"> <li>i) dead, have abandoned him or her or cannot be found after reasonable inquiry; or</li> <li>ii) unwilling or unable to keep him or her from engaging in self-damaging behaviour; or</li> <li>iii) sexually or financially exploiting the child or young person or unwilling or unable to keep him or her from being sexually or financially exploited;</li> </ul> <p>e) the child or young person is the subject of a child protection order in a state that is not being complied with.</p> <p><u>Threshold employed</u></p> <p>In the ACT, a child is in need of care and protection, if he or she has been, is being, or is at risk of being abused or neglected (that is, the act or actions of abuse and/or neglect, or in other words, experiencing abusive and/or neglectful behaviour).</p> <p>Abuse, according to section 151 of the Act, is defined as:</p> <ul style="list-style-type: none"> <li>a) physical abuse; or</li> <li>b) sexual abuse; or</li> <li>c) emotional abuse (including psychological abuse) if the child or young person has suffered or is suffering in a way that has caused or is causing significant harm to his or her wellbeing or development; or</li> <li>d) emotional abuse (including psychological abuse) if—             <ul style="list-style-type: none"> <li>i) the child or young person has been or is being exposed to conduct that is domestic violence under the Domestic Violence and Protection Orders Act 2001 (ACT); and</li> <li>ii) the exposure has caused or is causing significant harm to the wellbeing or development of the child or young person.</li> </ul> </li> </ul> <p>Neglect, according to section 151A, is defined as: a failure to provide the child or young person with a necessity of life that has caused or is causing significant harm to the wellbeing or development of the child or young person. Examples of necessities of life:</p> <ul style="list-style-type: none"> <li>(1) food</li> <li>(2) shelter</li> <li>(3) clothing</li> <li>(4) medical care</li> </ul>
<p><b>New South Wales</b></p> <p>According to section 71 of the Children and Young Persons (Care and Protection) Act 1998 (NSW), a child is in need of care and protection for any of the following reasons:</p> <p>(1)</p> <ul style="list-style-type: none"> <li>a) there is no parent available to care for the child or young person as a result of death or incapacity or for any other reason,</li> <li>b) the parents acknowledge that they have serious difficulties in caring for the child or young person and, as a consequence, the child or young person is in need of care and protection,</li> <li>c) the child or young person has been, or is likely to be, physically or sexually abused or ill-treated,</li> <li>d) subject to subsection (2), the child’s or young person’s basic physical, psychological or educational needs are not being met, or are likely not to be met, by his or her parents or primary care-givers,</li> <li>e) the child or young person is suffering or is likely to suffer serious developmental impairment or serious psychological harm as a consequence of the domestic environment in which he or she is living,</li> <li>f) in the case of a child who is under the age of 14 years, the child has exhibited sexually abusive behaviours and an order of the Children’s Court is necessary to ensure his or her access to, or attendance at, an appropriate therapeutic service,</li> </ul>

Table 11.12 continued on p. 86

Table 11.12 continued from p. 85

*New South Wales (continued)*

- g) the child or young person is subject to a care and protection order of another state or territory that is not being complied with,
- h) section 171 (1) applies in respect of the child or young person,
- i) in the case where the application for the order is made by filing a contract breach notice—any presumption arising from the operation of section 38E (4) that the child or young person is in need of care and protection has not been rebutted.

Threshold employed

In NSW, a child is in need of care and protection, if he or she has been or is at risk of being physically or sexually abused or ill-treated, is suffering or is likely to suffer serious developmental impairment or serious psychological harm as a consequence of the environment in which he or she lives, and/or his or her basic physical, psychological or educational needs are not being met, or are likely not to be met.

**Northern Territory**

According to section 4(2) of the Community Welfare Act 1983 (NT), a child is in need of care where:

- a) the parents, guardians or the person having the custody of the child have abandoned him or her and cannot, after reasonable inquiry, be found;
- b) the parents, guardians or the person having the custody of the child are or is unwilling or unable to maintain the child;
- c) he or she has suffered maltreatment;
- d) he or she is not subject to effective control and is engaging in conduct which constitutes a serious danger to his or her health or safety; or
- e) being excused from criminal responsibility under section 38 of the Criminal Code he or she has persistently engaged in conduct which is so harmful or potentially harmful to the general welfare of the community measured by commonly accepted community standards as to warrant appropriate action under this Act for the maintenance of those standards.

Threshold employed

In the NT, a child is in need of care and protection, if he or she has suffered maltreatment. Maltreatment, according to section 4(3) of the Act, is suffered by a child where:

- a) he or she has suffered a physical injury causing temporary or permanent disfigurement or serious pain or has suffered impairment of a bodily function or the normal reserve or flexibility of a bodily function, inflicted or allowed to be inflicted by a parent, guardian or person having the custody of him or her or where there is substantial risk of his suffering such an injury or impairment;
- b) he or she has suffered serious emotional or intellectual impairment evidenced by severe psychological or social malfunctioning measured by the commonly accepted standards of the community to which he or she belongs, because of his or her physical surroundings, nutritional or other deprivation, or the emotional or social environment in which he or she is living or where there is a substantial risk that such surroundings, deprivation or environment will cause such emotional or intellectual impairment;
- c) he or she has suffered serious physical impairment evidenced by severe bodily malfunctioning, because of his or her physical surroundings, nutritional or other deprivation, or the emotional or social environment in which he or she is living or where there is a substantial risk that such surroundings, deprivation or environment will cause such impairment;
- d) he or she has been sexually abused or exploited, or where there is substantial risk of such abuse or exploitation occurring, and his or her parents, guardians or persons having the custody of him or her are unable or unwilling to protect him or her from such abuse or exploitation; or
- e) being a female, she—
  - i) has been subjected, or there is substantial risk that she will be subjected, to female genital mutilation, as defined in section 186A of the Criminal Code; or
  - ii) has been taken, or there is a substantial risk that she will be taken, from the Territory with the intention of having female genital mutilation performed on her.

Note that section 4(3) of the Act broadens the threshold to encompass children who are at risk of maltreatment, in addition to children who have experienced maltreatment. The definition of maltreatment also expands the trigger for statutory involvement to the consequences of abusive or neglectful behaviours, in addition to the behaviours themselves (for example, maltreatment is deemed to have occurred when a child suffers physical injury or impairment, or serious emotional or intellectual impairment (consequences), or where a child has been sexually exploited (act/behaviour)).

**Queensland**

According to section 10 of the Child Protection Act 1999 (QLD), a child in need of protection is a child who:

- a) has suffered harm, is suffering harm, or is at unacceptable risk of suffering harm; and
- b) does not have a parent able and willing to protect the child from the harm.

Threshold employed

In QLD, a child is in need of protection if he or she has suffered harm, is suffering harm, or is at risk of suffering harm; that is, statutory intervention is triggered due to the consequences of abusive or neglectful behaviours where there is an absence of a protective parent.

Harm, according to section 9 of the Act, is defined as:

- 1) any detrimental effect of a significant nature on the child's physical, psychological or emotional wellbeing.
- 2) It is immaterial how the harm is caused.

*Queensland (continued)*

- 3) Harm can be caused by—
- a) physical, psychological or emotional abuse or neglect; or
  - b) sexual abuse or exploitation.

**South Australia**

The Children's Protection Act 1993 (SA) refers to children "at risk". According to section 6(2) of the Act, a child is at risk if:

- (aa) there is a significant risk that the child will suffer serious harm to his or her physical, psychological or emotional wellbeing against which he or she should have, but does not have, proper protection; or
- (a) the child has been, or is being, abused or neglected; or
- (b) a person with whom the child resides (whether a guardian of the child or not)—
  - i) has threatened to kill or injure the child and there is a reasonable likelihood of the threat being carried out; or
  - ii) has killed, abused or neglected some other child or children and there is a reasonable likelihood of the child in question being killed, abused or neglected by that person; or
- (c) the guardians of the child—
  - i) are unable to care for and protect the child, or are unable to exercise adequate supervision and control over the child; or
  - ii) are unwilling to care for and protect the child, or are unwilling to exercise adequate supervision and control over the child; or
  - iii) are dead, have abandoned the child, or cannot, after reasonable inquiry, be found; or
- (d) the child is of compulsory school age but has been persistently absent from school without satisfactory explanation of the absence; or
- (e) the child is under 15 years of age and is of no fixed address.

Threshold employed

In SA, a child is at risk when there is significant risk that he or she will suffer serious harm whether physical, psychological or emotional, or where he or she has been or is being abused or neglected; statutory intervention is triggered if there is a reasonable belief that a child is at risk and the matters causing the child to be at risk are not being adequately addressed (Section 19(1)). Intervention takes place in relation to both abusive and neglectful acts and their consequences where the consequences are serious harm to a child's physical, psychological or emotional wellbeing.

**Tasmania**

The Children, Young Persons and Their Families Act 1997 (TAS) does not make reference to a child in need of care and protection; instead the Act refers to children "at risk". According to section 4, a child is at risk if:

- (a)
  - i) the child has been, is being, or is likely to be, abused or neglected; or
- (b) any person with whom the child resides or who has frequent contact with the child (whether the person is or is not a guardian of the child) –
  - i) has threatened to kill or abuse or neglect the child and there is a reasonable likelihood of the threat being carried out; or
  - ii) has killed or abused or neglected some other child or an adult and there is a reasonable likelihood of the child in question being killed, abused or neglected by that person; or
- (ba) the child is an affected child within the meaning of the Family Violence Act 2004 (TAS); or
- (c) the guardians of the child are –
  - i) unable to maintain the child; or
  - ii) unable to exercise adequate supervision and control over the child; or
  - iii) unwilling to maintain the child; or
  - iv) unwilling to exercise adequate supervision and control over the child; or
  - v) dead, have abandoned the child or cannot be found after reasonable inquiry; or
  - vi) are unwilling or unable to prevent the child from suffering abuse or neglect; or
- (d) the child is under 16 years of age and does not, without lawful excuse, attend school regularly.

Threshold employed

In Tasmania, a child is deemed to be at risk if he or she has been, is being, or is likely to be abused or neglected.

According to section 3, abuse and neglect means:

- (a) sexual abuse; or
- (b) physical or emotional injury or other abuse, or neglect, to the extent that –
  - i) the injured, abused or neglected person has suffered, or is likely to suffer, physical or psychological harm detrimental to the person's wellbeing; or
  - ii) the injured, abused or neglected person's physical or psychological development is in jeopardy.

While Tasmania's definition of "at risk" extends to acts/behaviours only (that is, abusive or neglectful behaviours), the definition of abuse and neglect encompass the consequences of such acts/behaviours (that is, a child being injured or suffering physical or psychological harm).

Table 11.12 continued from p. 87

### Victoria

According to section 162 of the Children, Youth and Families Act 2005 (VIC), a child is in need of protection if any of the following grounds exist:

(1)

- a) the child has been abandoned by his or her parents and after reasonable inquiries—
  - i) the parents cannot be found; and
  - ii) no other suitable person can be found who is willing and able to care for the child;
- b) the child's parents are dead or incapacitated and there is no other suitable person willing and able to care for the child;
- c) the child has suffered, or is likely to suffer, significant harm as a result of physical injury and the child's parents have not protected, or are unlikely to protect, the child from harm of that type;
- d) the child has suffered, or is likely to suffer, significant harm as a result of sexual abuse and the child's parents have not protected, or are unlikely to protect, the child from harm of that type;
- e) the child has suffered, or is likely to suffer, emotional or psychological harm of such a kind that the child's emotional or intellectual development is, or is likely to be, significantly damaged and the child's parents have not protected, or are unlikely to protect, the child from harm of that type;
- f) the child's physical development or health has been, or is likely to be, significantly harmed and the child's parents have not provided, arranged or allowed the provision of, or are unlikely to provide, arrange or allow the provision of, basic care or effective medical, surgical or other remedial care.

(2) For the purposes of subsections (1)(c) to (1)(f), the harm may be constituted by a single act, omission or circumstance or accumulate through a series of acts, omissions or circumstances.

#### Threshold employed

In Victoria, a child is in need of protection if he or she has suffered or is likely to suffer significant harm due to physical injury or sexual abuse, or emotional or psychological harm (to the extent that he or she suffers or is likely to suffer significant emotional or intellectual damage). A child is also in need of protection if he or she has been or is likely to be significantly harmed as a result of not being provided basic care or effective medical, surgical or other remedial care. Thus in Victoria, statutory intervention is triggered due to the consequences of abusive and neglectful behaviours.

### Western Australia

As of March 2006, child protection services in Western Australia were delivered pursuant to the Children and Community Services Act 2004 (WA).

According to section 28(2) of the Children and Community Services Act 2004 (WA), a child is in need of protection when:

- (a) the child has been abandoned by his or her parents and, after reasonable inquiries—
  - i) the parents cannot be found; and
  - ii) no suitable adult relative or other suitable adult can be found who is willing and able to care for the child;
- (b) the child's parents are dead or incapacitated and, after reasonable inquiries, no suitable adult relative or other suitable adult can be found who is willing and able to care for the child;
- (c) the child has suffered, or is likely to suffer, harm as a result of any one or more of the following:
  - i) physical abuse;
  - ii) sexual abuse;
  - iii) emotional abuse;
  - iv) psychological abuse;
  - v) neglect,

and the child's parents have not protected, or are unlikely or unable to protect, the child from harm, or further harm, of that kind; or

- (d) the child has suffered, or is likely to suffer, harm as a result of —
  - i) the child's parents being unable to provide, or arrange the provision of, adequate care for the child; or
  - ii) the child's parents being unable to provide, or arrange the provision of, effective medical, therapeutic or other remedial treatment for the child.

#### Threshold employed

In WA, a child is in need of protection where he or she has suffered, or is likely to suffer, harm as a result of physical, sexual, emotional, or psychological abuse, or neglect; that is, statutory intervention is triggered as a result of the consequences of abusive or neglectful behaviours where the child's parents have not protected or are unlikely to protect the child from harm, or further harm.

According to section 28(1):

"harm" means any detrimental effect of a significant nature on the child's wellbeing;

"neglect" includes failure by a child's parents to provide, arrange, or allow the provision of —

- (a) adequate care for the child; or
- (b) effective medical, therapeutic or remedial treatment for the child.

*Western Australia (continued)*

Repealed Act

Prior to March 2006 (i.e., for the first 8 months of the 2005–06 reporting period) child protection services in Western Australia were delivered pursuant to the Child Welfare Act 1947 (WA). According to section 4(1) of the Child Welfare Act 1947, a “child in need of care and protection” meant a child who —

- (a) has no sufficient means of subsistence apparent to the court and whose near relatives are, in the opinion of the court, in indigent circumstances or are otherwise unable or unwilling to support the child, or are dead, or unknown, or cannot be found, or are out of the jurisdiction, or in the custody of the law;
- (b) has been placed in a subsidized facility and whose near relatives have not contributed regularly towards the maintenance of the child;
- (c) associates or dwells with any person who has been convicted of vagrancy, or is known to the police as of bad repute, or who has been or is reputed to be a thief or habitually under the influence of alcohol or drugs;
- (d) is under the guardianship or in the custody of a person whom the court considers is unfit to have that guardianship or custody;
- (e) is not being maintained properly or at all by a near relative, or is deserted;
- (f) is found in a place where any drug or prohibited plant is used and is in the opinion of the court in need of care and protection by reason thereof;
- (g) being under the age of 14 years is employed or engaged in any circus, travelling show, acrobatic entertainment, or exhibition by which his life, health, welfare, or safety is likely to be lost, prejudiced, or endangered;
- (h) is unlawfully engaged in street trading;
- (i) is ill-treated, or suffers injuries apparently resulting from ill-treatment;
- (j) lives under conditions which indicate that the child is lapsing or likely to lapse into a career of vice or crime; or
- (k) is living under such conditions, or is found in such circumstances, or behaves in such a manner, as to indicate that the mental, physical or moral welfare of the child is likely to be in jeopardy.

In short, the above legislative extracts, although worded differently, indicate that all jurisdictions have the legal mandate to substantiate both harm and/or abuse that *has* taken place (or is currently taking place) and well as *risk of* harm and/or abuse. However, in practice certain jurisdictions have historically been more inclined to substantiate incidents rather than risk. Specifically, the process of substantiation in South Australia has predominately focused on retrospective harm to a child (i.e., substantiating a finding that a child has been abused or neglected), despite the fact that there is a legal mandate to substantiate risk. Western Australia has historically possessed a similar approach to substantiation (i.e., a focus on the occurrence of harm), with risk of harm only substantiated where the risk concerned sexual abuse. Given the similarity in what is substantiated across jurisdictions, it appears unlikely that this factor explains much of the difference observed across jurisdictions in rates of total substantiations. However, South Australia and Western Australia’s approach to predominately substantiating retrospective abuse and harm appears to partly explain these jurisdictions’ lower rates of total substantiations relative to other jurisdictions.

*Key message:*

- As all jurisdictions possess the legal mandate to intervene and thus substantiate risk of harm/abuse as well as harm/abuse that has already taken place, it appears unlikely that difference across jurisdictions in what is substantiated explains much of the difference observed in rates of total substantiations. However, South Australia and Western Australia have historically focussed on substantiating retrospective abuse and harm rather than risk, which appears to partly explain these jurisdictions’ lower rates of total substantiations relative to other jurisdictions.

### 11.6.4 Threshold differences

It is unlikely that the factors identified above explain all of the difference observed across jurisdictions in rates of total substantiations. Although differences in the matters for which substantiations are recorded and differences in the availability of diversionary and family support services to steer children and families from entering and re-entering child protection systems are likely to contribute to variation in rates, these factor in isolation don’t appear to explain the vast degree of difference in rates of substantiations across all jurisdictions (i.e., all Australian jurisdictions have the capacity to substantiate risk of harm/abuse and actual harm/abuse with only South Australia and Western Australia typically substantiating retrospective incidents only, while diversionary services appear to largely explain Western Australia and Victoria’s lower substantiation rates relative to other jurisdictions, but do not appear to explain the substantial differences across remaining jurisdictions). Therefore, it appears that the threshold at which statutory child protection departments find there to be *significant* harm or *significant* risk of harm differs across jurisdictions, with the result that jurisdictions employing a lower threshold record a higher rate of total substantiations (i.e., New South Wales, the Australian Capital Territory and to a lesser extent, Queensland).

In addition to reporting different rates of total substantiations, the abuse types for which jurisdictions record substantiations also differ significantly. Table 11.13 outlines the percentage of total substantiations across Australian jurisdictions that concern each of the four main abuse types: physical abuse, emotional abuse, sexual abuse, and neglect. Note that exposure to family violence is generally recorded as emotional abuse, and in some instances neglect, across jurisdictions.

**Table 11.13: Percentage of children who were the subject of a substantiation by most serious harm type (2005/06)**

Type of abuse or neglect	ACT	NSW	NT	Qld	SA	Tas	Vic	WA
Physical abuse	8.8	20.7	32.8	21.9	23.2	22.4	24.6	28.2
Sexual abuse	2.9	15.1	5.4	6.3	8.7	12.0	9.0	21.2
Emotional abuse	71.6	37.9	30.4	41.6	33.1	26.7	43.8	17.3
Neglect	16.8	26.3	31.5	30.2	35.0	39.0	22.7	33.4
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

Note: Table reproduced from Child protection Australia 2005–06 (AIHW, 2007b).

As can be seen from Table 11.13 the pattern of abuse types substantiated across jurisdictions differs significantly. For example, 71.6% of the Australian Capital Territory's substantiated cases of maltreatment concerned emotional abuse compared to 17.3% of Western Australia's substantiated cases of maltreatment. Such vast differences in the degree to which each of the abuse types are substantiated points to differences in interpretation of abuse types and differences in the threshold employed in relation to specific abuse types. For example, it appears that Western Australia typically "screens out" as child concern reports the type of cases that would be recorded as emotional abuse in other jurisdictions. In contrast, the Australian Capital Territory appears to have a comparatively low threshold for substantiating emotional abuse compared to the extent to which emotional abuse is substantiated in other jurisdictions.<sup>13</sup>

*Key message:*

- A lower threshold for recording substantiations appears to contribute to New South Wales and the Australian Capital Territory's higher rates of total substantiations relative to other jurisdictions.

#### Differences in rates of total substantiations: Key explanatory factors

New South Wales, the Australian Capital Territory and Queensland recorded the highest rates of total substantiations, while Western Australia recorded the lowest rate of total substantiations. These trends appear to be explained as follows:

- The largest percentage of substantiations that were re-substantiated within 3 and 12-months for the period 2004–05 was observed in the Australian Capital Territory, followed by Queensland, and New South Wales. A high rate of re-substantiations is likely to go some way in explaining these jurisdictions' overall high rates of total substantiations.
- Further, a lower threshold for recording substantiations appears to have contributed to New South Wales, the Australian Capital Territory, and Queensland's higher rates of total substantiations relative to other jurisdictions.
- While all jurisdictions have the capacity to substantiate risk and actual harm/abuse, South Australia and Western Australia have historically focussed on retrospective incidents in recording substantiations. This approach appears to have contributed to the lower rates of total substantiations reported in these jurisdictions in 2005–06 compared to other jurisdictions.
- Finally, Western Australia's comparatively long-standing emphasis on diverting children and families from the child protection system, careful screening of matters that enter the child protection system, limited mandatory reporting requirements, and provision of early intervention and family support services largely explains its low rate of substantiations as much smaller numbers of children and families enter the statutory child protection system.

<sup>13</sup> The Australian Capital Territory's threshold for recording a substantiation was argued to have lowered as a result of internal and external scrutiny of child protection services following the Vardon and Murray reviews (see Chapter 3 for further discussion), and the implementation of police reporting policy in relation to family violence.

## 11.7 Children on orders

The rates of children on orders differed somewhat across Australian jurisdictions in the 2005–06 reporting period. However, there was much greater similarity in the rates of children on orders across jurisdictions than that observed in the rates of total number of notifications, investigations, and substantiations across jurisdictions. The “flattening out” of statutory data for orders (and as will be seen, for children in out-of-home care) is consistent with trends observed in international data (see Chapter 2). Figure 11.5 plots the rate of children on orders for each jurisdiction at 30 June 2006.

### 11.7.1 Description

The rates of children on orders ranged from a low of 4.2 per 1,000 children in Western Australia to a high of 7.4 per 1,000 children in the Australian Capital Territory. Table 11.14 contains the raw figures and rates of children on orders as at 30 June 2006 for each jurisdiction.

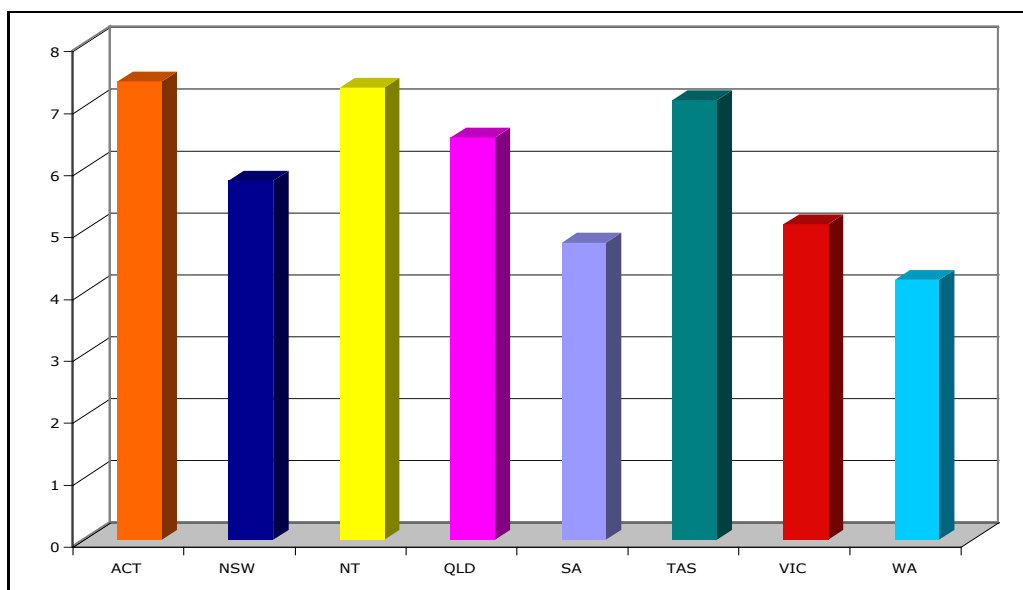
**Table 11.14: Children on orders for each jurisdiction at 30 June 2006**

Number of children on orders at 30 June 2006		
Jurisdiction	Children on orders	Rate
ACT	558	7.4
NSW	9,213	5.8
NT	437	7.3
Qld	6,446	6.5
SA	1,671	4.8
Tas	833	7.1
Vic	5,984	5.1
WA	2,046	4.2

## 11.8 Factors accounting for variation in rates of children on orders

The following section examines factors that may account for the differences observed in the rates of children on orders recorded in 2005–06:

- Differences in the types of orders available across jurisdictions.
- Variation in data provided for national reporting purposes.
- Differences in whether children in out-of-home care are on an order.
- Threshold differences.



**Figure 11.5: The rate of children on orders at 30 June 2006 in each state and territory**

### 11.8.1 Differences in the types of orders available across jurisdictions

Legislation in each state and territory specifies the types of orders that state and territory child protection departments may obtain (see Table 2.1, Chapter 2). Broadly speaking, orders vary in scope from those that require a parent or guardian to take certain actions or to refrain from taking certain actions (e.g., an undertaking or directive order) through to orders that place parental responsibility with the chief executive until the subject child reaches 18 years of age. Table 11.15 provides an overview of the various orders available in each jurisdiction.

**Table 11.15: Orders available in each jurisdiction**

Jurisdiction	Orders available to the child protection department at 30 June 2006
ACT	<p>The Children's Court may make the following orders:</p> <ul style="list-style-type: none"> <li>■ Emergency action</li> <li>■ Interim supervision order (with or without parental responsibility to the Chief Executive)</li> <li>■ Interim residence order</li> <li>■ Short term supervision order</li> <li>■ Short term residence order</li> <li>■ Therapeutic protection order</li> <li>■ Specific issues order</li> <li>■ Contact order</li> <li>■ Assessment order</li> <li>■ Final supervision order (with or without parental responsibility to the Chief Executive)</li> <li>■ Final residence order</li> <li>■ Enduring parental responsibility order</li> </ul>
NSW	<p>The Children's Court may make the following orders:</p> <ul style="list-style-type: none"> <li>■ Emergency care and protection order</li> <li>■ Assessment order</li> <li>■ Interim order</li> <li>■ Order accepting undertakings</li> <li>■ Order for provision of support services</li> <li>■ Order to attend therapeutic or treatment program</li> <li>■ Supervision order</li> <li>■ Parental responsibility order</li> <li>■ Contact order</li> </ul>
NT	<p>The Family Matters Court may make/register the following orders:</p> <ul style="list-style-type: none"> <li>■ Holding order</li> <li>■ Interim order</li> <li>■ Temporary custody order</li> <li>■ Adjournment order</li> <li>■ Joint Guardianship order</li> <li>■ Sole Guardianship to Minister order</li> <li>■ Sole Guardianship Third Party order</li> <li>■ Interstate Transfer order</li> </ul>
Qld	<p>The Children's Court may make the following orders:</p> <ul style="list-style-type: none"> <li>■ Assessment order</li> <li>■ Directive order</li> <li>■ Supervision order</li> <li>■ Custody order (either to a suitable person, other than a parent of the child, who is a member of the child's family; or the Chief Executive)</li> <li>■ Short-term Guardianship order (Chief Executive)</li> <li>■ Long-term Guardianship order (either to a suitable person, other than a parent of the child, who is a member of the child's family; to a suitable person other than a member of the child's family; or the Chief Executive)</li> </ul>

<b>SA</b>	The Youth Court may make the following orders: <ul style="list-style-type: none"> <li>■ Investigation and assessment order</li> <li>■ Directive order</li> <li>■ Undertaking</li> <li>■ Supervision order</li> <li>■ Contact order</li> <li>■ Custody order</li> <li>■ Guardianship order</li> <li>■ Long-term guardianship order</li> </ul>
<b>Tas</b>	The Magistrates' Court (Children's Division) may make the following orders: <ul style="list-style-type: none"> <li>■ Assessment order</li> <li>■ Restraint order</li> <li>■ Restraint order on adjournment</li> <li>■ Interim assessment order on adjournment</li> <li>■ Conditions to 12 months</li> <li>■ Custody order for 12 months</li> <li>■ Guardianship order to 12 months</li> <li>■ Guardianship order to 18 years</li> <li>■ Examination order</li> <li>■ Requirement</li> <li>■ Interim care and protection order</li> <li>■ Voluntary care agreement</li> </ul>
<b>Vic</b>	The Children's Court may make the following orders: <ul style="list-style-type: none"> <li>■ Undertaking—protection order</li> <li>■ Supervision order</li> <li>■ Custody to third party order</li> <li>■ Supervised custody order</li> <li>■ Custody to Secretary order</li> <li>■ Guardianship to Secretary order</li> <li>■ Long-term guardianship to Secretary order</li> <li>■ Interim protection order</li> <li>■ Interim accommodation order</li> <li>■ Permanent care order</li> </ul>
<b>WA</b>	The Children's Court may make the following orders: <ul style="list-style-type: none"> <li>■ Protection Order (Supervision)</li> <li>■ Protection Order (Time Limited)</li> <li>■ Protection Order (Until 18)</li> <li>■ Protection Order (Enduring Parental Responsibility)</li> </ul>

As can be seen from Table 11.15, there is some variation in the types of orders available in each jurisdiction. Such variation may have contributed to the differences observed in the rate of children on orders at 30 June 2006, as it is likely that differences in the types of orders available will affect the number of children on orders at a given point in time. An example of the relationship between the types of orders available in a jurisdiction and the rate of children on orders could be seen in the trend observed in Tasmania following the proclamation of the *Children, Young Persons and Their Families Act 1997* (Tas). Proclamation of the Act in 2000 resulted in the introduction of a range of short-term orders. The increase observed in the rate of children on orders in Tasmania since that time has in part been attributed to the greater variety of short-term orders introduced by the Act. It may be that the availability of greater numbers of short-term orders increases the number of children on orders at a given point in time because: (a) short-term orders may be more desirable to protective workers as they are somewhat less invasive and time limited, (b) short-term orders may be more readily obtained through the courts; and (c) as a result of implementing a wider variety of short-term orders, children may be on greater numbers of orders concurrently.

For the purpose of national reporting, orders are grouped into three categories: interim and temporary orders; supervisory orders; and guardianship or custody orders. Figures provided in relation to interim and temporary orders are aggregates of children on orders at 30 June in each jurisdiction that provide for a limited period of involvement with the subject child and his or her family. Children who are subject to protection applications and/or who are in provisional protection and care are counted as children on interim orders.

Figures relating to supervisory orders are aggregates of children on orders in each jurisdiction at 30 June that give the department some responsibility for the subject child's welfare. Under such orders, the relevant department will be responsible for supervising the care provided to the subject child; care that is generally provided by the child's parents, with the result that guardianship or custody of the child is not affected. Figures concerning supervisory orders also include undertakings regarding the care of the child.

Figures relating to guardianship or custody orders are aggregates of children on orders in each jurisdiction at 30 June that transfer legal guardianship or parental responsibility of the subject child to the relevant department or to another person (e.g., another family member). The majority of children on orders at 30 June are on guardianship and custody orders as this figure includes children who entered a guardianship or custody order during the given reporting period, as well as those children who remained on a guardianship or custody order from a previous reporting period. However, aside from this clear trend, there is variation in the other types of orders most prevalent at 30 June across Australian jurisdictions (i.e., whether supervisory orders or interim and temporary orders). Table 11.16 outlines the percentage of children on each type of order at 30 June 2006 in each Australian jurisdiction.

**Table 11.16: Percent of children on each type of order at 30 June 2006 in each Australian jurisdiction**

Type of order	ACT	NSW	NT	Qld	SA	Tas	Vic	WA
Interim/temporary orders	14.7	12.5	8.7	7.9	6.9	13.0	3.9	17.2
Supervisory orders	12.0	–	0.2	5.4	–	3.8	23.9	0.1
Guardianship or custody orders	73.3	87.5	91.1	86.6	93.1	83.2	72.2	82.6
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

As can be seen from Table 11.16, the majority of children on orders at 30 June 2006 were on guardianship or custody orders. In percentage terms, South Australia had the greatest number of children on custody and guardianship orders, closely followed by the Northern Territory. Victoria had the greatest number of children on supervisory orders. Western Australia had the greatest number of children on interim and temporary orders, followed by the Australian Capital Territory and Tasmania.

The Australian Capital Territory, the Northern Territory and Tasmania exhibited the highest rates of children on orders in 2005–06. It appears that the Australian Capital Territory and Tasmania's higher rates may in part be explained by having a broad range of orders, particularly a variety of short-term and action or issue specific orders for which statutory intervention is time limited and comparatively constrained.

*Key message:*

- A somewhat greater variety of orders including short-term and action or issue specific orders for which statutory intervention is time limited and comparatively constrained appears to have contributed to higher rates of children on orders in the Australian Capital Territory and Tasmania.

### *11.8.2 Variation in data provided for national reporting purposes*

New South Wales reported the fifth highest rate of children on orders at 30 June 2006, despite having recorded the highest rate of investigations and substantiations in 2005–06. It is likely that this is in part explained by the fact that New South Wales does not provide data in relation to supervisory orders. There are legislative provisions in New South Wales for supervisory orders to be issued and New South Wales collects information on supervisory orders, but does not include this information in the national data collection.

*Key message:*

- The exclusion of data pertaining to children on supervisory orders in New South Wales appears to largely explain New South Wales' lower rate of children on orders relative to the comparatively high rates New South Wales reported for notifications, investigations and substantiations.

### *11.8.3 Differences in whether children in out-of-home care are on an order*

A further factor that appears to explain some of the difference observed in rates of children on orders across jurisdictions is whether children in out-of-home care are on an order. Table 11.17 illustrates the percentage of children in out-of-home care at 30 June 2006 who were on an order. In percentage terms, Victoria (18.2%) and New South Wales (13.6%) had the greatest number of children in out-of-home care

who were not on orders. In contrast, all children in out-of-home care in the Northern Territory were on an order (as per the Department's mandate). With the introduction of the *Children and Community Services Act 2004* (WA) in March 2006, all children in out-of-home care in Western Australia were also required to be in care according to legally prescribed means. Other jurisdictions in which there were high percentages of children on orders in out-of-home care (i.e., Tasmania and the Australian Capital Territory) also reported somewhat higher rates of children on orders than other jurisdictions.

**Table 11.17 Percent of children in out-of-home care at 30 June 2006 who were on an order**

	ACT	NSW	NT	Qld	SA	Tas	Vic	WA
Children on orders	94.3	86.4	100.0	90.6	91.2	94.7	81.8	92.4
Children not on an order	5.7	13.6	-	9.4	8.8	5.3	18.2	7.6
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

*Key message:*

- The requirement for all children in out-of-home care to be on an order appears to have contributed to the Northern Territory's higher rate of children on orders relative to other jurisdictions. Other jurisdictions in which there were high percentages of children on orders in out-of-home care (i.e., Tasmania and the Australian Capital Territory) also reported somewhat higher rates of children on orders than other jurisdictions.

#### 11.8.4 Threshold differences

As can be seen in Table 11.18, voluntary service engagement is available in all Australian jurisdictions. However, all jurisdictions also possess orders that can act as a mandate to work with a family towards necessary change while the child remains in the home (e.g., therapeutic orders such as those available in New South Wales; a directive or undertaking such as those available in South Australia). Despite the availability of such orders across jurisdictions, some jurisdictions appear to prioritise voluntary engagement with children and families in the provision of support services, and therefore, children who are on an order are largely those children who require an out-of-home care placement (e.g., South Australia, which had the highest percentage of children on custody and guardianship orders in 2005–06; see Table 11.16). In other words, the threshold for seeking an order appears to be higher in South Australia as orders are sought generally only for children who require placement in an out-of-home care setting.

**Table 11.18: Availability of voluntary service engagement across Australian jurisdictions and whether such engagement is time-limited**

Jurisdiction	Availability of voluntary service engagement	Is voluntary/short-term intervention time limited?
ACT	✓	No
NSW	✓	No
NT	✓	Yes (14 days or 6 mths)
Qld	✓	No
SA	✓	No
Tas	✓	Yes (3 months)
Vic	✓	Yes (90 days)
WA	✓	No

*Key message:*

- While all Australian jurisdictions possess the capacity to seek orders to mandate involvement with children and families, some jurisdictions appear to prioritise voluntary engagement with children and families in the provision of support services. Therefore, children who are on an order are largely those children who require an out-of-home care placement. In other words, such jurisdictions have a higher threshold for seeking an order. This explanation appears to go some way in explaining South Australia's comparatively low rate of children on orders.

### Differences in rates of children on orders: Key explanatory factors

There was much less variation across jurisdictions in rates of children on orders compared to the variation observed in rates of notifications, investigations and substantiations. The Australian Capital Territory, the Northern Territory and Tasmania reported the highest rates of children on orders at 30 June 2006, while Western Australia reported the lowest rate of children on orders. These trends appear to be explained as follows:

- A somewhat greater variety of orders including short-term and action or issue specific orders for which statutory intervention is time limited and comparatively constrained appears to have contributed to higher rates of children on orders in the Australian Capital Territory and Tasmania relative to other jurisdictions.
- While all Australian jurisdictions possess the capacity to seek orders to mandate involvement with children and families, some jurisdictions appear to prioritise voluntary engagement with children and families in the provision of support services. Therefore, children who are on an order are largely those children who require an out-of-home care placement. In other words, such jurisdictions have a higher threshold for seeking on order. This explanation appears to go some way in explaining South Australia's comparatively low rate of children on orders.
- The exclusion of data pertaining to children on supervisory orders in New South Wales appears to largely explain New South Wales' lower rate of children on orders relative to the comparatively high rates New South Wales reported for notifications, investigations and substantiations.
- The requirement for all children in out-of-home care to be on an order appears to have contributed to the Northern Territory's higher rate of children on orders relative to other jurisdictions.
- Finally, Western Australia's comparatively long-standing emphasis on diverting children and families from the child protection system, careful screening of matters that enter the child protection system, limited mandatory reporting requirements, and provision of early intervention and family support services largely explains its low rate of children on orders as much smaller numbers of children and families enter the statutory child protection system.

## 11.9 Children in out-of-home care

The rates of children in out-of-home care differed somewhat across Australian jurisdictions in the 2005–06 reporting period. Figure 11.6 plots the rate of children in out-of-home care at 30 June 2006 for all jurisdictions.

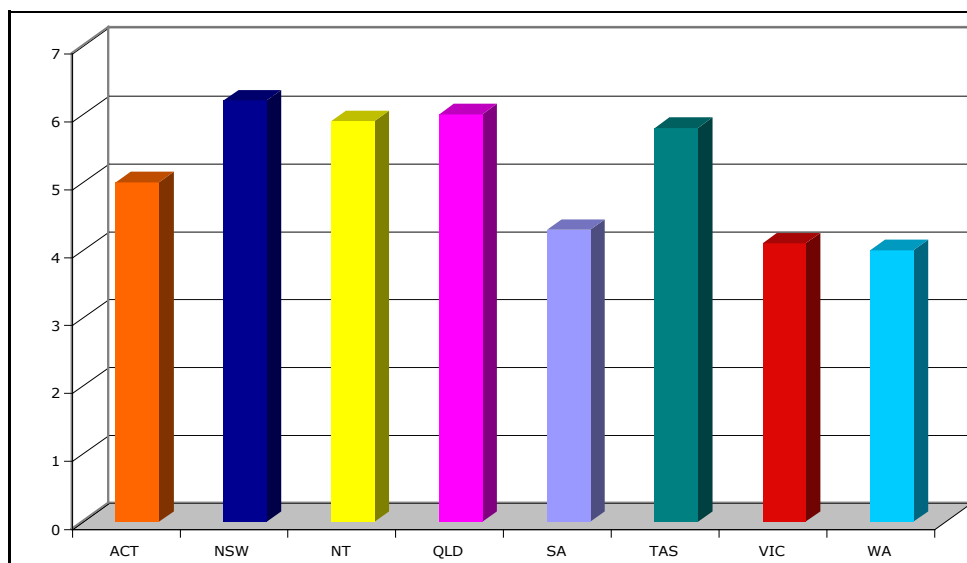


Figure 11.6. The rate of children in out-of-home care at 30 June 2006 in each state and territory

### 11.9.1 Description

As can be seen from Figure 11.6, while there were some minor differences across states and territories in the rates of children in out-of-home care, overall the variation was much less pronounced than that observed in the rates of total notifications, investigations and substantiations. The rates of children in out-of-home care ranged from a low of 4.0 per 1,000 children in Western Australia to a high of 6.2 per 1,000 children in New South Wales. Table 11.1 contains the raw figures and rates of children in out-of-home care as at 30 June 2006 for each jurisdiction.

**Table 11.19: Children in out-of-home care as at 30 June 2006 for each jurisdiction**

Jurisdiction	Number of children in OOHC at 30 June 2006	
	Children in OOHC	Rate
ACT	388	5.1
NSW	9,896	6.2
NT	352	5.9
Qld	5,876	6.0
SA	1,497	4.3
Tas	683	5.8
Vic	4,794	4.1
WA	1,968	4.0

## 11.10 Factors accounting for variation in rates of children in out-of-home care

The following section examines factors that may account for the minor variation observed across jurisdictions in the rate of children in out-of-home care in 2005–06:

- Differences in family service sector capacity to provide intensive family support to prevent placement.
- Variations in the capacity of the out-of-home care sector across jurisdictions.
- Data extraction issues.
- Threshold differences.

### 11.10.1 Differences in family service sector capacity to provide intensive family support to prevent placement

As discussed elsewhere in this chapter, limited family service sector capacity can result in children and families repeatedly coming to the attention of the child protection system. Limited intensive family preservation services (that is, those services provided to children and families to prevent placement where it is imminent and to support reunification) could also contribute to the variation observed in the rates of children in out-of-home care across Australian jurisdictions.

All jurisdictions recognise the importance of intensive family preservation services in legislation and/or policy in order to provide concentrated and “hands-on” support to families in crisis. However, there is some variation between jurisdictions in relation to the resources available to provide such services, and thus the capacity of intensive family preservation services to respond to demand. It may be that some jurisdictions with higher rates of children in out-of-home care have only a limited capacity to provide intensive family preservation services both to support reunification and to prevent placement.

Although comparable data were not available for all jurisdictions, data published with respect to the number of children aged 0–17 years who commenced intensive family support services in 2005–06 varied across jurisdictions. Table 11.20 outlines the total number of children who commenced intensive family support services in 2005–06 and the rates per 1,000 children. As can be seen from Table 11.20, Victoria, Western Australia and the Northern Territory reported the highest rates of children commencing intensive family support services in 2005–06, and with the exception of the Northern Territory, also reported the lowest rates of children in out-of-home care.

**Table 11.20: Children commencing intensive family support services in 2005–06**

Children commencing Intensive Family Support Services 2005–06		
Jurisdiction	Number of Ch'n	Rate
ACT	n/a	n/a
NSW	229	0.1
NT	57	0.9
Qld	288	0.3
SA	99	0.3
Tas	52	0.4
Vic	2,008	1.7
WA	449	0.9

Note: ACT was unable to supply data for 2005–06 due to changes in the reporting processes between the Department and non-government agencies providing the service.

*Key message:*

- The more extensive provision of intensive family support services in Western Australia and Victoria appears to contribute to these jurisdictions' lower rates of children in out-of-home care relative to other Australian states and territories.

### 11.10.2 Variations in the capacity of the out-of-home care sector across jurisdictions

Differences in the capacity of the out-of-home care sector across jurisdictions may contribute to variation in the rate of children in out-of-home care reported by Australian jurisdictions. Specifically, while it is widely recognised that there are shared challenges nationally in sourcing suitable placements for children (particularly children with high needs) (Barber, 2001; Bath, 1994; Bromfield & Osborn, 2007), there may be greater shortages in some jurisdictions (i.e., relative to each jurisdiction's need for various placement types) compared to others. Table 11.21 illustrates the funding directed to out-of-home care services across Australia in the financial year 2005–06, and the ratio of out-of-home care funding dollars to the total population of each jurisdiction. Table 11.22 contains the placement types in which children were residing at 30 June 2006 across Australian jurisdictions, including the actual number of children in each placement type, the percentage of children in each placement type (i.e., as a percentage of all children in out-of-home care in each jurisdiction), and the rate of children in each placement type per 1,000 children.

**Table 11.21: Funding for out-of-home care services in each jurisdiction relative to population size**

Jurisdiction	Funding for OOHC 2005–06	Total Population	Ratio of OOHC funding to population (\$)
NSW	295,938,000	6,549,179	45.19: 1
Vic	184,563,000	4,932,419	37.42: 1
Qld	206,916,000	3,904,532	52.99: 1
WA	75,739,000	1,959,088	38.66: 1
SA	36,306,000	1,514,337	23.97: 1
Tas	23,979,000	476,479	50.33: 1
ACT	17,337,000	324,034	53.50: 1
NT	16,983,000	192,899	88.04: 1

Source: Steering Committee for the Review of Government Service Provision (2007)

**Table 11.22: The placement types in which children were residing at 30 June 2006 across Australian jurisdictions (raw figures, as a percentage of all children residing in out of home care in each jurisdiction, and rates per 1,000 children)**

Placements	ACT	NSW	NT	Qld	SA	Tas	Vic	WA
<b>Foster care</b>	197	4,059	255	4,001	1,010	359	2,521	966
	50.8%	41.0%	72.4%	68.1%	67.5%	52.6%	52.6%	49.1%
	2.60	2.56	4.26	4.06	2.93	3.06	2.17	1.97
<b>Relatives/kin</b>	142	5,536	57	1,650	359	148	1,616	808
	36.6%	55.9%	16.2%	28.1%	24.0%	21.7%	33.7%	41.1%
	1.87	3.49	0.95	1.67	1.04	1.26	1.39	1.65
<b>Other HB care<sup>^</sup></b>	-	-	1	-	3	49	280	-
			0.3%		0.2%	7.2%	5.8%	
			0.02		0.01	0.42	0.24	
<b>FG homes*</b>	-	-	-	-	75	41	-	42
					5.0%	6.0%		2.1%
					0.22	0.35		0.09
<b>Residential care</b>	43	258	32	225	50	30	347	112
	11.1%	2.6%	9.1%	3.8%	3.3%	4.4%	7.2%	5.7%
	0.57	0.16	0.54	0.23	0.14	0.26	0.30	0.23
<b>Indep. living<sup>#</sup></b>	1	43	5	-	-	38	30	21
	0.3%	0.4%	1.4%			5.6%	0.6%	1.1%
	0.01	0.03	0.08			0.32	0.03	0.04
<b>Other</b>	5	-	2	-	-	18	-	19
	1.3%		0.6%			2.6%		1.0%
	0.07		0.03			0.15		0.04

Notes: <sup>^</sup> Other HB care = Other Home-based care  
<sup>\*</sup> FG Homes = Family Group homes  
<sup>#</sup> Indep. living = Independent living

As can be seen from Table 11.21, there was a range of funding dollars directed to out-of-home care services as a ratio of the total population of each state and territory in 2005–06. It is possible that South Australia's comparatively low rate of children in out-of-home care is in part explained by limited capacity due to funding constraints (South Australia's rate of children in out-of-home care was the third lowest, followed only by Victoria and Western Australia).

Variation in funding is also likely to be explained in part by the differences in the costs associated with providing the types of care available or preferred in a given jurisdiction (see Table 11.22). For example, the Northern Territory had the lowest rate of children at 30 June being cared for by relatives/kin, and the highest and second highest rates of children in foster care and residential care respectively. Research has demonstrated that the costs of providing different types of alternative care placements differs with residential forms of care generally found to be the dearest forms of alternative care, while kinship and foster care tends to be more economical (McHugh, 2002; Sultmann & Testro, 2001; Wheal, 2001).

**Key message:**

- Differences in the capacity of the out-of-home care sector across jurisdictions appears to contribute to some of the minor variation observed in rates of children in out-of-home care across Australian jurisdictions. Specifically, South Australia's relatively low rate of children in out-of-home care may in part be explained by limited out-of-home sector capacity due to funding constraints.

### 11.10.3 Data extraction issues

For national reporting purposes, out-of-home care is defined as over-night out-of-home care for children and young people under 18 years of age where the state or territory makes a financial payment (AIHW, 2007b). The definition of out-of-home care extends to placements with relatives, but does not extend to placements in disability services, medical or psychiatric services, juvenile justice facilities, overnight child care services or supported accommodation assistance placements. Further, out-of-home care data exclude children in unfunded placements and children living with parents where the jurisdiction makes a financial payment. While this definition represents the parameters of the data to be provided by each jurisdiction, in previous reporting periods, jurisdictions have not always been able to disaggregate excluded placement

types from the figures provided (e.g., prior to 2003, Tasmania included in its count of children in out-of-home care children who were living with relatives due to informal arrangements made between their parents and relatives).

The Australian Capital Territory reported that a few children in excluded placement types are included in its count of children in out-of-home care each year where individual payment arrangements are made by the department (e.g., where the department funds fulltime placement in a hospital type setting or placement in a SAAP). However, the number of children in one of the above placement types equates to less than ten each reporting period. Similarly, South Australia reported that each year some children who are under the guardianship of the Minister and placed in disability services are included in the count of children in out-of-home care. However, such circumstances apply to no more than five children each year.

In Tasmania, up to 2005–06, out-of-home care data were manually collected. It has since been established that some children included in the 2005–06 count of children in out-of-home care were residing in unfunded placements. Further, there is also some ambiguity regarding how closely data codes used in the Tasmanian information system (the CWIS) are in accordance with the national counting rule. Specifically, it is not clear what types of placements are being included in the Tasmania data system code “other children’s establishment” and if these figures should be included in the count of children in out-of-home care. However, it is unlikely that the ambiguity in relation to this code generates much error given the small number of children against which this placement code is recorded.

While the Australian Capital Territory, South Australia and Tasmania included some children in the figures provided for out-of-home care that go beyond the parameters of the national counting rule, it is New South Wales, Queensland and the Northern Territory that recorded the highest rates of children in out-of-home care—all of whom stated that they did not provide figures in relation to any children in placement types that fell outside the national counting rule.

*Key message:*

- The inclusion of placement types that do not fall within the scope “out-of-home care” (i.e., the national counting rule) may explain a very modest part of the difference in rates of children in out-of-home care across jurisdictions. Specifically, the Australian Capital Territory, South Australia and Tasmania included a few children in placement types that fell outside the national counting rule for out-of-home care placements. However, these were not the jurisdictions with the highest rates of children in out-of-home care.

### 11.10.5 Threshold differences

Although the variation across Australian jurisdictions in the rate of children in out-of-home care is relatively minor compared to the difference observed on other indicators (e.g., the rates of total notifications, investigations and substantiations), it is unlikely that the factors identified above explain all of the difference observed across jurisdictions in the rate of children in out-of-home care. Although differences in family service sector capacity might account for some of the variation, New South Wales and Queensland (the two jurisdictions with the highest rates of children in out-of-home care) both have relatively extensive family service infrastructure.<sup>14</sup> Therefore, a lack of diversionary and family support services would not appear to explain the higher rates observed in these jurisdictions. Variations in the availability of appropriate out-of-home care placements could explain the low rates of children in out-of-home care in some jurisdictions; however, the jurisdictions with the lowest rates of children in out-of-home care reported consistently low rates on all indicators (i.e., Western Australia and Victoria) thus a factor unique to out-of-home care would not seem to explain a pattern that was consistent for all indicators. Therefore, as discussed elsewhere in this chapter, it appears that differences in the threshold at which jurisdictions place a child in out-of-home care accounts for some of the minor variation observed across jurisdictions. Jurisdictions with the highest rates of children in out-of-home care (i.e., New South Wales, Queensland and the Northern Territory) appear to possess a moderately lower threshold for placing children in alternative care compared to other jurisdictions.

<sup>14</sup> For example, the Department of Community Services adopts a “triage” approach to the provision of family services whereby universal services are delivered through strategies such as *Families NSW*; secondary services are accessible through the *Brighter Futures* early intervention program (which is a suite of early intervention initiatives) and *Family Support Services*; while tertiary services are delivered through specialist funded services, such as *Intensive Family Based Services*. Similarly, the Queensland Government funds non-government organisations to deliver a broad complement of early intervention services spanning universal, targeted and intensive service provision.

*Key message:*

- Jurisdictions with the highest rates of children in out-of-home care (New South Wales, Queensland, and the Northern Territory) appear to possess a moderately lower threshold for placing children in alternative care relative to other jurisdictions.

**Differences in rates of children in out-of-home care: Key explanatory factors**

There was much less variation across jurisdictions in rates of children in out-of-home care compared to the variation observed in rates of notifications, investigations and substantiations. New South Wales reported the highest rate of children in out-of-home care at 30 June 2006, while Western Australia reported the lowest rate of children in out-of-home care. These trends can be explained as follows:

- The more extensive provision of intensive family support services in Western Australia and Victoria appears to contribute to these jurisdictions' lower rates of children in out-of-home care relative to other Australian states and territories.
- Differences in the capacity of the out-of-home care sector across jurisdictions appears to contribute to some of the minor variation observed in rates of children in out-of-home care across Australian jurisdictions. Specifically, South Australia's relatively low rate of children in out-of-home care may in part be explained by limited out-of-home sector capacity due to funding constraints.
- The inclusion of placement types that do not fall within the scope of "out-of-home care" (i.e., the national counting rule) may explain a very modest part of the difference in rates of children in out-of-home care across jurisdictions. Specifically, the Australian Capital Territory, South Australia and Tasmania included a few children in placement types that fell outside the national counting rule for out-of-home care placements. However, these were not the jurisdictions with the highest rates of children in out-of-home care.
- Jurisdictions with the highest rates of children in out-of-home care (i.e., New South Wales, Queensland and the Northern Territory) appeared to possess a moderately lower threshold for placing children in alternative care compared to other jurisdictions.

## 11.12 Summary

In this chapter, the rates of each headline indicator (i.e., total notifications, investigations and substantiations, children on orders and in out-of-home care) were compared across jurisdictions in the 2005–06 reporting period. There were marked differences in the rates of total notifications, investigations and substantiations across jurisdictions, and minor differences in the rates of children on orders and in out-of-home care. The following chapter provides a summary of key project findings.

# Chapter 12: Summary and conclusion

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## 12.1 Overview

This chapter provides a brief summary of the key findings of the NCPASS *Review of Data Comparability Project*. Specifically, this chapter provides an overview of the central themes emerging from the national analysis of data trends across jurisdictions over the past five years; an overview of drivers identified within jurisdictions to explain data trends observed for each state and territory over the past five years; and an overview of differences across jurisdictions in the 2005–06 reporting period. The chapter concludes with a discussion of the overall comparability of child protection data, an outline of the limitations of this project and a discussion of future research directions.

### 12.1.1 National data trends over the past five years: Central themes

Despite variation across jurisdictions in rates of total notifications, investigations and substantiations, as well as children on orders and in out-of-home care, statutory activity has, on the whole, increased over the past five years. The rates of frontline indicators (i.e., total notifications, investigations and substantiations) revealed the greatest increases of all indicators, but also the greatest variability over time within jurisdictions and variation across jurisdictions in the 2005–06 reporting period. The rates of children on orders and in out-of-home care revealed the most consistent, if marginal, increases over the past five years.

A variety of factors were thought to have contributed to these trends, including:

- The influence of social changes on community behaviour;
- Increased public awareness of the issue of child maltreatment and thus greater reporting of maltreatment;
- Broadening of the scope of child protection services and a commensurate expansion of community recognition of children's rights;
- Decreases in the threshold for child protection intervention;
- Growing awareness of the cumulative impact of maltreatment on child development;
- The increasing complexity of families referred to child protection services; and
- The cumulative effect of children entering care at a younger age and spending longer in care.

### 12.1.2 Differences within jurisdictions over time: Central themes

Headline statutory child protection indicators in each state and territory were subject to individual analysis in Chapters 3–10. The following is a brief synopsis of the main findings derived from this analysis.

#### Australian Capital Territory (Chapter 3)

The rates of headline statutory child protection indicators (i.e., total notifications, investigations, and substantiations, children on orders and in out-of-home care) were found to have increased in the Australian Capital Territory over the past five years. The increases observed in rates of total notifications, investigations and substantiations were particularly pronounced. Multiple factors were identified as likely explanations for the trends observed in the Australian Capital Territory's child protection data, including: the move to caller-defined notifications; the centralising of intake services; prominent reviews of child protection services (i.e., the *Territory as Parent* and the *Territory's Children*); and internal and external scrutiny of child protection practice which followed both reviews of child protection services in the Australian Capital Territory.

#### New South Wales (Chapter 4)

The rates of headline statutory child protection indicators in New South Wales increased over the past five years. Substantial increases were observed in rates of total notifications, investigations and substantiations. Factors suggested to explain the increases observed in New South Wales included: the proclamation of the *Children and Young Persons (Care and Protection) Act 1998* (NSW) in 2000, which expanded mandatory reporting requirements and was coupled with much media attention; the establishment of the Department of Community Services' centralised helpline for reporting child protection concerns; scrutiny of child

protection practice (both by the media and by independent reviews of child protection services); and the implementation of substantial reforms to child protection services (i.e., a \$1.2 billion reform package).

### Northern Territory (Chapter 5)

Headline statutory child protection indicators in the Northern Territory increased to varying degrees over the past five years. In contrast to the trend outlined for the Australian Capital Territory and New South Wales, the greatest increases in the Northern Territory were observed in the rates of children on orders and in out-of-home care. Factors identified as likely to have contributed to the increases observed across all indicators included: internal and external scrutiny of child protection services; the implementation of a reform agenda following criticism of child protection services; and media attention concerning child abuse in the Northern Territory, particularly the sexual abuse of Indigenous children.

### Queensland (Chapter 6)

Statutory child protection data in Queensland on the whole increased over the past five years. However, distinct trends were observed when comparing the rates of total notifications, investigations and substantiations (all of which decreased in the 2005–06 reporting period), and the rates of children on orders and in out-of-home care (the rates of which continued to increase in the 2005–06 reporting period). Factors identified as likely to have contributed to the increases observed in all headline indicators between 2000–01 and 2004–05 included: prominent reviews of child protection and the Queensland Government's highly visible responses to the findings of such reviews (i.e., the Commission of Inquiry into Abuse of Children in Queensland Institutions, and the Queensland Government's move to create a separate department responsible for child protection); threshold differences arising from scrutiny of child protection practice; and changes in recording practices. The decreases observed in rates of total notifications, investigations and substantiations in 2005–06 relative to the rates reported in 2004–05 were largely attributed to changes in recording practices and investigation policy (i.e., in 2005–06 child concern reports were removed from the count of total notifications and a policy requiring all notifications to proceed to investigation was introduced).

### South Australia (Chapter 7)

The rates of total notifications, and children on orders and in out-of-home care increased over the past five years in South Australia. However, the rates of total investigations and substantiations decreased slightly. Factors identified as contributing to these trends included: policy in relation to family violence which was thought to have contributed to increased notifications; media scrutiny of child protection; a review of child protection services (i.e., the Layton Review); threshold differences in the point at which child protection services record a notification; and demand pressures in the area of out-of-home care.

### Tasmania (Chapter 8)

The rates of each child protection headline indicator increased in Tasmania over the past five years. The most pronounced increases were observed in the rates of total notifications and investigations, which exhibited the largest percentage increases of all indicators across all jurisdictions over the past five years. In particular, the increase observed in the rate of total notifications in Tasmania was disproportionate to the increases observed in all other indicators both in Tasmania and relative to all other Australian jurisdictions. As with other jurisdictions, a variety of factors were identified as likely to have contributed to observed trends, including: the development of policy and legislation in relation to family violence; the move to caller-defined notifications; the centralising of intake services; and a limited array of preventative and early intervention services.

### Victoria (Chapter 9)

The rates of headline statutory child protection indicators in Victoria revealed a different trend to that observed in most other jurisdictions. Overall, the rates of total notifications, investigations and substantiations remained largely unchanged or decreased slightly, while the rates of children on orders and in out-of-home care increased marginally. The trends observed in Victoria's statutory child protection data were thought to be explained by the legislative and policy directions Victoria has taken in building a comprehensive infrastructure of family support and diversionary services to prevent children and families coming into contact with the child protection system.

## Western Australia (Chapter 10)

In a similar fashion to the trends observed in Victoria, headline statutory child protection indicators in Western Australia remained relatively constant over the past five years, with only very minor increases observed in the rates of total notifications and substantiations, and the rates of children on orders and in out-of-home care. It is suggested that Western Australia's comparatively low rates of all headline indicators, and very limited, if any, growth on headline indicators, is the result of the Western Australian Government's emphasis on early intervention, prevention and community development over the past decade, and the Department for Community Development's careful screening of matters that proceed to child protection involvement (i.e., the child protection arm of the Department).

### *12.1.3 Differences across jurisdictions in rates of each headline indicator in the 2005–06 reporting period: Central themes*

The rates of each headline indicator (i.e., total notifications, investigations and substantiations, children on orders and in out-of-home care) were compared across jurisdictions in the 2005–06 reporting period. There were marked differences in the rates of total notifications, investigations and substantiations across jurisdictions, and minor differences in the rates of children on orders and in out-of-home care.

#### Total notifications

Nationally, the rate of total notifications ranged from a low of 7.2 per 1,000 children in Western Australia to a high of 118.2 per 1,000 children in Tasmania. A variety of factors appeared to contribute to the variation observed in the rate of total notifications across jurisdictions, the most influential of which were:

- *Whether notifications were caller-defined or agency-defined*—Jurisdictions that employed a caller-defined approach to recording notifications generally reported greater numbers of notifications than jurisdictions in which notifications were agency-defined (i.e., the Australian Capital Territory and Tasmania recorded the highest rates of total notifications relative to all other Australian jurisdictions and both employed a caller-defined approach to recording notifications).
- *Differences in the application of the national counting rule for notifications*—The national counting rule stipulates that data provided for notifications are to concern “contacts made to an authorised department by persons or other bodies making allegations of child abuse or neglect, child maltreatment or harm to a child. Notifications should not include reports regarding wider concerns about a child or family, which are classified as child concern reports” (AIHW, 2005b, p 8). Both Tasmania and New South Wales reported having difficulty complying with the national counting rule, specifically the stipulation that where there is more than one notification about the same event, that these notifications should only be counted as one notification. A more stringent application of the national counting rule also appeared to partly explain why some jurisdictions reported lower rates of total notifications relative to other jurisdictions. For example, in 2005–06 Western Australia and Queensland only recorded as notifications matters that proceeded to investigation.
- *Differences in the availability of diversionary and family support services*—Jurisdictions in which there has been a comparatively long-standing emphasis on diverting children and families from the child protection system and providing early intervention services (i.e., Western Australia, and to a lesser extent, Victoria) exhibited considerably lower rates of total notifications than other Australian jurisdictions.
- *Threshold differences in the point at which Australian jurisdictions record a notification*—It appeared that differences in the threshold for recording a notification (i.e., differences in the point at which departments record a notification rather than refer to other services) contributed to differences in rates of total notifications across jurisdictions. Having found that of the three jurisdictions with the highest rates of total notifications, both the Australian Capital Territory and Tasmania's rates could largely be explained by a combination of caller-defined notifications and centralised intake, it appeared that New South Wales employed a lower threshold for recording a notification (i.e., concerns of a less serious nature may be counted as a notification in New South Wales compared to other jurisdictions).
- *Whether intake was performed by a central service or by local areas*—Jurisdictions in which intake was performed by local areas rather than a centralised intake service tended to report lower rates of total notifications than jurisdictions in which intake was performed by a centralised service (i.e., Queensland, Western Australia and Victoria reported the lowest rates of total notifications and all employed local area intake services).

- *Differences in mandatory reporting requirements and agency reporting policies*—While all jurisdictions possess mandatory reporting requirements of some description, there are differences in relation to the breadth of such requirements (e.g., the Northern Territory’s requirements extend to all people with reasonable grounds, while Western Australia’s reporting requirements extend to a limited range of professionals only). It appeared that Western Australia’s low rate of total notifications compared to other Australian jurisdictions is in part explained by more narrowly construed mandatory reporting requirements.
- *Differences in the matters for which notifications are recorded (i.e., extra-familial maltreatment and abuse of children in care)*—There were some difference across jurisdictions in the matters for which notifications are recorded (e.g., whether a report regarding abuse of a child in care is recorded as a notification; whether reports of abuse by other extra-familial perpetrators are included in data provided for national reporting purposes). Tasmania, New South Wales and South Australia were found to routinely include extra-familial matters in the notification data they provide for national reporting purposes. With the exception of South Australia, Tasmania and New South Wales also recorded the first and third highest rates of total notifications relative to other Australian jurisdictions. With the exception of South Australia and Victoria, all Australian jurisdictions also included reports concerning abuse of children in care in data provided for national reporting purposes. However, given the small number of reports that relate to such matters, it was considered unlikely that differences in the way in which jurisdictions record reports concerning abuse in care explain much, if any, of the differences observed in rates of total notifications.

## Total investigations

Nationally, the rate of total investigations ranged from a low of 6.9 per 1,000 children in Western Australia to a high of 50.6 per 1,000 children in New South Wales. Several factors appeared to contribute to differences observed across jurisdictions, the most influential of which were thought to be:

- *Differences in volume of clients entering the child protection stream of the service system*—The volume of clients entering the child protection stream of the service system (i.e., via a notification rather than a family support case) was considerably higher in New South Wales, the Australian Capital Territory, and Tasmania. Entering the service system via a notification appears to drive children and families’ continuation along the traditional investigative path, thus contributing to higher rates of investigations in these jurisdictions relative to other jurisdictions.
- *Differences in the application of the national counting rule for total investigations*—Queensland had the third highest rate of total investigations despite having the third lowest rate of total notifications. This can largely be explained by Queensland’s provision of data for total investigations in 2005–06, which included investigations not yet commenced (as opposed to just notifications that were investigated within the given reporting period, as the national counting rule stipulates).
- *Differences in the availability of diversionary and family support services*—Western Australia’s comparatively long-standing emphasis on diverting children and families from the child protection system via careful screening of matters that enter the child protection system largely explains its low rate of investigations. In short, much smaller numbers of children and families entered the Western Australian statutory child protection system. A similar approach to diversion also appeared to contribute to Victoria’s lower rate of total investigations relative to other Australian jurisdictions.
- *Threshold differences in the point at which cases proceed to investigation across jurisdictions*—The greater volume of clients entering the child protection stream of child and family services via a notification was identified as contributing to difference in rates of total investigations. However, as notifications are generally screened before proceeding to investigation, a high rate of notifications need not automatically equate to a high rate of investigations (i.e., reports that do not involve a child in need of protection or a child at risk, or reports that do not meet the threshold for departmental involvement should be screened out of the tertiary child protection system). With the exception of Queensland, there were considerable similarities across jurisdictions in the way in which initial risk assessments were conducted. Despite this finding, there were substantial differences in the rates of total investigations across Australian jurisdictions. Therefore, in practice it appeared that the threshold for determining the point at which a notification proceeds to an investigation was lower in New South Wales and the Australian Capital Territory (the jurisdictions with the highest rates of total investigations) relative to other Australian jurisdictions.

## Total substantiations

Nationally, the rate of total substantiations ranged from a low of 2.1 per 1,000 children in Western Australia to a high of 19.8 per 1,000 children in New South Wales. Several factors appeared to contribute to differences observed across jurisdictions in the rate of total substantiations, the most influential of which were:

- *Differences in the availability of diversionary and family support services*—As outlined earlier for both notifications and investigations, it appeared that differences in the availability of diversionary and family support services explained some of the differences observed in statutory data across jurisdictions. With respect to substantiations, insufficient family support services may lead children and families to repeatedly come into contact with the child protection system as needs are not adequately met and families remain vulnerable. Re-substantiation data provide an indication of the numbers of children repeatedly entering and re-entering the system. The largest percentage of substantiations that were re-substantiated within 3 and 12-months for the period 2004–05 was observed in the Australian Capital Territory, followed by Queensland, and New South Wales. A high rate of re-substantiations is likely to go some way in explaining these jurisdictions' overall high rates of total substantiations.
- *Threshold differences in the point at which allegations are substantiated across jurisdictions*—It appeared that threshold differences in the point at which jurisdictions substantiate “harm/significant harm” and “risk/significant risk” explained some of the difference observed in rates of total substantiations. Specifically, a lower threshold for recording a substantiation appeared to have contributed to New South Wales, the Australian Capital Territory, and Queensland's higher rates of total substantiations relative to other jurisdictions.
- *Differences in what is substantiated (i.e., risk and actual harm/abuse)*—While all jurisdictions have the capacity to substantiate risk and actual harm/abuse, South Australia and Western Australia were found to have historically focussed on retrospective incidents in recording substantiations. This approach appeared to contribute to the lower rates of total substantiations reported in these jurisdictions in 2005–06 compared to other Australian jurisdictions.

There was much less variation in the rates of children on orders and in out-of-home care across jurisdictions than that observed in preceding indicators. This suggests that the greatest differences in Australian child protection systems are to be found in the initial intake and investigation phases, but that there is a broadly consistent threshold across Australian child protection systems in the point at which court orders are sought to mandate various interventions with children and families, and a broadly consistent threshold in the point at which children are placed in out-of-home care.

## Children on orders

Nationally, the rate of children on orders ranged from a low of 4.2 per 1,000 children in Western Australia to a high of 7.4 per 1,000 children in the Australia Capital Territory. The following factors were suggested as likely to have contributed to the moderate differences observed across jurisdictions in the rates of children on orders:

- *Differences in the types of orders available across jurisdictions*—It appeared that the availability of a greater number of short-term orders contributed to the higher rates of children on orders in some jurisdictions. Specifically, a somewhat greater variety of orders including short-term and action or issue specific orders for which statutory intervention is time limited and comparatively constrained appeared to contribute to higher rates of children on orders in the Australian Capital Territory and Tasmania relative to other jurisdictions.
- *Variation in the data provided for national reporting purposes*—The exclusion of data pertaining to children on supervisory orders in New South Wales appeared to largely explain New South Wales' lower rate of children on orders relative to the comparatively high rates New South Wales reported for notifications, investigations and substantiations.
- *Differences in whether children in out-of-home care are on an order*—The requirement for all children in out-of-home care to be on an order appears to have contributed to the Northern Territory's higher rate of children on orders relative to other jurisdictions.
- *Threshold differences*—While all Australian jurisdictions possess the capacity to seek orders to mandate involvement with children and families, some jurisdictions appear to prioritise voluntary engagement with children and families in the provision of support services. Therefore, children who are on an order are largely those children who require an out-of-home care placement. In other words, such

jurisdictions have a higher threshold for seeking an order. This explanation appears to go some way to explaining South Australia's comparatively low rate of children on orders.

### Children in out-of-home care

Nationally, the rates of children in out-of-home care ranged from a low of 4.0 per 1,000 children in Western Australia to a high of 6.2 per 1,000 children in New South Wales. The following factors were suggested as likely to have contributed to the minor differences observed across jurisdictions in rates of children in out-of-home care:

- *Differences in family service sector capacity to provide intensive family support to prevent placement*—Although comparable data were not available for all jurisdictions, data published with respect to the number of children aged 0–17 years who commenced intensive family support services in 2005–06 varied across jurisdictions. Intensive family support services are designed to prevent placement in out-of-home care and to support reunification. A lack of such services is likely to increase the rates of children in out-of-home care. Victoria, Western Australia and the Northern Territory reported the highest rates of children commencing intensive family support services in 2005–06, and with the exception of the Northern Territory, also reported the lowest rates of children in out-of-home care.
- *Variation in the capacity of the out-of-home care sector across jurisdictions*—Variation in the capacity of the out-of-home care sector across jurisdictions may contribute to differences observed across jurisdictions in rates of children in out-of-home care. The amount of funding directed to out-of-home care services as a ratio of the total population of each state and territory spanned a broad range. It is possible that South Australia's comparatively low rate of children in out-of-home care is in part explained by limited capacity due to funding constraints (South Australia's rate of children in out-of-home care was the third lowest of all jurisdictions, followed only by Victoria and Western Australia).
- *Data extraction issues*—The national counting rule defines out-of-home care as over-night out-of-home care for children and young people under 18 years of age where the state or territory makes a financial payment. The definition of out-of-home care extends to placements with relatives, but does not extend to placements in disability services, medical or psychiatric services, juvenile justice facilities, overnight child care services or supported accommodation assistance placements. Further, out-of-home care data exclude children in unfunded placements and children living with parents where the jurisdiction makes a financial payment. While this definition represents the parameters of the data to be provided by each jurisdiction, in previous reporting periods, jurisdictions have not always been able to disaggregate excluded placement types from the figures provided. The inclusion of placement types that do not fall within the scope "out-of-home care" (i.e., the national counting rule) may explain a very modest part of the difference in rates of children in out-of-home care across jurisdictions. Specifically, the Australian Capital Territory, South Australia and Tasmania included a few children in placement types that fell outside the national counting rule for out-of-home care placements. However, these were not the jurisdictions with the highest rates of children in out-of-home care.
- *Threshold differences in the point at which children enter care across jurisdictions*—Jurisdictions with the highest rates of children in out-of-home care (i.e., New South Wales, Queensland and Tasmania) appeared to possess a moderately lower threshold for placing children in out-of-home care compared to other Australian jurisdictions.

### Possible differences in the incidence of child maltreatment across Australian jurisdictions

Statutory activity data are not a measure of the incidence of child maltreatment in the community, but instead reflect the activity of state and territory governments in protecting children, and the volume of children and families involved with such services (Finkelhor, 1994; Higgins, 2007; James, 1994). It is possible, however, that underlying these figures is an actual difference in the incidence of child maltreatment. As there is no precise measure of the incidence of child maltreatment in the community, it is only possible to illuminate this argument by reference to social and environmental factors that have been linked with the occurrence of child maltreatment (e.g., poverty) (Black et al., 2001a, 2001b; Black et al., 2001c; Schumacher et al., 2001). Note, however, that it is beyond the scope of this project to provide a detailed analysis of local area population data. Therefore, the following section is limited to providing a brief overview of pertinent social and demographic information for which there are differences across jurisdictions.

Table 12.1 provides an overview of the total population, the Indigenous population, and the population of children for each jurisdiction. As can be seen from Table 12.1, there are differences in population size and composition in each jurisdiction. New South Wales has the largest population of all Australian

jurisdictions, while the Northern Territory has the smallest. The Northern Territory also has a substantially higher percentage of Indigenous peoples compared to all other jurisdictions (however, New South Wales had the largest Indigenous population in absolute numbers, followed closely by Queensland). It is widely understood that Australia's history with respect to the treatment of Indigenous peoples, including now-discarded policies of forced assimilation, have had substantial repercussions for Indigenous communities (Australian Government Human Rights and Equal Opportunity Commission, 1997; AIHW, 2005a, 2007b). For example, the health outcomes of Indigenous peoples are well behind averages for non-Indigenous Australians, and Indigenous children and families are over-represented in statutory child protection systems around Australia. It is possible that greater disadvantage in Indigenous communities contributes to variation in statutory data, bearing in mind that under reporting is argued to significantly influence notification data derived from the Northern Territory (Pocock, 2003, see Chapter 5 for a discussion).

**Table 12.1: The population of each Australian state and territory**

Jurisdiction	Total population	Indigenous population	All children (0–17)	Indigenous Children	Indigenous ch'n % of all ch'n
ACT	324,034	3,873 (1.2%)	75,475 (23.3%)	1658 (0.5%)	2.2%
NSW	6,549,179	138,504 (2.1%)	1,569,183 (23.9%)	62,940 (0.9%)	4.0%
NT	192,899	53,663 (27.8%)	56,542 (29.3%)	22,172 (11.5%)	39.2%
Qld	3,904,532	127,581 (3.3%)	973,138 (24.9%)	58,480 (1.5%)	6.0%
SA	1,514,337	25,556 (1.7%)	341,891 (22.6%)	11,066 (0.7%)	3.2%
Tas	476,479	16,770 (3.5%)	114,504 (24.0%)	7,397 (1.5%)	6.5%
Vic	4,932,419	30,140 (0.6%)	1,152,365 (23.4%)	13,203 (1.1%)	0.3%
WA	1,959,088	58,709 (2.9%)	481,843 (24.6%)	25,659 (1.3%)	5.3%

Notes: Percentages in brackets refer to percent of total population. Data sourced from 2006 Census

In addition to differences in population size, the localities in which residents of each state and territory reside also differ. Table 12.2 provides an overview of the distribution of children and young people aged 0–24 years across remoteness areas.

**Table 12.2: Distribution of children and young people aged 0–24 years across remoteness areas, June 2005 (per cent)**

Remoteness	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia
Major Cities	71.6	73.0	52.5	70.0	71.2	..	99.8	..	65.8
Inner region <sup>^</sup>	20.8	22.0	25.8	13.3	13.1	64.8	0.2	..	21.2
Outer region <sup>'</sup>	6.9	4.9	17.8	9.3	11.6	33.2	..	50.5	10.2
Remote	0.6	0.1	2.5	4.6	3.1	1.6	..	20.7	1.7
Very Remote	0.1	..	1.5	2.8	1.0	0.4	..	28.8	1.1
Total (%)	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Total (No.)	2,228,348	1,645,382	1,372,409	686,603	490,504	161,532	114,173	81,728	6,781,802

Notes: The figures for Hobart (Tasmania) and Darwin (the Northern Territory) are included in the categories inner regional and outer regional respectively as the capital cities within Tasmania and the Northern Territory do not conform to the ABS definition of a capital city, which employs the Australian Standard Geographical Classification [ASGC] remoteness structure.

<sup>^</sup> Inner regional  
<sup>'</sup> Outer regional

Source: AIHW (2007a), derived from ABS Statistical Local Area population estimates.

As can be seen from Table 12.2, the vast majority of children and young people in the Australian Capital Territory live in a major city, whereas in the Northern Territory a substantial number of children and young people live in regional, remote and very remote areas. It is possible that these differences in population dispersion influence service use and service access, as it is challenging for government to provide services to small communities in remote areas, and the costs associated with doing so are often prohibitive for non-government organisations.

States and territories also record differences on measures of social exclusion (Daly *et al.*, 2006; Harding *et al.*, 2006). The concept of social exclusion is used in a range of disciplines to refer to an interplay of factors that serve to disadvantage and/or deny members of a community the opportunity to access and participate in the social, cultural and political life of the community (Daly *et al.*, 2006; Kenyon, Lyons & Rafferty,

2002). Essentially, social exclusion measures offer a more comprehensive consideration of variables that combine to create disadvantageous circumstances rather than an exclusive focus on measures of income and employment (although these measures are included).

Daly et al. (2006) and Harding et al. (2006) used Australian Bureau of Statistics census unit record files to calculate indices of risk of social exclusion for children on a geographical basis. In calculating social exclusion indices, data were incorporated from a variety of variables, including: family income; parental labour force status and occupation; parental education; housing tenure; English language usage; motor vehicle availability; and child's schooling. Daly et al. and Harding et al. reported that:

- The majority of statistical local areas that performed poorly on the index of social exclusion were in regional and rural Australia (that is, outside capital cities); and
- There were clear differences between jurisdictions in the risk for children of social exclusion. Approximately one third of children living in Tasmania and one quarter of children living in Queensland resided in statistical local areas in the bottom decile of the child social exclusion index. Further analyses of statistical local areas revealed that more children in Queensland and Tasmania live in sole parent families, particularly where no one is in employment, and in families with low levels of education. Children from South Australia were also over-represented in the bottom decile of the child social exclusion index. In contrast, children living in New South Wales and Victoria were under-represented among the statistical local areas in the bottom decile of the child social exclusion index.

Daly et al. (2006) and Harding et al.'s (2006) findings point to significant differences in the characteristics and circumstances of children and families across jurisdictions. While their analyses did not extend to an assessment of child protection involvement, it may be that the greater risks of social exclusion apparent in their findings in some jurisdictions compared to others accounts for part of the variation in statutory data across jurisdictions (e.g., Tasmania's high rate of notifications and re-notifications). That is, some of the differences observed in statutory data across jurisdictions could reflect actual differences in the incidence of child maltreatment across states and territories. Note, however, that due to the statistical techniques employed in Daly et al. and Harding et al.'s research (i.e., principle components analysis), statistical local areas with less than 30 children in total and with a less than 20 per cent response rate on any of the variables included in the index were excluded from the analysis. This meant that many rural and remote areas in the Northern Territory were excluded from the analysis.

Despite the limitations present in Daly et al. and Harding et al.'s research, their research does present some interesting findings in relation to the circumstances in which children and families live across Australian jurisdictions. However, social exclusion risk factors resulting in differences in the actual incidence of child maltreatment do not appear to account for all of the variation observed in rates of statutory activity across Australian jurisdictions as, for example, not all jurisdictions with comparatively high rates of total notifications (e.g., New South Wales and the Australian Capital Territory) fared poorly on the demographic measures outlined above. Note however, that to adequately assess the extent to which there may be differences in the incidence of child maltreatment across jurisdictions, research is required using child protection data for particular geographic areas, which was beyond the scope of this project.

## 12.2 Limitations of the present study

It is important to note that the report, and the data on which it is based, is a point-in-time analysis of Australian child protection systems. The data were collected during the period September–December 2007. Thus, the information contained within this report is an accurate reflection of each child protection system for the period during which data were collected. As the statutory child protection policy environment changes rapidly, enquiries should be made to confirm whether references made to legislative provisions, policy documents and practice directions are still current beyond the data collection period.

The scope of the present project extended only to an examination of the following headline indicators: total notifications, investigations and substantiations, and children on orders and in out-of-home care. As a result, other important issues have not been considered in detail, including, for example, the over representation of Indigenous children and families in statutory child protection systems across Australia.

This report considered key data trends in each Australian state and territory for the five-year period 2000–01 to 2005–06, and corresponding developments in the child protection and child welfare sector of each jurisdiction (e.g., policy developments, legislative amendments, child protection inquiries and so on). However, it is important to note that trends observed in the rates of headline statutory child protection indicators are insufficient on their own to confirm that factors identified as occurring at corresponding

intervals are causally related. There may be—in fact, there are likely to be—multiple, interacting and perhaps competing explanations for the trends observed in statutory child protection data (Mansell, 2006). That said, the observation that many of the factors suggested to explain data trends observed within individual jurisdictions occurred in several jurisdictions with largely similar corresponding data trends provides some support for the conclusion that there is a relationship between the two. However, further research is necessary to test the extent of the relationships suggested between identified data trends and various national and jurisdiction specific developments.

### 12.3 Future research

As outlined above, further research is required to test the extent of the relationships suggested in this report to explain observed data trends. Research employing a longitudinal methodology drawing on statistical local area data and unit record data for each jurisdiction would provide the most fruitful examination of these issues. In particular, research exploring the possibility of differences in the actual incidence of child maltreatment across jurisdictions would benefit from such an approach.

The U.S. Department of Education, National Centre for Education Statistics researched the relative advantages and disadvantages of unit record data versus aggregate data (National Centre for Education Statistics, 1998). In so doing, the Department reported that while aggregate data collections provide summary information on many topics at a high-level, aggregate data is limited in terms of tracking individual children over time, or tracking a sub-group of children from a local government area over time. In contrast, unit record data can provide analysis at a lower level (e.g., it is possible to drill down to a single unit, in this case “a child”), However, unit record data often entails procedural, technological and ethical considerations (e.g., confidentiality) that are not as apparent in aggregate data collections. Further, while unit record data allow for greater flexibility to examine relationships among variables and to re-aggregate data should reporting requirements change, unit record data can still be vulnerable to changing definitions. Therefore, the development of more nuanced national child protection data systems, for example, a system incorporating unit record data, would require consideration of a range of complex issues, and could still be vulnerable to some of the limitations observed in this report with respect to aggregate data collections.

As the child protection policy context changes rapidly, it may be beneficial for professionals involved in the annual collection and dissemination of statutory child protection data (e.g., the Australian Institute of Health and Welfare, the Productivity Commission, various branches of child protection and human service departments that are concerned with statutory data) to couple the release of annual data with more extensive descriptions of explanations for (a) differences over time within jurisdictions and (b) differences across jurisdictions. Such developments may be informed by drawing on the data collection pro forma and/or master list of explanations for data changes employed in this project. For example, a template based on the pro forma/ master coding list could be circulated to identify developments within jurisdictions that may explain changes in child protection data year over year.

### 12.4 The comparability of Australian child protection data: Conclusion

Many have recognised the challenges involved in developing sound data collections in the child protection domain. Buckley, Giller and Brierley (2006) went as far as to suggest that the quantification of the activities involved in responding to and processing concerns about children’s safety and welfare is “one of the most paradoxical activities in the area of [child protection]” (p. 72). Similar observations have been made specifically regarding Australian statutory child protection data: that the degree of difference observable across jurisdictions and within jurisdictions over time diminishes the meaningfulness of the data. For example, Scott argued that statutory child protection data are not meaningful as they “rise and fall due to changes in policies, definitions and systems” (Scott, 2006, p. 2).

This research project examined the comparability of child protection data within Australian jurisdictions for the period 2000–01 to 2005–06 and across jurisdictions in the 2005–06 reporting period. In so doing, some similarities were observed in statutory data. Specifically, overall statutory activity was found to have increased over the past five years. The increases observed in frontline indicators (notifications, investigations, and substantiations) were more extreme although less consistent, while the increases observed for children on orders and in out-of-home care were more consistent although marginal.

Although some similarities were observed across jurisdictions, the data relating to child protection activity in each jurisdiction were not entirely alike. While the rates for some indicators, particularly the rates of

children on orders and children in out-of-home care, were found to be broadly similar across jurisdictions and thus relatively comparable, the rates of total notifications, investigations and substantiations were subject to much greater variation and were thus less comparable. A number of factors were identified in the report to explain the pronounced variation observed in frontline indicators, including different processes for recording notifications, variation across jurisdictions in the way in which each complies with relevant national counting rules, the degree to which reports are screened before entering the statutory system, and threshold differences at the point of system entry and at other points along the service continuum. In presenting detailed explanations of factors that appeared to contribute to difference in reported rates of statutory activity, it is anticipated that data users and professionals involved in the compilation of Australian data systems will be better equipped to understand the context in which figures for statutory child protection activity are reached, and importantly, to understand more clearly the degree of comparability of statutory child protection data.

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# Appendix A: Data collection pro forma

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## Section one: General information

To begin, we would like to obtain some general information regarding the delivery of child protection services in your jurisdiction.

### *Domain 1: Socio-demographic information*

**Definition:** This domain concerns the implications of factors such as: (a) the population (including the population of children, the Indigenous population etc.), (b) population density, and (c) economic variables such as employment figures, gross domestic product per capita, and so on. Essentially, this domain is designed to “set the scene” and establish the broad social context in which the data that follows should be considered.

**Note:** The AIFS/AIHW Project Team will compile and collate socio-demographic background information for each jurisdiction in order to place child protection activity within the wider social context.

### *Domain 2: Policy and legislative variations*

**Definition:** This domain concerns the legislative and policy context of each jurisdiction, and pertinent developments that have taken place during the period under investigation.

**Note:** The AIFS/AIHW Project Team will compile and collate information on the policy and legislative context in each jurisdiction. Much of this information will be drawn from the Clearinghouse’s existing information repository developed for the CDSMAC “*National Approach for Child Protection Project*”. Questions in Domain 2 relate to those areas in which the Project Team has identified a knowledge gap, or outdated information.

1. Please confirm the accuracy of the information in the table below describing mandatory reporting requirements in your jurisdiction and provide the relevant section(s) of legislation that regulate mandatory reporting.

Who is mandated to notify	What is to be notified	Relevant section(s) of the Act	Date introduced & date of most recent amendment

2. To what extent, if at all, could changes in mandatory reporting requirements have impacted on child protection indicators (i.e., notifications, investigations, substantiations, orders and number of children in care) during the period 2001–2006?

### *Domain 3: The departmental operating environment*

**Definition:** This domain concerns the nature of the environment in which statutory child protection services are delivered. This is also a broad “scene setting” domain; information will be sought with respect to: the composition of the department responsible for child protection; the number of staff involved in direct service delivery; the infrastructure that exists around statutory services (e.g., the extent to which the non-government sector provides family support services); and budgetary considerations.

**Note:** The AIFS/AIHW Project Team will compile and collate information about the operating environment for statutory child protection services (drawing on data collected for the CDSMAC “*National Approach for Child Protection Project*”). Questions in Domain 3 relate to those areas in which the Project Team has identified a knowledge gap, or outdated information.

1. Please update or provide figures describing the department’s staffing profile.

**Note:** You need only complete the grey shaded columns in the table below. The AIFS/AIHW Project Team will update those columns not shaded from existing AIHW data.

### Child protection staff relative to demand and the population size

Jurisdiction	Total population#	Population of children##	Investigations 2005–06^	Substantiations 2005–06^	Orders^*	OOHC^**	Staff in CP Department	Staff in direct service delivery~
NSW	6,854,800	1,298,917	75,980	29,809	9,213	9,896	1479	
VIC	5,165,400	950,393	11,894	7,563	5,984	4,794	937	
QLD	4,132,000	806,532	33,612	13,184	6,446	5,876	1432	
WA	2,081,000	396,434	3,190	960	2,046	1,968	1198	
SA	1,575,700	280,824	4,842	1,855	1,671	1,497	600	
TAS	491,700	94,022	3,824	793	833	683	220	
ACT	336,400	61,931	3,292	1,277	558	388	115	
NT	212,600	47,605	1,195	480	437	352	120	

Notes: #Total population data were sourced from the Australian Bureau of Statistics "Australian Demographic Statistics" (December 2006)  
 ##Population of children (0–14 years) data were sourced from the Australian Bureau of Statistics "Census Quickstats" (2006)  
 ^Child protection data are derived from the Australian Institute of Health and Welfare "Child Protection Australia 2005–06" (2007)  
 \*Children on care and protection orders as at 30 June 2006  
 \*\*Children in out-of-home care as at 30 June 2006  
 ~Staff in direct service delivery include frontline caseworkers and managers of frontline staff (i.e., Team Leaders, Unit Managers)

2. Have there been any substantial changes to the department's staffing profile during the period under investigation (2001–2006)? And if so,

What were the changes?

How might they have impacted on child protection indicators?

3. If possible, could you please indicate the total real expenditure in your jurisdiction with respect to child protection and family services?

**Note:** You need only complete the grey shaded columns in the table below. The AIFS/AIHW Project Team has updated those columns not shaded from existing RoGs reports.

	Wider social/ family services*	Diversory services**	Child Protection Services#	Intensive Family Support Services##	Out-of-home care^
2001–02					
2002–03					
2003–04					
2004–05					
2005–06					

\*"Wider social/family services" refers to the total real expenditure administered for the purpose of providing programs and services of a "universal" nature to children and families in need. There are typically multiple referral pathways to programs and services such as these, only one of which is through statutory services.

\*\*"Diversory services" refers to the total real expenditure for the purpose of providing programs that are designed to support families who have come to the attention of the department. These programs are designed to prevent entry into the statutory system. The typical referral pathway for diversory services is through the statutory system (e.g., Brighter Futures in NSW). This complimentary suite of services is not currently included in the Review of Government Services reports; however, they are intended to be included in future reports under the category "child protection treatment and support services" (Steering Committee for the Review of Government Service Provision, 2007).

#"Child protection services" refers to the total real expenditure for the purpose of delivering core statutory child protection services (e.g., the "functions of government that receive and assess allegations of child abuse and neglect, and/or harm to children and young people, provide and refer clients to family support and other relevant services, and intervene to protect children"; Steering Committee for the Review of Government Service Provision, 2007).

##"Intensive family support services" refers to the total real expenditure for the purpose of providing those services that are designed to "prevent the imminent separation of children from their primary caregivers as a result of protective concerns, and to reunify families where separation has already occurred" (Steering Committee for the Review of Government Service Provision, 2007).

^"Out-of-home care" refers to the total real expenditure for the purpose of providing children with alternative care placements (whether they be placed, for example, in foster care or residential care).

Note: If there are no such services insert n/a (not applicable) into this column.

Note: If you are unable to quantify the total real expenditure of a particular service type, insert an en dash (-).

4. Are you aware of any changes in funding (either in total amount of funding or in the services to which funding is directed) that may have influenced indicators of child protection activity during the period under investigation (2001–2006)?

## *Domain 4: Diversionary services*

**Definition:** This domain concerns the service infrastructure (often non-government services) that exists to divert families from statutory child protection services, and specifically, the influence the capacity of such services may have with respect to child protection activity.

1. Please provide a brief description of the types of diversionary services that operate in your jurisdiction (that is, services that are designed to divert families from entry into the child protection system) whether they are government or non-government provided. In providing this description, consider:

the extensiveness of the service/s

referral pathways & the structure of service entry

**Note:** It has been theorised that in the short term additional services might actually be associated with a spike in demand as more families are seen, and thus detected, and consequently notified to statutory services.

2. What impact have the above services had in your jurisdiction on child protection activity in the short term?

**Note:** It has been suggested that in the long term additional services are associated with a reduction in statutory activity as once having been in operation for some time, they begin to act as a preventative mechanism.

3. What impact have the above services had in your jurisdiction on child protection activity in the long term?

## *Domain 5: Definitions*

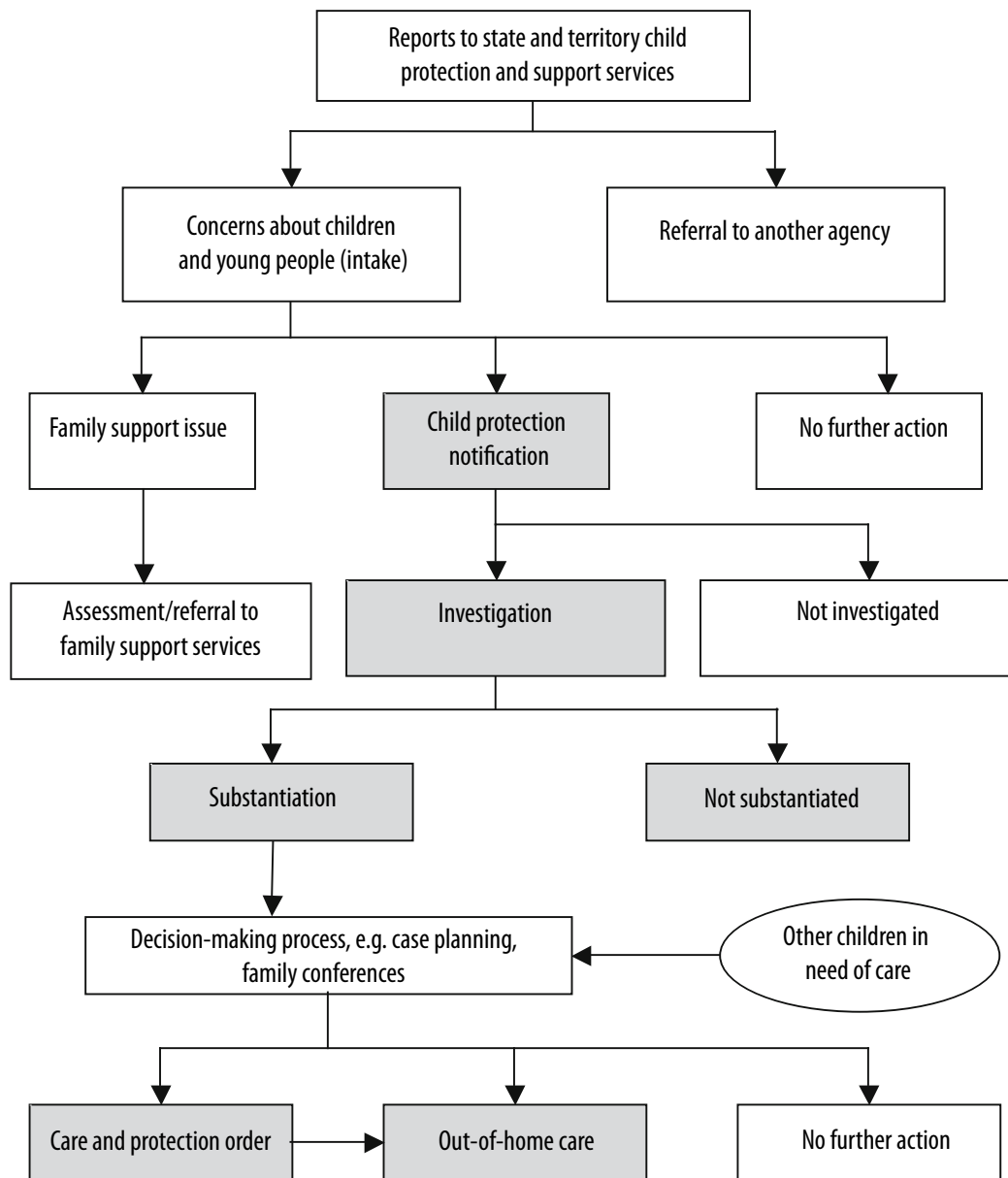
**Definition:** This domain concerns the complexities of frequently used child protection terms (such as “abuse”, “neglect”, “at risk”, “harm”, “in need of protection”, “notification” etc.) and the implications of such complexities with respect to the recording of child protection activity (e.g., how are legislative definitions applied in practice).

1. Please modify/personalise the flow chart included below so that it reflects the sequence of events specific to your jurisdiction from the point at which a child is brought to the attention of the department, through to the end of the statutory continuum (i.e., the issuing of a care and protection order, the placement of a child into alternative care and so on). Please incorporate both the course of events for a family in need of support, and for a family in which there are protective concerns.

2. Please specifically annotate or re-annotate the flow chart to illustrate the data collection points for “notifications”, “investigations”, and “substantiations” in your jurisdiction (that is, when these categories are specifically assigned).

3. Annotate the flow chart to show the possible coding categories at each data collection point: notification, investigation, substantiation, possible orders, and under which orders (or voluntary agreements) a child is counted as being “in care” (e.g., notifications may be closed with no further action, closed with a referral to a family support service, or referred for investigation).

**[Note:** If your department already has a diagram that clearly illustrates the above (e.g., a diagram included in a staff training manual), please insert instead].



Note: Family support services can be provided at any point in the process. A child may also be placed on a care and protection order or be taken into out-of-home care at any point.  
Shaded boxes are items for which national data are collected.

**Figure 1.1: The child protection process**

4. Please confirm the accuracy of the information in the table below describing the legislative definition of “a child in need of care and/or protection,” or a “child at risk” in your jurisdiction.

**Legislative extract [Insert]**

Notes regarding the above legislative definition:

5. Are there definitions in policy documents/procedure manuals of the different maltreatment sub-types (e.g., physical abuse, child sexual abuse, emotional abuse, and neglect)? (If so, please provide these definitions with reference to the policy or practice manual in which they are described).

6. Please provide a list of the types of abuse/maltreatment recorded in your jurisdiction’s information system, and outline how each is categorised according to the four major abuse types (i.e., physical abuse, sexual abuse, emotional abuse, neglect) as reported by the AIHW.

7. Is witnessing family or domestic violence sufficient in and of itself to warrant a notification to child protection services? [cross-reference to the “Operating environment” domain to determine whether there are mandatory reporting requirements in relation to witnessing family violence].

8. Is there a consistent categorisation of substantiations regarding children witnessing family violence? (e.g., neglect due to failure to protect, physical abuse as the child was placed at risk of physical harm, or emotional abuse due to psychological harm caused by viewing family violence)?

9. How are notifications regarding “a child in need of protection” who has not been, or is not at risk of being abused or neglected categorised in the coding/information system (e.g., a young person engaging in risk taking behaviour, a child whose parent is incapacitated and who has no other suitable person to care for them)?

10. How are notifications regarding “a child in need of protection” categorised where the child has not been abused, but is at risk of abuse?

11. What other definitional factors, if any, could influence the recording of child protection activity?

### *Domain 6: Information systems*

**Definition:** In short, this domain concerns the relationship between the recording of child protection activity and the tools available for recording it.

1. How are child protection data recorded?

In answering, please describe each step, and in so doing consider:

What mechanisms /systems are in place?

Are hand written case notes/case files maintained?

2. How does the data recording system operate?

For example:

Who enters/records the data?

Is it a “live” system whereby staff enter data into the system while a case is current, or are data entered retrospectively etc.?

3. How sophisticated is the system?

For example:

Does the system record just the outcome of a case?

Does the system also operate as a case management tool?

How amenable is the system to extracting data?

Is the system flexible enough to easily reflect the introduction of new codes or counting rules?

4. What quality control mechanisms are in place to ensure the accuracy of the data?

For example:

Is the need for doubling handling of the data minimised, and if so, how so?

Are those responsible for entering the data aware that the data is used for national reporting?

What training do those responsible for entering the data receive?

5. In what way, if any, could information systems influence the recording of child protection activity?

### *Domain 7: Counting rules*

**Definition:** This domain concerns the implications of applying national and local/internal counting rules to child protection data.

**Note:** The AIFS/AIHW Project Team will compile and collate information about counting rules drawing on existing documentation. Questions in Domain 4 relate to those areas in which the Project Team has identified a knowledge gap.

1. Do you have any difficulties complying with the counting rules when supplying data for notifications, investigations, substantiations, orders and numbers of children in care?
2. Are you aware of different interpretations in the way in which counting rules are applied across Australian jurisdictions for these activities?
3. Are there any differences in the way statutory data is reported internally (i.e., within your own department) compared to the way it is reported for the purpose of compiling national reports?
4. In what way, if any, could national counting rules influence the recording of child protection activity?

### *Domain 8: Other issues*

**Definition:** Several Working Group members have raised suggestions as to the influence events particular to their jurisdiction might have on child protection activity—either directly or indirectly (e.g., a media campaign at a given time in relation to a particular issue; a change in the scope of what your jurisdiction defines as constituting child protection for the purposes of reporting statutory activity in national publications; or a change in threshold). This Domain provides Working Group members the opportunity to raise other factors they believe to be relevant to variation in child protection indicators for the period under investigation.

**Note:** If there are questions you think we have omitted from another domain, rather than providing a related answer here, please suggest the addition of the question in the relevant domain.

1. What, if any, other factors could have influenced the recording of child protection indicators during the period under investigation (e.g., a new minister, an inquiry or review, media attention etc.)?

### *Domain 9: Looking ahead*

**Definition:** The Review of Data Comparability Project is examining child protection data for the period 2001–2006. However, in order to enhance the currency of the project report developed on the basis of this examination, the project team would like to hear about any developments that have taken place since 2006, and any developments planned for the near future that might impact on forthcoming child protection data (e.g., the implementation of a new information system, the restructuring of a department, the implementation of a differential response model and so on). This Domain concerns such developments.

Please outline any child protection developments since 2006, and/or any developments planned for the near future that may impact on child protection data. Please discuss the development/s and describe the likely impact (e.g., it is likely that notifications will increase/decrease as a result).

## Section 2: Data trends table

### Data trends—data collection table

Year	Child protection indicators Rates per 1,000 children	Explanatory variables: What factors may explain the extent of child protection activity during this period?
1.	Notifications: the rate per 1,000 children rose by 167.8% on the previous period	<p><b>Overview</b></p> <p>a. In general, how would you describe the data trends for this period?</p> <p><b>Answer:</b></p>
2.	Investigations: the rate per 1,000 children rose by 93.8% on the previous period	<p><b>Domain 1: Socio-demographic factors</b></p> <p>a. To what extent, if at all, could socio-demographic factors have influenced the child protection indicators during this period?</p> <p>b. Could certain factors have influenced some indicators but not others?</p> <p><b>Answer:</b></p> <p><b>Domain 2: Policy and legislative variations</b></p> <p>a. To what extent, if at all, policy and legislative variations have influenced the child protection indicators during this period?</p> <p>b. Could certain factors have influenced some indicators but not others?</p> <p><b>Answer:</b></p> <p><b>Domain 3: The departmental operating environment</b></p> <p>a. To what extent, if at all, could the operating environment have influenced the child protection indicators during this period?</p> <p>b. Could certain factors have influenced some indicators but not others?</p> <p><b>Answer:</b></p> <p><b>Domain 4: Diversionary services</b></p> <p>a. To what extent, if at all, could diversionary services have influenced the child protection indicators during this period?</p> <p>b. Could certain factors have influenced some indicators but not others?</p> <p><b>Answer:</b></p> <p><b>Domain 5: Definitions</b></p> <p>a. To what extent, if at all, could definitions used in the context of child protection service delivery have influenced the child protection indicators during this period?</p> <p>b. Could certain factors have influenced some indicators but not others?</p> <p><b>Answer:</b></p> <p><b>Domain 6: Information systems</b></p> <p>a. To what extent, if at all, could the information system have influenced the child protection indicators during this period?</p> <p>b. Could certain factors have influenced some indicators but not others?</p> <p><b>Answer:</b></p> <p><b>Domain 7: Counting rules</b></p> <p>a. To what extent, if at all, could counting rules have influenced the child protection indicators during this period?</p> <p>b. Could certain factors have influenced some indicators but not others?</p> <p><b>Answer:</b></p> <p><b>Domain 8: Other issues</b></p> <p>a. To what extent, if at all, could other issues have influenced the child protection indicators during this period?</p> <p>b. Could certain factors have influenced some indicators but not others?</p> <p><b>Answer:</b></p> <p><b>Summary</b></p> <p>In light of what you know, what do you think are the strongest explanatory variables for these data occurrences? Please order your answer starting with the strongest or most likely explanation, through to the weakest or least likely (although still plausible) explanation.</p> <p><b>Answer:</b></p>
3.	Out-of-home care placements: the rate per 1,000 children rose by 28.6% on the previous period	

## Changes in counting rules between 2000–01 and 2005–06

### Notifications, investigations and substantiations

#### 2000–01 to 2001–02

The definition of a child was changed from “aged 0–17 years” to “aged under 18 years”.

The definition of a notification was changed slightly from “where it is claimed that two children have been abused or neglected...” to “where it is claimed that two children have been abused or neglected **or harmed.**”

The definition of an Indigenous person was amended to add “Unless otherwise indicated, if a child’s Indigenous status is unknown, they should be counted as non-Indigenous.”

The definition of a primary allocated caseworker was added.

Removed “Each State and Territory should footnote what is included in their count of notification” from the counting rules of Table 1.

The following counting rule “The number of notifications where the Indigenous status of the child was unknown or missing should be included in the category ‘unknown’ Indigenous status. This will provide an indication of the quality of the data on Indigenous status and will not be published” was added to Table 1.

Removed the counting rule “a child is defined as a person aged 0–17 years” from Table 2.

The following counting rule was added to Table 5: “The number of investigations where the Indigenous status of the child was unknown or missing should be included in the category ‘unknown’ Indigenous status. This will provide an indication of the quality of the data on Indigenous status and will not be published.”

Table 16 was added.

#### 2001–02 to 2002–03

Table 12 was changed. In 2001–02, the table included the type of abuse in the substantiation. In 2002–03, this was removed. However, there were no changes to the counting of this table.

Table 13 was changed. In 2001–02, the table collected the family type by type of abuse. In 2002–03, it collected family type by sex of the child. However, the counting remained the same (i.e. counts of all substantiations, not all children).

#### 2002–03 to 2003–04

The definition of an Indigenous person was changed to exclude “and is accepted as such by the community in which he or she lives.”

The counting rule under Table 7 was changed to include a clarification: “If the child was the subject to more than one type of abuse at the same time (or for the same substantiation), then the type of abuse or neglect substantiated should be the most serious form of abuse/neglect/harm that occurred to the child.”

The counting rule under Table 8 was changed to include a clarification: “If the child was the subject to more than one type of abuse at the same time (or for the same substantiation), then the type of abuse or neglect substantiated should be the most serious form of abuse/neglect/harm that occurred to the child.”

The counting rule under Table 10 and 11 changed slightly. In 2002–03, the counting rule stated that “If the child was the subject of more than one substantiation at the same time, then the type of abuse or neglect substantiated for the child should be assigned to the category nearest to the start of the following list: physical, sexual, emotional, neglect.” In 2003–04, this was changed to “If the child was the subject of more than one type of abuse at the same time (or for the same substantiation), then the type of abuse or neglect substantiated should be **the most serious form of abuse/neglect/harm that occurred to the child.**”

The counting rule under Table 13 was changed slightly from “family in which the child resided at the time of notification” to “family in which the child resided at the time the abuse/neglect/harm occurred.”

Table 16 was removed in 2003–04.

## 2003–04 to 2004–05

The counting rule under Table 14 has been changed to add on *“that is subsequently substantiated. Note: the subsequent notification must be made after the initial substantiation.”*

The counting rule under Table 15 has been changed to add *“that is subsequently substantiated. Note: the subsequent notification must be made after the decision not to substantiate.”*

## 2004–05 to 2005–06

The definition of Indigenous person was changed back to include *“A person of Aboriginal or Torres Strait Island descent who identifies as an Aboriginal or Torres Strait Islander and is accepted as such by the community with which he or she lives.”*

The label of “other” in Table 1 was changed to “Non-Indigenous”.

The label of “other” in Table 5 was changed to “Non-Indigenous”.

## Care and protection orders

### 2000–01 to 2001–02

The scope/coverage section was amended to add *“(or children aged 18 years who were discharged from those care and protection).”* The statement *“Children should be counted in the State or Territory where the order is operative, regardless of where the child is residing”* was also added.

Under the definition of family group homes the following was added *“Family group homes are regarded as residential care.”*

Facility based care was changed to residential care.

The definition of independent living changed from *“including private board”* to *“including private board and lead tenant households.”*

The definition of primary allocated caseworker was added.

A new table was added (now Table 1) which was the number of children on orders by Indigenous status.

The counting rules under Tables 11, 12 and 13 were amended with *“aged 0–18 years (note: children aged 18 years at the time of discharge should be included)”*.

The counting rules under Table 12 were amended to include *“Total children discharged should be the same as in Table 11.”*

A new counting rule was added to Table 12 and 13 to read *“When counting ‘length of time continuously on an order’ total unbroken time on all care and protection orders should be counted.”*

Counting rules under Table 13 were amended to add *“Total Indigenous children discharged should be the same as in Table 11.”*

Table 15, 16 and 17 were added.

### 2001–02 to 2002–03

The counting rule under Table 9 and 10 was changed from *“The type of order recorded for these children should be the last order they were admitted to during the counting period”* to *“The type of order recorded for these children should be the first order they were admitted to during the counting period.”*

### 2002–03 to 2003–04

Family group homes were separated out from residential care (tables have been changed to reflect this).

Tables 4 and 5 from the 2002–03 collection were removed.

### 2003–04 to 2004–05

The definition of a case plan was added.

The definition of primary allocated case worker was removed.

The counting rules for Table 6 were amended to remove *“A variation or upgrade of an order is counted as an admission.”*

Tables 13, 14 and 15 were removed.

#### 2004–05 to 2005–06

The label in Table 12 changed from “Non-Indigenous” to “Other”.

#### Out-of-home care

##### 2000–01 to 2001–02

The definition of family group homes was amended to add *“Family group homes are classified as residential care.”*

The definition of independent living was amended to add *“and lead tenant households.”*

The counting rule under Table 3 was amended to *“The number of notifications where the Indigenous status of the child was unknown or missing should be included in the category ‘unknown’ Indigenous status. This will provide an indication of the quality of the data on Indigenous status and will not be published.”* Previously they were counted as non-Indigenous. A row for unknowns was added to the table.

The following counting rule under Table 8 and 9 was removed *“Where the child did not return home for more than 7 days, length of time in continuous out-of-home care should be calculated back to when the child was first removed from home. Where the child has returned home for more than 7 days, length of time in continuous out of home care should be calculated back to the last return home of 7 days or more, excluding holidays and planned breaks (see Part 1 for definition of planned and unplanned breaks).”*

Table 10 and 11 were added (Children order who exited care during 2001–02 who were on a care and protection order: Length of time in continuous out-of-home care by number of different placements).

Table 13 included new categories for Indigenous and non-Indigenous residential care. Previously this was reported in one group.

##### 2001–02 to 2002–03

A new Table 1 (Children in out-of-home care by Indigenous status, at 30 June 2003) was added.

Unknown row was deleted from Table 4.

Removed from the counting rules for Table 4 *“The number of notifications where the Indigenous status of the child was unknown or missing should be included in the category ‘unknown’ Indigenous status. This will provide an indication of the quality of the data on Indigenous status and will not be published.”*

##### 2002–03 to 2003–04

The definition of family group homes was amended from *“Residential child care single dwelling establishments which have as their main purpose the provision of substitute care for children. They are typically run like family homes, with a limited number of children who eat together as a family group and are cared for by resident substitute parents. Family group homes are classified as residential care.”* to *“Family group homes provide short term care in departmentally owned homes for children under care and protection orders and other children whose parents are unable to provide for their immediate welfare. Family Group homes do not have salaried staff but are available rent free to approved carers, who receive board payments to reimburse them for the cost of looking after the children in their care.”*

Under placement type, family group homes were separated from residential care. Residential care was changed to *“where placement is in a residential building whose purpose is to provide placements for children and where there are paid staff.”* and family group homes were changed to *“provide short term care in departmentally owned homes for children under care and protection orders and other children whose parents are unable to provide for their immediate welfare. Family Group homes do not have salaried staff but are available rent free to approved carers, who receive board payments to reimburse them for the cost of looking after the children in their care.”* Previously the definition for residential care (including family group homes) was *“where placement is in a residential building whose purpose is to provide placements for children and where there are paid staff.”*

“Planned and unplanned breaks in placement” were renamed to “Approved and unapproved breaks in placement.” The definition was amended from “Planned breaks do not count as a break in the placement. These include: scheduled respite, organised event/holiday and other planned events. Unplanned breaks count as a break in the placement if they are for 7 or more days. These may include: child absconded, unscheduled respite, unplanned contact with family and other unplanned events” to “Approved breaks do not count as a break in the placement. These include: scheduled respite, hospital admissions and periods of time spent in juvenile detention centres. Approved breaks also include organised events, such as holidays and school camps and excursions. Unapproved breaks count as a break in the placement if they are for 7 or more day. These may include: child absconded, unscheduled respite, unapproved contact with family and other unapproved events.”

Tables done by living arrangements now had residential care and family group homes instead of just residential care.

The following counting rule was removed from Table 11 “A return home or unplanned break of 7 days or more is considered to break the continuity of care. Where a child returned home for less than 7 days and then returned to the former placement or to another placement, this is considered to be a continuous period in out of home care. Holidays or planned breaks in placement do not break the continuity of placement. “

Counting rule under Table 14 was amended from “includes residential care specifically for Indigenous children and where there are Indigenous workers” to “includes residential care specifically for Indigenous children and/or where there are Indigenous workers.”

#### 2003–04 to 2004–05

The definition of approved and unapproved breaks was amended from “Unapproved breaks count as a break in the placement if they are for 7 or more days” to “Unapproved breaks count as a break in the placement if they are for 2 months or more.”

Counting rules for Table 5 and 6 were amended as per above amendment to definition of approved and unapproved breaks.

Counting rules under Table 8 were amended to include “The placement counted should be the last placement they had during the year, and the age of the child is at the time of exiting the last placement.”

Counting rules in Table 10 amended to include “Where a child exited care more than once during the year, length of time in care and number of placements should be calculated for the first exit from care during the year.” The counting rule “A return home or unapproved break of 7 days or more is considered to break the continuity of care. Where a child returned home for less than 7 days and then returned to the former placement or to another placement, this is considered to be a continuous period in out of home care. Holidays or approved breaks in placement do not break the continuity of placement” was deleted.

In the counting rules for Table 12, the following counting rule was deleted “A return home or unapproved break of 7 days or more is considered to break the continuity of care. Where a child returned home for less than 7 days and then returned to the former placement or to another placement, this is considered to be a continuous period in out of home care. Holidays or approved breaks in placement do not break the continuity of placement.”

#### 2004–05 to 2005–06

The label of “Non-Indigenous” children in Table 4, 7 and 8 was changed to “other children”.

# Appendix B

## Master coding list of all factors suggested by Australian jurisdictions to explain data trends observed in the period 2000–01 to 2005–06

Identified factors	ACT	NSW	NT	Qld	SA	Tas	Vic	WA
A coronial inquiry/child protection inquiry/child protection review	✓	✓	✓	✓	✓	✓	✓	✓
The introduction of caller-defined notifications	✓					✓		
The introduction of a centralised intake service	✓	✓				✓		
Introduction of new legislation		✓		✓		✓		✓
The expansion of mandatory reporting requirements		✓		✓	✓	✓		
Introduction of policy/legislation/reporting protocols specific to family violence	✓	✓			✓	✓		
Increased public awareness of child protection	✓	✓	✓	✓	✓	✓	✓	✓
Improvements to record keeping practices/information recording systems	✓				✓			
Media scrutiny	✓	✓	✓	✓	✓	✓	✓	✓
Threshold changes along the child protection service continuum	✓	✓	✓	✓	✓	✓		
Increased demand at the front end of the system	✓	✓	✓	✓	✓	✓		
Funding increases extending departmental capacity	✓	✓	✓	✓	✓			
Policy reform agendas	✓	✓	✓	✓	✓	✓	✓	
Community education programs/public awareness campaigns	✓	✓			✓	✓	✓	
Policy developments in non-mandated notifier agencies that require professionals to report suspicions of maltreatment				✓				
Substantial structural changes to child protection services (e.g., creation of a new department)	✓			✓				
Changes to data recording practices/data provided for national reporting purposes				✓		✓		✓
The use of an actuarial decision making tool				✓	✓			
Departmental difficulties in sourcing out-of-home care placements					✓			
Consultation with community groups in devising new legislative/policy directions			✓		✓		✓	
Consultation with protective workers in devising new legislative/policy directions			✓				✓	
The implementation of a risk assessment framework						✓		
Data system limitations					✓	✓		
A lack of diversionary/family support services			✓		✓	✓		
Legislative amendments introducing new orders						✓		✓
The implementation of a wide array of diversionary services to steer children and families from the child protection system							✓	
Fostering cultural change throughout the child welfare sector and the wider community as to the role of child protection							✓	
A long-term emphasis on prevention, early intervention and community development								✓
Careful screening of what is formally recorded and progressed as child protection								✓