Child Protection Induction Kit

CPWAG

Contents

Acknowledgements

CPWAG is a group of industry representatives, trainers and government workers who have taken on the job of working together to develop strategies to enhance the training and development of the child protection workforce for the future.

CPWAG grew out of the Child Protection Skills Formation Strategy of 2006-08 and its members work together to further its recommendations. The Sector Induction Program responds to a need expressed by the sector for accessible and comprehensive induction material for new workers which is customised for their locality. The program focuses on an overview of the child protection context, local resources and where to get support in the early stages of working in the child protection sector.

The CPWAG is supported by the following organisations:

PURPOSE

The purpose of this kit is to provide new staff of non-government organisations with an overview of Queensland's child protection system.

INTRODUCTION

Workers in many non-government organisations provide services to children, young people and families who are in contact with the statutory child protection system. They may work within organisations that provide:

- services funded by the Department of Communities (Child Safety Services) such as family support and intervention services or a range of various "out of home" care services

- services funded by other parts of the Department of Communities, or

- child and family support services funded by other government departments within other related sectors such as early childhood, disability, youth justice, domestic and family violence and homelessness services, among others.

It is important that workers within all of these organisations:

- have a clear understanding of the child protection service system and how it works, and

- can identify how their work "fits in", or interfaces, with this system.

The content included within this Child Protection Induction Kit will assist you to obtain an awareness and understanding of:

- Queensland's child protection service system and its linkages to the broader child and family service system

- key understandings about "good" child protection practice

- "statutory" child protection services including child protection legislation and the key stages and steps included within the child protection process

- the key child protection processes which impact on the roles and responsibilities of workers within non-government organisations that provide child protection or related services

- approaches to working with Aboriginal and Torres Strait Islander children, young people and families and services

- approaches used by organisations in working together

- the key values and principles that should inform your practice and work within the field of child protection, and

- approaches to "self care" and maintaining a healthy "work-life balance".

THE CHILD PROTECTION SERVICE SYSTEM AND ITS LINKAGES TO THE BROADER CHILD AND FAMILY SERVICE SYSTEM

Child protection is concerned with ensuring the safety and well being of children and young people within their family, community and culture.

Australia is a signatory to the United Nations Convention on the Rights of the Child. The Convention sets out children's rights including:

- their right to protection from abuse and neglect, and

- their right to have a say in matters that affect their lives.

By signing the Convention, Australian governments have committed themselves to:

- protecting and ensuring children's rights, and

- being held accountable for their actions in meeting this commitment in the eyes of the international community.

In keeping with the Convention, Australian governments are obliged to develop policies, make decisions and take actions that are "in the best interests of the child".

The vision of the Department of Community Services (Child Safety Services) is "Safe, confident children and young people who are valued by society", whilst the outcome being sought from child protection service systems that is identified within the National Child Protection Plan is "Australia's children and young people are safe and well".

Child protection is often understood as being about reporting and responding to abuse and neglect and seen as the responsibility of the State government and, in particular, the Department of Communities (Child Safety Services). These particular sets of responsibilities and child protection responses are referred to as statutory child protection services.

Whilst the delivery of "statutory child protection services" is important, child protection is also about:

- preventing abuse and neglect from occurring, and

- working with families to support and assist them in parenting and safely providing care for their children.

There is also an increasing understanding and acknowledgement that protecting children and young people is a shared responsibility between parents, families, communities, non-government organisations and government departments (both state and federal).

As illustrated with the diagram, the child protection service system can be thought of as comprising three key "levels" of intervention in the lives of children and families:

- primary

- secondary, and

- tertiary.
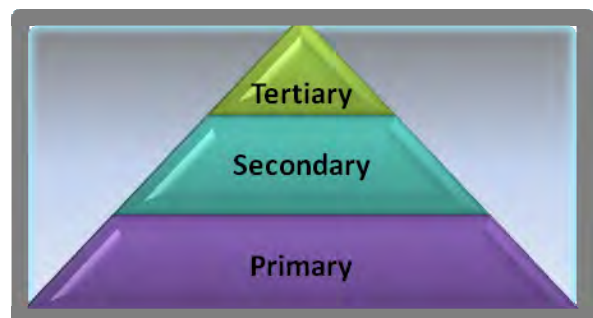
Primary or universal interventions

Primary or universal interventions are strategies that target whole communities or all families in order to build public resources and attend to the social factors that contribute to child abuse and neglect.

For example: school based personal safety programs; universal home visiting programs; family/neighbourhood centres; Early Years Centres; government spending on health, education, housing and income support.

Secondary or targeted interventions

Secondary or targeted interventions target vulnerable families or children and young people who are at risk of child abuse or neglect — that is, those with special needs or those who are in need of greater support.

For example: playgroups for "at risk" children; family support programs for young parents; community development in high needs areas; Referral for Active Intervention Services.

Tertiary interventions

Tertiary interventions target families in which child abuse or neglect has already occurred. Tertiary interventions seek to reduce the long-term implications of abuse and neglect, and to prevent the re-occurrence of abuse and neglect. Tertiary interventions include statutory child protection services.

For example: counselling for abused children; receiving and investigating reports of child abuse and neglect; out of home care; Family Intervention Services; community renewal programs; reconciliation process.

This three-leveled framework – primary, secondary and tertiary levels of child protection interventions (*adapted from Holzer 2007) -* is often referred to as:

- a "continuum of child protection services", or

- a "public health model".

The availability of services across the "continuum" within different communities and local areas and the capacity of these services to meet needs can vary considerably.

More recently, the Commonwealth and State governments have responded to concerns about the emphasis placed on statutory child protection services. In responding to these concerns, a National Framework for Protecting Children has been agreed to by the Australian governments, which places greater emphasis on:

- prevention and early intervention, and

- the need to better integrate the delivery of government and non-government services.

As depicted within the following diagram, the National Framework distinguishes four "levels" of child protection services.
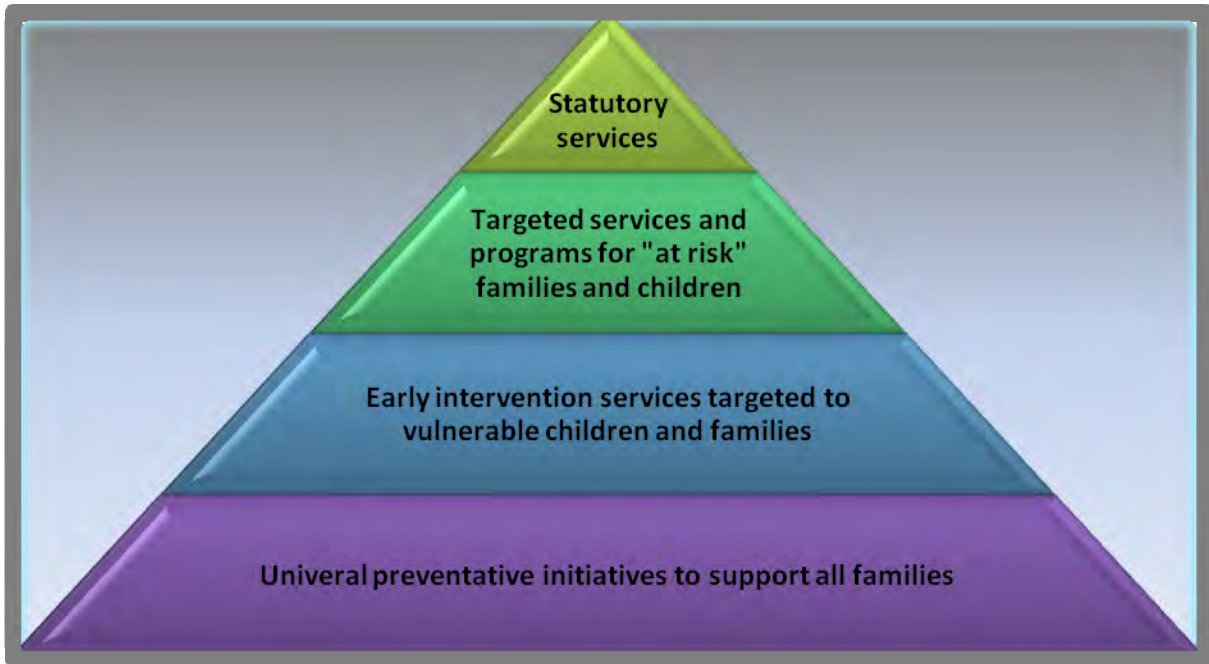
This adaption of the public health model emphasises the importance of early intervention within secondary prevention.

More broadly, children and families who are in contact with the child protection service system may also be in contact with other service systems such as disability, youth justice, homelessness, domestic violence, drug and alcohol and mental health. It is important to recognise that children and their families may have multiple needs that require services from multiple service systems.

The child protection service system must therefore be seen in the broader context of child and family welfare and other service systems seeking to meet the needs of children and families.

Key points

- Child protection is concerned with ensuring the safety and well being of children and young people within their family, community and culture.

- The child protection service system is comprised of three levels of prevention and intervention:
  - o primary or universal interventions that target whole communities or all families in order to build public resources and attend to social factors that contribute to child abuse and neglect
  - o secondary or targeted interventions that target families or children and young people who are at risk of abuse or neglect
  - o tertiary interventions that target families in which abuse or neglect has already occurred.

- Children and their families may have multiple needs that require services from multiple service systems.

- The child protection service system is part of a broader child and family welfare service system and human service system that seek to meet the needs of children and families.

Exercise: **Mapping the local child protection system**

1. Locate your service within the child protection service system

2. Locate other services provided by your organisation within the child protection service system

3. Identify other services provided in your local area within the child protection service system

4. If your service is not part of the child protection service system, identify how your service interfaces with the child protection service system and then answer Question 3

   Think about:

   - services directly provided by the Department of Communities (Child Safety Services)

   - services funded by the Department of Communities (Community Services and Child Safety Services) and provided by the non-government sector

   - services provided or funded by other State government departments

   - services funded by the Commonwealth government

5. Identify services from within other sectors that are relevant to the needs of the children and families with whom you work

Resources

UNICEF Fact Sheet: A summary of the rights under the Convention on the Rights of the Child
http://www.unicef.org/crc/files/Rights_overview.pdf

Holzer, P. (2007) Defining the public health model for the child welfare context. National Child Protection Clearinghouse, Melbourne. Download from
http://www.aifs.gov.au/nch/pubs/sheets/rs11/rs11.html

The Allen Consulting Group (2008) Inverting the pyramid: Enhancing systems for protecting children. Australian Research Alliance for Children and Young People, West Perth. Download from
http://www.aracy.org.au/publicationDocuments/REP_Inverting_the_Pyramid_Enhancing_Systems_for_Protecting_Children_2009.pdf

Council of Australian Governments (2009) Protecting Children is Everyone's Business: National Framework for Protecting Australia's Children 2009-2020, Canberra.
http://www.coag.gov.au/coag_meeting_outcomes/2009-04-30/docs/child_protection_framework.pdf

KEY UNDERSTANDINGS ABOUT GOOD CHILD PROTECTION PRACTICE

The child protection system is complex.

Just as human beings - children, young people, adults and families - are complex, so too are the systems that have developed over time for:

- supporting the safe care of children and young people within their families, and

- if and when for varying periods of time, the safe care of children and young people by their parents may not be possible, achieving their protection through the assistance of others.

In recognition of this complexity, the systems developed over time for protecting children and young people have increasingly abandoned practices based on the notion of "rescuing children" from "bad parents".

This shift in the key understandings held about good child protection practice has resulted from an enhanced appreciation of:

- the significance of children's attachment to their family and the importance of this attachment during their formative years to their long-term emotional and psychological health and well-being, and

- the trauma and harm that can be caused to children and young people when these attachments are disrupted by their removal from their family's care.

The potential for harm to be caused to children and young people by separating them from their families is perhaps most starkly evident when consideration is given to the devastating impact of the forced removal of Aboriginal and Torres Strait Islander children from their families during a period in Australia's history know commonly referred to as the era of "The Stolen Generations". Government policy of the day allowed for Aboriginal and Torres Strait Islander children, unlike all other children, to be legally regarded as "neglected and destitute" based solely on their race. This allowed for the forced removal of these children and young people with no legal rights held by their families to argue or appeal these actions.

Whilst the practices of this period may now be viewed as belonging to a by-gone era, they nevertheless serve as a continuing and vivid reminder of the dangers of a cultural bias being applied to the judgments made about:

- what constitutes sound child-rearing practices, and

- the grounds that warrant the initiation of child protection interventions.

These are dangers that continue to exist today - not only in relation to Aboriginal and Torres Strait Islander children and young people, but also those whose families have other cultural backgrounds or who may be discriminated against for other reasons.

History has also demonstrated, for example, the harm caused to many individuals and families in the past when for reasons of morality and conformance with social norms, economic hardship, or a child's possession of a physical or intellectual disability, undue pressure was routinely placed on parents - single mothers especially – to:

- relinquish the care of their children, and

- consent to their adoption, their placement in foster or institutional care or to have their children raised by a relative "pretending" to be the parent.

Over recent decades, academic research as well as public media have highlighted the grief and turmoil experienced by parents who relinquished the care of their children in circumstances such as these when this was contrary to their wishes. Also highlighted has been the deep-seated desire by their children to trace the "missing pieces" of their lives that gives considerable truth to the adage that "blood is thicker than water".

These lessons from the past in informing good child protection practice today, continue to clearly represent and make apparent:

- the importance of children's ongoing attachments to their primary adult care-givers and the need to avoid, wherever possible, disruption to these attachments

- the trauma and harm that may be experienced by children and young people not only when separated from their families, but also by the subsequent disruption caused by their removal to the connections they have with their extended family, friends, community and culture

- the need for legal and other safeguards to protect the rights of all parties throughout the processes used to determined the level of intervention necessary to secure the protection of children and young people from harm, with the best interests of the child always remaining the paramount concern

- the necessity for "checks and balances" to be applied in carefully assessing and weighing up the risks of harm to a child or young person if interventions to secure their protection do not take place, compared with the potential harm that may be caused by the intrusion and disruption to their care if these interventions do occur – particularly, when the intervention entails removal of a child or young person from their family's care, and

- the need for regulatory and other mechanisms to monitor and enforce the quality of care being provided to children and young people who, for various reasons and for differing lengths of time, may require care outside of their own family.

The key aims of an effective child protection system

Informed by the understandings that have been developed about good protection practice, most contemporary programs and services that comprise the child protection system focus on three key aims, namely to:

- ensure the safety of children and young people from harm and risks of harm

- promote all aspects of their well-being, and

- facilitate their access to the same life opportunities afforded to all other children and young people.

These aims are inter-related. For example, where a child or young person is protected from harm and their safety has been secured, it may be expected that this will have some positive effects on their well-being which, in turn, is likely to enhance their life opportunities.

However, where the immediate safety of a child or young person remains the sole rationale for intervention and inadequate attention is given to other aspects of their care, poor outcomes may be expected in terms of their well-being and whole-of-life opportunities.

The following describes some key understandings about these three key, inter-related aims of the child protection system.

About safety from harm

Good child protection practice is based on an understanding that, in most instances, a safe and permanent home with family members is the best place for a child or young person to be nurtured in their progress towards adulthood.

Whilst remaining committed to this notion, good child protection practice also asserts that children and young people have the right to be free from:

- physical, sexual or emotional harm perpetrated by family members or others, or

- harm that may be self-inflicted.

In most instances, families are responsible for providing children and young people with a home environment that is safe and meets their physical, emotional and developmental needs.

When a child or young person is at risk of harm however, there is a shared responsibility held by family members, government and the community to keep them safe. In most instances, this is best accomplished by outreaching to parents and/ or other family members to support them in their role as carers, thereby preserving the care of their child within the family.

When a safe environment cannot be obtained within a family, alternative care arrangements may be warranted.

Wherever possible, these arrangements should provide for a child or young person's short-term care followed by reunification with their family when further risks to the child or young person's safety have been satisfactorily reduced.

When it is not possible to facilitate the safe reunification of children and young people with their families, the outcome of their long-term safety is sought by assisting them in a safe transition towards alternative arrangements that provide for long-term stability in their care and relationships.

This may include, where appropriate, older young people being supported to safely live independently.

About well-being

Ensuring the well-being of children and young people requires that their basic needs for food, clothing and shelter are adequately met.

These needs are best met within an environment that provides sufficient nurture, support and stimulation to enable their physical, intellectual, emotional, pro-social, cultural and spiritual growth.

Good child protection practice is based on an understanding that children and young people's own families are generally best at promoting their children's well-being by providing a consistent nurturing environment and uninterrupted relationships with, and attachment to, caring adults.

This highlights the importance of supporting families for the purpose of either preserving or reunifying the family unit, whenever these goals are consistent with plans developed to achieve their children's safety from harm.

When for reasons of safety however, families are unable or unwilling to provide for the primary care of their children, alternative care arrangements should be sought that will:

- secure the safety of these children and young people from harm

- provide for all other aspects of their well-being, and

- promote the stability of the relationships they have with their carers.

Even when family members are not able to be the primary carers of their children, wherever possible and safe to do so, the out-of-home care arrangements should incorporate an ongoing role for family members in:

- "sharing the care" of their children with their alternative care providers

- maintaining an active involvement in decision-making about their children's future, and

- actively participating as members of the network of people with whom their children can enjoy stable, ongoing relationships.

Importantly, children and young people in care do not exist in isolation from their communities. Within these communities, there exist other bodies such as schools, health services and social, cultural and recreational outlets that also contribute to their well-being.

The involvement of these bodies is important therefore in the provision of support services to these children and young people as well as their families and/ or carers.

In circumstances where children or young people are living in out-of-home care, continued engagement of these bodies is important in maintaining their connectedness with community life.

In particular, when children and young people are unable to be cared for within their own family, their care arrangements should actively seek to preserve their:

- sense of personal identity

- use of their own name

- use of their preferred language

- cultural connections, and

- religious or spiritual ties and beliefs.

This is especially relevant to Aboriginal and Torres Strait Islander children and young people whose identification with, and connections to, their own culture, nation, language group and family are critical aspects of their well-being.

Very importantly, for all persons and services involved in providing care of children and young people, close attention must be given to providing the means for children and young people to heal and recover from:

- the trauma they have experienced resulting from physical, sexual or emotional abuse and/ or neglect, and

- the subsequent disruptions to their attachments to persons of significance within their lives.

It is the healing and recovery of children and young people from this trauma and their disrupted attachments that become critical factors in achieving their long-term psychological and emotional well-being.

About life opportunities

An effective care system aims to ensure that children and young people who have experienced or been placed at risk of harm are afforded the same life opportunities as the general population of children and young people. This includes the opportunities afforded to these children and young people to:

- access and fully participate in education that meets their individual needs and interests

- participate in activities that support and stimulate their physical, emotional, social, cultural and spiritual growth and development

- access and form long-term relationships with supportive adults whom they know and trust

- be informed and involved in decisions made about their care with genuine respect given to their views

- take "ownership" of their lives and be supported in making informed life choices

- learn life skills and progress towards independence with support to overcome socio-economic disadvantage, and

- transition from care and progress to adulthood with a capacity for personal autonomy and a positive engagement in relationships and community life.

The benefits to be achieved for children and young people when the aims of an effective child protection system are realised

The benefits to be obtained for children and young people who experience a child protection system where the multiple aims of this system are fully realised, include their achievement of a sense of:

- security

- identity, and

- belonging.

A number of key factors influence whether or not children and young people who are unable to live with their families and are in need of "out-of-home" care are able to achieve these benefits.

These factors include:

- the continuity and stability of their alternative "out-of-home" care arrangements and their placement with the same set of carers

- having ongoing contact with their parents, siblings and extended family and the quality of this contact

- having a choice about seeing their family

- knowing why they are in care

- having the opportunity to maintain their cultural connections

- having a consistent and continuing engagement with the school they have been attending

- maintaining contact and having a consistent and continuing engagement with their friends

- having a consistent and continuing engagement with known and trusted workers

- feeling safe, respected, listened to and believed, and

- being involved in decision-making about their care.

The implications of these key understandings about good child protection practice

The knowledge and understandings about what constitutes good child protection practice has resulted in an increasing emphasis now being placed on the need for a more "balanced" child protection system.

This is reflected in initiatives such as the development of the *National Framework for Protecting Australia's Children: Protecting Children is Everyone's Business 2009-2020.*

As previously described and as depicted within the following diagram, this framework is aiming to shift the focus from tertiary-driven statutory child protection responses to an increased range, and improvements in the effectiveness, of:

- "universally-available" preventative initiatives to provide support to all families and children

- early intervention services targeted to families and children regarded as vulnerable, and

- targeted programs and services for "at-risk" families and children.
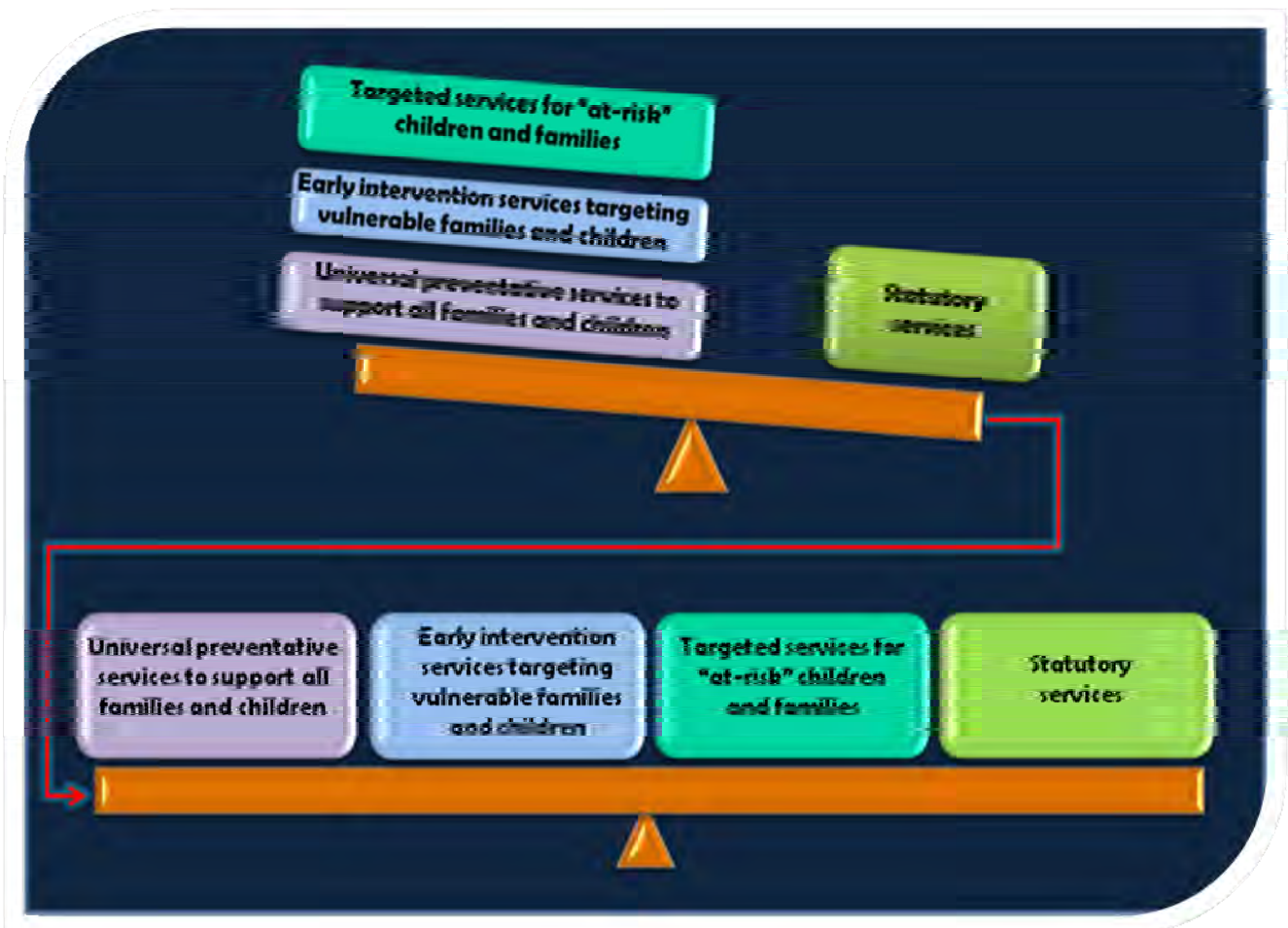
Importantly, these key understandings about good child protection practice are also informing:

- the requirements and provisions incorporated within legislation that governs the administration and delivery of child protection services – within Queensland, the major legislation being the *Child Protection Act 1999*, and

- in keeping with these legislative developments, the systems, policies and procedures used to deliver statutory child protection services.

Key points

- The child protection system is complex.

- Key aims of the child protection system are to:
  - achieve the *safety* of children and young people from harm
  - promote the *well-being* of those children and young people who have involvement with the child protection system, across all aspects of their lives, and
  - ensure that these children and young people are provided the same *life opportunities* as those afforded to children and young people from the general population.

- In recognition of the complexity of the child protection system and its multiple aims, a "balanced" child protection system is needed that incorporates an effective range of:
  - *"universally-available" preventative initiatives* to provided support to all families and children
  - *early intervention services* targeted to families and children who, for various reasons, are regarded as "vulnerable"
  - *targeted programs and services* for "at-risk" families and children, as well as
  - *statutory child protection services* that allow for, when necessary, interventions to take place to protect children and young people from harm.

- This range of service and program types is necessary to ensure that, wherever possible, families are supported in safely providing care for their children.

- Where statutory intervention is warranted and necessary, these interventions should incorporate family support services aimed at preserving the care of children and young people within their own families, whenever this can be safely achieved.

- When the safe preservation of a child or young person's care within their family is not possible, the "out-of-home" care arrangements made for each child or young person should provide for:
  - their reunification with family members whenever this can be safely achieved
  - where reunification may not be possible, an ongoing role that may be played by families in the care being provided of their children to the extent that can be safely achieved and that is in the best interests of each child or young person
  - stability in the care arrangements created for each child or young person and the establishment of a network of people with whom they can enjoy ongoing, trusting and sustainable relationships
  - the healing and recovery of children and young people from trauma resulting from their experiences of physical, sexual or emotional abuse and/ or neglect as well as the disruption to significant attachments resulting from removal from their family's care, and
  - the maintenance (or renewal) of each child or young person's connections with their culture and community.

- "Checks and balances" are necessary within the administration and management of the child protection system to ensure that:
  - there is careful and proper assessment and "weighing up" of the risks of harm to a child or young person if interventions to secure their protection do not take place, compared with the potential harm that may be caused by the intrusion and disruption to their care if intervention does occur, and
  - safeguards are applied to prevent an imposition of cultural and other bias in the judgements formed and decisions made concerning the protection of children and young people.

Resources

The Allen Consulting Group (2008) Inverting the pyramid: Enhancing systems for protecting children. Australian Research Alliance for Children and Young People, West Perth. Download from http://www.aracy.org.au/publicationDocuments/REP_Inverting_the_Pyramid_Enhancing_Systems_for_Protecting_Children_2009.pdf

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Hannon, C., Wood, C. & Bazalgette, L. (2010) In Loco Parentis. Demos. UK. Downloaded from http://www.demos.co.uk/files/In_Loco_Parentis_-_web.pdf?1277484312

STATUTORY CHILD PROTECTION SERVICES

Overview of service system

Statutory child protection services are concerned with the protection of children from harm and care of children. Services include:

- receiving and responding to reports of child abuse and neglect

- working with parents to address child protection concerns through agreement or through court sanction

- providing out of home care to children

- reunifying children and their parents

- providing long term care for children

- supporting young people in leaving care.

Statutory child protection services are largely provided by the Department of Communities (Child Safety Services) through Child Safety Service Centres. However, other government departments including Queensland Police and Queensland Health also have roles in investigating and assessing child protection matters. In addition, recognised Aboriginal and Torres Strait Islander child protection services are required to be involved in significant decisions throughout the child protection process. The Children's Court, the Commission for Children and Young People and Child Guardian and the Queensland Civil and Administrative Tribunal are also important elements in the system.

Non-government organisations play a significant role in providing in home and out of home care services to children and families involved in the statutory child protection system. However, they do not exercise powers under the *Child Protection Act 1999.*

Child Protection Legislation

The *Child Protection Act 1999* and *Child Protection Regulations 2000* provide a policy and legislative framework for the protection and care of children in Queensland. Child protection legislation stipulates the statutory provisions or powers to intervene in the lives of children and their families. However, it is much more than that. Child protection legislation:

- is an expression of government policy about the way in which it intends to protect and care for children

- provides a context in which the statutory provisions of the *Act* are to be exercised in practice and to be interpreted by courts, and

- details statutory provisions to intervene in the lives of children and their families.

Part 2 of the *Child Protection Act 1999* details its purpose and the way in which it is to be administered. It includes the principles within which the *Act* is to be administered and the Chief Executive's functions for the proper and efficient administration of the *Act*.

As prescribed within the legislation (s5A), the main principle for administering the *Child Protection Act 1999* is that the safety, wellbeing and best interests of a child are paramount. This means that if a decision is made under the *Act* where there is a conflict of interest between the child's safety, wellbeing and best interests and the interests of an adult caring for the child, the conflict must be resolved in favour of the child's safety, wellbeing and best interests

Other "general principles" for ensuring the safety, wellbeing and best interests of a child stipulated within the *Act* (s5B) include:

- a child has a right to be protected from harm or risk of harm

- a child's family has the primary responsibility for the child's upbringing, protection and development

- the preferred way of ensuring a child's safety and wellbeing is through supporting the child's family

- if a child does not have a parent who is able and willing to protect the child, the State is responsible for protecting the child

- in protecting a child, the State should only take action that is warranted in the circumstances

- if a child is remove from the child's family, support should be given to the child and the child's family for the purpose of allowing the child to return to the child's family if the return is in the child's best interests

- if a child does not have a parent able and willing to give the child ongoing protection in the foreseeable future, the child should have long-term alternative care

- if a child is removed from the child's family, consideration should be given to placing the child, as a first option, in the care of kin

- if a child is removed from the child's family, the child should be placed with the child's siblings, to the extent that is possible

- a child should only be placed in the care of a parent or other person who has the capacity and is willing to care for the child (including a parent or other person with capacity to care for the child with assistance or support)

- a child should have stable living arrangements, including arrangements that provide:

  o for a stable connection with the child's family and community, to the extent that this is in the child's best interests, and

  o for the child's developmental, educational, emotional, health, intellectual and physical needs to be met

- a child should be able to maintain relationships with the child's parents and kin, if it is appropriate for the child

- a child should be able to know, explore and maintain the child's identity and values, including their cultural, ethnic and religious identity and values, and

- a delay in making a decision in relation to a child should be avoided, unless appropriate for the child.

The *Act* also stipulates certain principles to be observed during the making of decisions and the exercise of powers conferred by the *Act* (s5D).

These principles state that:

- a power under the *Act* should be exercised in a way that is open, fair and respectful of the rights of each person affected by the exercise of the power

- to the extent that is appropriate, the views of "relevant persons" should be sought and taken into account before a decision is made under the *Act*

- if a "relevant person" needs help to participate in or understand the decision making process, or to understand a statutory right relevant to the decision, they should be given this help

- a "relevant person" may obtain their own legal advice, or be represented by a lawyer or supported by another person, in relation to the decision-making process, and

- information about a child affected by a decision being made under the *Act* should be shared:

  o only to the extent necessary for the purposes of administering the Act, and

  o in a way that protects the child's privacy.

The *Act* stipulates that the above principles do not apply to the exercise of powers or decision-making by a court.

"Relevant persons" are defined within the *Act* as including:

- the child to whom the decision that is being made relates

- a person who is a parent or sibling of the child and is also affected by the decision, and

- a long-term guardian of the child.

When giving a child the opportunity to express their views during decision-making or the exercise of powers under the *Act*, the *Act* (s5E) requires that:

- language appropriate to the age, maturity and capacity of the child is used

- communication with the child is undertaken in ways that are appropriate to the child's circumstances

- if the child requires help to express their views, they are given this help

- the child is given an appropriate explanation of any decisions made which affect them, including a decision about the development of a case plan or the effect of a case plan or other decision, and

- the child is given an opportunity, and any help they may need, to respond to any decision made which affects them.

The *Act* further states that nothing within this section of the *Act* (s5E) requires a child to express a view about a matter (i.e. a child cannot be compelled to express a view if they choose not to).

The *Child Protection Act 1999* also incorporates some specific principles and provisions relevant to Aboriginal and Torres Strait Islander children and families. These are detailed later in this Kit - *Working with Aboriginal and Torres Strait Islander families, communities and services*.

The Chief Executive's functions (s7) of the *Act* details actions required to support its proper and efficient administration.

These functions set a broader context for the use of statutory powers under the *Act* and, in terms of the continuum of services outlined earlier, include reference to:

- information for parents and other members of the community about the development of children and their safety needs

- preventative and support services to strengthen and support families and to reduce the incidence of harm to children

- services to families to protect their children if a risk of harm has been identified

- services to support children in their development to adulthood

- coordination, consultation and collaboration with families, communities, other professionals, non-government agencies and government departments.

 The *Act* covers:

- the reporting of harm or suspected harm including requirements to report and protection from liability

- the investigation of harm or suspected harm that has been caused to children and young people

- the grounds on which statutory authorities may intervene in the lives of families in order to protect children and young people from harm

- the planning and review of interventions to protect children and young people

- the use of intervention with parental agreement to protect children and young people

- the use of court proceedings to protect children and young people including the range of orders that may be made by courts

- the administration, management and supervision of these court orders including the placement of children

- the regulation of care including standards of care, approval of carers, licensing of services and the Charter of Rights for Children in Care

- the coordination of service delivery and the exchange of information

- certain provisions and requirements about the maintenance of confidentiality in regard to information that is obtained or accessed concerning children who have contact with the child protection system, and their families, and

- the decisions that children, parents, carers and services can seek review of through the Queensland Civil and Administrative Tribunal.

Other legislation relevant to the protection of children includes:

- *Childrens Court Act 1992* details the administration and operation of the Children's Court.

- *Commission for Children and Young People and Child Guardian Act 2000* details the administration and operation of the Commission for Children and Young People and the Child Guardian including working with children checks.

- *Queensland Civil and Administrative Tribunal (Jurisdiction Provisions) Amendment Act 2009* details the decisions that can be reviewed under the *Child Protection Act 2000* about children in care, the approval of carers and licensing of organisations to provide care, and decisions of the *Commission for Children and Young People and Child Guardian Act 2000* about working with children checks.

- *Education (General Provisions) Act 2006* requires education personnel to report sexual abuse to Queensland Police. The Student Protection Policy requires school personnel to report any concern about harm or the risk of harm to the School Principal. If the principal decides that he/she reasonably suspects the student has been harmed or is at risk of harm, or an unborn child may be at risk of harm, the matter is reported to the Department of Communities (Child Safety Services) and Queensland Police Service

- *Public Health Act 2005* requires doctors and registered nurses to notify the chief executive, Department of Communities (Child Safety Services), of any reasonable suspicions of harm to a child and includes provisions for some Designated Medical Officers to hold a child for up to four days if they believe that a child has been or is at risk of being harmed.

- *Adoption of Children Act 2009* details the administration and operation of adoption services including the adoption of children under child protection orders.

- *Information Privacy Act 2009* details requirements and provisions made in relation to the collection, management and right of access to documents in the State Government's possession or under its control, which contain personal information about children and families. This includes obligations held by organisations contracted as service providers by government agencies (such as the Department of Communities) in regard to their use of certain record-keeping practices as "if they were the agency" that has contracted their services.

Organisation of Statutory Child Protection Services

Statutory child protection services are comprised of:

Department of Communities (Child Safety Services) - is responsible for the safety and well being of children and the support of families. Services to children and their families are delivered through Regional Intake Services, Child Safety Service Centres and the Child Safety After Hours Service Centre.

Queensland Police - is responsible for investigating matters that may constitute a criminal offence and undertake joint investigations with officers of the Department of Communities (Child Safety) of suspected child abuse and neglect cases where a criminal offence may have occurred.

Queensland Health - is responsible for assessing and treating the physical, developmental and psychological impact of child abuse and neglect.

Suspected Child Abuse and Neglect Assessment and Management (SCAN AM) Teams - are responsible for assessing, planning and delivering services to children in need of protection from harm and their families. The SCAN AM Team consists of representatives from:

- Department of Communities (Child Safety Services) - lead agency
- Department of Education and Training
- Queensland Health

- Queensland Police Service, and
- Recognised Entities.

Other government and non-government agencies may also be invited to participate in discussions of particular child protection cases if those agencies have specific knowledge or expertise that will contribute to the discussion.

Childrens Court - is responsible for hearing applications from the Department of Communities (Child Safety Services) regarding the protection of children from harm. Childrens Court matters are heard in a closed court. This means only those directly involved in the case may be present and no one is permitted to publish any information which can be used to identify the child or their parents. The Childrens Court also has responsibility for hearing youth justice and adoption matters.

Commission for Children and Young People and Child Guardian (the Commission) - is an independent statutory body which promotes and protects the rights, interests and well-being of all children and young people in Queensland. The role of the Commission is to:

- monitor and review laws, policies and practices impacting on services provided to children and young people
- administer a state-wide Community Visitor Program for children and young people in alternative care - including foster care
- receive and investigate complaints about services to children and young people known to the Department of Communities (Child Safety Services)
- maintain a Child Death Register, administer a Child Death Case Review Committee and conduct research into child deaths
- conduct employment screening of certain types of child-related employment
- educate the community to comply with the Commission's *Act*
- monitor and review laws, policies and practices that impact on the safety and wellbeing of vulnerable children and young people at risk
- conduct research into issues impacting on the safety and well being of children and young people, and
- promote laws, policies and practices that uphold the rights, interests and wellbeing of children and young people, particularly those at risk.

Community Visitors are appointed by the Commission to visit children and young people in out-of-home care to ensure they are provided with appropriate care, to advocate on their behalf, help resolve any concerns or grievances and offer support if required.

Further information about the Commission can be obtained from http://www.ccypcg.qld.gov.au/

Queensland Civil and Administrative Tribunal (Tribunal) - reviews decisions made by the Department of Communities (Child Safety Services) about children and young people in care, the approval of carers and the licensing of non-government organisations providing out of home care. The decisions that can be reviewed are specified within the *Child Protection Act 1999* (Schedule 2).
The Tribunal can also review decisions made by the Commission for Children and Young People and Child Guardian in relation to 'blue cards'. The Tribunal is an independent body, which currently has an appointed President, located within the Department of the Premier and Cabinet.

Further information about the Tribunal can be obtained from http://www.qcat.qld.gov.au/

Child Protection Process

The child protection process can be understood in terms of the key phases of work and decision making points as detailed in the following flow chart.

Reporting Harm
- Receiving reports
- Determining response - child concern report or notification
- Providing child concern response - information and advice to the caller, referral to an agency or information to police or another state authority

Investigation and Assessment
- Conducting investigation of notification
- Determining if child is in need of protection
- Determining outcome of investigation - substantiated, not substantiated, no investigation and assessment possible

Ongoing Intervention
- Determining the type of intervention required - a support service case, intervention with parental agreement, intervention with a child protection order
- Determining the type of child protection order required - directive order, supervision order, short term custody order, short term guardianship order, long term guardianship order

Case Planning
- Assessing strengths and needs - child and parents
- Determining the intervention required to keep the child safe
- Holding a family group meeting
- Developing a case plan including goals and actions

Placement and Support
- Placing a child in the type of placement best suited to their needs and the supports and services required
- Providing care and support
- Providing case work and case management

Transition from care
- Commencing transition from care to adulthood planning at age 15
- Assessing needs, developing plan - goals and actions
- Providing supports and services identified
- Assessing need for ongoing support post 18 - support service

Closing Intervention
- Determing when child protection needs have been met and their is no longer any need for child protection intervention - child protection order expires or is revoked, case plan goals are met, young person turns 18
- Completing actions to close case

Key functions

In addition to the delivery of child protection services through Child Safety Service Centres, other important functions of the Department of Communities include:

- Placement Support

- Funding , and

- Licensing.

Placement Support

Child Safety Service Centres are supported in the placement of children through regionally based Placement Services Units. The role of the Placement Services Unit includes:

- identifying and negotiating available placement options that best meet the assessed needs of children and young people

- recruiting, training, assessing and supporting Kinship and Foster Carers in collaboration with Child Safety Service Centres and the non government Foster & Kinship Care Agencies

- managing "Transitional Placements" for children and young people with complex and extreme needs, and

- informing placement service development and planning.

Funding

The Department of Communities provides funding for a range of in home and out of home care services for children and families.

Regionally based Community Services Teams are responsible for funding and supporting non-government organisations. The role of Community Services Teams includes:

- funding and resourcing

- service monitoring, and

- service development.

Licensing

Non-government organisations providing out of home care services are required to be licensed under the *Child Protection Act 1999*.

Regionally based Community Services Teams are also responsible for managing the licensing process in conjunction with the Department's Quality Assurance and Licensing Unit.

Key points

- Statutory child protection services are concerned with the protection of children from harm and care of children.

- The *Child Protection Act 1999* and *Child Protection Regulations 2000* provide a policy and legislative framework for the protection and care of children in Queensland.

- Other Acts that are relevant to the protection of children include the *Childrens Court Act 1992*, the *Commission for Children and Young People and Child Guardian Act 2000*, and the *Queensland Civil and Administrative Tribunal Amendment Act 2009*.

- The Department of Communities (Child Safety) has lead responsibility for the safety and well being of children and the support of families. Statutory child protection services are provided through Regional Intake Services, Child Safety Service Centres, and the Child Safety After Hours Service Centre.

- Other government departments and statutory bodies also play a significant role in the protection of children.

- The key phases or work in the child protection process are:
  o reporting harm
  o conducting investigations
  o ongoing intervention
  o case planning
  o placement and support
  o transition from care
  o closing intervention.

- Other important functions of the Department of Communities include:
  o placement support
  o funding
  o licensing.

Resources

Department of Communities (Child Safety Services) - Child Safety Manual. The manual can be viewed and relevant sections downloaded from http://www.childsafety.qld.gov.au/practice-manual/

KEY CHILD PROTECTION PROCESSES IMPACTING ON NON-GOVERNMENT WORKERS

Whilst it is important for non-government workers to have a general understanding of the child protection system and process, there are specific areas that may have a more direct impact in including:

- Reporting harm

- Referrals for family support

- Case planning and Family Meetings

- Placement Meetings and Agreements, and

- Standards and licensing.

Reporting Harm

Anyone involved in caring for or working with children and families can report suspicions of harm or the risk of harm to the Department of Communities (Child Safety Services).

Harm is defined in the *Child Protection Act 1999* (s9) as follows:

(1) Harm, to a child, is 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.

(3) Harm can be caused by—

(a) physical, psychological or emotional abuse or neglect;

or

(b) sexual abuse or exploitation.

The *Child Protection and Other Acts Amendment Bill 2010* that was passed by State Parliament in September 2010 features amendments that will be made at a future time to the *Child Protection Act 1999* for purposes of further clarifying the definition of "harm". These amendments will state that "harm" can be caused by:

- a single act that has resulted in a child being harmed, an omission of actions taken to adequately protect a child from harm, or circumstances that have resulted in a child being harmed,

- a series of acts, omissions or circumstances that have resulted in a child being harmed, or

- a combination of these acts, omissions or circumstances.

The amendments that will be made to the legislation are intended to clarify that "harm" can be caused by a single act, omission or circumstance or multiple different acts, omissions or circumstances. The acts, omissions or circumstances may apply at a particular point in time or over an extended period, as well as the same acts, omissions or circumstances being repeated over time.

People involved in caring for or working with children and families need to be aware of the types and signs of abuse and neglect. Sources of information about the types and signs of abuse and neglect are provided in the resources section of this kit.

Reports of harm or the risk of harm can be made by contacting the local Child Safety Service Centre or Regional Intake Service. You can contact the Department of Communities' Enquiries Unit (1800 811 810) for assistance to locate the nearest Service Centre or Regional Intake Service. After hours and on weekends, reports can be made to the Child Safety After Hours Service Centre on 1800 177 135 or (07) 3235 9999.

If you believe a child is in immediate danger or in a life-threatening situation, you should contact the Queensland Police Service immediately by dialling **000**.

People who report their concerns to the Department are protected under the *Child Protection Act 1999*:

- Section 22 provides protection from liability civilly, criminally or under any other administrative process

- Section 186 provides protection from identification unless required under confidentiality exceptions.

You need to be clear about your obligations to report harm or the risk of harm and how to make a report.

All non-government organisations should have procedures for reporting harm or the risk of harm. If you are not sure about what to do and/or cannot find any procedures for reporting concerns within your organisation, you should talk to the person to whom you report (case worker, supervisor, coordinator, manager). Many non-government organisations funded by the Department of Communities are required to report harm or the risk of harm under the terms and conditions of their funding and service agreement.

Some people are required by law to report child protection concerns. These include:

- an authorised officer, employee of the Department or a person employed in a Departmental care service or licensed care service is required to report harm or suspected harm to a child in the care of a Departmental care service or a licensee (*Child Protection Act 1999*, section 148)

- staff of the Commission for Children and Young People and Child Guardian (*Commission for Children and Young People and Child Guardian Act 2000*, section 20)

- a doctor or registered nurse who becomes aware, or reasonably suspects during the practice of his or her profession, that a child has been, is being or is likely to be harmed (*Public Health Act 2005*, section 191 and 192)

- family court personnel and counsellors who suspect child abuse (*Family Law Act 1975*, section 67ZA).

In addition, staff members of state and non-state schools who become aware, or reasonably suspect that a student has been sexually abused by another person who is an employee of the school must provide a written report to the school principal, the school principal is required to provide a copy of the report to the chief executive, and the chief executive is required to provide a copy of the report to the police (*Education Act 2006, section 365-366*).

A legal requirement for groups of people to report suspected child abuse and neglect is referred to as mandatory reporting.

Referrals for family support

Child Safety Service Centres make referrals to a range of family support and intervention services funded by the Department of Communities. Referrals for family support may be made:

- after a report about a child protection concern has been made to the Department where there is no identified need for ongoing child protection intervention, or

- after a determination that there is a need for ongoing child protection intervention and that intervention occurs with 'parental agreement' or with a child protection order.

Family support services are required to develop plans that identify goals and strategies to address identified needs. Assessment and review of the child and/or families progress should be undertaken on a regular basis. Services are likely to be working with other agencies involved with the child and family and coordinating their efforts.

Requirements on organisations to report back to the Department of Communities (Child Safety Services) on progress will vary depending on the purpose of the referral, the nature and level of child protection concerns held about the child and family, and whether the Department is providing ongoing child protection intervention.

The Helping Out Families Initiative

Over recent years, significant increases have occurred in reports of allegations of harm and risk of harm to children and young people being made to the Department of Communities (Child Safety Services) with the majority of these allegations not meeting the threshold for statutory intervention under the *Child Protection Act 1999*.

In response to this trend, the "Helping Out Families Initiative" was commenced in two south-east Queensland pilot sites – Logan, Nerang-Beenleigh-Eagleby and Gold Coast – during 2010-2011.

Key elements of the Helping Out Families Initiative include:

- the funding of a non-government organisation within each of the pilot sites to lead an "Alliance" of local agencies able to deliver an effective range of non-statutory secondary support services to vulnerable children and their families, and

- the establishment of a "Regional Intake Service" within the Department of Communities (Child Safety Services) to refer "at risk" families about whom the Department has received child protection notifications, but who do not meet the threshold for statutory intervention, to a "Family Support Alliance".

Major aims of the Initiative are to:

- strengthen the capacity of non-government organisations to provided effective early intervention and family support services through the establishment of the "Family Support Alliances" and networks of service providers working together in a collaborative manner

- enable children and families to be linked to support services or the types of assistance they may require in circumstances where the needs of these children for protection do not reach the threshold for statutory intervention, and

- enhance the capacity of non-government services to intervene earlier and more effectively with "at-risk" families, thereby reducing the likelihood of more intrusive statutory interventions within their lives becoming necessary in the future.

The non-government organisation funded to lead a Family Support Alliance within the Nerang-Beenleigh-Eagleby pilot site is The Benevolent Society, whilst Lifeline Community Care is performing this role for the Logan pilot site, and ACT for Children for the Gold Coast pilot site.

The range of non-statutory secondary services that may be used to support "at-risk" families through the involvement with an Alliance may include:

- intensive family support services

- home visiting programs for new mothers

- domestic and family violence services

- mental health services

- drug and alcohol services

- disability services, and

- homelessness services.

Case planning and family meetings

Following an investigation of a notification, when the Department has determined that a child is in need of protection and ongoing intervention, a case plan is developed to address the child's protection and care needs *(Child Protection Act 1999*, section 51A-Y).

The case plan is intended to be developed in an inclusive and participative process with the child, the child's family and other significant people. The case plan should provide a clear statement about why the child is in need of protection and the roles and responsibilities of all participants in addressing the child's protection and care needs. The initial case plan for a child is developed at a family group meeting.

There are four stages in the ongoing intervention with a child and family:

- assessment

- planning

- implementation, and

- review.

Staff working in non-government agencies may be asked by the Department and/or the family to participate in the development and/or review of a child's case plan.

Under the *Child Protection Act 1999*, section 51H, the Department of Communities (Child Safety Services) must convene a family group meeting, or have a "private convenor" convene a family group meeting, to develop the initial case plan for a child. This is to occur in an inclusive and participative process with the child, the child's family and other significant people.

The purpose of a family group meeting (*Child Protection Act 1999*, section 51G) is:

- to provide family-focussed responses for a child's protection and care needs

- to ensure an inclusive process for planning and making decisions relating to a child's well-being and protection and care needs.

A family group meeting may be initiated by the Department of Communities (Child Safety Services) (*Child Protection Act 1999*, section 51H(1)) or directed by the Childrens Court (*Child Protection Act 1999*, section 68(1)(d)(i)).

A family group meeting may also be convened, but is not required, to:

- review the existing case plan and prepare a revised case plan

- consider, make recommendations about, or deal with another matter relating to the child's well-being and protection and care needs.

A family group meeting is held by the Department to develop a case plan when it believes that a child or young person is in need of protection. It is intended to provide an opportunity for families to be involved in decisions about their child, and build on the strengths and resources within the child or young person's family group, cultural community and wider community. The family group meeting brings together the child or young person (where appropriate), the family, those who best know the child and their family, and other relevant persons and agencies, such as a Recognised Entity for an Aboriginal or Torres Strait Islander child or young person.
A case plan must be reviewed every six months at a minimum.

Placement Agreements and care planning

When children are placed in out of home care, the Department of Communities (Child Safety Services) is required (*Child Protection Act 1999*, section 84) to develop a Placement Agreement to ensure direct carers and services have access to relevant information about a child and support for the placement. Information should be provided by the Department to enable the direct carer and service to provide adequate care for the child and to ensure the child's safety, as well as that of the direct carer and other members of their household or service. The Placement Agreement records the agreed support and services to be provided to the direct carer, based on the assessed level of the child's needs.

The Placement Agreement should be completed prior to the child's placement wherever possible, or as soon as possible after placement, to establish the roles and responsibilities of each of the parties in achieving the case plan goal and outcomes of the placement.

Thereafter, non-government services providing out of home care are required to develop care plans that identify goals and strategies to address identified needs. Assessment and review of the child or young person's progress should be undertaken on a regular basis throughout the placement. Assessment, planning and review processes should involve the child or young person, the family (where appropriate), the child or young person's Child Safety Officer and staff from other organisations involved in delivering services to the child or young person.

Standards and licensing

The Department of Communities (Child Safety Services) has a quality assurance strategy which incorporates eleven minimum service standards that describe what standard of service is expected.

The service standards are grouped into three focus areas, with each standard aiming to reach a specified outcome of the focus area. The focus area outcomes are:

Focus on children, young people and families using services

Children, young people and families benefit from individually tailored and culturally sensitive services that respect their rights and enhance their wellbeing. The service standards address:

- accessibility of services
- responding to the needs of children, young people and families
- participation and choice
- confidentiality and privacy
- feedback, complaints and appeals, and
- protecting the safety of children and young people.

Focus on staff, carers and other volunteers

Children, young people and families benefit from services by staff, carers and other volunteers who are appropriately selected, competent and supported to perform their roles. The service standards address:

- recruitment and selection processes for staff, carers and other volunteers
- induction, learning, training and development for staff, carers and other volunteers, and
- support and supervision for staff, carers and other volunteers.

Focus on governance

Children, young people and families benefit from services in which the vision and values are underpinned by effective governance arrangements. The service standards address:

- organisational alignment, and
- governance and accountability.

Whilst the service standards apply to all services funded by the Department of Communities (Child Safety Services), at this stage they are actively applied to out of home care services only. Under the *Child Protection Act 1999* out of home care services are required to be licensed and must comply with the Statement of Standards (s122).

The licensing process includes an independent external evaluation of the care and support services provided. There is no assessment process in place for family support and intervention services.

There is a process in place to look at streamlining quality assurance standards and processes across services funded by the Department of Communities including disability, child safety, community and housing services.

Key points

- There are specific aspects of the child protection system and process that may have a direct impact on non-government services.
- Reporting harm:
  - o Non-government services should have policy and procedures for reporting harm or the risk of harm
  - o Some groups of people are legally required to report harm or the risk of harm - this includes carers and staff of non-government out of home care services.
- Referrals for family support services:
  - o Referrals for family support may be made at any stage of the child protection process
  - o Services are required to develop plans that identify goals and strategies to address identified needs
  - o Requirements to report back progress to the department will vary depending on the purpose of the referral and whether the department is providing ongoing intervention.
- Case planning and family meetings:
  - o If a child is found to be in need of protection and ongoing intervention, the department is required to develop a case plan to address a child's protection and care needs
  - o Non-government services may be asked by the Department and/or the family to participate in planning processes.
- Placement Agreements and care planning:
  - o Placement Agreements between the Department and non-government services are required when a child or young person is placed in out of home care
  - o Placement Agreements set out the support and services required to provide appropriate care
  - o non-government services are required to develop care plans that identify goes and strategies to meet the identified needs of the child or young person
- Standards and licensing:
  - o Services funded by the Department of Communities (Child Safety Services) are required to meet minimum service standards
  - o At this stage, the service standards are actively applied to out of home care services only.

Exercise: **Reporting harm**

1. What are you obligations to report harm or the risk of harm to the Department of Communities (Child Safety Services)?

2. What is the process for making a report of harm or the risk of harm within your organisation?

3. Which is your local Child Safety Service Centre/Regional Intake Service?

Resources

Reporting harm

Department of Communities (Child Safety Services) Child Abuse: What you need to know http://www.childsafety.qld.gov.au/child-protection/documents/child-abuse-brochure.pdf

Department of Communities (Child Safety Services) Practice Resource: Notifiers and Mandatory Notifiers. This can be downloaded from http://www.childsafety.qld.gov.au/practice-manual/documents/practice-resource-notifiers.pdf

National Child Protection Clearinghouse Resource Sheet: What is Child Abuse and Neglect http://www.aifs.gov.au/nch/pubs/sheets/rs6/rs6.html

Case planning and family meetings

Department of Communities (Child Safety Services) Practice Resource: Case Planning - an overview. This can be downloaded from http://www.childsafety.qld.gov.au/practice-manual/documents/practice-resource-case-planning-overview.pdf

Department of Communities (Child Safety Services) - Child Safety Manual. The manual can be viewed and relevant sections downloaded from http://www.childsafety.qld.gov.au/practice-manual/

Placement agreements and care planning

Department of Communities (Child Safety Services) - Child Safety Manual. The manual can be viewed and relevant sections downloaded from http://www.childsafety.qld.gov.au/practice-manual/

Standards and licensing

Department of Communities (Child Safety Services - Out of Home Care Licensing Manual. The manual can be downloaded from http://www.childsafety.qld.gov.au/partners/licensing/out-home-care-manual.html

WORKING WITH ABORIGINAL AND TORRES STRAIT ISLANDER CHILDREN, FAMILIES AND SERVICES

The *Child Protection Act 1999* includes a number of specific principles, provisions and requirements relating to Aboriginal and Torres Strait Islander children and families.

In addition to the "general principles" for ensuring the safety, wellbeing and best interests of a child (s5B) as listed within an earlier section of this kit, principles stated within the *Act* that specifically relate to Aboriginal and Torres Strait Islander children include:

- an Aboriginal or Torres Strait Islander child should be allowed to develop and maintain a connection with their family, culture, traditions, language and community (s5C(a)), and

- the long-term effects of a decision on an Aboriginal or Torres Strait Islander child's identity and connection with their family and community should be taken into account (s5C(b)).

Other key provisions relating to Aboriginal and Torres Strait Islander children and families address:

- requirements for the involvement of Recognised Entities in significant decision-making at key points during the involvement of Aboriginal and Torres Strait Islander children, young people and families in the child protection process (s6(1))

- requirements for Recognised Entities to be consulted when decisions, other than "significant decisions", are being made (s6(2))

- when urgent action is required to protect a child and it is not practicable for a Recognised Entity to be involved in a "significant decision" or to be consulted about other decisions due to the Recognised Entity being unavailable, requirements for the Recognised Entity to be consulted as soon as practicable after the decision has been made (s6(3))

- requirements for the Childrens Court to consider the views held by a Recognised Entity about an Aboriginal or Torres Strait Islander child and the Aboriginal tradition or Torres Strait Island custom relevant to the child, or where it is not practicable to obtain the views of a Recognised Entity, the views of the Aboriginal or Torres Strait Islander community to which the child belongs (s6(4)(a))

- the general principle that Aboriginal and Torres Strait Islander children should be cared for within their own communities (section 6 (4)(b)), and

- requirements for the consultations, negotiations, family group meetings and other proceedings involving an Aboriginal person or Torres Strait Islander (whether a child or not) to take place in a way that is culturally appropriate to Aboriginal tradition or Torres Strait Island custom (s6 (5)).

It is noted that the *Act* defines a "significant decision" about an Aboriginal or Torre Strait Islander child as a decision that is likely to have a significant impact on the child's life (s6(6)).

Section 21A of the Child Protection Act 1999 describes certain obligations and actions that can be taken by the Department of Communities (Child Safety Services) when it is reasonably suspected, before the birth of a child, that the child may be in need of protection after the child is born.

When the unborn child is Aboriginal or a Torres Strait Islander, the *Act* (s21A(3)) requires that consultation must be undertaken with the Recognised Entity for the purposes of:

- assessing the likelihood that the child may be in need of protection after he or she is born, and

- offering help and support to the pregnant woman.

This can only occur however if the pregnant woman agrees to the consultation taking place (s21A(4)) – the purpose of this provision being to reduce the likelihood that the child will need protection after he or she is born (as opposed to interfering with the pregnant woman's rights or liberties (s21A(5)).

Section 51D(c)(iv) of the *Child Protection Act 1999* requires that case planning for an Aboriginal or Torres Strait Islander child must be carried out in ways that encourage and facilitate the participation of Aboriginal or Torres Strait Islander agencies and persons.

Section 83 of the *Child Protection Act 1999* states a number of requirements and factors that must be considered when decisions are made about the placement of an Aboriginal or Torres Strait Islander child in "out-of-home" care.

Specifically, the *Act* requires that:

- Officers of the Department of Communities (Child Safety Services) ensure that a Recognised Entity is given opportunity to participate in the process for making a decision about where or with whom an Aboriginal or Torres Strait Islander child will live (s83(2))

- when, because of urgent circumstances, a decision is made about the placement of an Aboriginal or Torres Strait Islander child without the participation of a Recognised Entity, the Recognised Entity is consulted as soon as practicable after the decision has been made (s83(3))

- in making a decision about the person in whose care an Aboriginal or Torres Strait Islander child is placed, proper consideration is given to placing the child, in order of priority, with:

  o a member of the child's family

  o a member of the child's community or language group

  o another Aboriginal person or Torres Strait Islander who is compatible with the child's community or language group, or

  o another Aboriginal person or Torres Strait Islander.

This hierarchy of preferred placement options, as described within Section 83(4) of the *Act*, is commonly referred to as the "Aboriginal and Torres Strait Islander Child Placement Principle".

The *Act* also requires that Officers of the Department of Communities (Child Safety Services), in making decisions about the placement of an Aboriginal or Torres Strait Islander child, must give proper consideration to:

- the views of the Recognised Entity for the child (s83(5)(a)), and

- ensuring that the decision provides for the optimal retention of the child's relationships with parents, siblings and other people of significance under Aboriginal tradition or Torres Strait Island custom (s83(5)(b)).

If there is no appropriate person in whose care an Aboriginal or Torres Strait Islander child may be placed in keeping with the hierarchy of preferred placement options stipulated by the Child Placement Principle, proper consideration must be given to placing the child, in order of priority, with:

- a person who lives near the child's family (s83(6)(a)), or

- a person who lives near the child's community or language group (s83(6)(b)).

Before placing a child in the care of a family member or other person who is not an Aboriginal person or Torres Strait Islander, the *Act* requires the Department of Communities (Child Safety Services) to gives proper consideration to whether or not the person is committed to:

- facilitating contact between the child and the child's parents and other family members, subject to any limitations which may be placed on this contact by the Department in the best interests of the child (s83(7)(a))

- helping the child to maintain contact with their community or language group (s83(7)(b))

- helping the child to maintain a connection with their culture (s83(7)(c)), and

- preserving and enhancing the child's sense of Aboriginal or Torres Strait Islander identity (s83(7)(d)).

The inclusion of provisions and requirements within the *Child Protection Act 1999* that relate specifically to Aboriginal and Torres Strait Islander children and families is intended to provide recognition and acknowledgement of:

- Aboriginal and Torres Strait Islander peoples as the "first Australians"

- the culture and traditions of Aboriginal and Torres Strait Islander peoples

- the continuing over-representation of Aboriginal and Torres Strait Islander children and families in the child protection system, and

- the past forced removal of Aboriginal and Torres Strait Islander children from their families and the continuing impact of such policies on individuals, families and communities.

Aboriginal and Torres Strait Islander organisations may be funded to provide child protection services in some areas of the State. Services provided may include:

- participation in significant child protection decisions (Recognised Entity)

- family support

- kinship care

- foster care, and

- residential care.

Other Aboriginal or Torres Strait Islander groups or organisations may also provide important services to children and their families, including:

- Elders

- women's or men's groups

- local justice groups, and

- organisations - community, health, legal, housing, education.

It is not possible within the context of this kit to cover how to work with Aboriginal and Torres Strait Islander children and families. Anyone involved in working with Aboriginal and Torres Strait Islander children and families should undertake cultural awareness and respect training. However, the following pointers are provided for how to make a start:

- Find out the name/s of relevant family or tribal groups in the area that you work.

- Find out the demographics of Aboriginal and Torres Strait Islander children and families in the area you work.

- Find out the representation of Aboriginal and Torres Strait Islander children and families in the child protection system in your region.

- Identify relevant Aboriginal and Torres Strait Islander services in the area you work and find out what they do including:

  o child protection services including those that perform the Recognised Entity role and those providing family support or "out of home" care services), and

  o other groups and organisations.

- Visit the services that you are likely to have most contact with given the nature of your work and

  o discuss what they do and what you do, and

  o where relevant, identify opportunities for working together.

- If you are required to visit an Aboriginal or Torres Strait Island community, find out about the protocols that are to be observed for entering the community and talking with people.

Key points

- The *Child Protection Act 1999* includes a number of specific provisions and requirements relating to Aboriginal and Torres Strait Islander children and families.

- These provisions acknowledge Aboriginal and Torres Strait Islander peoples as the "first Australians", their culture and traditions, their over-representation within the child protection system, and the continuing impact of past forced removal policies.

- Aboriginal and Torres Strait Islander organisations may be funded to provide child protection services.

- Non-Indigenous people should undertake cultural awareness and respect training to support working with Aboriginal and Torres Strait Islander children, families and communities.

Exercise: **Working with Aboriginal and Torres Strait Islander children, families and services – what is my starting point?**

Using the following as a checklist, identify what you currently know and what you need to find out:

- What are the name/s of relevant family or tribal groups in the area in which you work?

- What are the demographics of Aboriginal and Torres Strait Islander children and families in the area in which you work?

- What is the representation of Aboriginal and Torres Strait Islander children and families in the child protection system within your region?

- What Aboriginal and Torres Strait Islander services operate in the area you work and what do they do? - think about:
  - child protection services (recognised entity, family support, out of home care).
  - other groups and organisations

- What services have you visited in your local area?

- Are you required to visit a Aboriginal or Torres Strait Island community? What is the protocol for entering the community and talking with people?

- Have you undertaken cultural awareness and respect training? If not, does your organisation provide access to cultural awareness and respect training?

Resources

Child Protection Act 1999 - Download from
http://www.legislation.qld.gov.au/LEGISLTN/CURRENT/C/ChildProtectA99.pdf

Apology to Australia's Indigenous Peoples. Kevin Rudd, Prime Minister, 13th February 2008
Download from http://www.aph.gov.au/house/rudd_speech.pdf

Queensland Aboriginal and Torres Strait Islander Child Protection Peak (2008) A Framework for demonstrating cultural respect in the delivery of services to Aboriginal and Torres Strait Islander children, young people and families. Brisbane. Download from
http://www.qatsicpp.com.au/DYK%20B-2%20framework%20-%20cultural%20respect.pdf

Higgins, D.J. (2010) Community development approaches to safety and wellbeing of Indigenous children: A resource sheet, Closing the Gap Clearinghouse. Download from
http://www.aihw.gov.au/closingthegap/documents/resource_sheets/ctgc-rs01.pdf

Department of Families, Housing, Community Services and Indigenous Affairs (2010) - Toolkit for Indigenous Service Provision. Download from
http://www.fahcsia.gov.au/about/news/2010/Pages/toolkit_08072010.aspx

Snapshot 2010: Children and Young People in Queensland. Download from
http://www.ccypcg.qld.gov.au/resources/publications/snapShot/snapShot10.html

WORKING TOGETHER

In keeping with the theme of "Child Protection is Everyone's Responsibility", effective child protection practice requires people and organisations to work together to ensure the safety and well being of children. Responsibility is shared by families, non-government organisations, government departments, governments, and communities. All have their roles but unless they work together and coordinate their efforts, children will not be safe and well.

Participation of children and families

The participation of children and families in child protection processes is central to effective practice. The voices of children and families bring a direct and unique perspective of the issues they face, their strengths and needs, and the services and resources required to build on those strengths and meet those needs.

Workers therefore need to engage children and families and gain their cooperation in developing plans to ensure safety and develop well being. From a review of the research, Tilbury et al (2007) identified the following skills and abilities necessary for developing effective relationships:

- recognise and build on strengths

- develop sensitive and informed client - worker relationships with an appropriate balance of power

- treat clients with respect and as unique, rather than as a "case"

- establish effective communication, despite the challenging context

- recognise the stigmatising impact of involvement with statutory services and seek to rebuild parental confidence

- provide dependable support and practical help

- establish openness and honesty in all contacts, even-handedness (including an ability to suspend judgement), demonstrating answerability for what you say and do

- create transparency in decision making including sharing records and access to files without being asked to

- foster a climate that assures people that their concerns or complaints will be taken seriously, and

- elicit, listen and be open to client theories.

Developing relationships with children and families in a child protection context is not easy and presents significant challenges. However, empathetic, skilled and persistent efforts will, in most instances, result in effective relationships and interventions.

Approaches to participation may be informal or formal. Informal approaches include one on one discussions between workers and children or parents and involvement in activities, whilst formal approaches include children and parents attending meetings, and completing survey feedback forms.

Inter-agency collaboration

Children and young people who come into contact with the child protection system are likely to be involved with a number of different agencies at any one time and at different points in time throughout the child protection process. For example: the Department of Communities, Queensland Police, Queensland Health, Education Queensland, an Aboriginal and Torres Strait Islander child protection agency, a non-government family support service or out of home care service. Families may also be involved with other service systems including income support, housing, disability, domestic violence and mental health amongst others.

It is therefore important that agencies work together to identify and address the needs of children and families.

Working together may involve:

- identifying relevant organisations in a geographic area and developing an understanding of the services they provide

- getting to know and developing relationships with workers from relevant organisations to support referrals

- attending a case planning forum held by another agency or requesting another agency attend your case planning forum

- developing formal structures for working together including information sharing protocols, sharing resources and joint case planning processes, and

- participating in service networks.

Benefits of collaboration have been identified by the NSW Department of Communities (2006) as:

For clients	For workers	For agencies
A coordinated case plan can address a range of needs and provide more seamless service delivery	Sharing information, assessment knowledge and intervention responsibility is less stressful and more rewarding than acting individually	Reduces duplication of services and allows for greater efficiency in the utilisation of public resources
Cooperative efforts by agencies improves access to services	The quality of problem-solving and service planning is enhanced when all parties coordinate their efforts	Can assist in easing workforce limitations and barriers created by agency mandates
More diverse expertise is available due to the joined up resources of agencies	Increased contact and better relationships between service providers improves communication and role clarity, and eases the stress of individual work with clients in crisis	Improves the likelihood of meeting the varied and complex needs of clients
Models cooperation to clients, and exposes effective methods of problem-solving and relating to other professionals	Breaks down defensive ways of thinking, and reduces the undue responsibility or blame on any one worker or agency	Produces a wider picture of the needs of a community, and can lead to shared planning across a range of agencies

The challenges of effective interagency collaboration include:

- information sharing and confidentiality

- differing goals and purposes of organisations

- time necessary to build and maintain relationships

- differing professional and organisational perspectives about protecting children and supporting families

- mutual trust and respect for roles

- processes to support collaboration, and

- access to training.

A note on confidentiality

In terms of information sharing and confidentiality, it is critical that non-government workers are open with children and families about their organisations approach to information sharing, confidentiality and the limits to confidentiality.

Limits to confidentiality may include:

- safety of a child or adult

- commission of a criminal offence, or

- subpoena issued by a court.

As noted previously, as a non-government worker, it is important that you understand your legal, agency and professional obligations to:

- report harm, and

- where necessary, to share information for purposes of coordinating services in relation to children who are in need of protection and care as well as those who, it is suspected on reasonable grounds, may become in need of protection and care.

Key points

- Effective child protection practice requires people and organisations to work together to ensure the safety and well being of children.

- Children and families need to be actively engaged in the child protection process to ensure that services provided are relevant to their needs.

- Organisations need to coordinate the delivery of services to children and families throughout the child protection process.

Exercise: **Participation and collaboration**

Participation

What is your organisation's approach to the participation of children and families in the delivery of services?

Identify some of the barriers to the participation of children and families in a child protection context.

Discuss how you could address those barriers.

Collaboration

What is your organisation's approach to collaboration with other organisations in your area?

Are there any examples for formal structures between your organisation and other organisations to support collaboration?

Identify specific examples of collaboration that have improved service delivery to children and families.

Resources

Tilbury, C., Osmond, J., Wilson, S., and Clark, J. (2007) Good Practice in Child Protection. Pearson Education Australia. Frenchs Forest NSW

NSW Interagency Guidelines for Child Protection (2006) NSW Department of Communities. Sydney NSW. Download from http://www.community.nsw.gov.au/for_agencies_that_work_with_us/child_protection_services/interagency_guidelines.html

 UNDERSTANDING THE VALUES AND PRINCIPLES UNDERLYING YOUR PRACTICE

Working within the field of child protection can be both rewarding and enormously challenging. In particular, workers may be challenged in reconciling their own personal sets of beliefs and values with the stated philosophies and values of the organisation with whom they are employed as well as the understandings underpinning good child protection practice.
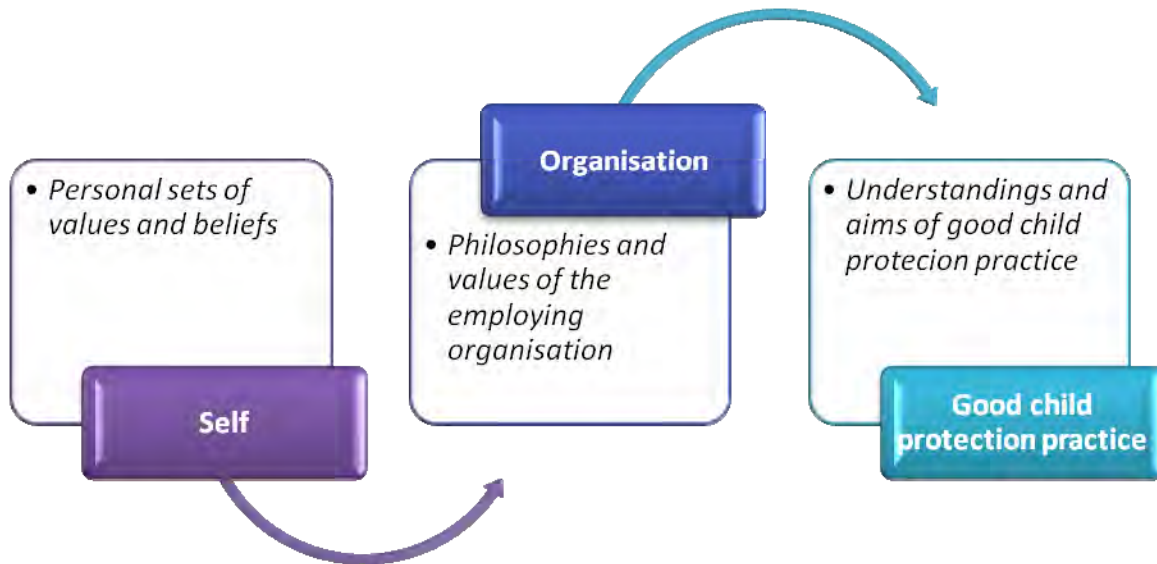
The delivery of child protection services relies heavily on the "human capital" of the various organisations involved in providing these services - "human capital" meaning the specific sets of knowledge, skills, experience and other personal attributes and competencies that the people delivering child protection services bring to their roles.

Importantly, child protection practice is also largely a "values-driven" exercise that relies heavily on the people delivering these services having a commonality of purpose and sharing an understanding, commitment to and observance of a number of "core" principles that guide their attitudes and behaviour.

This is not intended to diminish the value and importance of individuals forming different opinions based on their own perspective about the needs of a child, young person or family or the ways in which these needs might best be met. The possession of different perspectives and viewpoints adds to the richness and diversity of the approaches that may be used in properly and thoroughly assessing the strengths and needs of children, young people and families and successfully responding to them.

These principles do however establish some key parameters within which workers perform their respective roles and develop their own professional frameworks as an ongoing reference point for their work with children, young people and families.

The capacity to formulate and articulate a professional framework requires workers to fully consider not only the stated philosophies and values of the organisation that has employed their services and the understandings and over-arching aims of good child protection practice – it also demands that these workers reflect on:

- their own personal beliefs and values, and

- the extent to which these beliefs and values differ from, are consistent with and/ or can be reconciled and integrated with those promoted by the organisation for whom they are working as well as the understandings and aims of good child protection practice based on research and the body of knowledge that has developed over time.

Reflecting on your own personal beliefs and values

Generally, "beliefs" and "values" may be defined in the following ways:

- Beliefs are the concepts that individuals hold to be "true".

- Beliefs may be based on the particular religion or set of spiritual beliefs to which an individual adheres, but not always.

- Values are the expression of ideas that an individual holds to be important.

- Values govern the way individuals behave, communicate and interact with others.

- Together, beliefs and values determine an individual's attitudes, opinions and ways of "viewing the world" and the relationships they have with others .

Reflecting on a worker's own personal beliefs and values for purposes of formulating a professional framework will usually require them to:

- fully consider their own understandings about what constitutes sound parenting and treatment of children and young people, what constitutes "abuse" or "neglect" and the reasons for these beliefs having formed

- identify the key influences on the formation of these beliefs including, in particular, their own childhood experiences and the ways in which they were parented including the focus given to and methods used within their family-of-origin to nurture and display affection, impart discipline and provide moral and/ or spiritual guidance and regulate behaviour, and promote or withhold opportunities for socialisation with others from outside of the family unit

- identify key influences on the formation of these beliefs that have come from outside of their family, ranging from the impact of other persons and relationships though to major life events which may have shaped or re-shaped a person's perceptions and values or the education they have received – both "formally" via tertiary study or "informally" through work and/ or life experience

- assess the extent to which the impact of these influences have been accepted and internalised, or actively rejected or modified over time and the reasons for this occurring

- honestly evaluate the extent of consistency and compatibility that currently exists between the worker's own set of personal values and beliefs, the philosophies and values of the organisation for whom they are working and the understandings and aims of good child protection practice evidenced through research and the body of knowledge about child protection that has been accumulated over time , and

- where differences exist, the extent to which they can be reconciled and managed without comprising either the worker's own professional practice or the work of their organisation, or creating an insurmountable conflict in relation to the worker's own ethics, values and system of beliefs.

Key points

- Working within the field of child protection can be both rewarding and challenging.

- Child protection workers may be challenged in reconciling their own personal sets of beliefs and values with:
  - the stated philosophies and values of the organisation for whom they are working, and
  - the understandings about, and aims of, good child protection practice based on research and the body of knowledge that has developed over time.

- In developing a professional framework for working within the field of child protection, Workers will usually need to consider and reflect on:
  - their own personal beliefs and values, and
  - the extent to which these beliefs and values differ from, are consistent with and/ or can be reconciled with those promoted by the organisation for whom they are working as well as the understandings generally held about "good" child protection practice.

Exercise: **My values**

Reflect on the key influences that have shaped your values and beliefs about:

- what constitutes sound parenting practices
- what constitutes child abuse or neglect
- the extent to which it may be legitimate (or not legitimate) to intervene in the lives of families for purposes of protecting children and young people, and
- the ways in which these interventions should (or should not) occur and for what purpose.

These key influences may include:

- your own childhood experiences of family life or your observance of the experiences of others
- significant relationships you have had with individuals from within or outside of your family and the times when these relationships have had an impact on your framework of beliefs and values
- major life events and when and under what circumstances these occurred
- religious, spiritual and/ or cultural beliefs, customs and practices to which you adhere, the extent of your commitment to, and reasons for upholding, these beliefs
- the education you have received or are currently receiving – either " formally" through tertiary study or "informally" through work and life experience – and the subject matter and focus of this education, and/ or
- other factors of personal relevance to you that have shaped (or re-shaped) your personal beliefs and values.

After listing these key influences, consider and note:

- the impact and ways in which each of these factors have influenced your interest and motivation to work within the field of child protection
- your understandings about the children, young people and families with whom you may be working, their needs and the circumstances they may have led to their involvement with the child protection system
- your beliefs about the best ways in which the child protection system should operate in addressing the needs of children, young people and families
- the major strengths and attributes in terms of your knowledge, skills and other personal qualities arising from the influence of each of these factors that you believe will assist in your work with children, young people and families
- issues which may, at times, be confronting or difficult for you to personally deal with when working with children, young people and families arising from the factors you have listed and ways in which you are proposing that they could managed, and
- the key elements of the approach you wish to adopt when working with children, young people and families (i.e. how you might characterise and describe your preferred ways of engaging and working with children, young people and families; how others including your colleagues and children, young people and families themselves, might describe your approach, and how closely these descriptions "match").

Exercise: **My values, the values of my organisation and key child protection principles**

The following lists a number of key areas concerning the delivery of child protection services where some fundamental principles guiding the ways in which these services are to be delivered, apply.

Consider each of these listed areas and in relation to each:

- collect documentation produced by the organisation for whom you are working that describes the philosophy, values and/ or beliefs held by the organisation relevant to the particular subject matter – this may be in the form of a vision or mission statement, a program or service description, a policy statement, practice manual or set of procedural guidelines
- reflect on the extent to which these stated philosophies, values and beliefs are consistent with or differ from your personal sets of values and beliefs
- self-evaluate your capacity to reconcile and integrate these fundamental principles of good child protection practice with the stated philosophies of your organisation and your own personal set of values and beliefs, and
- subject to the outcomes of your self-evaluation, identify any actions you intend to take in reconciling and integrating these sets of values and beliefs.

Working towards achieving the key aims of an effective child protection system

Background:

As previously described, most organisations involved in delivering child protection services have stated aims to:

- *achieve the safety of children and young people from harm or risks of harm*
- *promote all aspects of their well-being, and*
- *promote their access to the same life opportunities afforded to other children and young people.*

Exercise:

Collect and consider documentation produced by the organisation for whom you are working that describes the stated aims of the services it provides.

Reflect on the extent to which these stated aims are consistent with or differ from your personal beliefs about the aims that should be sought for children, young people and families who are involved with the child protection system.

Subject to the outcomes of your reflection, identify any actions you intend to take in reconciling and integrating the stated aims of your organisation's delivery of child protection services with your personal set of values and beliefs.

Delivery of child protection services that comply with principles of the *Child Protection Act 1999*

Background:

Most organisations involved in delivering child protection services have stated philosophies or policies that require members of their staff to commit to the display of behaviours and attitudes that comply with principles of the Child Protection Act 1999. Specifically, these stated philosophies or policies will require these staff members, in the exercise of their roles and responsibilities, to:

- *regard the safety, wellbeing and best interests of children and young people as paramount*
- *support every child and young person's right to protection from harm*
- *view families as having primary responsibility for the upbringing, protection and development of their children, and support of the family as being the preferred way of ensuring a child or young person's safety and wellbeing*
- *regard the State as having responsibility to protect children and young people when their parents are unable or unwilling to do so*
- *support the responsibility exercised by the State in protecting a child or young person, to ensure that only those actions are taken which are warranted in the circumstances*
- *if a child or young person does need to be placed away for their family, focus work on supporting the child or young person and their family for purposes of allowing them to return to their family's care, if this is in the best interests of the child or young person*
- *if a child or young person does not have a parent able and willing to provide them with ongoing protection in the foreseeable future, support the right of the child or young person to be provided with long-term alternative care*
- *if a child or young person is removed from their family, support consideration being given to their placement, as a first option, with kin*
- *if a child or young person is removed from their family, support decisions made to place the child or young person with their siblings as the preferred arrangement for their care, to the extent that this is possible*
- *support requirements made that a child or young person should only be placed in the care of a parent or other person who, with assistance or support where needed, has the capacity and is willing to care for the child or young person*
- *support the right of a child or young person to be provided with stable living arrangements that allow them to maintain a stable connection with their family and community to the extent that this is in their best interests, and that meets their developmental, educational, emotional, health and physical needs*
- *support the rights of a child or young person to maintain relationships with their parents and kin, if this is appropriate for the child or young person*
- *support the rights of a child or young person to know, explore and maintain their identity and values, including their cultural, ethnic and religious identity and values, and*
- *support the avoidance of delays in making decisions about a child or young person, unless such delays are appropriate for the child or young person.*

Specifically in relation to Aboriginal and Torres Strait Islander children and young people, staff members will generally be required to support the principles that:

- *Aboriginal or Torres Strait Islander children and young people should be allowed to develop and maintain a connection with their family, culture, traditions, language and community, and*
- *the long-term effects of decisions on an Aboriginal or Torres Strait Islander child's identity and connection with their family and community must be taken into account when these decisions are made.*

Exercise:

Collect and consider documentation produced by the organisation for which you are working that describes ways in which staff members are expected to comply with these key principles.

Reflect on the extent to which these principles are consistent with or differ from your personal beliefs about the key ways in which children, young people and families should be treated during their involvement with the child protection system.

Subject to the outcomes of your reflection, identify any actions you intend to take in reconciling and integrating these key principles with your personal set of values and beliefs.

Upholding the "Charter of Rights" and ensuring that children and young people who are living in "out-of-home" care are aware of its existence and meaning

Background:

Most organisations involved in delivering "out-of-home" care services have stated policies that require their staff members to uphold the Charter of Rights for a Child in Care contained within the Child Protection Act 1999. Specifically, this requires these staff members to uphold the rights of children and young people to:

- *be provided with a safe and stable living environment*

- *be placed in care that best meets their needs and is most culturally appropriate*

- *maintain relationships with their family and community*

- *be consulted about, and to take part in making, decisions affecting their life including, in particular, decisions about where they are living, contact with their family, their health care and schooling*

- *be given information about decisions and plans concerning their future and personal history*

- *have their privacy respected including, for example, in relation to personal information*

- *have regular reviews conducted in relation to their care arrangements*

- *have access to dental, medical and therapeutic services, necessary to meet their needs*

- *have access to education appropriate to their age and development*

- *have access to job training opportunities and help in finding appropriate employment, and*

- *receive appropriate help with the transition from being a child in care to independence, including, for example, help about housing, access to income support and training and education.*

Exercise (If you are working for an organisation involved in providing "out-of-home" care services for children or young people):

Collect and consider documentation produced by your organisation that describes ways in which staff members are expected to uphold the rights held by children and young people in care.

Reflect on the extent to which this expression of the rights held by children and young people are consistent with or differ from your personal beliefs about the rights that should be held by children and young people.

Subject to the outcomes of your reflection, identify any actions you intend to take in reconciling and integrating these key principles with your personal sets of values and beliefs about the rights of children and young people in care.

Exercise (If you are working for an organisation that is engaged in providing other types of child protection services which do not involve the placement of children or young people in "out-of-home" care (such as a family support program):

Discuss with your supervisor or manager other documents which may have been produced by your organisation to describe the "rights and/ or responsibilities" held by the children, young people and/ or families who are receiving your organisation's services.

Reflect on the extent to which this expression of their rights is consistent with or differs from your personal beliefs about the rights that should be held by children, young people and/ or families.

Subject to the outcomes of your reflection, identify any actions you intend to take in reconciling and integrating these key principles with your personal sets of values and beliefs about these obligations and requirements.

The reporting of incidents of harm or suspected harm to children and young people and/ or breaches of the required "standards of care"

Background:

All organisations involved in providing "out-of-home" care services are required to have systems and procedures in place for reporting incidents of harm or suspected harm of children or young people and/ or breaches of the required "standards of care". In meeting these requirements, staff members of these services are generally required to adhere to the following commitments:

- *to faithfully and honestly report any incidents relating to harm or suspected harm of a child or young person or a child or young person being placed at risk of harm and/ or breaches of the standards of care that they are aware of or reasonably suspect, and not falsely report matters for vexatious purposes*
- *to fully, openly and honestly cooperate with any authorised investigation of incidents assessed by the Department of Communities as constituting a "matter of concern"*
- *to fully endorse the rights and responsibility of colleagues to report incidents relating to harm or suspected harm and/ or breaches of the standards of care , and play their part in promoting an environment in which all persons can feel encouraged and supported in reporting these matters*
- *to not act nor behave in a way that deliberately discourages colleagues from reporting incidents relating to harm or suspected harm of a child or young person and/ or breaches of the standards of care or that alienates or vilifies those who may have reported their concerns*
- *to acknowledge the commitment of their organisation in supporting those who report incidents relating to harm or suspected harm of a child or young person and/ or breaches of the standards of care and, if required, avail themselves of this support, and*
- *to acknowledge the protection from liability when reporting incidents of the kind that is afforded to them by the Child Protection Act 1999.*

Exercise (If you are working for an organisation involved in providing "out-of-home" care services for children or young people):

Collect and consider documentation produced by your organisation that describes ways in which staff members are expected to maintain the legislated obligations to report incidents of harm or suspected harm to a child or young person and/ or breaches of the required standards of care.

Reflect on the extent to which these requirements are consistent with or differ from your personal beliefs about the processes used to mandatorily report harm or suspected harm of children and young people.

Subject to the outcomes of your reflection, identify any actions you intend to take in reconciling and integrating these key principles with your personal sets of values and beliefs about these obligations and requirements.

Exercise (If you are working for an organisation that is engaged in providing other types of child protection services which do not involve the placement of children or young people in "out-of-home" care (such as a family support program):

Discuss with your supervisor or manager documented policies, practices or procedures that are to be observed by staff members about reporting known or suspected harm of a child or young person, domestic violence or criminal offending to the Department of Communities and/ or the Police Service.

Reflect on the extent to which these policies, practice or procedures are consistent with or differs from your personal beliefs about circumstances when, and the processes that should be used to, report harm or suspected harm of children and young people, domestic violence and/ or criminal behaviour.

Subject to the outcomes of your reflection, identify any actions you intend to take in reconciling and integrating these key principles with your personal sets of values and beliefs about these obligations and requirements.

Delivering "out-of-home care" services that achieve the standards required by the 'Statement of Standards"

Background:

All organisations involved in providing out-of-home care services for children and young people are required to deliver these services in ways which comply with the legislated "Statement of Standards". In meeting these requirements, staff members of these services are generally required to perform their roles and responsibilities in ways which:

- *respect children and young people's dignity and rights at all times*

- *meet children and young people's needs for physical care including adequate, food, clothing and shelter*

- *provide emotional care that allows children and young people to experience being cared about and valued in ways that contribute to their positive self-regard*

- *cater for children and young people's needs to relate to their culture and ethnic grouping*

- *meet children and young people's material needs relating to their schooling, physical and mental stimulation, recreation and general living*

- *provide children and young people with education, training or employment opportunities relevant to their age and ability*

- *provide children and young people with positive guidance when necessary to change inappropriate behaviour, excluding whatsoever any techniques for managing behaviour that include corporal punishment or punishment that humiliates, frightens or threatens them in a way that is likely to cause emotional harm*

- *provide or arrange for children and young people to receive dental, medical and therapeutic services necessary to meet their needs*

- *provide opportunities for children and young people to participate in positive social and recreational activities appropriate to their developmental level and age*

- *encourage and assist children and young people to maintain family and other personal relationships for purposes of, and to the extent determined by, each child or young person's case plan, and*

- *if the child or young person has a disability, provide care and assistance appropriate to their special needs.*

Exercise (If you are working for an organisation involved in providing "out-of-home" care services for children or young people):

Collect and consider documentation produced by your organisation that describes ways in which staff members are expected to perform their roles and responsibilities in ways which comply with the legislated "Statement of Standards".

Reflect on the extent to which this expression of the standards of care that children and young people are entitled to receive is consistent with or differs from your personal beliefs.

Subject to the outcomes of your reflection, identify any actions you intend to take in reconciling and integrating these key principles with your personal set of values and beliefs about the standards of care children and young people in care are entitled to receive.

Ensuring that confidentiality provisions of the *Child Protection Act 1999* are maintained and the privacy of children and young people is respected in ways that comply with relevant privacy legislation

Background:

All organisations involved in providing child protection services must comply with relevant Commonwealth and State privacy legislation concerning the collection, use and disclosure of personal information about children, young people and families who are, or were previously, receiving, these services.

Beyond the legislated requirements that are in place to address the rights to privacy held by citizens of all ages, a number of provisions are incorporated within the Child Protection Act 1999 that specifically relate to the privacy of children and young people who have dealings with the child protection system and the confidentiality of their personal information.

These provisions also note circumstances when personal information about a child or young person may be shared with other organisations or individuals without the consent of the child or young person when – and only when - this is necessary to coordinate services associated with their protection and care. The basis upon which this provision is established with the Child Protection Act 1999 is that:

- *the safety, wellbeing and best interests of a child or young person must always remain the paramount agenda, and*

- *in keeping with this principle, their protection and care takes precedence over an individual's rights to privacy.*

Queensland's Information Privacy Act 2009 also stipulates that where a non-government organisation is contracted as a "service provider" by a State Government agency, this organisation is obliged to maintain recordkeeping practices "as if they were the (government) agency" that contracted their services.

To this end, the Department of Communities has produced recordkeeping guidelines for non-government organisations contracted to provide child protection services that state a range of procedures to be observed by these organisations including, in particular, those that are to be observed when transferring client records to the Department and making these records available when requests for access to these records made under the Act are received by the Department.

In addressing these various legislated requirements, organisations providing child protection services generally require their staff members to:

- *actively demonstrate respect for the privacy of children, young people and families*

- *collect and record personal information about children, young people and families only when the nature of this information is directly related to the activities and functions being performed by the organisation, and collect this information in ways that are fair and lawful*

- *ensure that children, young people and families are informed about the nature of the information that is being collected about them, the reasons for collecting and recording this information and to whom this information may be disclosed*
- *make use of recorded information about children, young people and families only for the work-related purposes for which it was collected and not for personal benefit*
- *not access, use or disclose personal information about children, young people and families (such as information held on a client file) without proper authorisation or lawful reason – lawful reasons including where the sharing of this personal information with other individuals or organisations without the consent of a child, young person or family is necessary for purposes of coordinating the delivery of services associated with the child or young person's protection and care or where the disclosure of this information is permitted by law or is necessary to prevent an imminent threat to health or life*
- *acknowledge that it is an offence under the Child Protection Act 1999 to unlawfully disclose information about children, young people or their families who are or were previously the subjects of statutory child protection interventions*
- *acknowledge that unlawfully disclosing confidential information about children, young people or families who are or were previously the subjects of statutory child protection interventions makes them liable to a fine or period of imprisonment or both, in addition to internal disciplinary action that may result in the termination of their employment*
- *take all reasonable steps necessary to ensure that the information that is collected and recorded about children, young people and families is accurate, up-to-date and complete*
- *take all reasonable steps necessary to ensure that personal information collected about children, young people and families is stored safely and securely and cannot be accessed by persons who are not authorised to have this access, and*
- *where applicable (depending upon agreements in place between an organisation and the State Government department which has contacted their services) ensure that records containing personal information about children, young people and families are managed, transferred and made available to the State Government department in accordance with these agreements.*

Exercise:

Collect and consider documentation produced by the organisation for which you are working that describes the obligations of staff members in relation to maintaining confidentiality and respecting the privacy of children, young people and families.

Reflect on the extent to which this expression of these obligations is consistent with or differs from your personal beliefs.

Subject to the outcomes of your reflection, identify any actions you intend to take in reconciling and integrating these key principles with your personal set of values and beliefs about the rights to privacy and the maintenance of confidentiality that should be afforded to children, young people and families.

Resources

Tilbury, C., Osmond, J., Wilson, S., and Clark, J. (2007) Good Practice in Child Protection. Pearson Education Australia. Frenchs Forest NSW

SELF-CARE AND MAINTAINING A "WORK-LIFE BALANCE"

Generally, all jobs require the persons who are performing them to maintain a "balance" between their work and personal life – in particular, how much time, attention and energy are applied to their work, rest, family and friends, recreation and leisure. However, working within the field of child protection often requires particular attention be given to the maintenance of a healthy "work-life balance" and the avoidance of "burn-out". This is due to:

- the continuous and high level of exposure to children, young people and families who are vulnerable

- an almost unavoidable emotional response by child protection workers to the needs and experiences of these children, young people and families particularly in relation to episodes of physical or sexual violence which, frequently, have impacted their lives

- the usual high level of personal commitment and investment made by those who choose to work within this field in wishing to "make a difference" in the lives of children, young people and families and the demands that they then place upon themselves in being successful in this endeavour, and

- the often high level of risks to the safety and well-being of children, young people and families - sometimes life-threatening – that need to be taken into account on a daily basis.

The "work-life" balance to be settled upon and maintained by child protection workers will vary in accordance with their individual personalities, experiences and needs as well as changes in the demands being placed upon them that may occur over time. The discovery and maintenance of the "right balance" for each individual requires that a regular, periodic investment be made in:

1) self-monitoring the worker's own well-being and their reactions and responses to the demands being placed upon them – including, in particular, identifying any symptoms or early signs of "burnout"

2) reflecting on what they need to achieve a sense of well-being and healthy "work-life balance" and identifying some realistic goals

3) planning the strategies necessary to achieve these goals including those which can be used to:
   o add to or build on those factors that are helpful in maintaining a sense of well-being and "work-life balance", and
   o eliminating or reducing the impact of those factors which are constraining their attainment of a sustainable "work-life balance"

4) implementing the selected strategies – sometimes with the assistance and cooperation of others including supervisors or managers during processes of providing supervision and/ or de-briefing, and

5) monitoring and reviewing the success of these strategies including making any improvements or amendments needed to cater for changes that may occur over time within the individual's work environment, work demands and/ or personal needs.

As depicted within the following diagram, there are a number of key elements and "sets of questions" which can be used in conjunction with the above steps to assist in planning, implementing and regularly reviewing the strategies needed to maintain a healthy "work-life" balance. These key steps have been adapted from Assure Programs, Work life balance preventing burnout (see Resource section).

Self-awareness

- What do I experience when I am maintaining a healthy "work-life" balance?
- What are the signs and symptoms I experience when this balance turns askew?

Time management

- What proportion of my time is currently devoted to work, rest, family and friends, recreation and lesiure?
- Is this the right distribution for me?
- How might the demands of my time be better allocated and managed?

Goal setting

- What are goals that can be realistically established - immediately, in the short-term and in the long-term - that will allow me to achieve a sustainable "work-life balance"
- In what ways will the achievement of these goals be helpful?

Problem-solving

- What are the strategies that can be used to add to or build on the factors that are helpful to me in achieving and maintaining a healthy "work-life balance"?
- What are the strategies that can be used to eliminate or reduce the impact of those factors that are currently constraining my achievement of a healthy "work-life balance"?

Stress management

- What are the strategies that work best for me in managing situations I find stressful?
- How can these strategies be incorporated within my plan for achieving and maintaining a healthy "work-life balance"?

Assertiveness and saying "No"

- What assistance might I require from others in implementing my plan to achieve and maintain a healthy "work-life balance"?
- How can I go about respectfully asserting my needs and requestng and negotiating the cooperation of others?

Key points

- Working with the field of child protection often requires particular attention be given to the maintenance of a healthy "work-life balance" and the avoidance of "burn-out".

- The discovery and maintenance of the "right balance" for each individual requires that a regular, periodic investment be made in:

  o self-monitoring the worker's own well-being and their reactions and responses to the demands being placed upon them – including, in particular, identifying any symptoms or early signs of "burnout"

  o reflecting on what they need to achieve a sense of well-being and a healthy "work-life balance" and identifying some realistic goals

  o planning the strategies necessary to achieve these goals including those which can be used to add to or build on those factors that are helpful in maintaining a sense of well-being and "work-life balance", and eliminating or reducing the impact of those factors which are constraining their attainment of a sustainable "work-life balance"

  o implementing the selected strategies – sometimes with the assistance and cooperation of others, and

  o monitoring and reviewing the success of these strategies including making any improvements or amendments needed to cater for changes that may occur over time within the individual's work environment, work demands and/ or personal needs.

Exercise: **Self-care and managing your "work-life balance"**

1. Estimate:

   - the proportion (%) of your time, attention and energy that you currently expend on each of the following matters, and

   - the proportion (%) of your time, attention and energy that you would prefer to be expending on each of these matters to maintain a healthy "work-life balance":

Matter	% currently spent	% preferably spent
Personal development (identity, self-esteem, learning, talents)		
Social – (family, friends, groups, teams)		
Work – (paid, voluntary, home duties, study)		
Spiritual – (values, beliefs, religion, meaning)		
Heart and mind (managing emotions & thinking – stress, worry, joy)		
Physical – (exercise, sport, activity, diet, health)		
Relaxation – (leisure, rest)		

2. Consider and list the signs of "burnout" and "work-life imbalance" that you would be most likely to experience (e.g. decreased energy or motivation, frustration, worry, negative attitude towards work or other people or self, withdrawal, changes in health and lifestyle habits such as increased smoking, caffeine intake, change of diet, sleeping patterns and/ or exercise routines)

3. Reflect on and list:

   - key factors that have been helpful to you in the past in maintaining a healthy "work-life balance", and

   - key factors that have in the past often blocked or caused impediments to your achievement of a healthy "work-life balance"

4. Identify and list some key goals that are both realistic and achievable in establishing a "work-life balance" that suits you

5. Considering each of the goals you have listed, identify and list some key actions you can take in order to:

   - add to or build on the factors that you have found helpful in the past in maintaining a healthy "work-life balance"

   - eliminate or reduce the impact of those factors that have in the past impeded your achievement of a healthy "work-life balance", and

6. where this may be helpful, discuss with other people whom you trust, their ideas about strategies that work well for them and those that may also work well for you.

Resources

Assure Programs, Work life balance preventing burnout. Download from
http://www.assureprograms.com.au/index.php

Useful Links

Commission for Children and Young People and Child Guardian http://www.ccypcg.qld.gov.au

Department of Communities (Child Safety Services) http://www.childsafety.qld.gov.au/

National Child Protection Clearinghouse http://www.aifs.gov.au/nch/

Queensland Aboriginal and Torres Strait Islander Child Protection Peak
http://www.qatsicpp.com.au/

Secretariat of National Aboriginal and Islander Child Care - http://www.snaicc.asn.au/

Glossary

Case plan
A case plan for a child is a written plan for meeting the child's protection and care needs. It is developed in a participative process between the department, the child, their family and other people significant to the child and family. It records the goal and outcomes of ongoing intervention and identifies the agreed tasks that will occur to meet the goal and outcomes.

Case planning
Case planning is a participative process of planning strategies to address a child's protection and care needs, and promote a child's well-being. It is made up of a cycle of assessment, planning, implementation and review.

Charter of Rights for Children in Care
Refers to what children can reasonably expect in terms of their care whilst in the custody or guardianship of the Department of Communities (Child Safety Services).

Child protection order
An order made by the Children's Court to protect a child by allowing the department to intervene in a child's and family's life.

Child protection system
The way in which people, services and processes are organised to protect children.

Collaboration
How people and organsiations work together to identify and address the needs of children and families.

Confidentiality
The use of information obtained from and about children and families and when it may be shared with a third party with and without the child's or parent's permission.

Direct carer
A person involved in the day to day care of a child including foster carer, kinship carer, youth worker or residential carer.

Early intervention
Services provided to vulnerable children and families at an early age and/or early onset of difficulties.

Family group meeting
A meeting convened in accordance with the *Child Protection Act 1999*, section 51, to:
- provide family-based responses to children's protection and care needs
- to ensure an inclusive process for planning and making decisions relating to children's wellbeing and protection and care needs.

Harm
Any detrimental effect of a significant nature on the child's psychological or emotional well-being. Harm can be caused by physical, psychological or emotional abuse or neglect, or sexual abuse or exploitation, *Child Protection Act 1999*, section 9.

Investigation and assessment
Is the department's response to all notifications, to determine the safety and protective needs of a child under the *Child Protection Act 1999*, section 14, where there are allegations of harm or risk of harm to a child.

Mandatory Reporting
A legal requirement for certain groups of people to report suspected child abuse and neglect.

Notification
Information received about a child who may be at harm or at risk of harm which requires an investigation and assessment response. A notification is also recorded on an unborn child when there is reasonable suspicion that they will be at risk of harm after they are born.

Parental agreement
Refers to ongoing intervention with a child who is considered in need of protection, based on the agreement of a child's parent/s, to work with the department to meet a child's safety and protection needs.

Participation
The involvement of children and families in decisions and processes that affect their lives, and how they influence those decisions and processes.

Placement Agreement
A written agreement between the department and the carers for a child in an out-of-home care placement, excluding placements with parental consent, which:
- provides the relevant information known by the department about the child, and sufficient information to allow the carers to provide adequate care for the child and ensure the safety of a child, the carers and other members of the carer's household
- records the agreed support and services to be provided to the carers.

Placement meeting
A meeting held between the department, direct carers, and non-government service provided to develop a written Placement Agreement.

Primary (universal) prevention
Strategies that target whole communities or all families in order to build public resources and attend to the social factors that contributes to child abuse and neglect.

Regulation of care
Refers to guidelines for ensuring children are provided with a safe and acceptable standard of care and includes approval of carers and licensing of non-government out of home care services.

Recognised entity
An entity (an individual or organisation) with whom the chief executive must consult about issues relating to the protection and care of Aboriginal and Torres Strait Islander children.

Reports of harm
Reports of suspected child abuse and neglect made to the Department of Communities (Child Safety Services).

Support Service Case
A type of ongoing intervention that is used by the Department of Communities (Child Safety Services) when it is determined that a child is not in need of protection, based on an agreement by the parents, pregnant woman or young person to work with the Department.

SCAN System
A co-ordinated response to the protection needs of children by facilitating:
- the sharing of relevant information between members of the system
- the planning and co-ordinating of actions to assess and respond to children's protection needs
- an holistic and culturally responsive assessment of children's protection needs.

Secondary (targeted) prevention
Strategies that target vulnerable families or children and young people who are at risk of child abuse or neglect — that is, those with special needs or those who are in need of greater support.

Statutory authority
Legislative mandate to carry out actions

Statutory child protection services
Services and activities that are mandated by legislation (*Child Protection Act 1999*).

Tertiary interventions
Strategies that target families in which child abuse or neglect has already occurred. Tertiary interventions seek to reduce the long-term implications of abuse and neglect and to prevent the re-occurrence of abuse and neglect.

Transitions from care
The transition of a young person in care to becoming an independent young adult within the general community.