

## **Introduction**

The following paper provides comments from the Department of the Premier and Cabinet's (DPC) perspective on issues covered in the Queensland Child Protection Commission of Inquiry Discussion Paper issued on 18 February 2013.

These comments are provided from a departmental perspective and do not represent a Queensland Government position.

DPC congratulates the Commission on producing an extremely comprehensive analysis of the current child protection system in Queensland, its challenges and the options for change and improvement.

This analysis demonstrates that the current system is simply not serving the best interests of children, their families or the broader community and needs to be fundamentally reshaped. The growing number of reports of child abuse, the net widening effect of changes in the definition of what constitutes child abuse, and the increasing numbers of children in care, are all contributing to a system which is both unsustainable and likely to be doing more harm than good.

The Commission's work presents a critical opportunity to shift Queensland's child protection system in a more positive direction away from a system focussed on surveillance, risk identification, and coercive state intervention to a system which is oriented towards providing practical support to families and which encourages broader community based/informal approaches to protecting children in a way that does not stigmatise them or their families.

In particular, DPC is pleased to see clear recognition of the need for a renewed focus on keeping families out of the "tertiary" level of child protection in the Discussion Paper and consideration of how families can be better supported to meet the challenges they face in providing safe and nurturing environments for children and young people.

DPC notes that the Discussion Paper poses a series of questions. Many of these questions are best responded to by operational, rather than central agencies. As such, comments are provided on points of discussion in the paper, where a central agency perspective is relevant.

## **Global Comments**

### ***Challenges in a context of fiscal constraint***

The Commission has been tasked with investigating: *whether the current use of available resources across the child protection system is adequate and whether resources could be used more efficiently.*

The Commission has identified a range of challenges facing the child safety system. Of note, given the imperative to focus on the effectiveness and efficiency of the system in the context of constrained resources, are the following:

- escalating intakes (reports), with a declining proportion of reports meeting the threshold for a notification (i.e. warranting investigation)
- nearly every fifth child in Queensland known to Child Safety Services

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- steady increase in numbers of children in out-of-home care (7999 children currently in out-of-home care at 30 June 2012)
- increase in the amount of time children are spending in out-of-home care
- high numbers of children admitted to orders, relative to other jurisdictions
- high numbers of children and young people in residential care (relative to other jurisdictions), high costs associated with residential care, and evidence of deficiencies in the effectiveness of service provision in residential care.

*Discussion Paper 3* points out that in 2011-12, \$169 million was spent on grant funded residential placements, including therapeutic residential placements and safe houses, and transitional placements, covering approximately nine per cent of children in out of home care. This contrasts with \$169 million spent on grant funded placement options and the fostering allowance for the remaining 91 per cent of children in out-of-home care (p 134).

When life outcomes for children and young people who have been in out-of-home care generally compare poorly to those of the general population, the increasing reliance on out-of-home care as a response mechanism is particularly concerning. In the case of residential care in particular, it is arguably a drain on limited public resources.

#### ***Potential responses considered by the Commission***

In considering potential responses to these challenges, the Commission has devoted significant attention to:

- alternative intake models, particularly those allowing reporters, or an intake agency, to refer families direct to “secondary services”
- shifting focus (and potentially investment) from tertiary to secondary services and/or intensive and early intervention, within the context of child protection or family support
- differential response pathways.

#### ***Other possible considerations***

Some intake models give reporters a different place to report to, and some give the intake agency different options for responses to reports.

Given the escalation in reports/intakes itself, it would be worthwhile to consider what is driving this escalation, and what options might be available to change reporting behaviour, in and of itself.

For example:

- Is the definition of harm in the legislation too broad, or the threshold too low (*s.9 Child Protection Act 1999 - Harm, to a child, is any detrimental effect of a significant nature on the child's physical, psychological or emotional wellbeing*)?
- Does the community, and do professional reporters, have a good understanding of when a report to child safety services is the best course of action?
- Should government be considering a conversation with the community and/or professional reporters about thresholds for reporting, or options for responses, when a family is observed to be “struggling”?

If the escalation in reports cannot be attributed to reporter behaviour, or thresholds that are not understood, or too low, but instead to reporters observing a genuine deterioration in parental capacity, then should Government be considering:

- more universal parenting education?
- more targeted parenting programs/parenting support?
- whether the availability of family planning advice and services is sufficient?

Chapter 3 presents an extended discussion of secondary services, and there is certainly a commonsense argument that prevention is better than cure. However, some commentators contend that there is “scant evidence that heavy government spending on family support reduces demand for 'statutory' child protection” (Sammut 2010).

DPC concurs with the recognition that a containment of the apparent growth in tertiary responses is required, and a shift in investment towards preventing families from coming into contact with the tertiary system is desirable.

However, DPC queries whether secondary services are best thought about within the paradigm of child protection at all, or whether we need to strengthen our understanding of what investments make a difference to substance misuse, mental health, domestic violence, poverty, and what the flow-on effects are for families of these investments and programs.

DPC has a preliminary view that there is value in a very clear separation of the statutory child protection functions of government, from services provided to help community members deal with the range of challenges they face, that may ultimately impact upon their parenting.

Interaction with the child protection system, whether at a tertiary or secondary level, has the potential to be stigmatising, to impact on a parent's sense of self worth and even to produce further trauma.

If child protection risk factors include unemployment, poverty, teen pregnancy, substance misuse, mental health issues and domestic and family violence, DPC would be interested to see if there is an evidence base for effective programs responding to these issues outside of the child protection continuum, that have positive flow on effects for the incidence of child protection concerns. Perhaps, too, there are exemplars of programs and services that are delivered essentially for “adult problems” but which are sensitised to their client's status as a parent.

Acknowledging the challenges posed by Queensland's geography, DPC notes that the Commission has identified there would be value in more systematic mapping of existing services to identify gaps.

While DPC considers that differential responses to reports that reach the threshold for a notification are worthy of further consideration, DPC does not support referral without consent to support services, either by intake services or reporters where reports do not reach the threshold for notification.

### ***A staged approach to reform***

It is expected that the Commission will produce *a new road map for Queensland's child protection system over the next decade.*

DPC is interested in the Commission's views on what can or should be achieved short term, what models could be trialled, and depending on demonstrated effectiveness, implemented more widely, and what would be optimal for the 10 year horizon.

DPC notes that some models of service provision rely on a mature NGO sector available throughout the State. It may be possible to pilot recommended strategies, and if they prove effective, increase the use of the strategies throughout the State on a staged basis and as a NGO capacity can be grown.

### ***Instruments to effect change***

Particularly in relation to reporting behaviour and parenting capacity, DPC is interested to see discussion of the potential of various instruments to effect change: legislation, policy, direct service provision, funding, and public education/social marketing.

The Commission may wish to consider how each of these instruments is used in other jurisdictions, the 'mix' that delivers the best value in terms of achieving stated objectives, and whether this mix can be translated to the Queensland context.

### **Comments on Chapter 2 and Chapter 3**

#### ***Mandatory reporting***

The representation of mandatory reporting arrangements is not accurate.

Teachers are not 'mandatory reporters' for the purposes of the child protection system.

**Any staff member** of a state or non-state school is obliged by law to report if they become aware or reasonably suspect a student has been **sexually abused**, to the principal, who must then report to **the police** (*Education (General Provisions) Act 2006* sections 365 and 366). It should be noted that there is no legislative requirement in relation to other forms of harm (physical, emotional), and the EGPA requirement is to report to police, not Child Safety Services.

It should also be noted that, although there is no obligation under law, QPS and DETE have policies in place requiring reports of harm to Child Safety Services in different circumstances.

This is important because reports from 'professional reporters' - schools, health and police services - account for a large proportion (60 per cent) of intakes.

Reports from schools, and in particular, police – both of which are under no legal obligation to report – result in a lower proportion of reports that reach the threshold for a notification than reports from health professionals, who are mandated reporters.

This suggests two things:

- 1) that creating a legal obligation for police and school staff may not be necessary or desirable – police in particular, are already over-reporting, if the proportion of reports reaching the standard for a notification is a guide
- 2) that steps may need to be considered to improve the quality of reports from professional reporters other than health professionals

Some possible considerations for the Commission to improve the quality of reporting by professional reporters and reduce over-reporting could include:

- requiring any organisation that imposes a *policy obligation* on staff to report matters to Child Safety Services to adhere to a single standard for reporting (for example, a standard set out in the CPA), and supports its staff with sufficient professional development to ensure they understand the standard required for a report, and that they understand they do not have a *legal obligation* to report
- requiring that where professional reporters report a matter to police, they advise if a report on the same matter has been made to Child Safety Services, to avoid double-reporting.

### **Secondary Services**

DPC is concerned by the reference to schools as an “unstigmatised platform[s] from which to reach vulnerable families” (48, quoting Scott). While schools may have a role in linking families with supports in the community on an informal basis, DPC does not consider that schools have a formal role in referring families to secondary services, especially where there is no consent. Nor should schools assume, or be perceived to have assumed, any sort of “surveillance” function. Such an association in the minds of the community, or families, would be extremely detrimental.

DPC supports the notion of services being accessed voluntarily “with a focus on self-referral” (p53). Consistent with the comments on secondary services above, DPC believes there may be value in better mapping of services (53) and providing better information to the community about the availability of services. The Commission itself notes (p 295): “there appears to be a gap in knowledge about the extent and location of universal and secondary services throughout Queensland”.

Although as yet there may be limited evidence on the effectiveness of social marketing programs in preventing or reducing child maltreatment (Horsfall et al), these may be worth further exploration as a tool to encourage help-seeking behaviour when problems faced by adults impact on children in the family. However, this is only possible if there is adequate information about the availability of services.

### **Concluding Statement**

In line with the comments provided above, to supplement the work of the discussion paper, DPC is keen to see:

- analysis of drivers of increasing reports, and potential responses to change reporting behaviour; and
- further analysis of the risks and benefits of a child safety system which integrates primary, secondary and tertiary child protection services, or alternatively, the risks and benefits of clearly separating statutory child protection from supports provided, to address the range of risk factors for child maltreatment.

The roles and responsibilities of parents and of community members as private citizens have been little discussed in the papers to date. DPC considers this to be a critical point for attention. More importantly, though, a discussion about where private responsibilities begin and end goes to the heart of when government should become involved in the lives of families.

A greater awareness of the roles and responsibilities of parenting, when and where to seek help when parenting becomes challenging, and how to offer support to families who are observed to be

struggling, might ultimately result in less reliance on government intervention. Although social marketing is by no means a cure-all, and requires careful design and evaluation of effectiveness, it can be a tool to consider for bringing about positive behavioural change.

## References

Sammut, J. (2010) *Child protection underbelly sells out at risk kids*  
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Scott, D. (2009) "Think Child Think Family" *Family Matters* No. 81 p37-42.

Horsfall, B., Bromfield, L. and McDonald, M. (2010) "Are social marketing campaigns effective in preventing child abuse and neglect?" Australian Institute of Family Studies, October 2010,  
<http://www.aifs.gov.au/nch/pubs/issues/issues32/issues32a.html> [Retrieved 10 March 2012].

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