



Part 7: System governance

Chapter 20:

The role of government agencies

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Key points

- Tackling vulnerability before it manifests in child abuse and neglect requires a sustained and dedicated level of effort from all relevant government agencies. Stronger accountability mechanisms are required to ensure these agencies treat the often complex and challenging needs of vulnerable children as a priority.
- Where child abuse or neglect is reported to the Department of Human Services or a child is in the care of the State, agencies must not abrogate their responsibilities for those children to the Department of Human Services.
- Departments and agencies must move beyond vague and imprecise notions of joined-up government and work together more effectively if there is to be a strategic and effective response by government to the needs of vulnerable children. This requires a new sophisticated level of inter-agency coordination.
- This chapter suggests two distinct principles for the role of government agencies:
 - each department or agency needs to be held accountable for the delivery of their particular services to vulnerable children and young people; and
 - the relevant departments and agencies need to work together to coordinate activities, where it makes sense, and is achievable.
- A number of recommendations are made in this chapter to address these two key messages and ensure government agencies better meet their commitments to vulnerable children. The key issues addressed in the recommendations include:
 - better accountability can be achieved by a Commission for Children and Young People reporting publicly on government performance in addressing vulnerability;
 - the Department of Education and Early Childhood Development should be given responsibility for the educational outcomes of children in out-of-home care;
 - the Department of Health should be given responsibility for the health outcomes of children in out-of-home care;
 - better agency accountability can be achieved with the oversight of a specific purpose Committee of Cabinet on Children's Services;
 - coordination of government services can be improved with a stronger and clearer role for the Children's Services Coordination Board, including coordination of area-based activities; and
 - the Victorian Children's Council needs its role strengthened and clarified to ensure that it is effective.

20.1 Introduction

Much recent work in government and academia has focused on the need to better coordinate government programs and services. In the area of child protection this need is particularly acute. As this Report shows, 'child protection' is much more than the tertiary end of the statutory child protection service involving the Department of Human Services (DHS) and the courts. The problems in the lives of vulnerable children that may, down the track, necessitate such interventions often begin years before – and therefore, may be prevented through other means and through thoughtful and professional early intervention by government agencies, and those that they fund. In addition, supporting the needs of children identified as vulnerable is a responsibility for a number of government agencies other than DHS. This chapter primarily addresses the Inquiry's Term of Reference concerning the interaction of departments and agencies and how they can better work together to support at-risk families and children.

Better early intervention and support of vulnerable children and young people will involve significant new efforts by all relevant government agencies, some of whom have not, in the past, been focused on the specific and often complex needs of Victoria's vulnerable children and young people. The needs of vulnerable children do not 'belong' to one government portfolio or department, and new approaches require more than just notions of 'joined-up government'. Responses require government agencies to stretch their ambit to reach all children in need.

The Inquiry's focus on the role of government agencies in this chapter has two distinct messages:

- Each department or agency needs to be held accountable for the delivery of their services to vulnerable children and young people; and
- The relevant departments and agencies need to work together to coordinate activities, where it makes sense, and is achievable.

This chapter provides an analysis of the issues and challenges with the current role of government departments and bodies in delivering or advising on the needs of vulnerable children by providing:

- An overview of the roles and responsibilities of relevant government agencies including DHS, the Department of Health (DOH), the Department of Education and Early Childhood Development (DEECD), the Department of Justice (DOJ), Victoria Police, the Department of Planning and Community Development (DPCD), local government, the Department of Premier and Cabinet (DPC) and the Commonwealth, in terms of meeting the needs of vulnerable children;
- An overview and analysis of coordination of government services, including the Children's Services Coordination Board (CSCB);
- An overview and analysis of Victorian Children's Council (VCC); and
- Comment on the weaknesses in the current structure, and how they can be addressed.

This chapter provides recommendations to address these weaknesses in the current arrangements, principally in the areas of:

- Accountability of government agencies for outcomes for vulnerable children and young people, including individual agency goals and a whole-of-government framework for improving outcomes for vulnerable children, and the role of ministers and a Commission for Children and Young people;
- Coordination of government services and the future role of the CSCB; and
- The future role of the VCC.

20.2 Overview and direction for reform

The Victorian Government, like most similar jurisdictions, allocates policy responsibilities by portfolios, which are reflected in the budgets and accountabilities for departments and agencies. In terms of the overall population this works well. For example, on the whole, children are generally educated to a very high standard in Victoria and that standard generally continues to increase year-on-year. However, the outcomes of vulnerable children with particular needs are much worse than the overall population. Data provided by DHS shows that children in out-of-home care are significantly less likely to meet statewide educational benchmarks than the rest of the Victorian population. In a study in the United Kingdom, the Sure Start program showed that comprehensive, population-based strategies appear to offer fewer benefits to the most disadvantaged participants than the less disadvantaged. It is always likely that the most disadvantaged families will not benefit without extra resources (Katz & Valentine 2009, p. 38). The situation in Victoria is the same.

More accountable and working more effectively together

Properly addressing the needs of Victoria's vulnerable children will require government departments and agencies to be better held to account for their required contribution to vulnerable children and young people, and for the government to have in place better mechanisms for coordination of services for them.

Large service delivery departments generally cater well to the mainstream population. Unfortunately, departments do not always address the needs of vulnerable children and families or work collaboratively enough to respond to the needs of these children and families. What is needed are stronger mechanisms and institutions to hold departments to account for finding those vulnerable children and families that have or are likely to fall through the cracks, address their needs, and better coordinate service planning and delivery.

Chapter 3 and Chapter 8 provide some detail on various aspects of government activity with respect to vulnerable children and families. Section 20.3 provides further details of the various roles and responsibilities of relevant government agencies, with respect to vulnerable children and families, to facilitate an analysis of opportunities for reform.

20.3 Roles and responsibilities of key government agencies

20.3.1 Department of Human Services

The specific responsibilities of DHS have been outlined, in particular in Chapter 3 and Chapter 9. The most obvious and high-profile role of DHS in protecting vulnerable children is that of administrator of the statutory child protection service.

The Secretary of DHS, under the *Children, Youth and Families Act 2005*, has powers in relation to decision making on the custodianship of children and young people in the statutory child protection system. In this function, the Secretary reports to the Minister for Community Services, the portfolio minister responsible for the statutory child protection service. The Secretary also has a much broader leadership role in the department's responses to vulnerable children, including through the registration, oversight and monitoring of Child FIRST family service providers and out-of-home care providers.

The Secretary is supported in this role by an executive director for Children, Youth and Families. The Children, Youth and Families division plays a key role in the planning and provision of services to vulnerable Victorian children and their families. Services include youth justice and youth services, family services, and statutory child protection services. The statutory child protection service is specifically directed at those children and young people at risk of harm or where families are unable or unwilling to protect them.

The main functions of DHS regarding child protection are to:

- Investigate matters where it is alleged that a child is at risk of harm;
- Refer children and families to services that assist in providing the ongoing safety and wellbeing of children;
- Take matters before the Children's Court if the child's safety cannot be ensured within the family;
- Supervise children on legal orders granted by the Children's Court;
- Provide and fund accommodation services, specialist support services; and
- Enable adoption and permanent care of children and adolescents in need (DHS 2011a).

Disability and housing services

DHS provides and funds services for people with intellectual, physical, sensory, cognitive and neurological disabilities. Services include:

- Individual packages and supports for people and families and carers to access services based on choice; and
- Accommodation support provided to groups of clients in community-based settings and centre-based residential institutions.

DHS provides a range of housing support services for Victorians in need including:

- Crisis and transitional accommodation for people who are homeless or at risk of homelessness; and
- Long-term affordable and accessible public and social housing (DHS 2011a).

As discussed in Chapter 2, having a parent or caregiver with a disability, or the child themselves having a disability, is a risk factor to vulnerability. In addition, situational stress, such as that brought about by homelessness or the risk of homelessness, is a risk factor in vulnerability. As such, DHS disability and housing services engage with a significant number of vulnerable people.

At present, the siloed structure in DHS between the Children Youth and Families, Disability Services, and Housing and Community Building divisions, does not allow for optimal sharing of resources and focusing on the needs of vulnerable children. Chapter 8 makes suggestions for individual programs across sectors to come together to form a comprehensive, coherent and coordinated system of early interventions that addresses the needs of vulnerable children and their families.

Child Safety Commissioner

The Office of the Child Safety Commissioner was established by the *Child Wellbeing and Safety Act 2005* (CWS Act) and is a portfolio agency of DHS. The Commissioner's objectives are to promote continuous improvement and innovation in policies and practices relating to child safety and the provision of out-of-home care services for children. The office undertakes work in three major streams: out-of-home care monitoring unit; inquiry and review unit (including inquiries into the deaths of children known to the statutory child protection service); and promotion and policy unit (including legislative and policy analysis of issues affecting children).

The government has made clear that it supports a stronger and more independent Commission for Children and Young People. The Inquiry makes recommendations with regard to this proposed Commission and its role in the regulation and oversight of government agencies in Chapter 21.

20.3.2 Other government agencies

Department of Education and Early Childhood Development

In 2007 the former government created the Department of Education and Early Childhood Development (DEECD), integrating a number of functions from the Office for Children (formerly in DHS) with the former Department of Education to oversee the management of children's early years and education services across the state.

DEECD's overall responsibility is for the development and learning of all Victorian children, from birth and into adulthood. It is the major provider, funder and regulator of early education and care, school education, and adult education and training services throughout the state. DEECD is also a significant funder and provider of child health and disability services in the early years. DEECD has advised the Inquiry that it recognises that protecting children from significant harm caused by abuse and/or neglect is a shared responsibility for parents, care providers, schools, communities, government organisations, and police and community agencies.

In particular, DEECD's interface with vulnerable children is through: primary and secondary schools; funding of local government maternal and child health centres; and integrated children's centres. All of these universal services are vital not only for the educational and health wellbeing of the general population but also, importantly, for the early intervention and care of vulnerable children and families, as outlined in Chapter 8. DEECD also advised the Inquiry that, as the department with the widest responsibilities for children and young people, it also leads whole-of-government efforts to monitor how children are faring, including children from vulnerable or chronically disadvantaged backgrounds, and to coordinate government efforts to improve outcomes for these children.

Monitoring outcomes

DEECD has a data collection and reporting tool called the Victorian Child and Adolescent Monitoring System (VCAMS), which collects, analyses and is used to prepare reports on how children and young people in Victoria are faring. Its development was informed by national standards developed by the Australian Institute of Health and Welfare (AIHW), and advice and input was also sought from the Australian Bureau of Statistics (ABS). Data collected through VCAMS is published through a variety of reports including the annual *The state of Victoria's children* reports. As noted previously in this Report, *The state of Victoria's children* reports provide an evidence base for service planning and policy development, and the Inquiry notes that VCAMS data is very valuable and should be a component of any whole-of-government policy framework.

Coordination and advice

DEECD provides administrative support for the CSCB, which brings together the key decision makers across Victorian government departments, to ensure coordination of activities impacting on children (DEECD 2011a). An analysis of the CSCB, including recommendations for reform, is at section 20.5.

DEECD also provides administrative support for the VCC, which provides high level policy advice to the Premier and the Ministers for Children, Early Childhood Development and Community Services (DEECD 2011a). An analysis of the VCC, including recommendations for reform, is at section 20.6.

Department of Health

Until 2009 health portfolio activities were also in the larger DHS. While DHS has a focus on child protection activities, DOH continues to have responsibilities in relation to vulnerable children. DOH is the government agency responsible for the health of all Victorians – this includes vulnerable children and families. However, currently its efforts towards vulnerable children and families appears limited to the Vulnerable Children Program and the Community Health Services program. As discussed in Chapter 8, the Inquiry considers that these programs do not dedicate the resources required for DOH to fulfil its obligations to vulnerable children and young people.

Vulnerable Children's Program

Health service providers, such as hospitals, can contribute to the provision of early intervention to children and young people and their families who are identified as at risk of abuse and neglect. This includes antenatal services. DOH's Vulnerable Children Program supports health services in the early identification of, and response to, children and young people at risk of child abuse and neglect. The program has produced and distributed a best practice framework for health services that provides information and guidance on issues relating to children and young people at risk of abuse and neglect.

As discussed in Chapter 8, the Inquiry considers that the level of government investment in the Vulnerable Children's Program is not sufficient, as there is less than one full-time staff member attached to the program. It is unclear whether this program has been successful or whether health professions are generally responding to children and young people at risk of abuse and neglect.

Community health services

Community health services (CHS) are a network of agencies delivering care in local government areas across the state. As discussed in Chapter 8, the Inquiry found that CHS can play a significant role in early identification of vulnerable children and young people through support services. However, the Inquiry notes that the CHS program does not currently have a clear function regarding vulnerable children and families, including monitoring of vulnerable children and families. In addition, CHS has assessment planning and resource allocation activities occurring independently of other areas of government activity.

Other responsibilities

Importantly, DOH should take the lead responsibility for ensuring the provision of health services to vulnerable children and families. This should not be left to community service organisations (CSOs) or DHS child protection staff. One glaring example of this is the health assessments of children in out-of-home care. Responsibility for these assessments and consequential health plans currently rest with the Secretary of DHS. The Inquiry makes a recommendation to amend responsibility for this in section 20.4.

DOH also needs to consider where adult specialist services it funds, such as mental health and alcohol and drug treatment, can better interact with patients who are parents. The Inquiry notes that the children of the clients of such services are often very vulnerable. The Inquiry notes that it is incumbent on DOH to ensure these health services are taking into account the needs of vulnerable children when treating adults in families. This is addressed in Chapter 8.

Department of Justice

DOJ has responsibility in a number of portfolio areas that interface with the most vulnerable children and young people, in particular: the prisons system; the Children's Court of Victoria (Children's Court); the Children's Court Clinic; and family violence (along with DPCD and the police).

Corrections and courts

Corrections Victoria operates Victoria's adult corrections system, including prisons and Community Correctional Services. Corrections Victoria responds to a number of issues involving prisoners with vulnerable children, including children who are born and live in prison for a time. These children and young people are in vulnerable positions, given their family and other circumstances (Robinson 2011).

DOJ has portfolio responsibility for the courts. As discussed in Chapter 3 and in more detail in Chapter 15, the Children's Court was established as a specialist court with two divisions to deal with matters relating to children and young people. The Family Division of the Children's Court hears applications relating to the protection and care of children and young people at risk, as well as and applications for intervention orders by DHS. The Criminal Division of the Children's Court hears matters relating to criminal offending by children and young people. The Inquiry's findings in relation to the Children's Court are in Chapter 15.

The Children's Court Clinic is an administrative unit in DOJ pursuant to the *Children, Youth and Families Act 2005*. The Clinic's primary function is to make clinical assessments of children and families for Children's Courts across Victoria in both child protection and criminal cases and to submit reports to the court requesting the assessments. It is a statewide service that supplies clinical psychological and psychiatric opinions for the judicial officers of the court, and treatment programs. Examples of treatment offered by the Clinic are counselling and the provision of drug program services (Children's Court of Victoria 2008). The Inquiry's recommendations relating to the Children's Court Clinic are in Chapter 18.

Family violence

Family violence is a significant contributor to health and welfare problems, especially among women and children. Exposure of children to family violence is one of the most common forms of child abuse. Family violence is also linked to a multitude of other societal issues that cost the community. This includes substance abuse, mental illness, poverty, homelessness and crime (Australasian Police Leadership 2008, p. 2). While DPCD leads the whole-of-government framework around the government's response to family violence, DOJ plans key components of the government's responses, particularly where Victoria Police respond to incidents.

Victoria Police

Victoria Police respond to a number of incidents and allegations that may involve vulnerable children and families, and Victoria's statutory child protection system. These include family violence, child sexual and physical assault, and offences relating to child pornography.

Family violence

The police are often the people who first respond to critical incidents involving family violence. Victoria Police attempts to address family violence in Victoria in the following ways:

- Providing safety and support to victims;
- Identifying and investigating incidents of family violence and prosecuting people accused of criminal offences arising from family violence;
- Assisting in the prevention and deterrence of family violence in the community by responding to family violence appropriately; and
- Ensuring people are referred to support services and further assistance.

Family violence has been discussed in detail in Chapter 2, where the Inquiry notes that family violence is both a risk factor that may cause a child or young person to be vulnerable, and is a form of abuse of a child or young person if that child or young person witnesses the violence.

Sexual and physical assault of children and young people

All police have a role in protecting children. However, clear areas of responsibility have been established for the investigation of child abuse matters. The Sexual Offences and Child Abuse Unit members work closely with DHS child protection practitioners. A set of protocols has been developed between Victoria Police and DHS to assist protective workers and police in ensuring that a coordinated response is provided during protective and criminal investigations of child abuse. In addition to this collaboration between agencies, is the pilot of multidisciplinary centres (MDCs).

MDCs are an innovative way for a whole-of-government response to sexual offences. The centres are characterised by the use of police investigators co-located with child protection workers, sexual assault counsellor/advocates and with strong links to forensic medical personnel. These specialist professionals work collaboratively within one location to provide responses to adult and child victim/survivors of sexual assault and child physical abuse.

In Victoria two MDCs comprising police and sexual assault support services have been operating in Frankston and Mildura since 2007. Child protection workers have been co-located at the Frankston site since 2008. A third MDC, in Geelong, is scheduled to commence service shortly. The Inquiry visited the MDCs in Mildura and Frankston. At a meeting with staff at Frankston, staff commented to the Inquiry that having police co-located with child protection workers has helped with cross-fertilisation of skill sets and training. In addition, the centre has helped break down cultural barriers in place between each agency.

The Inquiry notes that MDCs have demonstrated outcomes in relation to child sexual assault and physical assault including:

- Increased rates of children disclosing abuse;
- Higher rates of offender conviction;
- Increased rates of engagement of non-offending family members in believing and supporting the child;
- Higher rates of children and families linked to specialised support; and
- Anecdotal evidence of higher rates of retained contact with known sexual offenders.

The Inquiry accepts that a key part of a successful centre will be the building chosen to house the professionals involved. It must appear open and accessible to a local community – unlike a government building – as well as being low key and friendly in appearance – unlike a police station – to fit in with the community.

MDCs are jointly funded by Victoria Police and DHS. The Inquiry notes that further roll-out of the centres depends on locality, region and available resourcing. The Inquiry notes that a further rollout of the centres would require a more substantive governance structure. These centres, or any co-located service requires cross-agency board-like oversight and monitoring at a senior level, along with funding and service provision plans. However, MDCs provide an innovative model for outcomes that can be achieved when different government agencies pool their resources and expertise in a coordinated manner. Recommendations related to MDCs are discussed in Chapter 9.

In regard to child pornography offences, the Victoria Police Sexual Crimes Squad, in addition to investigating and prosecuting child pornography offences under the *Crimes Act 1958*, maintains an intelligence database on individuals or groups involved in child pornography, as well as maintaining a liaison function with other areas of the force and other government and external agencies such as the Australian Federal Police and the Australian Crime Commission.

Department of Planning and Community Development

Family violence reforms

As noted in the above section on DOJ, DPCD leads the policy coordination on family violence matters since the recent reforms. The Victorian Family Violence Reforms are unique in Australia and represent a sustained effort to build an integrated response by departments, agencies and service providers working across and outside of government. The Victorian policy context for family violence reforms is complex because it involves different departments and portfolio areas across government, multiple settings across the community and a suite of different policies and programs. Prior to the reforms there was fragmented service provision and no clearly defined family violence service system or cohesive policy framework.

The Inquiry notes that addressing family violence is a key component of a holistic systems approach to the issues of child vulnerability. The Inquiry also notes the anecdotal evidence that the family violence reforms are succeeding because of the coordination of government programs and services under a consistent framework.

Community development and planning

Chapter 7 discusses the importance of promoting community connectedness as a protective factor to vulnerability, while Chapter 2 identifies the community environment around a child as a key component in that child's development. The benefits of activities that make communities stronger have been well documented. People who live in disadvantaged areas often have limited social networks and fewer opportunities, which impacts on the wellbeing on individuals and the community as a whole (DPCD 2011).

DPCD, together with local governments, has a major role in planning communities so they are connected and socially inclusive. This includes strategic urban planning to integrate transport, shops, parks, libraries and other social infrastructure, without which socially disadvantaged families may become vulnerable. Vulnerable children and families, in particular, can benefit from good transport connections so they can attend school and other services, access employment opportunities and reduce financial stress that may be related to car ownership, as well as meet other families and attend community activities, so that they do not become socially isolated.

DPCD, with local government, also delivers programs and services to make towns and cities safer and more family friendly so that families and young people feel safe and encouraged to use civic facilities such as parks and gardens. DPCD implements policies to support Liveable Communities where everyone can be actively involved in the place where they live by:

- Promoting participation from all sections of the community;
- Using a community development approach to ensure all sections of the community are able to engage in land use and urban planning processes;
- Providing good regional and local governance that give communities the opportunity to decide their priorities and act on them;
- Encouraging investment in community development through funding programs and partnerships with government, private, philanthropic and local resources; and
- Aiming for sustainability so that communities continue to grow and improve.

The issue with many of the above strategic plans and policies formulated by DPCD is that while the objectives are sound, there are often no measurable goals in place to track progress against those objectives. Locally based action plans, such as that in the City of Bendigo, discussed below, are examples of measurable outcomes in community development.

Local Government Victoria

Local Government Victoria (LGV) is a business unit within DPCD and works cooperatively with Victoria's 79 local councils to ensure that Victorians enjoy responsive and accountable local government services. Through partnerships with councils and local government associations, LGV encourages and supports best practice and continuous development in local governance and local government service delivery. Through LGV, DPCD is responsible for service delivery outcomes in local government and compliance with government legislation and policies.

Local government

Child Friendly Cities

Many local governments in Victoria have developed Child Friendly City plans, based on the framework developed by the Municipal Association of Victoria. The City of Wodonga states that its plan is designed to provide a strategic direction for the development and coordination of educational care and health programs, activities and other local developments that impact on children aged up to eight years in the municipality. The plan is over a three-year period, complementing council's planning cycle. It is a guide for the long-term

planning, development and evaluation of early years' programs, activities and facilities across all council departments. It enables Wodonga Council to make informed decisions and maximise its resources (City of Wodonga 2008).

The Bendigo City Council also has a Child Friendly City Plan. Auspiced by St Luke's Anglicare on behalf of the Bendigo Child Friendly City Leadership Group, is *The State of Bendigo's Children* report. Produced in March 2011, this report was funded through the 'local champions' Australian Early Development Index project in DEECD. This report benchmarks the outcomes of children and young people in Bendigo against the Victorian average applying an ecological perspective (discussed in Chapter 2), in a profile unique to Bendigo. Outcomes measured by the report will help the community decide where to:

- Focus existing resources;
- Make a case for additional resources; and
- Act as a baseline for knowing whether a difference has been made over time (Bendigo Child Friendly Leadership Group 2011).

The Inquiry notes that this is an excellent local initiative, facilitated by the state government.

Early childhood services

Local government also have a crucial role working with vulnerable children in maternal and child health (MCH) centres. The MCH service is free for all Victorian families with children aged under six. There are MCH centres in every local government area in the state.

The MCH service is funded in a shared arrangement between local governments and DEECD. MCH centres offer a universal primary health service for all Victorian families with children from birth to school age, focused on promotion, prevention and early detection of physical, emotional or social factors affecting young children and their families, and intervention where appropriate.

The Inquiry notes that given MCH centres are so important in early intervention with vulnerable children, it is problematic that the local government areas (LGAs) with the greatest need are in the lowest socioeconomic areas and have the least amount of local government funding, that is, because those LGAs have a low rating base for MCH services. A recommendation is made in Chapter 8 regarding the need for the state government to consider further injections of capital to assist better provision of MCH in disadvantaged communities.

In addition, local governments, along with some community and private sector organisations, deliver kindergartens and playgroups across Victoria. These state-funded services are another critical point for early intervention services.

Department of Premier and Cabinet

DPC is responsible for the Premier's *Families Statement*. First released in 2011, the *2011 Families Statement* was a discussion with Victorian families, with the central tenet that families are the cornerstone of our communities (DPC 2011). From 2012, benchmarks will be put in place so that the *2012 Families Statement* will be a whole-of-government framework to help the government identify the outcomes it wishes to measure for families. Beyond 2012, the statement will be reviewed and released annually. The Inquiry notes that the Families Statement provides an opportunity for vulnerability outcomes to be measured as a key component of outcomes for Victorian families.

DPC is also the government's central coordinating department, and has a role in policy coordination of many of the above activities in this section.

Essential Services Commission

Reporting to the Minister for Finance, the Essential Services Commission (ESC) is Victoria's independent economic regulator of essential services supplied by the electricity, gas, water/sewerage, ports, and rail-freight industries. In addition to its regulatory decision making role in these sectors, the ESC also provides advice to the Victorian Government on a range of regulatory and other matters such as taxi fares. Its objective is to promote the long-term interests of Victorian consumers and seeks to achieve this objective by having regard to the price, quality and reliability of essential services.

In addition to those traditional industries above, the ESC has recently completed a review of the fee and funding model arrangements for vocational educational and training in Victoria. Because of its unique skills and perspective as an independent pricing regulator, the Inquiry has made recommendations in Chapter 19 about the suggested role of the ESC in regulating and advising the government on price settings for out-of-home care services. This will allow government to fund those services at the most efficient price. The issue of funding out-of-home care services is also discussed in detail in Chapter 10.

Commonwealth Government

At the national level in Australia, the Council of Australian Governments (COAG) initiated and agreed in 2009 on *Protecting Children is Everyone's Business: National Framework for Protecting Australia's Children 2009-2020*. The framework outlined the importance of a broad approach extending beyond statutory child protection services to vulnerable children and their families. The framework identified a set of actions and strategies to achieve the high-level outcome that 'Australia's children and young people are safe and well' including six supporting outcomes:

- Children live in safe and supportive families and communities;
- Children and families access adequate support to promote safety and intervene early;
- Risk factors for child abuse and neglect are addressed;
- Children who have been abused or neglected receive the support and care they need for their safety and wellbeing;
- Indigenous children are supported and safe in their families and communities; and
- Child sexual abuse and exploitation is prevented and survivors receive adequate support (COAG 2009e).

As noted in Chapter 2, the COAG framework does not change the responsibilities of governments. States and territories retain responsibility for statutory child protection, as the Australian Government retains responsibility for providing income support, health and welfare services through such agencies as Centrelink, Medicare and Family Assistance. However, there is significant room for improvement where Commonwealth services and Commonwealth funded services interact with state programs and services to address the needs of vulnerable children and families.

As discussed in Chapter 13, the Commonwealth Department of Immigration and Citizenship is responsible for providing settlement support to newly arrived refugees and delivers this through the Humanitarian Settlement Services (HSS) program. Many culturally and linguistically diverse families settle smoothly in Australia. However, some families of culturally and linguistically diverse backgrounds are highly vulnerable, particularly newly arrived refugees. An onshore orientation program is also available to all clients aged 15 and over that sets out critical skills and knowledge culturally and linguistically diverse people need to live and function independently in Australian society, and to continue their settlement beyond the HSS program. Exit from the HSS program is based on clients achieving clearly defined settlement outcomes.

It is expected these settlement outcomes will generally be reached between six and 12 months after the refugee's arrival.

The Inquiry considers that the Commonwealth should do more to ensure the settlement of refugees and that the *National Framework for Protecting Australia's Children 2009-2020* should be reconsidered by COAG to include reference to culturally and linguistically diverse communities. Recommendations relating to this are outlined in Chapter 13.

Summary

What is clear is that protecting Victoria's vulnerable children is a very complex multilayered task that cuts across many portfolios and government agencies. This includes, for example: early intervention and support by a MCH nurse; a conversation about a child's needs at a parent's medical appointment for their mental health problems; working with an incarcerated parent; referring a mother to a community support service after family violence; or, where necessary, seeking custody of a child or young person for the child or young person's protection and wellbeing – ensuring that this child or young person is provided with health, education and other support services – and trying, where possible, to reintegrate that child or young person back into their family, where that is determined to be in the best interests of the child.

What is needed then for governments to properly address vulnerability is:

- Very strong accountability mechanisms to ensure government agencies are fulfilling their prime responsibilities in relation to vulnerable children and young people; and
- A very high degree of inter-agency cooperation and coordination to support government departments and agencies to pull in the same direction.

20.4 Accountability of government agencies for outcomes for vulnerable children and young people

As stated above, several government agencies are responsible for services that affect outcomes for vulnerable children and young people. At present, agencies (other than DHS) are not directly held to account for meeting their responsibilities to vulnerable children, nor is it clear to the Inquiry that these agencies have specific and well-resourced initiatives that would enable them to meet their responsibilities to vulnerable children.

Stronger accountability and scrutiny of agencies' performance will encourage and promote a clearer focus on achieving outcomes for vulnerable children, leading to better outcomes for vulnerable children. The Inquiry acknowledges government is bound by traditional roles of portfolio responsibility, and that the matter of vulnerability cannot be captured by one ministerial portfolio or department. The Inquiry believes that in fact individual agencies need to be more accountable for their specific delivery of services in relation to vulnerable children and families.

There is also room for urgent and significant improvement in the way in which government agencies and bodies are collectively held to account for addressing the needs of vulnerable children. As well as much stronger accountability of independent agency goals, the Inquiry notes that there must also be stronger accountabilities in place for whole-of-government goals. There is currently no whole-of-government framework to coordinate and drive government efforts to improve outcomes for vulnerable children. There are no agreed objectives, reform directions, priorities or performance measures. There is no agreed definition of what constitutes vulnerability.

As discussed in Chapter 6, the Inquiry considers that Victoria's system for protecting vulnerable children requires a unified policy and service delivery framework that sets out defined policy objectives and indicators for evaluating progress. In Chapter 6, the Inquiry recommends that this accountability could be achieved by the government developing and adopting a whole-of-government framework for improving outcomes for vulnerable children. This framework could include whole-of-government objectives, performance measures, and responsibilities, with defined departmental responsibilities and protocols for coordinated service delivery at the local level (a whole-of-government Vulnerable Children and Families Strategy). In Chapter 6, the Inquiry recommends the development and implementation of this framework.

Government departments should be more accountable to ministers for delivery of coordinated services consistent with whole-of-government strategies. Ideally, relevant ministers should set the direction and hold departments to account for their performance. This could be achieved through a Cabinet Committee to oversee the development of the Vulnerable Children and Families Strategy, with a clear accountability framework, and monitoring of departmental performance against this framework.

Recommendation 80

The Government should establish a Children's Services Committee of Cabinet comprising the ministers responsible for community services, children, education, health, community development and justice to oversee:

- The development and implementation of the whole-of-government Vulnerable Children and Families Strategy;
- The coordination of the service delivery by government agencies, particularly to vulnerable children and their families; and
- Holding government agencies accountable for their delivery of services with regard to vulnerable children.

As stated above, government departments each require stronger independent agency goals to direct their efforts to vulnerable children and young people. As discussed earlier in this chapter, DEECD is responsible for educating the general population of children in Victoria. However, it is not currently responsible, under the *Children Youth and Families Act 2005*, for the educational outcomes of children in out-of-home care. This should not be the responsibility of DHS. Likewise, DOH should be responsible for the health outcomes of children in out-of-home care – as it is for all other Victorians. This should not be the responsibility of DHS.

Recommendation 81

The Government should amend relevant legislation to provide that the Secretaries of the Department of Education and Early Childhood Development and the Department of Health are responsible for the education and health outcomes, respectively, of children and young people in State care, with responsibility for these services under the *Children Youth and Families Act 2005* being removed from the Secretary of the Department of Human Services.

The Inquiry considers that additional accountability for individual agency and whole-of-government goals could be achieved if the progress against the whole-of-government Vulnerable Children and Families Strategy could be publicly reported upon by the proposed Commission for Children and Young People. The proposed Commission for Children and Young People, which is discussed in more detail in Chapter 21, would report directly to Parliament on the overall performance of all government agencies, thus providing strong accountability for departments to improve their efforts and transparency around outcomes against an agreed set of government objectives.

Recommendation 82

Government performance against the whole-of-government Vulnerable Children and Families Strategy should be reported on by the Commission for Children and Young People.

20.5 Inter-agency cooperation – role and accountability of the Children's Services Coordination Board

The implementation of the whole-of-government Vulnerable Children and Families Strategy will require a high degree of inter-agency cooperation and coordination. The CSCB is the most appropriate body to undertake this function; however, the Inquiry considers that, the CSCB will need to be much more effective than it has been to date and will need to be held to account for its performance, if it is to effectively implement the Vulnerable Children and Families Strategy.

The CSCB is established under the CWS Act and brings together key decision makers across agencies and aims to ensure coordination of activities impacting on children.

The CSCB is comprised of the Secretaries of DPC, DTF, DEECD, DHS, DOH, DPCD and DOJ, and the Chief Commissioner for Police. The CSCB is chaired by the Secretary of DEECD.

The role of the CSCB is to coordinate the efforts of different programs and consider how to best deal with cross-portfolio issues and specifically to:

- Review annually and report to the minister on the outcomes of government actions in relation to children, particularly the most vulnerable children in the community; and
- Monitor administrative arrangements to support coordination of government actions relating to children at local and regional levels (s. 15, CWS Act).

The CSCB meets at least three times a year and administrative support is provided by DEECD. The CSCB does not have any dedicated resources (DEECD 2011a). The major areas of CSCB work have been:

- Annual reporting to government on child and youth outcomes through *The state of Victoria's children* reports, most recently on Aboriginal children. These reports are provided to the Minister for Children and Early Childhood Development and the Minister for Community Services for submission to Cabinet. To date, four reports have been published;
- Sponsorship of the development of VCAMS, drawing on administrative data from across government and new collections developed in partnership

between departments, which also supports local and statewide reporting and a growing and regularly updated catalogue of evidence;

- A web-based delivery system to make VCAMS data accessible across government and increasingly to the public is also being developed;
- Development of proposals for joined-up action to address youth disengagement and youth vulnerability, in particular leading to the Youth Partnerships initiatives;
- Consideration of proposals for joined-up action targeting young sole parents, school-leavers with an intellectual disability, and families affected by bushfires; and
- Monitoring local and regional coordination, including by research in specific LGAs and across local government.

While the datasets and reporting of outcomes listed above are valuable tools that have better informed service delivery, the CSCB needs to come together to broker solutions and develop substantive plans to improve implementation and coordination of government services for vulnerable children. This will be particularly important if the Vulnerable Children and Families Strategy is to be successful.

There is significant scope to improve the coordination of service delivery across agencies to drive improved outcomes for vulnerable children. In his submission to the Inquiry, the Child Safety Commissioner states that:

Despite the commitment to [principles of collaboration, shared responsibility and cooperation], it is clear that ‘silos’ within and between departments and professional groups still exist (Office of the Child Safety Commissioner, p. 3).

In another example, the Victorian Ombudsman found in 2010 that there was very poor compliance with the requirements of the DEECD-DHS partnering agreement to improve educational outcomes for children in out-of-home care (Victorian Ombudsman 2010, p. 96).

Members of the CSCB advised the Inquiry that engagement by Secretaries in its work has been variable and that the CSCB needs a different mandate and needs to be more operational. Ideas for change were suggested including that its activities need to be reflected in the performance plans of Secretaries and the CSCB should be chaired either by the Secretary of DPC or by an independent chair appointed by the Premier. The Inquiry notes that at its meeting with the CSCB, of the eight members or acting members in attendance, only three were of Secretary level: one Secretary and two acting Secretaries. The other five acting members included an acting Deputy Commissioner of Police, two executive directors and two directors.

The Inquiry met with the new chair of the CSCB, the newly appointed Secretary of DEECD in November 2011, who suggested a number of improvements to increase the effectiveness of the CSCB, including: an annual work plan; a set of performance indicators for vulnerable children; and broader reporting arrangements. These suggested improvements align with the Inquiry’s recommendations and should be implemented immediately.

A stronger role for the CSCB with greater accountability to ministers could achieve improvements in coordination of government services, with regard to vulnerability. This could be done by requiring the CSCB to submit a work plan and a report of achievements on performance to the proposed Children’s Services Committee of Cabinet. The CSCB should also implement the Vulnerable Children and Families Strategy and report on its progress of this to the Cabinet Committee.

Finding 18

At present there is no evidence that the Children’s Services Coordination Board is effective in its role of coordinating and driving government action to address the needs of vulnerable children.

The Inquiry finds that amendments to the role and accountabilities of the Children’s Services Coordination Board may achieve the cultural changes required to improve collaboration and coordination at an agency level. This will be particularly important if the proposed Vulnerable Children and Families Strategy is to be successful.

Area-based service delivery and coordination

Delivery of public services in Australia has traditionally been provided by a mix of the public, private and not-for-profit sectors, depending on the prevailing economic and political circumstances (Keast & Brown 2006, p. 41). Over time there has been increased contracting out of the delivery of traditional public services to the private or not-for-profit sectors. In addition, governments have also sought to deliver programs and services through networks and partnerships involving local government and local area providers.

The aim of local area partnerships, according to a study of the Organisation for Economic Cooperation and Development (OECD), is to identify synergies that draw on local knowledge and goodwill to better coordinate the delivery of existing government services. The OECD further argues that local area partnerships seek better policy outcomes through increasing coordination between not only policies and programs but also between government-funded services and across levels of government and adapting them to local conditions (OECD, in Curtain 2002, p. 50).

Across different regions significant differences in quality of life outcomes persist, making area-based partnerships an attractive proposition to governments and to local and regional communities. Local area partnerships allow local actors to participate in the policy and program strategies for their local area (Curtain 2002, p. 52).

Currently, the Victorian Government has broadly categorised Victoria into eight administrative regions: three for metropolitan Victoria, and five for rural and regional Victoria. Each region has a Regional Management Forum (RMF) that is 'championed' by a departmental Secretary. The RMFs meet to share information and encourage cooperation between departments and local government, as well as working with local communities to determine and deliver key priorities.

Regional service delivery by government, in partnership with local government, other local service providers and communities, can be a very effective way of developing tailored policy solutions, particularly where there are regional characteristics to problems, such as those involving vulnerable children and young people.

To succeed, the proposed Vulnerable Children and Families Strategy must be linked to the actual circumstances in Victorian communities. This means that the supporting performance measures or indicators need to be framed by not only statewide goals and measures, but also framed on an area basis to provide a more granular progress update on how the state is faring. As a further support, Chapter 8 proposes Area Reference Committees to oversee the monitoring, planning, coordination and management of operational issues between locally based CSOs and DHS staff.

Recommendation 83

The *Child Wellbeing and Safety Act 2005* should be amended to give the Children's Services Coordination Board greater operational responsibility for coordinating policy, programs and services that affect children and young people. Activities would include:

- Overseeing implementation by government agencies of the Vulnerable Children and Families Strategy and reporting on this to the Children's Services Committee of Cabinet;
- Proactively fostering the development of local area partnerships, through the regions and Regional Management Forums, to assist in the coordination and delivery of area-based policies and services to address the needs of vulnerable children, including structuring and reporting on area-based performance indicators;
- Proposing an annual work program for approval the Cabinet Committee;
- Reporting annually on activities and achievement; and
- Functioning as a source of advice on budgetary matters regarding vulnerable children.

Sharing of information between agencies

Appropriate sharing of information between agencies is vital to achieving good outcomes for vulnerable children and young people. Without appropriate sharing of information, agencies and service providers may not have all of the necessary information about a child or family that could assist with their situation.

The legislative impediments to sharing of information, due to privacy restrictions, regarding child protection cases were formally addressed in the 2005 legislative amendments. Once a child or young person has been referred to Child FIRST or notified to statutory child protection, staff in the relevant CSO or DHS or the police have the legislative ability to share relevant information about that child or young person. Despite this, the Inquiry has received submissions from stakeholders that indicate there are still some issues in the sharing of information between and within government agencies. The Inquiry notes that deficiencies in the execution of sharing of information between agencies, once a child or young person has been reported, to some extent can be addressed through better workforce training and education.

The Inquiry also notes that there are weaknesses in information sharing between agencies or providers at the early intervention stage, where that information sharing would be voluntary, that is, where there is no notification to statutory child protection or Child FIRST. In these cases, the adult in question's permission would be required before a service provider could share information. For example, at a MCH visit the nurse may think it would be useful to speak to the mother's doctor to ascertain information about her health to help with the child's health or development problems. The nurse in this case would need permission from the person in question. This is an appropriate privacy protection for the person in question. However, the Inquiry considers that there are some beneficial effects from sharing this sort of information at the early intervention stage. The Inquiry notes that what is required is a cultural change and strong protocols so that service providers and health care professionals seek to explain to clients why sharing of information with other agencies is beneficial and seek their permission to do so. The Inquiry, however, acknowledges the importance of confidentiality in relation to children and young people who can be adversely affected by inappropriate sharing of information.

Finding 19

Legislative changes in 2005 addressed the legal impediments to sharing of information, due to privacy, regarding child protection cases. However, some organisational barriers to the appropriate sharing of information between and within government agencies still exist. The Inquiry finds that matters such as this should be addressed and resolved by the Children's Services Coordination Board.

In addition, a cultural change by some health and other service providers, led by government, is required to facilitate better information sharing to improve the outcomes of vulnerable children and young people.

20.6 The role of the Victorian Children's Council

The VCC, established under the CWS Act, was created to provide high-level policy advice to the Premier, the Minister for Children and Early Childhood Development and the Minister for Community Services. The VCC is a ministerial advisory body.

VCC members are recognised experts in a broad range of children's policies and services. They have been selected as individuals and not as representatives of their organisations or interest groups. The Child Safety Commissioner is a member ex-officio (s. 9, CWS Act).

The VCC is intended to be a source of advice to government on all matters relating to children aged 0 to 18 years in Victoria. Its mandate is to be forward looking, acting as an active advisor to government on how to meet key challenges facing Victorian families and to improve child outcomes, particularly in relation to vulnerable children.

The VCC attempts to actively engage with Victorian Government planning, to help families give their children the best start in life, and to support young people in the transition to adulthood. The VCC is involved in assisting Victorian government departments to build a stronger evidence base and understanding of how to improve child outcomes and opportunities. The VCC meets every two months or as required and is supported by DEECD. The VCC does not sponsor initiatives or have its own budget or any dedicated staff (DEECD 2011a).

The VCC is not part of the coordinating framework for directing government services to address the needs of vulnerable children and young people. However, an effective VCC could be very important in advising government in the development of such policies as those to be contained in the proposed whole-of-government Vulnerable Children and Families Strategy.

The VCC met five times in 2011 and has identified a number of themes that it will be addressing in forthcoming meetings, including: integration of major cross-portfolio issues; how universal services have an impact on disadvantage; and identification of gaps in monitoring how children are faring and the effectiveness of service systems.

The Inquiry is concerned that the VCC is not currently playing an effective role in advising the government or working proactively to address strategic opportunities for addressing the needs of vulnerable children.

The Inquiry met with the then Acting Chair (now Chair) of the VCC and with the VCC. The VCC stated to the Inquiry that it was seeking to clarify its role. The Inquiry believes the VCC can play an important role in providing independent advice to the government.

The Inquiry considers that the VCC can be strengthened in a number of areas. Government should receive an annual work plan from the VCC. This will allow government to ensure the VCC has an appropriate focus and authority from government to conduct its work. In addition, the VCC should be given the ability to receive references from government, and the ability to be a source of expert advice for the proposed Commission for Children and Young People, if requested by the Commission. This will ensure that the advice of the VCC is a part of the systems approach to addressing vulnerability.

There are two points relating to membership of the VCC that have been considered by the Inquiry. First, the Inquiry notes that the VCC does not currently have an expert on the needs of children from culturally and linguistically diverse communities. This should be addressed by the government appointing a person to the VCC with expertise in this area in order to improve outcomes for vulnerable children and young people from culturally and linguistically diverse backgrounds.

Second, it is noted that the current Child Safety Commissioner is an ex-officio member of the VCC. Given the role and function of the Commission for Children and Young People recommended in Chapter 21, the Inquiry considers that it is inappropriate for a Commissioner to have membership of the VCC.

Further, the government should review the performance of the VCC after two years to ensure the Inquiry's recommended reforms are effective.

Recommendation 84

The Government should strengthen and clarify the role of the Victorian Children's Council by:

- Requiring the development of an annual work plan to be signed off by the Premier;
- Providing for the Premier and Ministers for Children, Early Childhood Development and Community Services to refer matters to the Victorian Children's Council for consideration;
- Allowing it to also provide advice to the proposed Commission for Children and Young People, if requested by the Commission; and
- Appointing of a person with expertise in the needs of children of culturally and linguistically diverse backgrounds.

Further, the *Children Youth and Families Act 2005* should be amended to remove the Child Safety Commissioner, or the successor commission, from the membership of the Victorian Children's Council.

The Victorian Children's Council should be reviewed after two years.

20.7 Conclusion

This chapter has provided analysis of the current roles and responsibilities of government agencies. It shows that there is an urgent need for improvement by government departments and bodies in delivering and advising on the needs of vulnerable children. There is little evidence that the CSCB service delivery effectively. The VCC's role can be important but is currently unclear. Both of these bodies have a vital role in relation to vulnerable children.

This chapter has provided recommendations to reform accountability arrangements with defined departmental responsibilities and protocols for coordinated service delivery at the local level (a whole-of-government Vulnerable Children and Families Strategy), to be developed with oversight from a new Cabinet Committee and publicly reported on to Parliament by the proposed Commission for Children and Young People. These reforms would provide strong accountability for government departments to improve their efforts and transparency around outcomes against an agreed set of government targets.

In addition this chapter has provided recommendations for better coordination and advice through improvements to the arrangements of the CSCB and the VCC. The CSCB should be responsible for implementing the proposed Vulnerable Children and Families Strategy and the proposed Cabinet Committee should hold it to account for this task. The changes to the VCC should ensure it plays an effective role, with a review to ensure this occurs. Reform to both of these bodies will assist Victoria to move to a holistic systems approach to tackling the needs of vulnerable children.