

HEALTH, COMMUNITIES, DISABILITY SERVICES AND DOMESTIC AND FAMILY VIOLENCE PREVENTION COMMITTEE

Public Briefing – Child Protection Reform Amendment Bill 2016

Response to Questions on Notice

Please find below the Department of Communities, Child Safety and Disability Services' response to questions raised at the departmental public briefing on 24 February 2016.

Q1. What mechanisms exist to drive quality improvement in the current child protection system in Queensland?

There are a number of oversight mechanisms internal and external to the Department of Communities, Child Safety and Disability Services which facilitate improvements to Queensland's child protection system.

Internal oversight

Complaints Management Procedure

The Department of Communities, Child Safety and Disability Services has a robust Complaints Management Procedure that applies to the management of complaints relating to departmental services. The department takes complaints seriously and manages them in a timely, transparent and meaningful way. Complaints can be made regarding a range of issues, including:

- actions taken or decisions made by the department
- standards of care
- access to programs
- appropriateness and quality of services
- departmental practices, policies and procedures and their impact on the community.

The department is introducing a range of improvements to complaints handling. Recommendations of the Queensland Child Protection Commission of Inquiry and the Queensland Ombudsman are currently being implemented to strengthen the management of complaints and ensure that wherever possible, issues are resolved by frontline staff, within the shortest possible timeframes. All areas of the Department of Communities, Child Safety and Disability Services' complaint management process are being reviewed, with improvements to the intake, assessment and investigation of complaints, empowerment and education of clients, building staff capacity and the reintroduction of complainant surveying to continually improve services.

Compliance with the statement of standards

The *Child Protection Act 1999* (the Act) provides the legislative framework which regulates the care provided to children when they are removed from their parents' care. It outlines the minimum requirements the department must comply with in relation to children who are placed with foster carers, kinship carers and care services.

The standards for these placements are described in the Statement of Standards in section 122 of the Act. The statement provides a way to measure the quality of care provided and is the basis for assessing whether a care environment is acceptable. The standards are interpreted with consideration to the needs of each individual child or young person. Carers

and care services which provide out-of-home care for children are required to be approved or licensed by the department.

The Department of Communities, Child Safety and Disability Services is responsible for monitoring out-of-home care placements to ensure the level of care provided by carers is consistent with the statement of standards.

Carer approvals

The Act provides a legislative framework for the department's approval of foster and kinship carers. The approval process of carers includes:

- household safety study
- health and wellbeing questionnaire
- referee checks
- interviews
- training.

In addition, all foster and kinship carers and their adult household members (over 18 years of age) are legally required to hold a blue card or exemption card under the *Working With Children (Risk Management and Screening) Act 2000*.

Child safety care service licensing

The Department of Communities, Child Safety and Disability Services licenses residential care services for children in out-of-home care. Licensing helps ensure organisations providing supported placements to children and young people subject to statutory intervention are meeting, and will continue to meet, legislated requirements outlined in the Act and in the Child Protection Regulation 2011.

Incorporated organisations delivering services that have the primary purpose of providing out-of-home care to children subject to statutory child protection intervention are required to be licensed.

The Department of Communities, Child Safety and Disability Services has introduced a model for organisation level licensing, incorporating the Human Services Quality Framework (HSQF), to streamline the child safety licensing processes for non-government organisations. This is discussed in more detail below.

Human Services Quality Framework

The Department of Communities, Child Safety and Disability Services' HSQF is a system for assessing and promoting improvement in the quality of human services delivered with department investment. It is the first consolidated set of standards for human services in Queensland.

The HSQF was developed in collaboration with the non-government sector to reduce duplication and red tape by consolidating the different quality systems used for the department's services. It incorporates:

- a set of quality standards, known as the Human Services Quality Standards, which cover the core elements of human service delivery
- an assessment process to review the performance of service providers against the standards (assessment occurs at an organisation level across all in-scope services)
- a continuous improvement framework, which supports the participation of customers in quality improvement.

The HSQF is designed to increase administrative efficiency and enable service providers to focus their resources on service provision and continued quality improvements. Its key aims include increasing consistency in service quality and ensuring public confidence in service delivery.

During 2015–16 and 2016–17, the HSQF is being applied to non-government organisations delivering services under the Community Services and Child and Family funding streams. This includes services for children and families (such as Family and Child Connect), young people transitioning from care, seniors, youth, people escaping domestic and family violence and perpetrators of domestic and family violence. Organisations delivering child protection placement services that have already transitioned to the HSQF will continue to comply with quality requirements.

Internal Governance Arrangements - Delegations

The Act provides the legislative framework for the Department of Communities, Child Safety and Disability Service's role in relation to child protection. The Act confers powers on the chief executive of the department to perform certain actions. As it is not practical to expect that the chief executive would always exercise those powers, that is, perform or authorise particular actions on a day-to-day basis, the Act gives the chief executive power to delegate their statutory powers to officers or categories of officers.

The formal legal instruments for this delegation of authority are written 'instruments of delegation' signed by the chief executive which delegate specified powers to particular categories of officer. The delegations give relevant staff the legal authority to perform those actions. This also ensures only those officers with appropriate delegation are able to perform those actions.

Child and Family Practice and Service Improvement (Practice Leadership)

To develop and maintain oversight of quality child protection practice, the Child and Family Practice and Service Improvement (Practice Leadership) unit was established in central office from mid-2014. One focus of teams within the unit is to develop capacity and capability through the implementation of continuous quality improvement measures. The coordination of statewide practice quality occurs through regional and local service centre leadership networks.

A significant component of work is to implement and embed a key child protection reform, the Strengthening Families Protecting children Framework for practice, across Child Safety. This framework is discussed further below.

External oversight

A number of entities are responsible for providing oversight of the Queensland child protection system, in particular:

- Queensland Family and Child Commission
- Office of the Public Guardian
- Queensland Ombudsman
- Child Death Case Review Panel
- Childrens Court of Queensland
- Queensland Civil and Administrative Tribunal

Queensland Family and Child Commission

The Queensland Family and Child Commission is an independent statutory body established on 1 July 2014 under the *Family and Child Commission Act 2014*. Its functions include:

- providing systemic oversight for the child protection system and evaluate performance
- informing and educate the community about the responsibility of families and communities to protect and care for children
- developing and coordinate a research program, driving evidence-based best practice
- providing cross-sectoral leadership to deliver a new child protection system for Queensland
- developing and maintain a child death register for all child deaths in Queensland.

Office of the Public Guardian

The Office of the Public Guardian is an independent statutory body which was established on 1 July 2014 to protect the rights and interests of vulnerable Queenslanders by the *Public Guardian Act 2014*. Its functions include:

- providing external oversight of children in out-of-home care
- overseeing the community visitor program
- providing individual advocacy for children and young people in the child protection system
- having the right to appear in child protection legal proceedings to explain proceedings to a child and make submissions to the court to ensure the child's voice is heard.

Queensland Ombudsman

The Queensland Ombudsman investigates complaints made about decisions and actions of agencies, including the Department of Communities, Child Safety and Disability Services.

Child Death Case Review Panels

Child Death Case Review Panels review the Department of Communities, Child Safety and Disability Service's reports about deaths and serious physical injuries of children known to the department within one year of the incident, and in other cases as required. The purpose of reviews is to facilitate ongoing learning and improvement in the provision of services by the department, and to promote the accountability of the department.

Childrens Court

In recognition that any decision to remove a child from their family is highly intrusive, only the Childrens Court can grant a child protection order in Queensland. In considering applications for child protection orders, the Court is bound by the principles in the *Child Protection Act 1999* (the Act), including that the safety, wellbeing and best interests of a child are paramount.

Section 59 of the Act outlines a number of factors that the Childrens Court must be satisfied of before it can make a child protection order.

Queensland Civil and Administrative Tribunal

The Queensland Civil and Administrative Tribunal (QCAT) is responsible for reviewing "reviewable decisions" of the chief executive of the Department of Communities, Child Safety and Disability Services. Reviewable decisions are outlined in schedule 2 of the Act and include, for example, placement decisions about a child or decisions about the child's contact with their family. When an aggrieved person (also defined in the Act) is not satisfied with a reviewable decision made by the department, the person may apply to QCAT for a review. QCAT can consider the matter and make a new decision in place of the original decision of the department.

Reforms

The Queensland Government continues to progress wide ranging reforms to Queensland's child protection and family support service system, as recommended by the Queensland Child Protection Commission of Inquiry.

The Department of Communities, Child Safety and Disability Services is building a system that recognises families have the primary responsibility for protecting and caring for their children, and communities have a responsibility to support them in this important role.

In particular, the department has:

- Launched the new child protection practice framework: Strengthening Families Protecting Children Framework for Practice. The new framework is designed to help divert children and families from the tertiary child protection sector and deliver better outcomes for vulnerable children and families. Foundational training for the new framework has been rolled out to child safety staff and relevant stakeholders across Queensland during 2015. In addition, the department has engaged the legal fraternity in the implementation of the practice framework.
- Established 14 Family and Child Connect (FaCC) services across Queensland to support families who are at risk of entering or re-entering the child protection system. Where professionals (such as teachers, health workers and police) and members of the community have concerns about a child's wellbeing, they can refer the family to FaCC services for information, advice, and engagement, instead of the department. Families who find themselves in need of support can also contact FaCC service providers themselves for assistance. An additional three FaCC services will be established in 2016 to provide statewide coverage.
- Established 20 Intensive Family Support Services as complementary services to FaCC services to provide families with multiple or complex needs with more intensive support. Funding has also been provided for organisations to provide services to people affected by domestic and family violence. These services will all contribute to the establishment of an integrated suite of services being available to provide support to children and families. A further four IFS Services will be established in 2016.
- Invested in the Triple P Positive Parenting Program to strengthen services available to parents in Queensland with a child aged 16 years or younger. All Queensland parents and carers now have free access to the Triple P program which is one of the world's most effective parenting programs, based on evidence from ongoing scientific research.
- Funded the Queensland Aboriginal and Torres Strait Islander Child Protection Peak Limited for three years to build the capacity of the non-government sector and drive culturally responsive practice, to help improve outcomes for vulnerable Aboriginal and Torres Strait Islander children and families.
- Progressed work on the Aboriginal and Torres Strait Islander Child Protection Service Reform Project which will find better ways of working with, and meeting the needs of, Aboriginal and Torres Strait Islander children, families and communities. The project is designed to reduce the over-representation of Aboriginal and Torres Strait Islander children and young people in the child protection system, especially in out-of-home care.
- Contracted Price Waterhouse Coopers Indigenous Consulting to undertake a review of the Safe House model in discrete communities and to make recommendations on the future direction of the Safe House program to help deliver better outcomes for Aboriginal and Torres Strait Islander children, families and communities.

- Launched a suite of after care services, known as Next Step After Care, which are available to provide individual support to young people up to 21 years of age who have transitioned from out-of-home care. Next Step After Care services include a state-wide line that young people, moving from care to independent living, can call and/or text 24 hours a day, seven days a week, as well as four services offering localised, tailored support to young people across Queensland. Young people can also download a free mobile app called Sortli (short for 'sort out your life') to help them think about their future.

Q2. Can you please provide data on the number of child protection orders made and details of the historical trends (e.g. has it increased over time)?

The department publishes quarterly child protection data online at the *Our Performance* site which can be accessed at: <https://www.communities.qld.gov.au/childsafety/about-us/our-performance>.

The following table documents the number of children subject to ongoing intervention, by ongoing intervention type and Indigenous status in Queensland.

Children subject to ongoing intervention, by ongoing intervention type and Indigenous status, Queensland

Ongoing intervention type	Indigenous status	30 June 2011	30 June 2012	30 June 2013	30 June 2014	30 June 2015
Intervention with Parental Agreement	Indigenous	744	799	828	969	901
	Non-Indigenous ^(a)	1,212	1,350	1,425	1,281	1,294
	Total	1,956	2,149	2,253	2,250	2,195
Child Protection Order	Indigenous	3,147	3,355	3,520	3,642	3,848
	Non-Indigenous ^(a)	5,224	5,459	5,647	5,442	5,368
	Total	8,371	8,814	9,167	9,084	9,216
Total	Indigenous	3,891	4,154	4,348	4,611	4,749
	Non-Indigenous ^(a)	6,436	6,809	7,072	6,723	6,662
	Total	10,327	10,963	11,420	11,334	11,411

Source: Department of Communities, Child Safety and Disability Services
<https://www.communities.qld.gov.au/childsafety/about-us/our-performance/ongoing-intervention-phase>

Notes:

1. Includes children subject to intervention with parental agreement or a child protection order. If a child is subject to both intervention with parental agreement and a child protection order (such as an order directing a parent's actions), they are counted only once as a child protection order.
 2. Prior to 2010-11 reporting, an audit and cleansing of intervention with parental agreement records in the Integrated Client Management System (ICMS) took place. This included closing down historical records where a child was no longer subject to intervention with parental agreement. As a result, data reported for 30 June 2011 and onwards is not comparable to previous years.
- (a) Includes non-Indigenous children and those whose Indigenous status is unknown or not stated.

The following data published by the department documents the number of children living in out-of-home care, by primary placement and Indigenous status.

Children in out-of-home care, by primary placement and Indigenous status, Queensland

Primary placement	30 June 2011	30 June 2012	30 June 2013	30 June 2014	30 June 2015
Indigenous children					
Residential care services	245	240	218	282	308
Home-based care					
Foster	1,680	1,760	1,812	1,780	1,767
Kinship	925	1,041	1,165	1,274	1,428
Total home-based care	2,605	2,801	2,977	3,054	3,195
Total Indigenous children	2,850	3,041	3,195	3,336	3,503
Non-Indigenous children ^(a)					
Residential care services	374	413	400	374	355
Home-based care					
Foster	2,848	2,819	2,680	2,443	2,437
Kinship	1,530	1,726	1,861	2,032	2,120
Total home-based care	4,378	4,545	4,541	4,475	4,557
Total non-Indigenous children	4,752	4,958	4,941	4,849	4,912
All children					
Residential care services	619	653	618	656	663
Home-based care					
Foster	4,528	4,579	4,492	4,223	4,204
Kinship	2,455	2,767	3,026	3,306	3,548
Total home-based care	6,983	7,346	7,518	7,529	7,752
Total all children	7,602	7,999	8,136	8,185	8,415

Source: Department of Communities, Child Safety and Disability Services

<https://www.communities.qld.gov.au/childsafety/about-us/our-performance/ongoing-intervention-phase/living-away-from-home>

Notes:

- Counts the number of children in out-of-home care (including foster carers, provisionally approved carers, kinship carers and residential care services).
- (a) Includes non-Indigenous children and those whose Indigenous status is unknown or not stated.