

Part 8: Implementation and conclusion

Chapter 22:

Implementation and prioritisation

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Key points

- The Inquiry has made 90 recommendations on measures to reduce the incidence and negative impact of child abuse and neglect in Victoria in ten major system reforms areas.
- The reform areas are:
 - a Vulnerable Children and Families Strategy – a whole-of-government vulnerability policy framework with the objective of focussing on a child's needs (overseen by government through a Cabinet sub-committee);
 - clearer departmental and agency accountability for addressing the needs of vulnerable children, in particular, health and education;
 - an expanded Vulnerable Children and Families Services Network;
 - an area-based approach to co-located intake with clear accountability for decision making on statutory intervention;
 - strengthening the law and its institutions;
 - out-of-home care funding and services aligned to a child's needs;
 - improved community sector capacity, with clearer governance and regulatory framework;
 - a strengthened regulatory and oversight framework;
 - a plan for practical self-determination for guardianship of Aboriginal children in out-of-home care and culturally competent service delivery; and
 - a sector-wide approach to professional education and training and a greater development and application of knowledge to inform policy and service delivery.
- The recommendations and reforms will generate significant change in the broad systems to protect Victoria's children. What is important in reform of this nature is to maintain a balance between the changes that will drive and sustain the reform efforts while attending to the areas identified by the Inquiry as requiring immediate or urgent attention.
- The implementation of these recommendations require many parts of the Victorian Government and government funded community service organisations to work together and share responsibility to protect Victoria's vulnerable children.
- It will be important that the impact of the recommended system changes are monitored, evaluated and reported upon.

22.1 Introduction

In fulfilment of the Terms of Reference that focus on reducing the incidence and negative impact of child abuse and neglect in Victoria, the Inquiry has nominated four system goals, made 90 recommendations and identified 10 system reforms.

The four major system goals are:

- Reducing the incidence of child abuse and neglect;
- Reducing the impact of child abuse and neglect including addressing the immediate and long-term needs of the child:
 - safety;
 - health;
 - development;
 - education; and
 - to be heard.
- Over time, reducing the growth in the number of children and young people in out-of-home care in line with the overall growth in the population of Victoria’s children and young people; and
- Clear and transparent public accountability.

The achievement of these goals will occur through the implementation of the Inquiry’s 90 recommendations to the state government which relate to at least one of the following 10 major system reforms identified throughout the Report:

- A Vulnerable Children and Families Strategy – a whole-of-government vulnerability policy framework with the objective of focussing on a child’s needs (overseen by Government through a Cabinet sub-committee);
- Clearer departmental and agency accountability for addressing the needs of vulnerable children, in particular, health and education;
- An expanded Vulnerable Children and Families Services Network;
- An area-based approach to co-located intake (to be piloted) with clear accountability for decision making on statutory intervention;

- Strengthening the law and its institutions;
- Out-of-home care funding and services aligned to a child’s needs;
- Improved community sector capacity, with a clearer governance and regulatory framework;
- A strengthened regulatory and oversight framework;
- A plan for practical self-determination for guardianship of Aboriginal children in out-of-home care and culturally competent service delivery; and
- A sector-wide approach to professional education and training and a greater development and application of knowledge to inform policy and service delivery.

The recommendations and reforms will generate significant change across the broad range of systems to protect Victoria’s children. What is important in a reform program of this nature is to maintain a focus on the changes that will drive and sustain the reform efforts while attending to the areas identified as requiring urgent attention. This requires a balanced approach and a phasing of effort so as not to overwhelm any individual aspect of the system. The phasing of effort is within, and across, the 10 reform areas.

A crucial aspect of any change process is leadership. To achieve real change in the protection of vulnerable children, leadership is required that demonstrates shared commitment and responsibility to protect vulnerable children across government agencies and government funded services. A number of recommendations focus on the entities required to drive the envisaged reforms.

Finally, the Inquiry considers the recommendations will collectively create the momentum and direction for wide-ranging improvements in Victoria’s system for protecting vulnerable children.

The purpose of this chapter is to provide an overview of the implementation requirements for the Inquiry’s major system reforms.

22.2 Implementation and priorities

The Inquiry has prepared a high-level Implementation Plan that is presented in Table 22.1. The plan identifies:

- The recommendations that contribute to the system reform or supporting capability;
- The key actions required for implementation;
- The time period for implementation (immediate, medium or long term as required by the Terms of Reference);
- The funding implications of the recommendations; and
- The responsible lead agency and other related agencies with supporting responsibilities.

It should be noted that the recommendations, while presented in full, are not listed sequentially as they appear in the Report. Rather, they are listed on the basis of their contribution to the system reform or supporting capability. Further, while some recommendations might contribute to more than one system reform, they are listed under the reform to which they align most closely.

Should the government accept the recommendations of the Inquiry, a range of actions will be required in the immediate, medium and long term.

Many of these actions are interrelated; in some cases the implementation of one action will be required before another can proceed.

The large-scale nature of some of the reforms, such as the development of a broad Vulnerable Children and Families Services Network, will require a phased approach to implementation over a number of years. Similarly, a 10 year plan has been proposed to delegate the care of Aboriginal children to Aboriginal organisations. Consequently, as the Implementation Plan shows, many matters will take in excess of three years to implement fully. However, implementation of many initiatives can commence immediately. It is expected that some work could be undertaken to commence implementation of every recommendation in year one.

The Inquiry is mindful that the existing systems will continue to provide services to vulnerable children and their families during the change processes. In some areas, where the timeframes for change are longer, there is a need to strengthen the existing arrangements to improve service delivery and provide the building blocks for the development of new arrangements. For example, improvements to the governance arrangements for Child FIRST are identified as an area for immediate improvement and a basis to progressively build improved intake arrangements.

Implementation timeframes are not identical to priorities. The Inquiry has found that particular parts of the broad system that should protect children are not performing as they should.

The Inquiry recommends that the government prioritise the implementation of recommendations that:

- Establish a Children's Services Committee of Cabinet and develop a whole-of-government vulnerable children's strategy (Recommendations 2 and 80);
- Commence a legislative change program to clarify departmental responsibilities, and the responsibilities of government funded services, to act in the best interests of children and young people, and to prioritise service delivery to vulnerable children, young people and their families (Recommendations 18, 42 and 81);
- Change the processes associated with the Children's Court to be child centred, with an emphasis on protective concerns being resolved as early as possible using collaborative problem solving approaches (Recommendations 53 to 65 inclusive);
- Strengthen the governance arrangements for Child FIRST (Recommendation 16);
- Develop area-based planning and coordination of government funded services to establish catchment-based networks of services for vulnerable children and families, including child protection, family services, specialist adult services, health services and enhanced universal services (Recommendation 17);
- Clearly establish that the Victorian Government is responsible for the overall policy leadership and accountability for the structure and performance of the child, youth and family support and service system (Recommendation 69);
- Undertake a collaborative approach to the development of the capacities and service delivery roles of CSOs for the provision of vulnerable children and families (Recommendation 69);
- Commence a pilot to examine co-location of intake functions carried out by the Department of Human Services (DHS) and by Child FIRST on an area-basis throughout Victoria (Recommendation 19);
- Establish a comprehensive five year plan for Victoria's out-of-home care system based on the goal, over time, of reducing the growth in the number of Victorian children and young people in care in line with the overall growth in the population of Victorian children and young people, and the objective of improving the stability, quality and outcomes of out-of-home care placements (Recommendation 25);

- Establish a comprehensive 10 year plan to delegate the care and control of Aboriginal children removed from their families to Aboriginal communities (Recommendation 36);
- Establish funding arrangements that recognise and anticipate demand for statutory child protection services, out-of-home care and family services (Recommendation 76); and
- Establish a Commission for Children and Young People to oversee and report on all laws, policies, programs and services that affect the wellbeing of vulnerable children and young people (Recommendation 89).

The successful implementation of the Inquiry's recommendations will require considerable collaboration by community organisations and all levels of government. In Victoria eight agencies of the government DHS, Victoria Police, the Department of Health (DOH), the Department of Education and Early Childhood Development (DEECD), the Department of Justice (DOJ), the Department of Premier and Cabinet (DPC), the Department of Planning and Community Development (DPCD) and the Department of Treasury and Finance (DTF) will be required to work together to achieve better outcomes for vulnerable children. Some reforms will also require cultural and behavioural change within organisations and there may be a need to create incentives for change. For example, realigning court processes to meet the needs of children through greater use of collaborative problem solving approaches will require considerable changes to existing practices.

Reform of a system needs to be carefully planned, stakeholders involved in the change need to be consulted about implementation and required legislation and institutions need to be put in place. Importantly, it also requires strong leadership. The Inquiry also considers that progress in implementing reform of the system should be independently reviewed or evaluated after a period of consolidation.

22.3 Funding implications

The system for protecting vulnerable children requires significant attention, as evidenced by the Inquiry's recommendations, and this will require substantial investment by government. As shown in Chapter 19, funding of child protection in Victoria is lower than comparable Australian jurisdictions. The additional investment will enhance existing service provision to meet the needs of vulnerable children and families in Victoria.

Table 22.1 provides a high-level indication of the individual funding impacts of each recommendation made by the Inquiry. Some recommendations do not require additional funding and can be implemented through existing departmental appropriations. These are listed as policy and legislative reforms under the funding column.

Where new funding is required, the investment required has been described according to three key categories: minor, moderate and significant. The reforms are categorised by estimating the nature of the funding, such as one-off funding or recurrent funding, and the likely extent of funding required.

Despite the substantial investment required, the Inquiry anticipates that the reforms will provide a long-term financial gain for the Victorian community. The full implementation of the Inquiry's recommendations are expected to produce considerable cost savings over time to the government and the Victorian community. As outlined in Chapter 2, Deloitte Access Economics has estimated the overall lifetime cost of child abuse and neglect that occurred in Victoria for the first time in 2009-10 to be up to \$1.9 billion. In addition, abuse was also associated with loss of wellbeing and premature mortality, which was valued at up to \$1.2 billion (lifetime cost).

As more investment is directed to prevention and earlier intervention, there will be a reduction in the proportion of Victorian children who are the subject of abuse or neglect. This will benefit increasing numbers of Victoria's vulnerable children and young people and enhance their overall health, wellbeing and future prospects.

Table 22.1 Implementation plan

System reforms





Vulnerable Children and Families Strategy - A whole-of-government policy framework

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.

2. The Government should develop and adopt a whole-of-government Vulnerable Children and Families Strategy. The objective of the strategy will be to establish a comprehensive government and community approach for improving Victoria's performance in responding to Victoria's vulnerable children and families at risk. The key elements are:
 - A definition of vulnerable children and young people;
 - Identified whole-of-government objectives, including specific roles and responsibilities for departments, both individually and collectively, in addressing vulnerability in children and young people;
 - A performance framework, or list of the accountabilities, performance measures or indicators to be used by government to measure the efficiency and effectiveness of the strategy; and
 - Accountability structures that set out appropriate oversight for monitoring the implementation of the strategy by departments and agencies, including reporting on such implementation to government and the public.

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.

3. Performance against the objectives set out in a Vulnerable Children and Families Strategy, including information on the performance of government departments and statutory child protection services should be published regularly through *The state of Victoria's children* report.

	Immediate 0-12 months	Medium 1-3 years	Long 3+ years	Funding	Lead agency	Related agencies
				Policy reform	DPC	DEECD DHS DOJ DPCD DOH
				Policy reform	DPC	DEECD DHS DOJ DPCD DOH
				Policy reform	DHS	DPC DEECD Members of CSCB
				Policy reform	DEECD	DPC DHS DOJ DPCD DOH

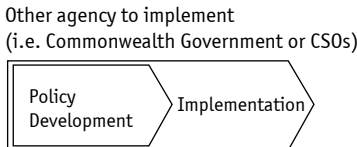
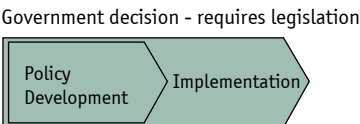
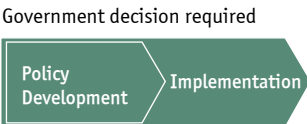


Table 22.1 Implementation plan (continued)

System reforms	
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.
4.	Area-based policy and program design and delivery should be used to address vulnerability and protect Victoria's vulnerable children and young people. In particular, an area-based approach should be adopted for assessing outcomes specified in a Vulnerable Children and Families Strategy and for reporting on progress against performance indicators.
5.	In preparing the whole-of-government Victorian Alcohol and Drug Strategy, the Department of Health should consider the impact of alcohol and drug abuse on the safety and wellbeing of children in families where parents misuse substances.
Clearer departmental and agency accountability for addressing the needs of vulnerable children, in particular, health and education	
18.	The Government should ensure the legislation governing relevant services establishes the responsibilities of services to act in the best interests of children and young people, and to prioritise service delivery to vulnerable children, young people and their families. In addition, health services and specialist adult services should be required to adopt family-sensitive practice guidelines.
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 <i>Children Youth and Families Act 2005</i> being removed from the Secretary of the Department of Human Services.
42.	<p>The following Acts should be amended to ensure that service providers assisting adults also have a clear responsibility to the children of their clients:</p> <ul style="list-style-type: none"> • <i>Disability Act 2006</i>; • <i>Education and Training Reform Act 2006</i>; • <i>Health Services Act 1988</i>; • <i>Housing Act 1983</i>; • <i>Mental Health Act 1986</i>; and • <i>Severe Substance Dependence Treatment Act 2010</i>.

	Immediate 0–12 months	Medium 1–3 years	Long 3+ years	Funding	Lead agency	Related agencies
			Performance report by commission	Policy reform	CCYP	WoG
	Policy designed			Policy reform	DPC	DEECD DHS DOJ DPCD
		Impacts on strategy considered		Policy reform	DoH	DEECD DHS DOJ DPCD
	Guidelines adapted	Responsibilities clarified		Moderate investment	DoH	DHS DEECD CSOs
	Departmental responsibilities clarified			Legislative reform	DPC	DEECD DHS DOH
				Legislative reform	DEECD DHS DoH	

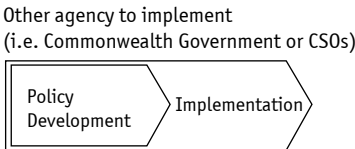
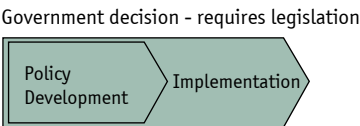
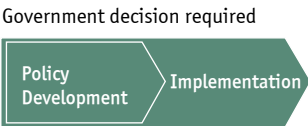


Table 22.1 Implementation plan (continued)

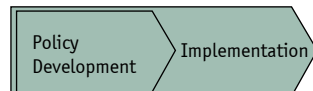
System reforms	
84.	<p>The Government should strengthen and clarify the role of the Victorian Children's Council by:</p> <ul style="list-style-type: none"> • Requiring the development of an annual work plan to be signed off by the Premier; • Providing for the Premier and Ministers for Children, Early 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. <p>Further, the <i>Children Youth and Families Act 2005</i> should be amended to remove the Child Safety Commissioner, or the successor commission, from the membership of the Victorian Children's Council.</p> <p>The Victorian Children's Council should be reviewed after two years.</p>
13.	<p>The Department of Education and Early Childhood Development should improve its capacity to respond to the needs of vulnerable children and young people by:</p> <ul style="list-style-type: none"> • Undertaking a comprehensive evaluation of whether existing school-based programs are meeting the needs of vulnerable children and young people; and • Introducing a population health and wellbeing questionnaire of students as they make the transition from childhood to adolescence, and publishing the outcomes in <i>The state of Victoria's children</i> report.
14.	<p>The Department of Health should amend the framework for monitoring the performance of health services to hold services accountable for support they provide to vulnerable children and families, consistent with their responsibilities under the recommended whole-of-government Vulnerable Children and Families Strategy.</p>
38.	<p>The Victorian Government, through the Council of Australian Governments, should seek inclusion of the needs of recently arrived children and families of culturally and linguistically diverse backgrounds in the <i>National Framework for Protecting Australia's Children 2009-2020</i>, in particular:</p> <ul style="list-style-type: none"> • The need to provide advice and information about Australian laws and norms regarding the rights and responsibilities of children and parents; and • Appropriate resettlement services for refugees to prevent abuse and neglect of refugee children.
An expanded Vulnerable Children and Families Services Network	
17.	<p>The Government should expand upon the existing local Alliances of family services and statutory child protection services to develop broader Vulnerable Child and Family Service Networks – catchment-based networks of services for vulnerable children and families, including statutory child protection, family services, specialist adult services, health services and enhanced universal services.</p>
6.	<p>The Department of Education and Early Childhood Development should implement strategies designed to encourage greater participation by the families of vulnerable children in universal services.</p>
11.	<p>The Department of Education and Early Childhood Development should implement the recommendations from the Auditor-General's report on early childhood services by the end of 2012.</p>

	Immediate 0-12 months	Medium 1-3 years	Long 3+ years	Funding	Lead agency	Related agencies
				Legislative reform	DEECD	DPC
				Policy reform	DEECD	
				Policy reform	DoH	DEECD DTF CSOs
				Policy reform	DPC	DHS DEECD
				Policy reform	DHS	DEECD DOH
				Policy reform	DEECD	DHS
				Policy reform	DEECD	DHS

Government decision required



Government decision - requires legislation



Other agency to implement
(i.e. Commonwealth Government or CSOs)

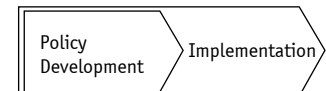


Table 22.1 Implementation plan (continued)

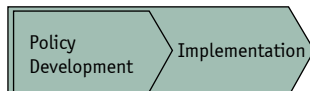
System reforms	
7.	<p>The Government, through the Department of Education and Early Childhood Development, should:</p> <ul style="list-style-type: none"> • Examine the capacity of local governments in low socioeconomic status areas to provide appropriate Maternal and Child Health and Enhanced Maternal and Child Health services, consistent with the concentration of vulnerable children and families, particularly as the current funding formula for Maternal and Child Health is based on a 50 per cent contribution by local government; and • Increase investment and appropriate infrastructure in universal services including maternal and child health, kindergarten and community playgroups, to communities that have the highest concentration of vulnerable children and families to increase the participation of vulnerable children in these services. <p>The increased investment in maternal and child health and enhanced maternal and child health should focus on:</p> <ul style="list-style-type: none"> • Enhanced support to families whose unborn babies are assessed as vulnerable to abuse or neglect, especially as a result of pre-birth reports; and • A more intensive program of outreach to families of vulnerable children who do not attend maternal and child health checks, particularly in the first 12 months of life.
16.	<p>As part of a strategy to improve services for vulnerable children and families in need, the Department of Human Services should strengthen area-based planning and coordination of family services and accountability arrangements under Child FIRST by:</p> <ul style="list-style-type: none"> • Establishing Area Reference Committees to oversee the monitoring, planning and coordination of services and management of operational issues within each catchment. The Committees would be co-chaired by the Department of Human Services area manager and the chief executive officer or area manager of the lead community service organisation, and comprise a representative of each community service organisation in the local Alliance; and • Ensuring the funding arrangements for Alliance lead agencies clearly specify the agencies' responsibilities for receiving referrals, undertaking an initial assessment of clients' needs, and facilitating an appropriate service response, with appropriate performance indicators.
8.	<p>The Department of Health should develop and lead a consistent statewide approach for antenatal psychosocial assessment so that problems such as family violence, parental mental illness and substance misuse in pregnancy can be more effectively addressed.</p>
12.	<p>The Government should fund the expansion of early parenting centres to provide services to a greater range of vulnerable families and to improve access to families living in outer Melbourne, regional and rural areas.</p>
9.	<p>The Department of Education and Early Childhood Development, in partnership with the Department of Human Services, should develop a universal, evidence based parenting information and support program to be delivered in communities with high concentrations of vulnerable children and families, at key ages and stages across the 0 to 17 age bracket.</p>
10.	<p>The Department of Education and Early Childhood Development should develop a wide-ranging education and information campaign for parents and caregivers of all school-aged children on the prevention of child sexual abuse.</p>

	Immediate 0–12 months	Medium 1–3 years	Long 3+ years	Funding	Lead agency	Related agencies
		Pre-birth and early childhood services		Moderate investment	DEECD	DOH DHS DTF Local Govt
	Governance of Child FIRST enhanced			Policy reform	DHS	CSOs
	Statewide approach adopted			Minor investment	DOH	DHS
		Early parenting centres expanded		Moderate investment	DHS	DOH DTF DEECD
		Parenting support program implemented		Minor investment	DEECD	DHS DOH
	Education campaign implemented			Minor investment	DEECD	DHS DOH

Government decision required



Government decision - requires legislation



Other agency to implement (i.e. Commonwealth Government or CSOs)

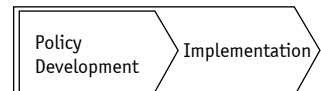


Table 22.1 Implementation plan (continued)

System reforms

An area-based approach to co-located intake with clear accountability for decision making on statutory intervention

19. Following adoption of the Child FIRST governance changes and using a piloted approach, intake functions carried out by the Department of Human Services and by Child FIRST should be physically co-located on an area basis throughout Victoria. Statutory child protection intake should remain a separate process to child and family support services intake, but there should be an increased focus, particularly with common clients, on improving collaboration between statutory child protection and family support services and greater joint decision making about risks presenting to vulnerable children and young people.

Following implementation and evaluation of co-located intake throughout Victoria, and provided the key challenges and risks have been addressed appropriately, the Department of Human Services should aim to move towards a consolidated intake model where Child FIRST and statutory child protection intake processes are combined.

20. The Department of Human Services should introduce differentiated pathways as part of the statutory child protection response, with some increased case management by community service organisations.

The two pathways that should be adopted immediately should involve first-time contact families and the use of multidisciplinary centres to respond to suspected child sexual abuse victims. Following collaboration between the Department of Human Services and key stakeholders, two additional pathways should be adopted to address the needs of families that have repeated contact with the Department of Human Services and families experiencing chronic and entrenched vulnerability.

21. The Department of Human Services should simplify case planning processes and improve collaboration and pathways between statutory child protection services and other services, particularly family violence and disability services.

The Department of Human Services should increase case conferencing with other disciplines and services related to child protection issues including housing, health, education, drug and alcohol services and particularly for family violence and disability services.

In relation to family violence, consideration should be given to the evidence base for establishing differentiated pathways that lead to improved outcomes along the lines of those pathways discussed in Recommendation 20.






The protocol between statutory child protection and disability services should be strengthened, with more explicit statements around the roles and responsibilities of the different service agencies.

22. The Department of Human Services should simplify practice guidance and instructions for child protection practitioners. The Department of Human Services should reduce practice complexity by consolidating and simplifying the number of standards, guidelines, rules and instructions that child protection practitioners must follow. This process should investigate and apply learnings from comparatively high-risk sectors such as health or aviation in the approach taken to risk management and adverse events.

Strengthening the law and its institutions

A more accessible and less adversarial Children's Court

55. The Children's Court should be resourced to decentralise the Family Division by offering more sitting days at Magistrates' Courts or in other customised facilities in those Department of Human Services regions with high demand. Existing court facilities should be adapted as appropriate to meet the needs of children and their families.

	Immediate 0–12 months	Medium 1–3 years	Long 3+ years	Funding	Lead agency	Related agencies
				Significant investment	DHS	DEECD DOH DTF CSOs
				Moderate investment	DHS	DOH Victoria Police
				Policy reform	DHS	DOH Victoria Police CSOs
				Policy reform	DHS	
				Significant investment	DOJ	

Government decision required



Government decision - requires legislation



Other agency to implement
(i.e. Commonwealth Government or CSOs)

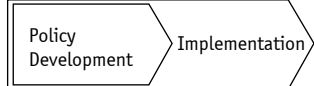




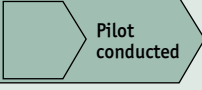




Table 22.1 Implementation plan (continued)

System reforms	
65.	The <i>Children, Youth and Families Act 2005</i> should be amended to confirm the status of the Children's Court as a court of record. The Children's Court should be appropriately resourced to enable decisions to be published on the Children's Court's website in de-identified form. Transcripts should also be made available to the public in de-identified form.
57.	The Children's Court should be empowered under the <i>Children, Youth and Families Act 2005</i> to conduct hearings similar to the Less Adversarial Trial model used by the Family Court under Division 12A of the Commonwealth <i>Family Law Act 1975</i> .
53.	<p>The <i>Children, Youth and Families Act 2005</i> should be amended to provide that:</p> <ul style="list-style-type: none"> • A child named on a protection application should have the formal status of a party to the proceedings; • A child who is under 10 years of age is presumed not to be capable of providing instructions unless shown otherwise and a child who is 10 years and over is presumed capable of providing instructions unless shown otherwise; • A child who is not capable of providing instructions should be represented by an independent lawyer on a 'best interests' basis; and • Other than in exceptional circumstances, a child is not required to attend at any stage of the court process in protection proceedings unless the child has expressed a wish to be present in court and has the capacity to understand the process.
54.	The Government should develop guidelines to assist the court, tribunal, or the independent children's lawyer to determine whether the child is capable of giving direct instructions and to provide criteria by which the presumption of capacity can be rebutted.
56.	The Children's Court should develop a case docketing system that will assign one judicial officer to oversee one protection matter from commencement to end. In order to evaluate the effectiveness of the system, the system should be piloted at an appropriate court location. The Department of Justice should support the Children's Court to establish the system.
62.	The Children's Court should establish specialist Sexual Abuse and Koori lists in the Family Division. The Children's Court should be resourced to create and implement these lists as a matter of priority. To ensure these lists are suitable for implementation across the state, a pilot could be run in the Melbourne Children's Court or another suitable court location.
59.	The Victorian Government Solicitor's Office should represent the Department of Human Services in all child protection proceedings in the Melbourne Children's Court and other metropolitan and regional Children's Court sittings and at the Victorian Civil and Administrative Tribunal. Department of Human Services lawyers should represent the department at the pre-court conferencing stage.

	Immediate 0–12 months	Medium 1–3 years	Long 3+ years	Funding	Lead agency	Related agencies
				Minor investment	DOJ	
				Legislative reform	DOJ	
				Legislative reform	DOJ	DHS Victoria Police
				Policy reform	DOJ & DHS	
				Minor Investment	DOJ	
				Minor investment	DOJ	DHS
				Moderate investment	DHS	VGSO

Government decision required



Government decision - requires legislation



Other agency to implement
(i.e. Commonwealth Government or CSOs)

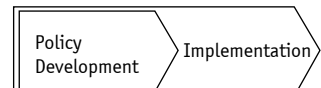


Table 22.1 Implementation plan (continued)

System reforms	
58.	<p>Appropriate training in infant and child development, child abuse and neglect, trauma, and child interviewing techniques should be developed and provided to lawyers practising in the Children's Court jurisdiction and in the Victorian Civil and Administrative Tribunal, having regard to the training offered to independent children's lawyers in the family law jurisdiction. This training should be a prerequisite for any lawyer seeking to represent a child on a direct representation or best-interests basis in proceedings before the Children's Court and should be an accredited course.</p> <p>Appropriate education should be provided to judicial officers exercising the jurisdiction of the Children's Court and members exercising the jurisdiction of the Victorian Civil and Administrative Tribunal. The Victorian Government should consult with the relevant professional organisations and also seek the assistance of the Judicial College of Victoria in developing an appropriate professional education program.</p>
61.	<p>Victoria Legal Aid should implement fee penalties for lawyers who fail to take adequate steps to ensure their clients' attendance at a New Model Conference and lawyers who repeatedly fail to do so should not be engaged by Victoria Legal Aid. This should also be addressed in the code of conduct being proposed for practitioners in 2012.</p>
66.	<p>A new Children's Court of Victoria Act should be created and that Act should contain the current provisions in the <i>Children, Youth and Families Act 2005</i> relating to the Children's Court, appropriately modified. The <i>Children, Youth and Families Act 2005</i> should be revised consequent upon removal of the provisions relating to the Children's Court.</p>
<i>A stronger, more child-focused statutory child protection legal scheme</i>	
43.	<p>The <i>Children, Youth and Families Act 2005</i> should be amended to address the following issues:</p> <ul style="list-style-type: none"> • Section 215(1)(c) that requires the Family Division of the Children's Court to consider evidence on the balance of probabilities' should be amended to expressly override the considerations in section 140(2) of the <i>Evidence Act 2008</i> and to disapply the Briginshaw qualification that requires a court to take into account the nature of the subject matter of the proceeding and the gravity of the facts alleged; • The definition of 'child' in section 3 should be amended to make it possible for protection applications in respect of any child under the age of 18 years; and • Out dated terms in the <i>Children, Youth and Families Act 2005</i> associating child protection with criminal law should be modernised and consideration should also be given to using terms consistent with the <i>Family Law Act 1975</i>. This includes: substituting the term 'emergency removal order' for 'warrants'; the term 'protection application by emergency removal' for 'protection application by safe custody'; and the word 'contact' for 'access' when describing contact between a child and a parent or other person significant in the child's life.
41.	<p>The best interests principles set out in section 10 of the <i>Children, Youth and Families Act 2005</i> should be amended to include, as section 10(3)(a), 'the need to protect the child from the crimes of physical abuse and sexual abuse'.</p>

	Immediate 0-12 months	Medium 1-3 years	Long 3+ years	Funding	Lead agency	Related agencies
				Minor investment	DOJ	DHS
				Policy reform	VLA	
				Legislative reform	DOJ	DHS
				Legislative reform	DHS & DOJ	
				Legislative reform	DHS	

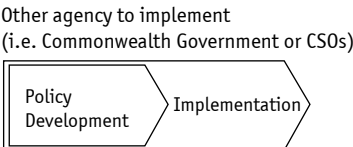
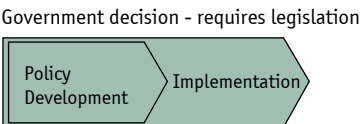
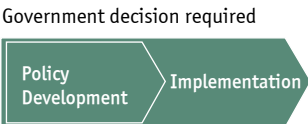

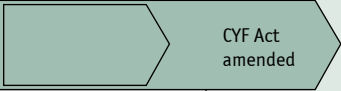





Table 22.1 Implementation plan (continued)

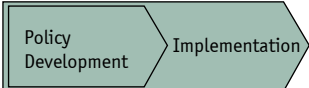
System reforms	
60.	Protection concerns should be resolved as early as possible using a collaborative problem solving approach with a child-centred focus and minimising where possible, the need for parties to go to court. This means that: <ul style="list-style-type: none"> • The Department of Human Services should, where appropriate, use voluntary Family Group Conferencing as a matter of practice to prevent matters from reaching the protection application stage; • Where a matter has reached the protection application stage, parties must try to resolve the protective concern, where appropriate, through a statutorily mandated Child Safety Conference set out in the <i>Children, Youth and Families Act 2005</i>; and • Where a matter is before the Children's Court, parties should, where appropriate, go through a New Model Conference and the Children's Court should be supported to implement this model of conferencing across the state.
63.	The current scheme of protective orders under the <i>Children, Youth and Families Act 2005</i> should be simplified. This can be achieved by reviewing the scope and objectives of each order and their current utility. Consideration should be given to: <ul style="list-style-type: none"> • Removing Custody to Third Party Orders as a category of order from the <i>Children, Youth and Families Act 2005</i>; • Removing Temporary Assessment Orders as a category of order from the <i>Children, Youth and Families Act 2005</i>; • Creating a general 'Interim Order' which could incorporate the current functions of an Interim Accommodation Order and a Temporary Assessment Order; • Renaming 'Interim Protection Order' as either a 'Temporary Supervision Order' or 'Temporary Care Order'; and • Consolidating the current range of protection orders into categories of 'Interim' and 'Final' orders and into categories of 'Care' and 'Supervision' orders while maintaining the range of purposes that the various orders currently serve.
44.	The Victorian Government should progressively gazette those professions listed in sections 182(1)(f) - (k) of the <i>Children, Youth and Families Act 2005</i> that are not yet mandated, beginning with child care workers. In gazetting these groups, amendments will be required to the <i>Children, Youth and Families Act 2005</i> and to the <i>Children's Services Act 1996</i> to ensure that only licensed proprietors of, and qualified employees who are managers or supervisors of, a children's service facility that is a long day care centre, are the subject of the reporting duty.
45.	The Department of Human Services should develop and implement a training program and an evaluation strategy for mandatory reporting to enable a body of data to be established for future reference. This should be developed and implemented in consultation with the representative bodies or associations for each mandated occupational group.
64.	A specialist Child Protection List should be created in the Victorian Civil and Administrative Tribunal in order to hear any reviews of decisions by the Department of Human Services on conditions. The Victorian Civil and Administrative Tribunal should be resourced to ensure that the members who would determine disputes within that specialist list have appropriate qualifications and expertise in child abuse and neglect and child health and wellbeing. The current legal aid guidelines should be amended to enable parties who seek a review of decisions by the Department of Human Services at the Victorian Civil and Administrative Tribunal to be eligible to obtain legal aid representation without requiring special consideration.

	Immediate 0-12 months	Medium 1-3 years	Long 3+ years	Funding	Lead agency	Related agencies
				Moderate investment	DHS & DOJ	
				Legislative reform	DHS	DOJ
				Policy reform	DHS	
				Moderate investment	DHS	
				Significant investment	DOJ	

Government decision required



Government decision - requires legislation



Other agency to implement
(i.e. Commonwealth Government or CSOs)

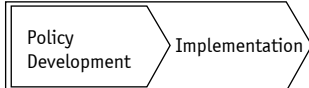


Table 22.1 Implementation plan (continued)

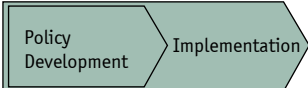
System reforms	
46.	The Victorian Government should obtain the agreement of all jurisdictions, through the Council of Australian Governments or the Community and Disability Services Ministers' Conference, to undertake a national evaluation of mandatory reporting schemes with a view to identifying opportunities to harmonise the various statutory regimes.
<i>A new model for clinical services to support child protection proceedings</i>	
74.	<p>The scope, governance and oversight of the provision of clinical services in the statutory child protection system should be reformed:</p> <ul style="list-style-type: none"> • As an immediate priority, the current Children's Court Clinic should be abolished and re-established as an administrative unit within the Department of Health; and • In the medium to long term, the administrative unit should be replaced by a statutory clinical services board that will oversee service provision by a panel of providers. The parties to protection applications, or the Children's Court or the Victorian Civil and Administrative Tribunal, should be able to use a panel clinical service provider to provide a clinic report.
73.	<p>The <i>Children, Youth and Families Act 2005</i> should be amended to:</p> <ul style="list-style-type: none"> • Empower the clinical service provider to provide a report at the request of the Children's Court, or at the request of the Victorian Civil and Administrative Tribunal, or at the request of the parties to the proceedings; • Prohibit the clinical service provider from making any disposition recommendations in its report; • Enable the Department of Human Services to release clinic reports to carers or case managers who have a direct involvement with the child or young person subject to appropriate safeguards around the use and dissemination of those reports; and • Require a clinical assessment to take into account information provided to the clinical assessor by the parties particularly where the clinical assessor is unable to assess the child, young person or the family within their home environment.

	Immediate 0–12 months	Medium 1–3 years	Long 3+ years	Funding	Lead agency	Related agencies
				Policy reform	DHS	DPC
				Moderate investment	DHS & DOJ	
				Legislative reform	DHS & DOJ	

Government decision required



Government decision - requires legislation



Other agency to implement
(i.e. Commonwealth Government or CSOs)

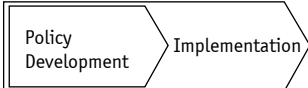


Table 22.1 Implementation plan (continued)

System reforms

75. The Government should implement the following legislative and administrative changes to support the recommended reform of clinical services.

Scope and governance

The *Children, Youth and Families Act 2005* should be amended to:

- Set out the new statutory board's and clinical service provider's objectives and tying these objectives, where appropriate, to the best interest principles in the Act;
- Define the type of clinical services to be provided within the statutory child protection system and the services to be provided within the criminal justice system; and
- Require the statutory board to publish an annual report.

Clinic access and environment in the immediate term

- The administrative unit should be relocated from the Children's Court but the Government should ensure the Court still has access to on-site counselling and support services to deal with children, youth, and families who may be experiencing acute stress in the court environment; and
- Clinical services should be decentralised as a priority to ensure the needs of children, young people and their families are met across Victoria, as outlined in the 2011 report on the Children's Court Clinic prepared for the Department of Justice.

Resourcing of the Clinic in the immediate term

- The administrative unit should be resourced to: expand the current pool of assessors available to the Clinic; provide the proper level of remuneration to both permanent and sessional clinicians commensurate with their professional expertise; implement the process and quality assurance reforms as recommended in the 2011 report on the Children's Court Clinic prepared for the Department of Justice; and provide therapeutic treatment services, where appropriate, for children, young people and their families by agreement of the parties, or at the request of the Court, or the Victorian Civil and Administrative Tribunal; and
- The Government should, in consultation with the new statutory board, ensure the new administrative unit is properly funded and resourced to provide the necessary services to meet its statutory objectives with a view to establishing a panel of clinical service providers in the medium to long term.




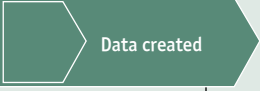

72. Section 562(4)(a) of the *Children, Youth and Families Act 2005*, which confers a discretion on the Children's Court to not release all or part of a clinical report to the Department of Human Services if satisfied that the release of the report could cause significant psychological harm to a child, should be repealed.

Improving criminal justice responses to child safety

39. Victoria Police should change the brief authorisation process for allegations of child physical assault so that authorisation is conducted by a specialist senior officer.

40. The Department of Justice should lead the development of a new body of data in relation to criminal investigation of allegations of child physical and sexual abuse, and in particular the flow of reports from the Department of Human Services to Victoria Police. Victoria Police, the Office of Public Prosecutions, the Department of Human Services and the courts should work with the Department of Justice to identify areas where data collection practices could be improved.

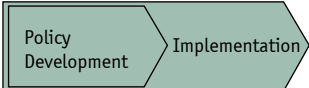
49. Section 146 of the *Family Violence Protection Act 2008* should be extended to permit the Children's Court to exercise jurisdiction under that Act when a child who is the subject of a child protection application is a child of 'the affected family member' or 'the protected person'.

	Immediate 0-12 months	Medium 1-3 years	Long 3+ years	Funding	Lead agency	Related agencies
				Significant investment	DHS & DOJ	
				Legislative reform	DHS & DOJ	
				Policy reform	DOJ	Victoria Police
				Minor investment	DOJ	DHS Victoria Police
				Legislative reform	DOJ	DHS

Government decision required



Government decision - requires legislation



Other agency to implement
(i.e. Commonwealth Government or CSOs)

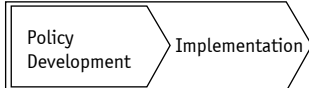
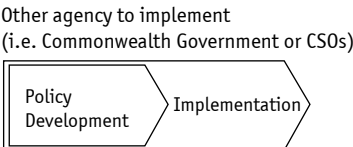
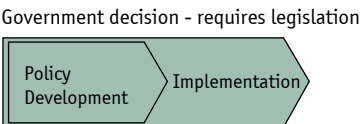
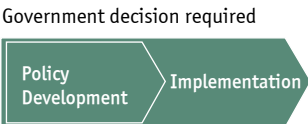


Table 22.1 Implementation plan (continued)

System reforms
<p>47. <i>The Crimes Act 1958 (Vic)</i> should be amended to create a separate reporting duty where there is a reasonable suspicion a child or young person who is under 18 is being, or has been, physically or sexually abused by an individual within a religious or spiritual organisation. The duty should extend to:</p> <ul style="list-style-type: none"> • A minister of religion; and • A person who holds an office within, is employed by, is a member of, or a volunteer of a religious or spiritual organisation that provides services to, or has regular contact with, children and young people. <p>An exemption for information received during the rite of confession should be made. A failure to report should attract a suitable penalty having regard to section 326 of the <i>Crimes Act 1958</i> and section 493 of the <i>Children, Youth and Families Act 2005</i>.</p>
<p>50. Sections 182-186 of the <i>Serious Sex Offenders (Detention and Supervision) Act 2009</i>, which provide for the making of suppression orders, should be repealed (Recommended by majority).</p>
<p>51. The Victorian Government should, consistent with other Australian jurisdictions, enact an internet grooming offence.</p>
<p>48. A formal investigation should be conducted into the processes by which religious organisations respond to the criminal abuse of children by religious personnel within their organisations. Such an investigation should possess the powers to compel the elicitation of witness evidence and of documentary and electronic evidence.</p>

	Immediate 0–12 months	Medium 1–3 years	Long 3+ years	Funding	Lead agency	Related agencies
		Crimes Act amended		Legislative reform	DOJ	DPC
		SSO Act amended		Legislative reform	DOJ	
		Legislative reform implemented		Legislative reform	DOJ	
		Investigation completed		Legislative reform	DOJ	DPC



System reforms

Align out-of-home care funding and response to a child's needs



25. The Government should, as a matter of priority, establish a comprehensive five year plan for Victoria's out-of-home care system based on the goal, over time, of the growth in the number of Victorian children and young people in care being in line with the overall growth in Victorian children and young people and the objective of improving the stability, quality and outcomes of out-of-home care placements. The key elements of the plan should include:

- Significant expansion in placement prevention initiatives to divert children from out-of-home care. In particular, increased investment in placement diversion and re-unification initiatives, when the safety of the child has been professionally assessed, involving intensive and in-home family support and other services for key groups such as families of first-time infants and young children;
- More timely permanent care where reunification is not viable;
- All children and young people entering out-of-home care undergo comprehensive health, wellbeing and education assessments;
- All children in out-of-home care receive appropriate therapeutic care, education and other services;
- Progressive adoption of client-based funding to facilitate the development of individual and innovative responses to the needs of child and young people who have been the subject of abuse and neglect;
- The introduction over time of a professional carer model to provide improved and sustained support for children and young people with a focus on lowering the use of residential care;
- Significant investment in the funding and support arrangements for:
 - home-based care including a common service and funding approach across foster care, kinship and permanent care and improved carer training, support and advocacy arrangements;
 - residential care including mandating training and skill requirements for residential and other salaried care workers (i.e. the proposed professional care model); and
- The adoption of an area-based approach to the planning, delivery and monitoring of out-of-home care services and outcomes involving the Department of Human Services, community service organisations and other relevant agencies.

Given the underlying trends and quality issues, implementation of this plan will require significant investment.

23. The Department of Human Services should identify and remove barriers to achieving the most appropriate and timely form of permanent placements for children unable to be reunited with their biological family or to be permanently placed with suitable members of the extended family by:

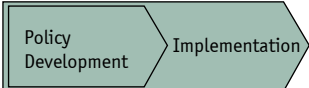
- Seeking parental consent to adoption, and where given, placing the child in a suitable adoptive family;
- Pursuing legal action to seek the dispensation of parental consent to adoption for children whose circumstances make them eligible under section 43 of the *Adoption Act 1984*;
- Resolving the inconsistency between practical requirements for child protection practitioners to simultaneously plan for reunification while contemplating permanent care arrangements; and
- Reviewing the situation of every child in care who is approaching the stability timeframes as outlined in the *Children, Youth and Families Act 2005*, to determine whether an application for a permanent care order should be made. Where it is deemed not appropriate to do so (for example, where a child's stable foster placement would be disrupted), the decision not to make application for a permanent care order should be endorsed at a senior level.

	Immediate 0-12 months	Medium 1-3 years	Long 3+ years	Funding	Lead agency	Related agencies
				Significant investment	DHS	DEECD DOH DTF CSOs
				Minor investment	DHS	DEECD DOH DTF CSOs

Government decision required



Government decision - requires legislation



Other agency to implement
(i.e. Commonwealth Government or CSOs)

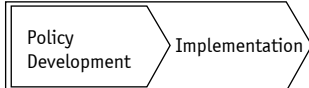


Table 22.1 Implementation plan (continued)

System reforms	
26.	To provide for the clear and transparent development of a client-based funding, the Government should request the Essential Services Commission to advise on: <ul style="list-style-type: none"> • The design of a client-based funding approach for out-of-home care in Victoria; and • The unit funding of services for children and young people placed in care.
27.	The Victorian Government should, as a matter of priority, give further detailed consideration to the professional carer model and associated arrangements and request that the Commonwealth Government address and resolve, as a matter of priority, significant national barriers associated with establishing this new category of worker including industrial relations and taxation arrangements.
29.	The Department of Human Services should have the capacity, including funding capacity, to extend the current home-based care and residential care out-of-home placement and support arrangements, on a voluntary and needs basis, for individual young people beyond 18 years of age.
30.	The Department of Human Services should: <ul style="list-style-type: none"> • Ensure all leaving care plans identify stable initial accommodation options and that a 'no discharge to temporary and inappropriate accommodation policy' is adopted; • Review the levels and range of leaving and post-care financial assistance provided to care leavers as part of the development and implementation of the proposed Leaving Care Employment and Education Access Program, including appropriate representations to the Commonwealth Government on their current employment and education assistance programs; and • Assess the impact of the current leaving care services and programs, as a matter of priority, to determine whether the necessary access to, and integration of, post-care support across the full range of health, housing and other services is being achieved.
31.	The Government should consider, in the medium term, the availability of post-care support and periodic follow-up being extended, on a needs basis, until a young person reaches the age of 25 years.
24.	The Department of Human Services and community service organisations should continue to support the Who Am I Project on out-of-home care record keeping to enable children and young people to access all records of relevance and, as appropriate, be provided with a personal record when leaving care.
28.	The Department of Human Services should collect regular information on the experiences of young people leaving care and their access to leaving care and post-care services and report the initial findings to the Minister in 2012 and thereafter on an annual basis to the proposed Commission for Children and Young People.
87.	The Department of Human Services should take lead responsibility for formal care reviews.

	Immediate 0–12 months	Medium 1–3 years	Long 3+ years	Funding	Lead agency	Related agencies
				Policy reform	DHS	DTF CSOs ESC
				Policy reforms	DHS	DPC DTF CSOs Commonwealth Government
				Moderate investment	DHS	DTF CSOs
				Policy reform	DHS	DEECD DOH DTF CSOs
				Policy reform	DHS	DTF CSOs
				Policy reform	DHS	CSOs
				Moderate investment	DHS	CSOs
				Policy reform	DHS	CSOs

Government decision required



Government decision - requires legislation



Other agency to implement
(i.e. Commonwealth Government or CSOs)

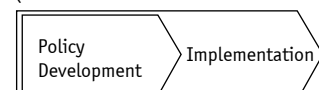


Table 22.1 Implementation plan (continued)

System reforms

Improved community sector capacity with clearer governance and regulatory framework

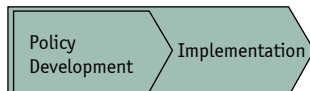
69. The future relationship between the Department of Human Services and community service organisations should be based on a model where:
- The Victorian Government is responsible for the overall policy leadership and accountability for the structure and performance of the child, youth and family support and service system; and
 - The capacities and service delivery roles of community service organisations for the provision of vulnerable children and families are reflected in collaborative service system planning and performance monitoring at a regional and area level.
-
70. The Department of Human Services should review and strengthen over time the governance and performance requirements of community service organisations providing key services to vulnerable children and their families, while also playing a proactive facilitation and support role in community services sector organisational development.
-
71. The Department of Human Services should:
- Consult with the community services sector on the implications of the future system and service directions outlined in this Report for the future structure of service provision and requirements of community service organisations; and
 - Establish one-off funding and other arrangements to facilitate the enhancement and adjustment of community service organisations.
-
78. The Department of Human Services should review the list of individual placement and support, and community and family services activities provided by community service organisations. The number of these activities and their funding arrangements should be consolidated as part of adopting a more client-focused approach based on broader service types.
-
79. The Government should adopt an explicit policy of fully funding child protection and family services delivered through community service organisations, including provision for infrastructure and other relevant indirect costs.
- On an ongoing basis, there should also be a greater level of independent oversight of the Government's role as the sole purchaser of services delivered through community service organisations. The Essential Services Commission should be given an ongoing role to periodically determine the appropriate prices for child protection and family services that are delivered through community service organisations.
-
85. The Department of Human Services should adopt a risk-based approach to monitoring and reviewing community service organisation performance, involving greater use of unannounced inspections and reviewing the performance of higher risk agencies more frequently than lower risk agencies.
-
86. The Department of Human Services should retain responsibility for regulating out-of-home care services and family services. This function should be independent and structurally separated from those parts of the department responsible for child protection and family services policy and funding of community service organisations. The director of the unit should report directly to the Secretary.

	Immediate 0–12 months	Medium 1–3 years	Long 3+ years	Funding	Lead agency	Related agencies
	Relationship clarified			Policy reform	DHS	CSOs
	Capacity implementation			Moderate investment	DHS	CSOs
	Capacity implementation			Moderate investment	DHS	DTF CSOs
	Funding arrangements considered			Policy reform	DHS	DTF CSOs
	Funding policy implemented			Significant investment	DHS	DTF ESC CSOs
	Risk-based approach implemented			Policy reform	DHS	CSOs
	DHS regulatory arrangements implemented			Policy reform	DHS	CSOs

Government decision required



Government decision - requires legislation



Other agency to implement
(i.e. Commonwealth Government or CSOs)

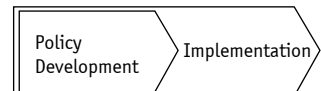


Table 22.1 Implementation plan (continued)

System reforms

88. The Department of Human Services should produce a comprehensive annual report on its regulation and monitoring of community service organisations. This report should include information on:

- The registration of community service organisations and their performance against the standards;
- The registration and disqualification of out-of-home carers;
- Category one critical incidents;
- Quality of care concerns, investigations of abuse in care and formal care reviews; and
- Actions taken against community service organisations.

In addition to this annual reporting, the Department of Human Services should immediately publish any decisions to take regulatory action against community service organisations, such as the placement of conditions on a community service organisation's registration, the appointment of an administrator, or the revocation of registration.

A strengthened regulatory and oversight framework

89. The Government should amend the *Child Wellbeing and Safety Act 2005* to establish a Commission for Children and Young People, comprising one commissioner appointed as the chairperson and such number of full-time and part-time additional commissioners as the Premier considers necessary to enable the Commission to perform its functions. Commissioners would be appointed by the Governor-in-Council.

The Commission should have responsibility for overseeing and reporting to Ministers and Parliament on all laws, policies, programs and services that affect the wellbeing of vulnerable children and young people. The Commission would hold agencies to account for meeting their responsibilities as articulated in the Vulnerable Children and Families Strategy and related policy documents. The Commission would also retain the current roles and functions of the Child Safety Commissioner. The Commission would be required by legislation to give priority to the interests and needs of vulnerable children.

The Commission should have authority to undertake own-motion inquiries into systemic reforms necessary to improve the wellbeing of vulnerable children and young people.

The specific powers granted to the Ombudsman under section 20 of the *Children, Youth and Families Act 2005* should be transferred to the Commission.

90. The Commission for Children and Young People should convene a multidisciplinary committee such as the Victorian Child Death Review Committee to provide advice to the Commission during the course of the Commission's inquiries into child deaths. This committee should replace the Victorian Child Death Review Committee.

	Immediate 0-12 months	Medium 1-3 years	Long 3+ years	Funding	Lead agency	Related agencies
	Regulation report published			Policy reform	DHS	CSOs
	CYF Act amended	Commission established		Significant investment	DPC	WoG CSOs
			Process streamlined	Policy reform	CCYPC	DHS CSOs

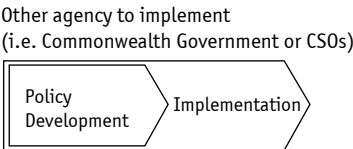
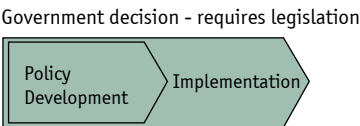
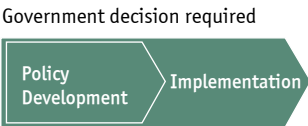


Table 22.1 Implementation plan (continued)

System reforms

A plan for practical self-determination for guardianship of Aboriginal children in out-of-home care and culturally competent service delivery

36. The Department of Human Services should develop a comprehensive 10 year plan to delegate the care and control of Aboriginal children removed from their families to Aboriginal communities. This would include:
- Amending section 18 of the *Children, Youth and Families Act 2005* to reflect Aboriginal community decision making processes and address current legislative limitations regarding implementation;
 - Developing a sustainable funding model to support transfer of guardianship to Aboriginal communities that recognises the cost of establishing an alternative guardianship pathway. These arrangements would initially be on a small scale and require access to significant legal advice, legal representation, practice advice, specialist assessments and therapeutic treatment;
 - Developing a statewide plan to transfer existing out-of-home care placements for Aboriginal children and young people from mainstream agencies to Aboriginal community controlled organisations and guide future resource allocation (with performance/registration caveats and on an area basis);
 - Providing incentive funds for Aboriginal community controlled organisations to develop innovative partnership arrangements with mainstream providers delivering out-of-home care services to Aboriginal children to connect them to their culture;
 - Targeting Aboriginal community controlled organisations capacity building to these activities, that is, guardianship, cultural connection and provision of out-of-home care services; and
 - Providing increased training opportunities for Aboriginal community controlled organisation staff to improve skills in child and family welfare. The proposed Aboriginal Commissioner or Deputy Commissioner for children and young people should report on performance against this plan.
35. As part of the creation of a Commission for Children and Young People, an Aboriginal Children's Commissioner or Deputy Commissioner should be created to monitor, measure and report publicly on progress against objectives for vulnerable Aboriginal children and young people across all areas of government activity, including where government provides resources for non-government activities.
32. More detailed monitoring should be developed for the *Victorian Indigenous Affairs Framework* that provides reports on outcomes at the operational level regarding key areas of disadvantage (such as education attainment or family violence) and in specific localities with high prevalence rates of risk factors for abuse and neglect.
33. Aboriginal cultural competence should be a feature of the Department of Human Services standards for community service organisations. Further, the performance of agencies in relation to cultural competence should be an area of specific focus in the next cycle of community service organisation registration.

	Immediate 0-12 months	Medium 1-3 years	Long 3+ years	Funding	Lead agency	Related agencies
				Significant investment	DHS	DEECD DOH DPCD
				(See recommendation 89)	DPC	DHS
				Policy reform	DPCD	DHS CSOs ACCOs DTF
				Policy reform	DHS	CSOs

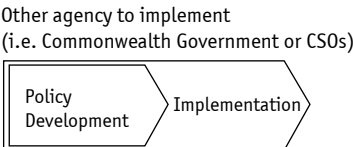
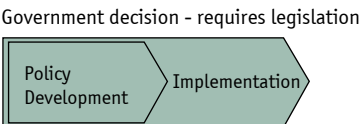
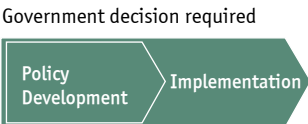


Table 22.1 Implementation plan (continued)

System reforms

34. The Government should expand the use and effectiveness of culturally competent approaches within integrated family services and statutory child protection services through the Department of Human Services by:
- Establishing funding arrangements with the Aboriginal Child Specialist Advice and Support Service that enable cultural advice to be provided across the full range of statutory child protection activities;
 - Using the Aboriginal Family Decision Making program as the preferred decision making process if an Aboriginal child in statutory child protection services is substantiated as having suffered abuse or neglect;
 - Expanding family preservation and restoration programs so they are available to Aboriginal families in rural and regional areas with significant Aboriginal populations;
 - Expanding Aboriginal kinship care support to provide support to all Aboriginal kinship carers; and
 - Expanding Aboriginal family support programs so they are available to Aboriginal families in areas with significant Aboriginal populations.

A sector-wide approach to training with greater development and application of knowledge to inform policy and service delivery

1. The Government should consider, as a matter of priority, investing resources in:
- The information management systems spanning vulnerable families and children including the statutory child protection system to incorporate information on the major demographic characteristics (including culturally and linguistically diverse and Aboriginal status) and the presenting issues of vulnerable families and children;
 - The regular publication of information on the characteristics of families, children and young people who have multiple interactions with the statutory child protection system to facilitate research and transparency about the performance of the system; and
 - Conducting cost-benefit and feasibility assessments, including the possible governance arrangements of:
 - instituting cohort or longitudinal surveys of families and children following their involvement with statutory child protection services and, over time, related services for vulnerable children and families; and
 - the approach developed in Western Australia of linking de-identified health data to de-identified data from the departments of Child Protection, Education, Disability Services and Corrective Services and Housing and Community, as a means of identifying for policy and program development purposes, the factors linked with child protection reports and the nature and dimensions of the subsequent experiences and issues.
37. To improve knowledge and data on vulnerable children of culturally and linguistically diverse backgrounds so that the appropriateness of current service provision can be considered:
- The Department of Human Services should collect data to record and track children and young people of culturally and linguistically diverse backgrounds who are involved with the child protection system, and the family services sector; and
 - The Department of Education and Early Childhood Development should include data on the experiences of vulnerable children and young people of culturally and linguistically diverse backgrounds (including in Victoria's system for protection children) in *The state of Victoria's children* report.

	Immediate 0-12 months	Medium 1-3 years	Long 3+ years	Funding	Lead agency	Related agencies
				Policy reform	DHS	CSOs ACCOs DTF
				Significant investment	DEECD	WoG
				(See recommendation 1)	DHS	DEECD DHS DOJ DPCD

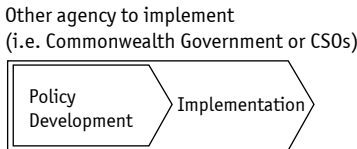
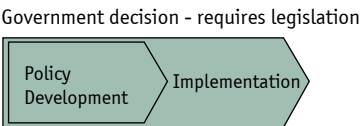
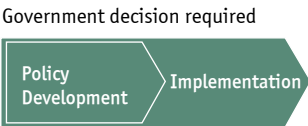


Table 22.1 Implementation plan (continued)

System reforms

67. The Government should establish a child and family welfare sector training body to oversee development of an industry-wide workforce education and development strategy. This strategy should focus on consolidating the number of separate training budgets and strategies relating to child protection and family services. This body should focus on:

Developing the professionalism of the sector;

- Providing opportunities for continuing professional education including training and career path opportunities for workers entering at the Child Protection Worker-1 level;
- Addressing the education and training needs of the out-of-home care sector including carers;
- Overseeing and evaluating current training and development efforts, with an initial emphasis on assessing the adequacy of the Beginning Practice training offered to new child protection workers;
- Ensuring relevant training is consistent with national training frameworks and appropriately accredited;
- Identifying opportunities for providing combined training to government child protection workers, the community sector workforce and other professions;
- Coordinating the delivery of internal Department of Human Services courses;
- Procurement of other courses from external providers; and
- Collaborating with professional bodies and universities in disciplines that interact with vulnerable children to develop curriculum content relevant to the prevention of and response to child abuse and neglect.

The training body should be established as a public entity, with dedicated funding and staffing resources, and governed by a board drawn from the government and non-government sector. It should be led by an independent chair with expertise related to the professional education and training needs of the sector.

52. A national study should be undertaken to improve current knowledge and understanding of the causes of filicide and the behavioural signs preceding filicide. Such a study could be undertaken by a research body such as the Australian Institute of Criminology.

	Immediate 0-12 months	Medium 1-3 years	Long 3+ years	Funding	Lead agency	Related agencies
				Moderate investment	DHS	DOJ DTF CSOs
				Policy reform	DOJ	Commonwealth Government

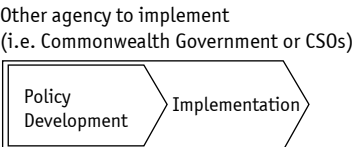
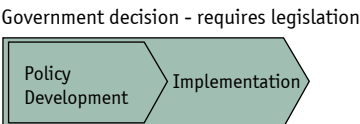
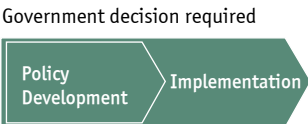


Table 22.1 Implementation plan (continued)

System reforms

68. The Department of Human Services should improve the cultural competence of integrated family services and statutory child protection services, including through:
- Applying leadership accountability for culturally competent services and client satisfaction at regional service delivery level through performance agreements;
 - Requiring cultural competence to be a component of all training;
 - Providing culturally appropriate training, assistance and support to carers of children and young people from culturally and linguistically diverse backgrounds in the out-of-home care system;
 - Encouraging local child and family services to draw links with relevant culturally and linguistically diverse communities as part of area-based planning reforms;
 - Recruitment strategies to attract suitable candidates from Aboriginal and culturally and linguistically diverse backgrounds into child protection including through the use of scholarship schemes to undertake relevant tertiary-level training; and
 - Exploring staff exchange and other joint learning programs on an area basis to build knowledge and respect for Aboriginal culture.

Investment

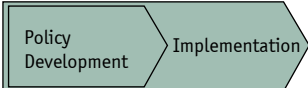
76. Future funding of child protection and family services should recognise and anticipate the underlying growth in demand in future budget processes for statutory child protection, out-of-home care and family services.
77. Funding for child protection and family services should be distributed in accordance with an area-based approach and according to a common methodology. The Department of Human Services should develop this methodology so that funding is distributed on an equitable basis to the areas that need it most. The methodology should take into account:
- The population of children in a region;
 - The level of vulnerability of these children, including the Aboriginal population; and
 - Factors that increase the cost of service delivery in regions, such as remoteness and the geographic size of the area. The method should be able to be regularly updated and should be incorporated into future system planning.
15. The Government should enhance its capacity to identify and respond to vulnerable children and young people by:
- Evaluating the outcomes of pre-birth reports to statutory child protection and pre-birth responses to support pregnant women;
 - Providing funding to support universal early childhood services, schools, health services (including General Practitioners) and specialist adult services to identify and respond to the full range of risk factors for child abuse and neglect. This should include increased investment in the Department of Health's Vulnerable Children's Program; and
 - Providing funding to support specialist adult services to develop family-sensitive practices, commencing with an audit of practices by specialist adult services that identify and respond to the needs of any children of parents being treated, prioritising drug and alcohol services.

	Immediate 0-12 months	Medium 1-3 years	Long 3+ years	Funding	Lead agency	Related agencies
				Moderate investment	DHS	DPCD DEECD DOH CSOs
				Significant investment	DHS	DTF DPC
				Policy reform	DHS	DTF DPC
				Significant investment	DEECD & DOH	DHS DTF

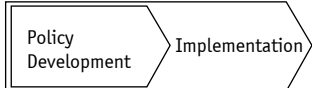
Government decision required

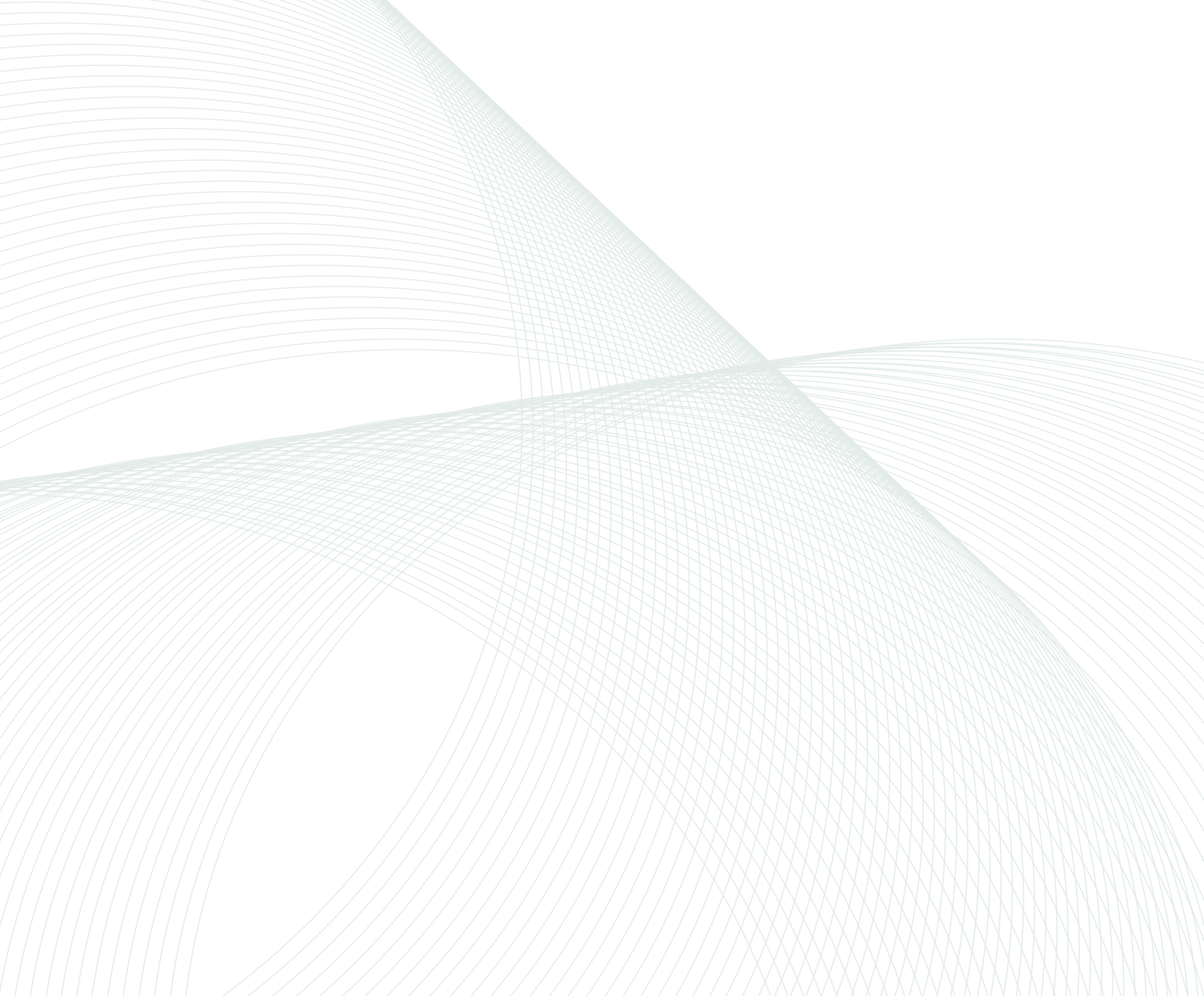


Government decision - requires legislation



Other agency to implement (i.e. Commonwealth Government or CSOs)





Part 8: Implementation and conclusion

Chapter 23:

Conclusion

Chapter 23: Conclusion

Child abuse and neglect have a devastating impact on the lives of children. The Inquiry has presented system-level evidence of the extent of the problem but has also heard the experiences of children and young people involved with child protection, their families and foster and kinship carers. The Inquiry has also heard from adults who experienced state care as children.

The Inquiry has concluded that prevention and early intervention are essential to avoid the long-lasting permanent trauma and poor outcomes for many individuals who experience abuse or neglect. At a system level, the Inquiry has also concluded that, over time, it is more effective for government to invest in prevention and early intervention, than to continue to increase investment in child protection and family services or to absorb the lifetime costs to society of child abuse and neglect.

The past 20 years have seen a large number of reviews and inquiries seeking improvements in the policy and service delivery framework put in place by government for protecting Victoria's vulnerable children. The Victorian Ombudsman has presented a number of major reports to Parliament highlighting concerns about various aspects of statutory child protection services and the provision of out-of-home care. Significant changes have been made over that period, but changes have also been made incrementally in response to issues. It is tempting to see each issue as requiring a separate solution. This Inquiry had the benefit of wide Terms of Reference which enabled identification of common risk factors, examination of a wide range of pertinent issues and facilitated a holistic response.

The number of reports of concern made about children and young people to the Department of Human Services (DHS) stands at 55,000 for 2010-11 and is expected to continue to rise.

The number of children and young people in out-of-home care has also increased over the past decade and this has been driven by an increase in the amount of time children are spending in care when it is not safe for them to return to their birth families.

Child abuse and neglect can occur in any family in Victoria, but the Inquiry has found that child vulnerability is particularly visible in certain geographic areas, especially in regional areas. Additionally, Victoria's Aboriginal children and young people have markedly higher interactions with the statutory child protection system.

The Inquiry has heard that vulnerable children and their families from culturally and linguistically diverse backgrounds have difficulty interacting with family service providers and statutory child protection services when their cultural and religious differences are not understood.

The extent of their involvement with child protection and family services is not known, due to a lack of data. This has inhibited the development of recommendations by the Inquiry in relation to children, young people and families from culturally and linguistically diverse backgrounds.

The Inquiry considers that the recommendations set out in this Report will equip Victoria's system for protecting children to become:

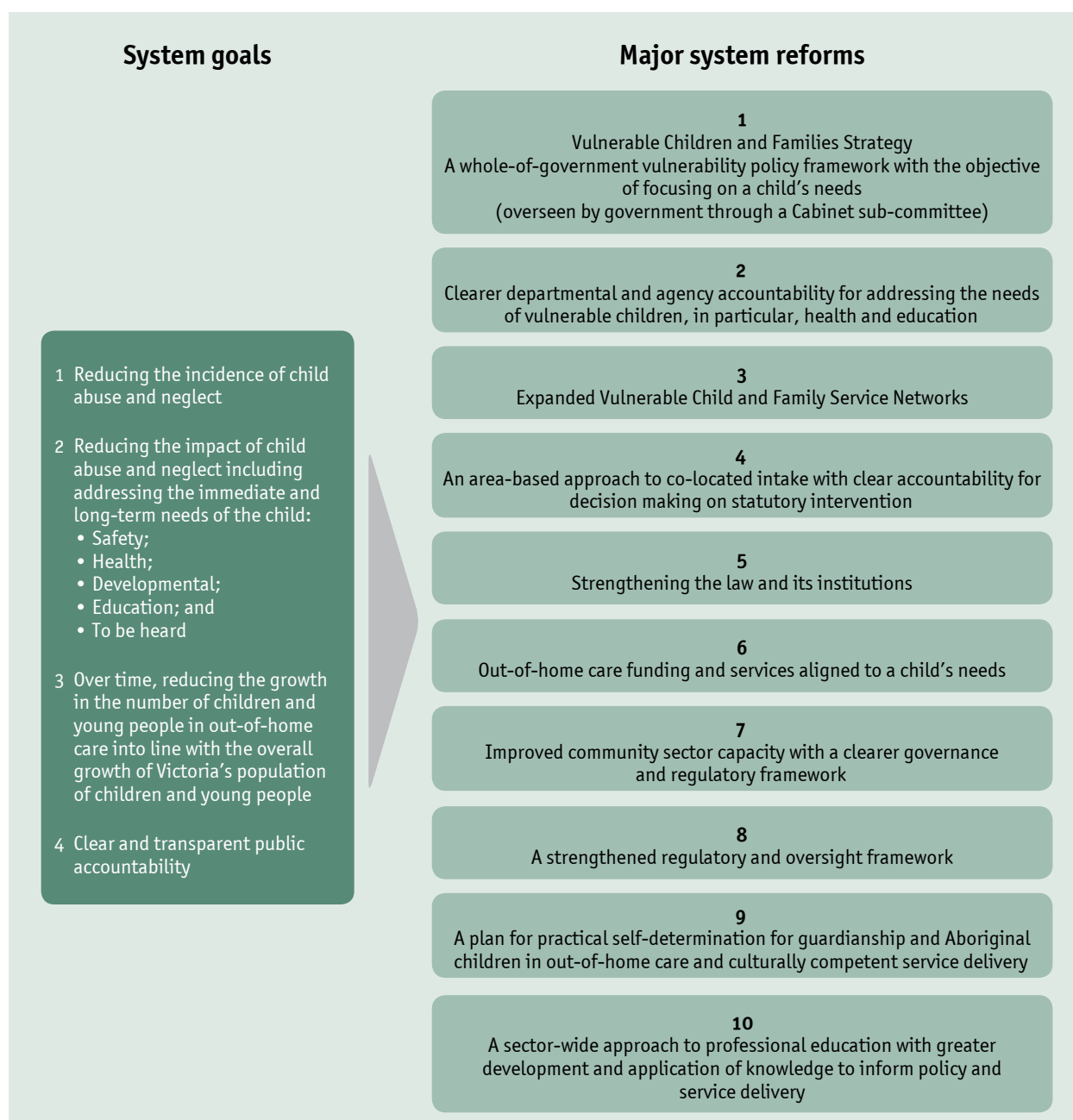
- More focused on meeting the needs of children and young people in Victoria's system for protecting children, including those placed in out-of-home care, through family services and through specialist adult services whose clients may be parents and, importantly, how their needs and views are addressed through processes related to the Children's Court;
- More responsive to families needing parenting support and guidance;
- More forward-looking over time as the Vulnerable Children and Families Strategy is developed, new information systems are developed and better data is collected and demand based funding models are developed and implemented;
- More accountable, with the responsibilities of government agencies, and as the role of CSOs and the focus and function of a broader range of government funded services in reducing and addressing vulnerability becoming clearer. A new Commission for Children and Young People holds key agencies to account for their performance; and
- More transparent as more information is released publicly by DHS about the child protection system.

The Report concludes that there has been a significant failure to recognise the crimes of child physical and sexual abuse. The Report shows the way forward for this recognition, for holding perpetrators responsible, and for the protection of vulnerable children from these crimes.

The 10 major system reforms (see Figure 23.1) contain major changes to address the contributing factors to child abuse and neglect and the potential for increased prevention through effective, coordinated early interventions. This requires a whole-of-government strategic approach, driven at Cabinet level by government, supported by a strengthened

Children's Services Coordination Board and overseen by a Commission for Children and Young People. The implementation of the Inquiry's recommendations requires many parts of Victorian Government, its departments and agencies, and government funded CSOs to work together and share responsibility to protect Victoria's vulnerable children.

Figure 23.1 Major system reforms for protecting children through a system that prevents and responds to child abuse and neglect



The recommendations proposed cover a spectrum of areas, ranging from strengthening early intervention services, to more collaborative problem solving approach to protective concerns in the Children's Court, to the way reports of concern about children are handled and referred by DHS, to funding mechanisms for out-of-home care service delivery and workforce reforms.

For these reforms to be successful, they will rely on the foundations found in all effective service systems. These foundations include strong leadership, clear accountability mechanisms for reporting on progress against objectives, adequate levels of resourcing and a skilled and stable workforce.

Skilled staff are required not only in child protection services but also in related family, health and legal services and sectors. An effective workforce is supported through change or reform, provided with appropriate professional education and an operating environment that promotes collaboration.

The reforms will also require the willing collaboration of community service organisations with enhanced capacity to engage with the new service environment outlined in the recommendations.

Collaboration is also a major focus for how DHS and other departments must operate in the future. All agencies and departments across government that provide services to children and families must accept their particular responsibility and be held to account for the ways in which they work together to more effectively address the needs of Victoria's vulnerable children.

Victoria relies heavily on its community sector for delivery of a wide range of services for vulnerable children and young people. A future system for protecting children will build community sector capability and provide a clear and transparent accountability and regulatory framework to promote responsive and high quality service delivery.

The Inquiry observed first-hand the dedication and commitment of those individuals involved in working with vulnerable children and their families, sometimes on a voluntary basis, to improve their experiences and chances in life. These individuals reflect the powerful role that community and families can play in supporting and protecting our vulnerable children.

The resilience of our communities and family and friendship networks can ultimately make the difference between a family that is struggling to meet the needs of its children, and one that can cope with and manage what might seem like intolerable and insurmountable challenges. The Inquiry recognises the role of the community and emphasises that the nature of child abuse and neglect is a problem that society and government share responsibility for addressing.

The problems seen by DHS and statutory child protection services are an indicator of the complex difficulties experienced by some Victorian families that cut across social, economic and cultural boundaries. Successfully addressing these issues will demand commitment by the many other portfolios of government including health, education, justice and housing. These problems cannot be tackled solely by the child protection system. The recommendations contained in this Report acknowledge this and propose a more holistic framework for better responding to child abuse and neglect.

At the heart of the Inquiry's recommendations, is a focus on meeting the needs of Victoria's vulnerable children and young people. Adopting such a focus will be critical for ensuring the success of a lasting reform agenda to address child abuse and neglect of Victoria's most vulnerable citizens.

