

Protecting Victoria's Vulnerable Children Inquiry

Guide to making submissions

28 February 2011



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Background

The Victorian Government has established the *Protecting Victoria's Vulnerable Children Inquiry* to comprehensively investigate systemic problems in Victoria's child protection system and make recommendations to strengthen and improve the protection and support of vulnerable young Victorians. The Inquiry is being conducted by a Panel chaired by The Hon Philip Cummins, together with Emeritus Professor Dorothy Scott OAM and Mr Bill Scales AO.

The Panel will inform the Victorian government about how to reduce child abuse and strengthen the protection of Victorian children who are at risk of, or have experienced, neglect or abuse. It will consider the effectiveness of existing systems and processes, and enhancements in systems and services to protect Victoria's children. It will not review individual cases or organisations. The Inquiry is to provide its report to the Minister for Community Services by 4 November 2011. The Report will be tabled in Parliament.

The Inquiry will be informed by the judicial qualities of independence, impartiality and openness. It will not be adversarial and will be as informal as possible. It will involve public hearings, round-table meetings, visits, and public submissions. The Panel will consult with the community across regional Victoria and listen attentively and closely to all involved with protecting Victoria's children, and especially to the children and young people themselves.

This Guide provides advice to individuals and organisations who may wish to make formal submissions to the Inquiry. Submissions will be a key part of the information gathering process of the Inquiry. This Guide is in 3 parts:

- a set of questions relating to the Terms of Reference to prompt responses on key issues;
- advice on matters to consider when providing information to the Inquiry; and
- details on how to make submissions.

Terms of Reference

The Inquiry has been given very broad Terms of Reference (in italics below) and we invite submissions from a broad range of individuals and organisations which address one or more of these terms of reference. The issues and questions highlighted below under each term of reference are not exhaustive and are set out to assist in the making of submissions.

The input of children, young people and their families (including biological, foster, permanent care and adoptive families) is encouraged. Insights from their experiences are especially welcome.

To inquire into and develop recommendations to reduce the incidence and negative impact of child neglect and abuse in Victoria, with specific reference to:

1. The factors that increase the risk of abuse and neglect occurring, and effective preventive strategies.

- 1.1 Given the different forms which child abuse and neglect may take, and the very broad range of risk factors involved (for example, parental substance misuse, domestic violence, socio-economic stress, inadequate housing, availability of pornography, parental history of child maltreatment, poor parent-child attachment, social isolation etc):
- 1.1.1 What are the key preventive strategies for reducing risk factors at a whole of community or population level?
 - 1.1.2 What strategies should be given priority in relation to immediate, medium and longer term priorities?
 - 1.1.3 What are the most cost-effective strategies for reducing the incidence of child abuse in our community?
 - 1.1.4 Do the current strategies need to be modified to accommodate the needs of Victoria's Aboriginal communities, diverse cultural groups, and children and families at risk in urban and regional contexts?
 - 1.1.5 Some in the sector have argued for the introduction of a 'Public Health Model' in relation to child protection. What might be the benefits of introducing such a model in Victoria? What are the main characteristics of such a model?

2. Strategies to enhance early identification of, and intervention targeted at, children and families at risk including the role of adult, universal and primary services. This should include consideration of ways to strengthen the capability of those organisations involved.

- 2.1 What is the appropriate role of adult, primary and universal services in responding to the needs of children and families at risk of child abuse and neglect? Please provide comment in relation to any of the services listed below or any additional services that you regard as relevant to this Term of Reference.
- 2.1.1 Universal and primary children's services such as general medical practitioners, antenatal services, maternal and child health services, local playgroups, early childhood education and care services, primary schools, secondary schools, and telephone and internet based services for children and young people seeking information and support.
 - 2.1.2 Targeted child and/or family services such as enhanced maternal and child health services, children's disability services, specialist medical services, child and adolescent mental health services, family support services, family relationship counselling services and Aboriginal managed health and social services.
 - 2.1.3 Specialist adult focused services in the field of drug and alcohol treatment, domestic violence, mental health, disability, homelessness, financial

counselling, problem gambling, correctional services, refugee resettlement and migrant services.

- 2.2 How might the capacity of such services and the capability of organisations providing those services be enhanced to fulfill this role?
- 2.3 What strategies should be given priority in relation to immediate, medium and longer term priorities?
- 2.4 What are the most cost-effective strategies to enhance early identification of, and intervention targeted at, children and families at risk?

3. *The quality, structure, role and functioning of: family services; statutory child protection services, including reporting, assessment, investigation procedures and responses; and out-of-home care, including permanency planning and transitions; and what improvements may be made to better protect the best interests of children and support better outcomes for children and families.*

- 3.1 Over recent years Victoria has been developing an increasingly integrated service delivery approach to the support of vulnerable children and families. From a systems perspective what are the strengths and weaknesses of this approach? How should any identified weaknesses be addressed?
- 3.2 Providing a quality service to vulnerable children and their families is dependent on having a skilled workforce. What are the strengths and weaknesses of current workforce arrangements eg working conditions, training and career paths? How might any weaknesses be addressed?

a. *Family services*

- 3.3 What are the strengths and weaknesses of current services designed to assist families who are at risk of becoming involved in the statutory child protection system (for example ChildFIRST)?
 - 3.3.1 How might the identified weaknesses be best addressed? Are there places where some of these services work more effectively than elsewhere? What appear to be the conditions associated with this and how might these conditions be replicated elsewhere in the State?
 - 3.3.2 Is the overall structure of such services appropriate for the role they are designed to perform? If not, why and what changes should be considered?
 - 3.3.3 Do the current services accommodate the needs of vulnerable children and families from diverse ethnic and cultural backgrounds?
 - 3.3.4 Are there particular services that best meet the needs of vulnerable Aboriginal children and families?

b. *Statutory child protection services, including reporting, assessment, investigation procedures and responses;*

- 3.4 What are the strengths and weaknesses of our current statutory child protection services in relation to responding to and assessing suspected child maltreatment?

- 3.4.1 How might the identified weaknesses be best addressed? If there are places where some statutory child protection services work more effectively than elsewhere, what appear to be the conditions associated with this and how might these conditions be replicated elsewhere in the State?
- 3.4.2 Is the overall structure of statutory child protection services appropriate for the role they are designed to perform? If not, what changes should be considered?
- 3.4.3 What has been the impact of the Victorian system of mandatory reporting on the statutory child protection services? Have there been any unintended consequences from the introduction of the Victorian approach to mandatory reporting and, if so, how might these unintended consequences be effectively addressed?

c. *Out-of-home care, including permanency planning and transitions*

- 3.5 What are the strengths and weaknesses of the range of our current out-of-home care services (including respite foster care, foster care of varying durations, kinship care, permanent care and residential care), as well as the supports offered to children and young people leaving care?
 - 3.5.1 How might any identified weaknesses be best addressed? If there are places where these services work more effectively than elsewhere, what appear to be the conditions associated with these successes and how might these conditions be replicated elsewhere in the State?
 - 3.5.2 Is the overall structure of out-of-home care services appropriate for the role they are designed to perform? If not, what changes should be considered?
 - 3.5.3 What more might need to be done to meet the needs and improve the outcomes of children in out-of-home care and those leaving care regarding:
 - Their education, health and mental health needs;
 - The needs of children from culturally and linguistically diverse backgrounds; and
 - Arrangements for developmentally appropriate contact between a child in out-of-home care and members of his or her family?
 - 3.5.4 How can the views of children and young people best inform decisions about their care? How can the views of those caring for children best inform decisions affecting the wellbeing of children in their care?
 - 3.5.5 How can placement instability be reduced and the likelihood of successful reunification of children with their families, where this is an appropriate goal, be maximised?
 - 3.5.6 How might children who cannot return home and who are eligible for permanent care, achieve this in a way that is timely? What are the post-placement supports required to enhance the success of permanent care placements?
 - 3.5.7 What are the strengths and weakness of the current Victorian adoption legislative framework and practice for children who cannot return to the

family home? Should Victorian legislation and practice reflect that in other jurisdictions?

4. *The interaction of departments and agencies, the courts and service providers and how they can better work together to support at-risk families and children.*

- 4.1 Given the very broad range of professions, services and sectors which need to collaborate to achieve the best outcomes for vulnerable children:
 - 4.1.1 Are current protocols and arrangements for inter-organisational collaboration in relation to at-risk children and families adequate, and how is the implementation of such protocols and arrangements best evaluated?
 - 4.1.2 What needs to be done to improve the quality of collaboration at the levels of policy development and implementation, local and regional service planning and delivery, and direct service to individual children and families?
 - 4.1.3 Are there specific models of inter-professional, inter-organisational and/or inter-sectoral collaboration which have been shown to be effective or promising, and which may be worthy of replication? This may relate to two organisations (for example, child abuse issues in which both police and statutory child protection services need to collaborate in an investigation) or to a much broader service network.
 - 4.1.4 How might professional education prepare service providers to work together more effectively across professional and organisational boundaries?
 - 4.1.5 How might the current funding approach to support vulnerable children and families, which is often based on very specific service types and activities, be adapted so that resources are more effectively allocated and service delivery more integrated?

5. *The appropriate roles and responsibilities of government and non-government organisations in relation to Victoria's child protection policy and systems.*

- 5.1 Given Victoria's distinctive history in relation to the role of not-for-profit community service agencies in caring for children and families in need, and the recent emergence of some for-profit organisations in the sector:
 - 5.1.1 What is the most appropriate role for government and for non-government organisations (both for-profit and not-for-profit) in relation to child protection?
 - 5.1.2 What roles currently performed by statutory organisations, if any, might be more effectively and efficiently performed by non-government organisations, and vice versa?
 - 5.1.3 What is the potential for non-government service providers to deal with some situations currently being notified to the statutory child protection service, and would it be appropriate (as is the case in Tasmania) for referrals to a service such as ChildFIRST to fulfill the legal responsibilities of mandated notifiers?

- 5.1.4 Is it necessary to strengthen the capability of organisations in the non-government sector to better equip them to work with vulnerable children and families and if so, how?
- 5.1.5 What is the responsibility of the State to ensure that all organisations in the community which are engaged with children fulfill their duty of care to protect children from sexual abuse and other forms of maltreatment and how might that responsibility be exercised?
- 5.1.6 What are the strengths and weaknesses of current Commonwealth and State roles and arrangements in protecting vulnerable children and young people, for example through income support, family relationship centres, local early childhood initiatives such as “Communities for Children” etc? What should be done to enhance existing roles or address any weaknesses?

6. Possible changes to the processes of the courts referencing the recent work of and options put forward by the Victorian Law Reform Commission.

- 6.1 In light of recent child protection legislative changes, trends in other jurisdictions, and in particular the options put forward by the Victorian Law Reform Commission¹:
 - 6.1.1 What changes should be considered to enhance the likelihood that legal processes work in the best interests of vulnerable children and in a timely way?
 - 6.1.2 Are specific legislative changes necessary? For example, in relation to a Protection Application by Safe Custody (where children are brought into care and immediate orders from the Children’s Court are sought in relation to a child’s placement), should the current 24 hour time limit be extended and if so, what should be the maximum time limit?

7. Measures to enhance the government’s ability to: plan for future demand for family services, statutory child protection services and out-of-home care; and ensure a workforce that delivers services of a high quality to children and families.

- 7.1 Given the resources required to provide appropriate services and care for children and young people referred to statutory child protection services and in out-of-home care, what is the likely future demand for services and what needs to be put in place to help sustain services and systems and plan for and meet future demand pressures?
 - 7.1.1 Is there sufficient research into child protection matters to support government’s ability to plan for future child protection needs? If not, how might government encourage and support sufficient research in this area?

¹ June 2010 Protection Applications in the Children’s Court (VLRC)

7.1.2 How might those providing home-based care and residential care for children be most effectively recruited and supported?

7.1.3 What workforce development and retention strategies are required to meet the needs of the child and family welfare sector in the future?

8. *The oversight and transparency of the child protection, care and support system and whether changes are necessary in oversight, transparency, and/or regulation to achieve an increase in public confidence and improved outcomes for children.*

8.1 There is currently a range of oversight processes involved in the child protection and care system (for example, Ministerial/Departmental inquiries into child deaths and serious injuries, internal organisational complaints procedures, and the statutory roles of the Ombudsman, the Victorian Auditor General, the Child Safety Commissioner and the Coroner).

8.1.1 Are these processes appropriate or sufficient?

8.1.2 What exists in other jurisdictions which may be worth considering?

8.1.3 What changes, if any, are required to improve oversight and transparency of the child protection, care and support system? How would those changes contribute to improved outcomes for children?

8.1.4 Are there strategies which might increase public understanding of, confidence in, and support for child welfare services?

Providing information to the Inquiry

The Inquiry Panel welcomes submissions from individuals and organisations. Submissions will be a central part of the material the Inquiry Panel will have reference to in its considerations and in its Report.

The purpose of the Inquiry is to produce improvements to the system of child protection in Victoria. Its focus is on solutions. In order to fulfill its purpose, the Inquiry will not be adversarial and will be as informal as possible. It will be inclusive and approachable. It will not utilise lawyers.

Submissions from individuals, front-line workers, and people affected by the child protection and out-of-home care system will be treated with respect and sensitivity. Because the Inquiry is non-adversarial and is focused on solutions, it will not inquire into individual cases. The Inquiry is conscious that individual cases are of the highest importance, especially to people affected by them and also to the community. However, the Inquiry will be examining the system as a whole, rather than examining individual cases.

In fairness to people wishing to make submissions or wishing to provide oral or written information to the Inquiry, you should be aware that the Inquiry is not a court of law. That means that the submission or information you provide is not legally privileged and is subject to the ordinary rules of self-incrimination and of defamation as well as the Information Privacy Act 2000.

All individuals are recommended to take particular care when considering making submissions or providing information:

- that could potentially be defamatory – such as statements that are critical of the actions, character or reputation of a person; or
- that could be self-incriminating.

Individuals should also consider any obligations they may have to third parties, including an employer or client. This could include the privacy of others or confidentiality obligations.

If you are uncertain about making a submission or providing information to the Inquiry due to the information provided immediately above, you should consider seeking independent advice from a lawyer.

Personal information provided by people making submissions will be handled consistently with the *Information Privacy Principles* issued by the Victorian Privacy Commissioner.

Submissions

The Inquiry Panel welcomes written submissions addressing one, multiple or all Terms of Reference of the Inquiry. The Panel draws your attention to:

- the fact that it is investigating the service system not individual cases and that submissions should be prepared accordingly
- its preference to publish submissions on its website, consistent with a commitment to openness.

If you wish your submission to be treated in confidence, please include advice of this request when forwarding the submission. This may have a bearing on how the submission will be able to be used by the Inquiry.

The Panel will conduct Public Sitings throughout Victoria after submissions close. When forwarding your submission, please indicate if you wish to be advised of Public Sitings and ensure that contact details are included. Please also monitor the website for further details.

SUBMISSIONS CLOSE ON FRIDAY 29TH APRIL 2011.

Submissions can be provided in either soft or hard copy, though soft copy is preferred.

**Email: childprotectioninquiry@cpi.vic.gov.au
Please enter the word "Submission" in the subject line.**

**Mail: Protecting Victoria's Vulnerable Children Inquiry
GPO Box 4708, Melbourne, VIC, 3001**

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- The factors that increase the risk of abuse or neglect occurring, and effective prevention strategies.
- Strategies to enhance early identification of, and intervention targeted at, children and families at risk including the role of adult, universal and primary services. This should include consideration of ways to strengthen the capability of those organisations involved.
- The quality, structure, role and functioning of:
 - family services;
 - statutory child protection services, including reporting, assessment, investigation procedures and responses; and
 - out-of-home care, including permanency planning and transitions; and what improvements may be made to better protect the best interests of children and support better outcomes for children and families.
- The interaction of departments and agencies, the courts and service providers and how they can better work together to support at-risk families and children.
- The appropriate roles and responsibilities of government and non-government organisations in relation to Victoria's child protection policy and systems.
- Possible changes to the processes of the courts referencing the recent work of and options put forward by the Victorian Law Reform Commission.
- Measures to enhance the government's ability to:
 - plan for future demand for family services, statutory child protection services and out-of-home care; and
 - ensure a workforce that delivers services of a high quality to children and families.
- The oversight and transparency of the child protection, care and support system and whether changes are necessary in oversight, transparency, and/or regulation to achieve an increase in public confidence and improved outcomes for children.

The Inquiry will consider the above in the context of differences amongst Victorian children and families, such as metropolitan and regional location.

The Inquiry process

The Inquiry Panel will make recommendations and provide advice to the government regarding the immediate, medium and longer term priorities to strengthen Victoria's family, child protection and associated service systems, and improve outcomes for Victorian children at risk.

The Inquiry will focus on policy and the service system that supports government policy and the Panel will not consider or make recommendations regarding the circumstances of individual cases, nor review individual organisations.

The Inquiry Panel may request input from an inquiry Reference Group on any matter it deems fit.

The Inquiry Panel will also utilise and reference previous reports and reviews, available literature, interstate and international experience and seek submissions from and consult with:

- relevant experts;
- service providers (universal, adult, family and child protection);
- front line workers and managers;
- families and children who have personally experienced child protection and out-of-home care services;
- foster and kinship carers;
- police and courts; and
- a broad range of government services (including early childhood, education, health and mental health, family violence and housing services).

The Inquiry Panel will provide a Report to the Minister for Community Services by 4 November 2011. The Report will be tabled in Parliament.