

Part 2: Victoria's current system and performance

Chapter 4:

The performance of the system protecting children
and young people

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Key Points

- This chapter identifies the key measures for an objective assessment of the current system and observes that the comprehensive and robust data and research on the incidence of child abuse and neglect over time and reducing the impact of child abuse and neglect are not available.
- An overview is then provided of the partial performance information that is available on Victoria's current system and the observations and recommendations contained in recent reports by the Victorian Ombudsman and the Victorian Child Death Review Committee.
- In this regard the chapter particularly notes:
 - the continued growth in reports of alleged child abuse and neglect over the past decade and the number of children and young people in out-of-home care;
 - the major geographical variations in child protection reports;
 - the recurring nature of interactions with the statutory child protection services for many families and young children; and
 - the unacceptable and growing over-representation of Aboriginal children in the number of Victorian children who are the subject of reports, substantiations, child protection orders and out-of-home care placements.
- Based on the available information and recent reports, a number of key challenges are identified including:
 - the growth, clustered and recurring nature of demand pressures;
 - the need for a broader and more integrated service system for vulnerable families and children;
 - the need for improved and consistent practice quality;
 - the importance of contemporary and appropriate legal processes;
 - the requirement need for an enhanced out-of-home care system;
 - the need to address over-representation of Aboriginal children; and
 - addressing major data and research deficiencies on key dimensions and impacts of Victoria's services for vulnerable children and families.

4.1 Introduction

As outlined in Chapter 3, Victoria's current system represents the outcome of major and frequent policy, legislative and program reviews over the past 25 years.

These reviews have been driven by major cases of child maltreatment or growing concerns about the 'performance of the system' or aspects of the system, namely the capacity of statutory child protection services to identify and respond to children at immediate risk of significant harm. Issues of child maltreatment, particularly cases of extreme abuse of children at the hands of malevolent family members, have frequently and understandably led to major public concerns about the 'failure of the system'.

Assessments of the performance of public policy systems, such as statutory child protection services, require an agreed benchmark such as the stated or generally understood objectives of the system and robust quantitative and qualitative time series data on the outcomes or impact of the services or interventions on the child and young person and family. This overview chapter on performance briefly considers: the objectives of Victoria's statutory child protection system and the desirable categories of performance information; the trends and issues evident from the available performance information; observations from recent reports by the Ombudsman and the Victorian Child Death Review Committee (VCDRC); and the major key system and performance challenges facing statutory child protection services, both in Victoria and elsewhere.

Subsequent chapters, in particular Chapters 8-12, provide more detailed performance information and assessments on the core components or key aspects of the system. These chapters include relevant views and material presented in submissions to the Inquiry and at the Public Sitings and consultations. An overview of these views is presented in Chapter 5 .

4.2 Assessing Victoria's system for protecting vulnerable children: conceptual and data issues

The key objective for Victoria's system for protecting vulnerable children as outlined in the Inquiry's Terms of Reference and consistent with public expectations is reducing the incidence and negative impact of child neglect and abuse.

Consistent with these objectives, overarching assessments of the performance of statutory child protection services would ideally be based on trends in the level of child abuse and neglect and the lifetime outcomes for children and young people who have been the victims of substantiated child abuse and neglect. However, comprehensive and robust data over time to provide the basis for these overarching assessments of the statutory child protection system in reducing the incidence and impact of child abuse and neglect are not available for Victoria or indeed most other jurisdictions.

While there are a number of sources of data and information on the incidence of child abuse and neglect, including reports to statutory child protection services, health survey data, police and courts information, and the 2005 Personal Safety Survey by the Australian Bureau of Statistics (ABS), it is generally accepted that this data does not provide a comprehensive and contemporary indication of the prevalence of child abuse and neglect. Survey data, mostly of adults in later life, suggest only a minority of cases are reported to governments as part of statutory child protection approaches.

In the absence of comprehensive lifetime outcome data on the incidence of child abuse and neglect, assessments of the incidence of child abuse and neglect inevitably fall back on: proxies such as reports of suspected child abuse to child protection authorities and the outcomes of these reports in terms of substantiated cases of child abuse and neglect; the number of court orders; and the placement of a child or young person in out-of-home care. These data sets have inherent limitations in enabling an assessment of trends in the overall prevalence of child abuse and neglect.

Major data limitations also inhibit assessments of the impact of interventions designed to limit the impact of abuse and neglect. Limited and partial information is available on experiences of young people leaving care on the expiry of a guardianship or custody order at around 18 years of age. However, of children and young people who are the subject of substantiated abuse and neglect:

- The majority are not placed in out-of-home care, given the nature and assessment of the abuse and neglect and the family circumstances; and
- The majority who are placed in out-of-home care are there for relatively short periods and return to a family setting.

For these groups of children and young people, information on their experiences following involvement with the statutory child protection services is rarely able to be collected and any information available is generally anecdotal.

In the absence of these data sets, assessments of the performance of the system are generally limited to the immediate performance of aspects of the system, for example adverse events arising from non-detection of seriously at risk children and young people and the educational attainment and experiences of young people in out-of-home care. In addition, some proxy information on the impact of statutory child protection services can be deduced from the proportions of children and young people who experience multiple interactions with statutory child protection services over time.

Assessments of the statutory child protection system are also often influenced by the views adopted on the role of the statutory child protection services in assessing and addressing the individual family and child circumstances identified as present and contributing to the child being at risk. As outlined in Chapter 2 a range of factors are often present with families involved with statutory child protection services such as family violence, drug and alcohol abuse, mental illness, intellectual disability and inadequate housing. The presence and significance of these factors within individual families can also change over time and the responses to these factors require the involvement of other service systems.

Until the mid-2000s, the child protection information management system – then known as CASIS – gathered information on the significant issues of families involved with statutory child protection services such as family violence and parental drug and alcohol. This structured approach to the collection of family characteristics data was discontinued with the adoption of the current Client Relationship Information System (CRIS) system. As a consequence, validation or an informed assessment of the proposition made by a number of submitters to this Inquiry that the issues facing statutory child protection system are becoming more complex are not possible.

In summary, there are major data constraints in arriving at a comprehensive assessment of the performance of Victoria's system for protecting vulnerable children. Any assessments therefore inevitably need to assemble and piece together segments of data and research, supplemented by external reviews including those by the Victorian Ombudsman and Victorian Auditor-General.

4.3 Measures and views of the performance of Victoria's statutory child protection system

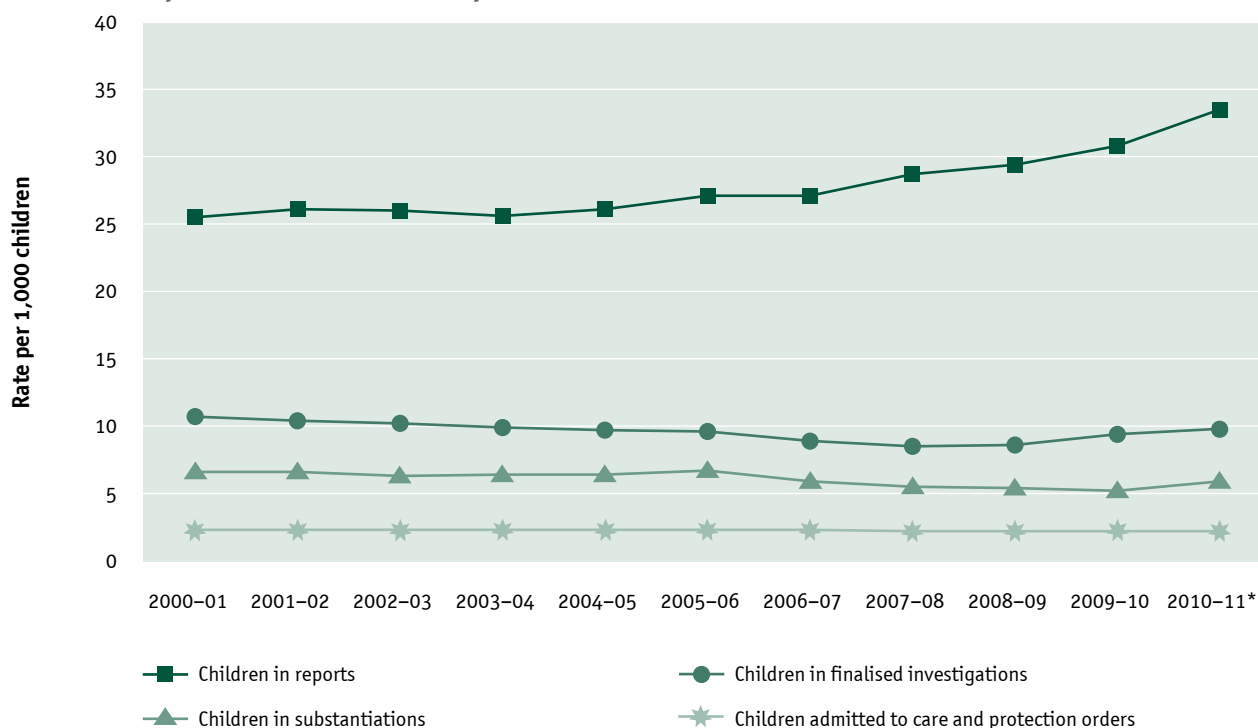
In line with the significant limitations identified in the preceding section, the headline performance information and assessments presented here are based on:

- Available information on the activity and performance levels of Victoria's statutory child protection services including out-of-home care; and
- Observations from recent reports by the Ombudsman and the VCDRC on the practices and processes of statutory child protection services.

The information presented includes key results from the statistical analyses undertaken as part of the Inquiry on child protection reports in 2009-10 and out-of-home care placements over the past 15 years to 2009-10.

Later chapters in the report present an in-depth analysis of the key performance issues, along with the wealth of information and insight gained from the Inquiry's consultation process through submissions, Public Sitings, meetings and visits. A summary of the views expressed to the Inquiry is presented in the following Chapter 5.

Figure 4.1 Child protection reports, investigations and substantiations and children admitted to care and protection orders, rate per 1,000 children, Victoria, 2000-01 to 2010-11



Source: Steering Committee for the Review of Government Service Provision (SCRGSP) 2011c, Table 15A.53

* Provided to the Inquiry by DHS

4.3.1 Statutory child protection service and out-of-home care

A range of statistical and performance information on the statutory system for protecting children is assembled by the Department of Human Services (DHS) and published in the Victorian budget papers and in annual reports and, at the national level, by the Australian Institute of Health and Welfare (AIHW) and as part of the annual Review of Government Services.

Figure 4.1 shows the rate of Victorian child protection reports, investigations, substantiations and court orders per 1,000 Victorian children since 2000-01. This illustrates:

- A growth in Victorian child protection reports over the past decade that has been attributed, in part, to enhanced public awareness as a result of the legislative changes, changing public perceptions of the nature of child abuse and neglect and the various inquiries into child protection practices and processes; and
- The growth in reports exceeds or has been in contrast to the trends in investigations, substantiations and level of court orders, which either generally declined over the period (investigations and substantiations) or grew at a slower rate (court orders).

Partial indicators of the performance of statutory child protection services in preventing abuse are the extent of interactions of children and young people with statutory child protection services prior to a substantiated child abuse and neglect and incidences of further resubstantiations. In summary this data indicates:

- For those children and young people who were the subject of an unsubstantiated report there has been a general decline over the decade in the proportion who were subsequently the subject of a substantiated case of child abuse and neglect in the subsequent three or 12 months; and
- The trends for children who were the subject of a substantiated report are less clear, with the proportion who were subsequently the subject of a further case of substantiated abuse within three months rising in recent years.

A number of factors may have an impact on these trends including changes in thresholds and child protection practices, the changing nature of child abuse and neglect and the availability of resources, in particular, child protection workers. Chapter 9 considers this data and associated issues in further detail.

Figures 4.2 to 4.4 present a range of information on the incidence and structure of out-of-home care placements within statutory child protection system covering:

- The rates per 1,000 of children and young people in out-of-home care at the end of June each year and children and experiencing at least one out-of-home-care placement during the financial year (Figure 4.2);
- Children in out-of-home care at the end of June each year by length of current continuous placement (Figure 4.3); and
- The total number of Victorian children and young people in out-of-home care by Aboriginal status (Figure 4.4).

The data in Figures 4.2 to 4.4 indicate: continued marked increase in the number of children in out-of-home care at June each year; an increase in the length of current continuous placement in care; and a marked increase in the proportion of Victorian children and young people in out-of-home care. Indeed, the increase in the number of Aboriginal children and young people in out-of-home care in recent years accounts for most of the overall increase.

Areas of particular concern for children and young people in out-of-home care are placement stability and the levels of education attendance and performance.

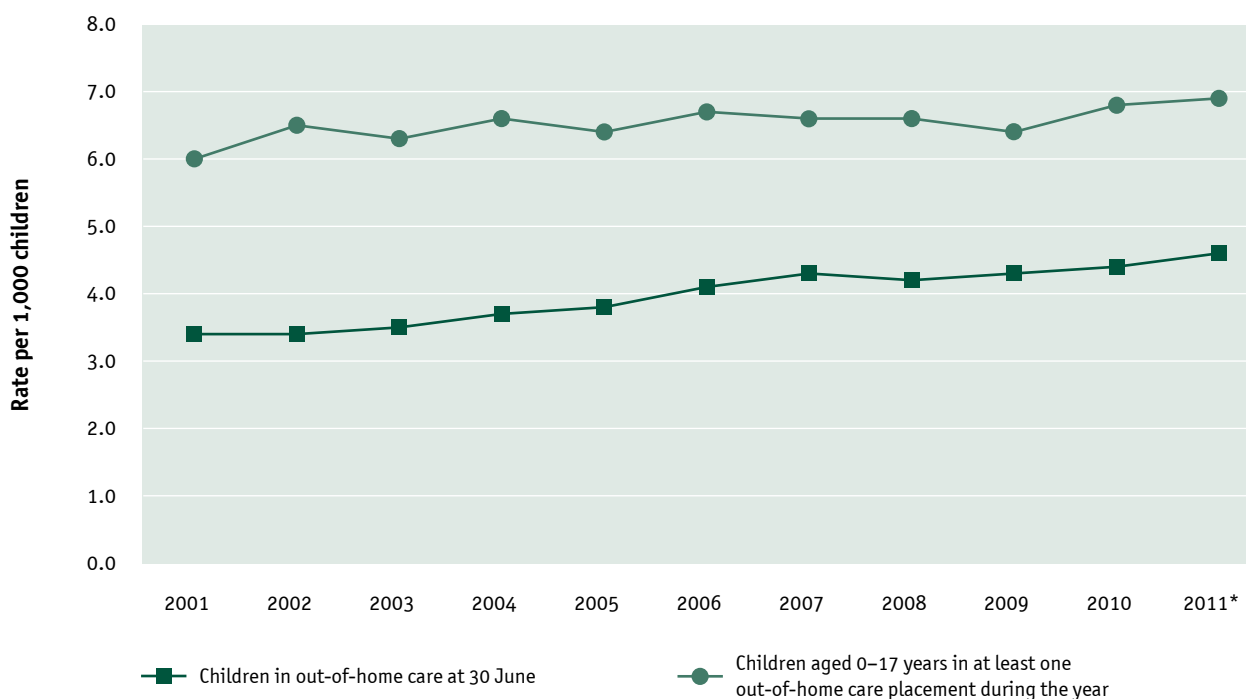
As outlined in Chapter 10:

- 12 per cent of children and young people in care at the end of June 2010 had three placements or more in the preceding 12 months (excluding placements at home) and the data suggests a long-term increase in the proportion of children and young people experiencing multiple placements prior to leaving care; and
- Regardless of year level, children and young people in out-of-home care are about twice as likely to perform below standard at reading compared with the overall population of children and young people.

To provide an indication of trends in the public resourcing of Victoria's statutory child protection system, Table 4.1 presents Victorian Budget information on DHS expenditure on statutory child protection services (including out-of-home care and specialist support) and the broader output of family and community services (includes Child FIRST and other services). Figure 4.5 presents this expenditure as a proportion of total budget output expenditure.

In nominal terms, expenditure on statutory child protection services, particularly out-of-home care and family and community services, has increased significantly over the decade. When expressed as a proportion of overall State Budget output expenditure, both statutory child protection expenditure and family and community services expenditure has increased as a proportion of overall state output expenditure.

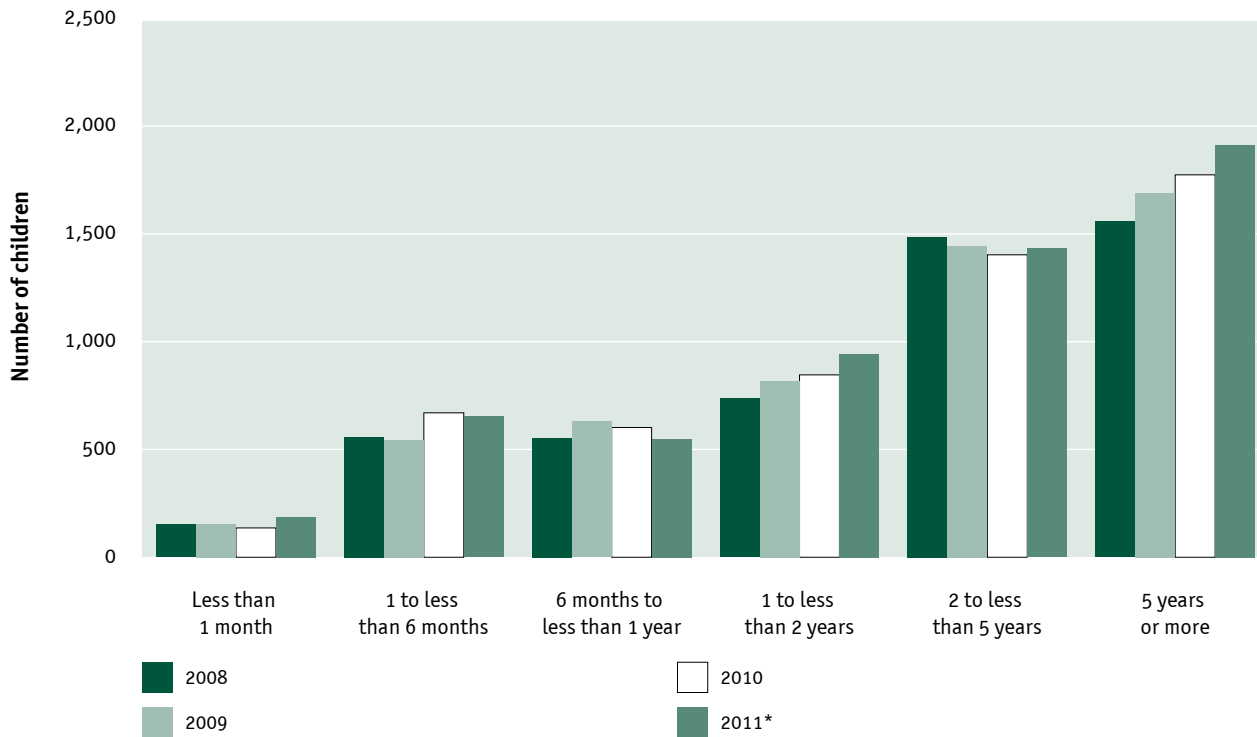
Figure 4.2 Children in out-of-home care at 30 June, rate per 1,000 children aged 0-17 years, Victoria, 2001 to 2011



Source: SCRGSP 2011c, Table 15A.57

* Provided to the Inquiry by DHS

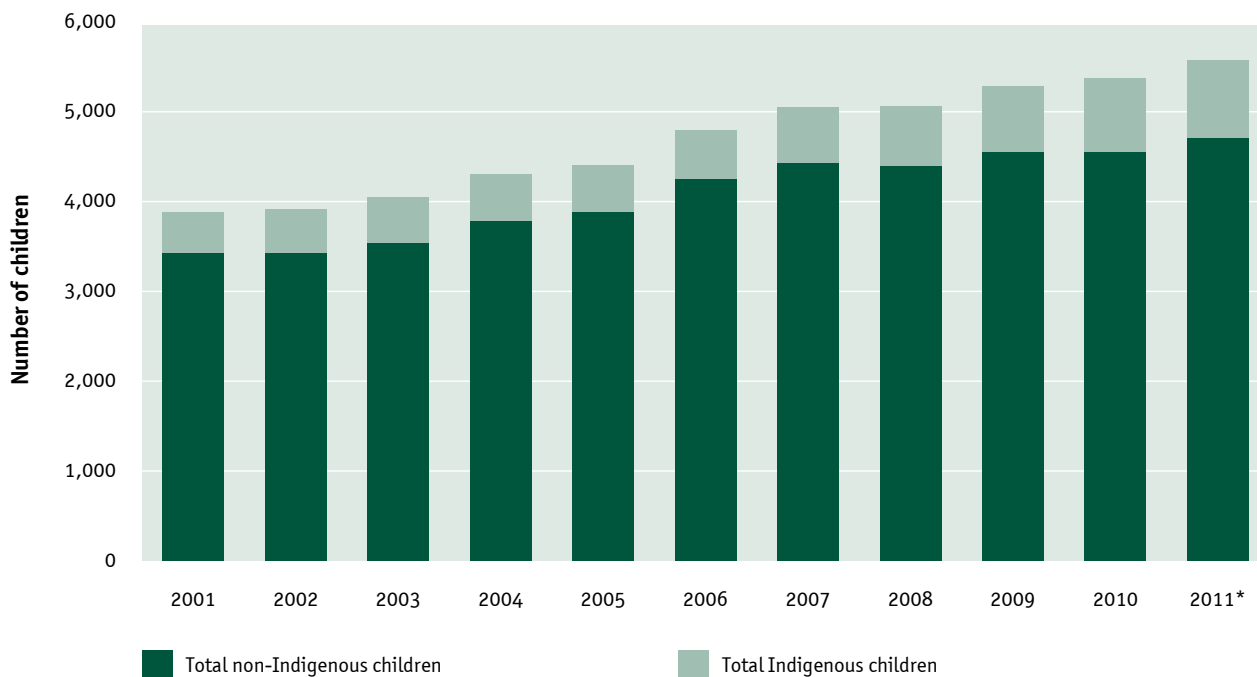
Figure 4.3 Children in out-of-home care at 30 June, by length of time in continuous care, Victoria, 2008 to 2011



Source: SCRGSP 2011c, Table 15A.60

* Provided to the Inquiry by DHS

Figure 4.4 Children in out-of-home care at 30 June, by Aboriginal status, Victoria, 2001 to 2011



Source: SCRGSP 2011c, Table 15A.58

* Provided to the Inquiry by DHS

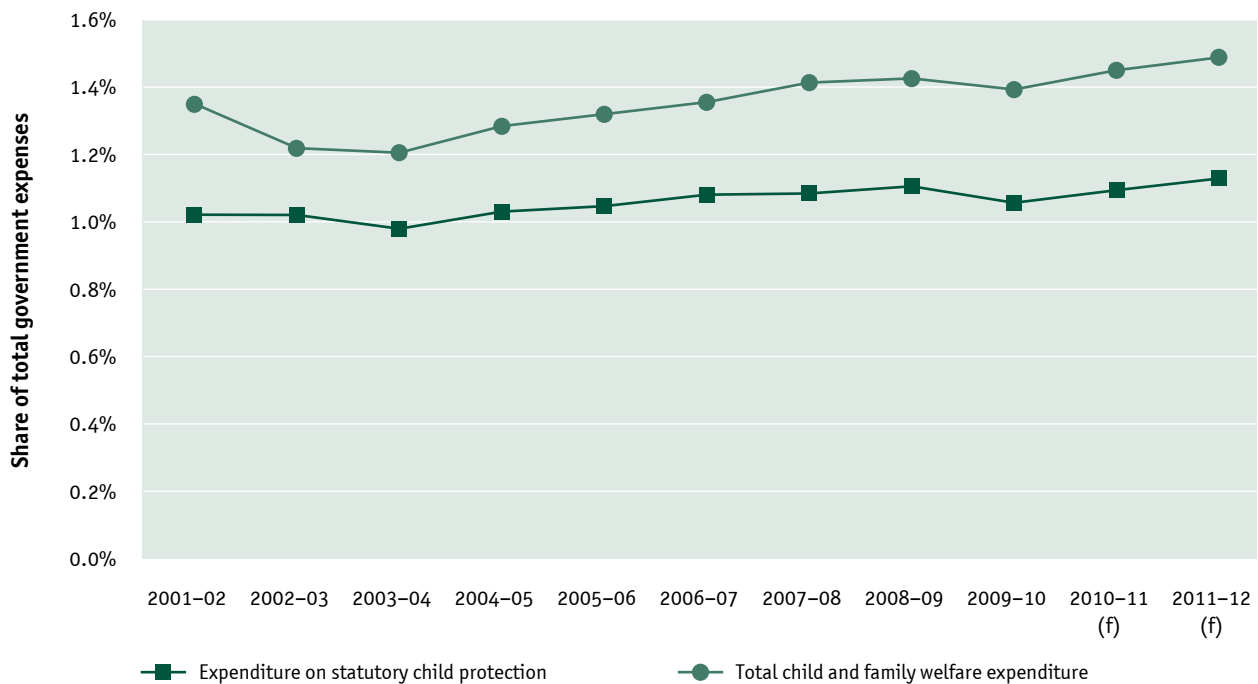
Table 4.1 Victorian Government funding for child protection and family services, 2002-03 to 2011-12

Output Cost (\$m)	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11 expected outcome	2011-12 target	% change 2002 and 2011
Child Protection	\$109.5	\$111.0	\$100.4	\$108.4	\$119.4	\$128.5	\$140.6	\$151.1	\$160.7	\$170.8	47%
Child Protection specialist services	\$23.4	\$27.3	\$41.3	\$40.3	\$51.5	\$51.6					
Placement and Support	\$127.9	\$131.5	\$157.4	\$175.5	\$190.8	\$208.6	\$290.8	\$313.1	\$330.9	\$362.3	159%
Subtotal Cost – Statutory Child Protection Services	\$260.8	\$269.8	\$299.1	\$324.2	\$361.7	\$388.7	\$431.4	\$464.2	\$491.6	\$533.1	88%
Family and Community	\$66.5	\$67.3	\$73.7	\$84.6	\$92.0	\$118.0	\$125.0	\$147.8	\$160.0	\$169.8	141%
Total System Cost	\$327.3	\$337.1	\$372.8	\$408.8	\$453.7	\$506.7	\$556.4	\$612.0	\$651.6	\$702.9	99%

Source: Victorian Government, Victorian Budget (multiple editions 2002-12)

Note: Child Protection Specialist Services category discontinued in 2008-2009 and was largely absorbed within Placement and Support.

Figure 4.5 Victorian Government funding for child protection and family services, as a share of total government expenditure, 2001-02 to 2011-12



Source: Inquiry analysis of Victorian Government, Victorian Budget (multiple editions 2001-12) (f) forecast

4.3.2 An analysis of 2009–10 child protection reports

To supplement the broad statistical overview of the performance of Victoria's statutory child protection service, a detailed statistical analysis was conducted for the Inquiry of all 2009-10 reports to Victoria's statutory child protection system including the outcomes of these reports and prior interactions with statutory child protection services. The analysis was undertaken using a de-identified data base provided by DHS and the main findings of this analysis are summarised below.

Child protection reports 2009-10:

- There were around 37,500 children who were the subject of just over 48,000 reports to DHS in 2009-10, a rate of 32.7 per 1,000 Victorian children aged 0–17 years or over three per cent;
- By single year, the rate of reports was relatively similar across all ages at around 30 per 1,000 children, with the exception of infants where that rate was 43.4 per 1,000 or over four per cent and 16 year olds where the rate declined to 20 per 1,000;
- There was considerable variation in likelihood of reports across Victorian regions with the report rates for the Gippsland region and Loddon-Mallee region being 66 per 1,000 children and 61 per 1,000 children;
- The most common types of alleged child abuse and neglect were: psychological harm (46.5 per cent); physical harm (33.6 per cent); and sexual harm (11.0 per cent). Reports for sexual harm increased with age, particularly for females; and
- 21 per cent of children were the subject of multiple reports during 2009-10.

Child protection response 2009-10:

- One in five reports were investigated, with reports of alleged physical harm or sexual harm more likely to be investigated than reports of psychological harm;
- There were 5,516 substantiations of child abuse and neglect in 2009-10 which represented 11.5 per cent of all reports and 54.5 per cent of investigations;
- Investigated cases of alleged psychological harm were almost twice as likely to be substantiated as sexual harm; and
- Protective applications were made in relation to 3,331 children who were the subject of a substantiated report in 2009-10 and 1,385 children who were the subject of a report in 2009-10 experienced some form of out-of-home care (overwhelmingly home-based care).

Interactions with the child protection system 2009-10:

- Over their lives to date, there had been a total of 134,000 reports to DHS in relation to the 37,505 children who were the subject of a report in 2009-10 or the equivalent of 3.6 reports per child (including the reports in 2009-10);
- 70 per cent of children who were the subject of a report in 2009-10 had either been the subject of a report previously or were the subject of a further report in the subsequent period between July 2010 and May 2011;
- 2,000 children reported to DHS in 2009-10 have been the subject of more than 10 reports to date; and
- Of the approximately 37,500 children who were the subject of a report in 2009-10, 14,597 or just fewer than 40 per cent have been the subject of a substantiated case of child abuse or neglect arising from the 2009-10 report or earlier reports.

4.3.3 A historical analysis of out-of-home care placements

To supplement the annual data available on Victoria's out-of-home care component of the broader statutory child protection system and, based on a de-identified data base provided by DHS, detailed analysis was undertaken for the Inquiry of all out-of-home care placements since 1994-95.

This analysis indicated:

- Infants under 12 months of age represented just over 12 per cent of children admitted to care in 2009-10, nearly double that in 1994-95;
- The proportion of children and young people placed in care and identified as Aboriginal increased from six per cent to 16 per cent between 1994-95 and 2009-10; and
- The number of children and young people admitted to foster care placements decreased from 3,731 in 1999-2000 to 1,751 in 2009-10 - a decline of 53 per cent while the number placed in kinship care increased from less than 20 in 1994-95 to 1,211 in 2009-10 and the number placed in residential care declined from 668 in 1994-95 to 546 in 2009-10.

4.3.4 Comparisons with other states and territories

While the broad child protection processes are similar across Australian jurisdictions, there are important differences in child protection legislation, policies and practices. These differences impact on the direct comparability of child protection data for individual jurisdictions.

The data presented below provides aggregate data on a range of child protection activity measures along with per capita expenditure information. The information provided covers:

- Reports, investigations and substantiations and children on care and protection orders per 1,000 in the target population for each State and Territory for 2009-10 (Figure 4.6);
- Children in out-of-home care per 1,000 children aged 0 to 17 years for each State and Territory for 2009-10 (Figure 4.7); and
- Recurrent expenditure on child protection and out-of-home care services per all children aged 0 to 17 years for each State and Territory (Figure 4.8).

Given the issues impacting on data comparability, significant qualifications apply to any assessments about relative state and territory performance. In particular, states and territories adopt a variety of

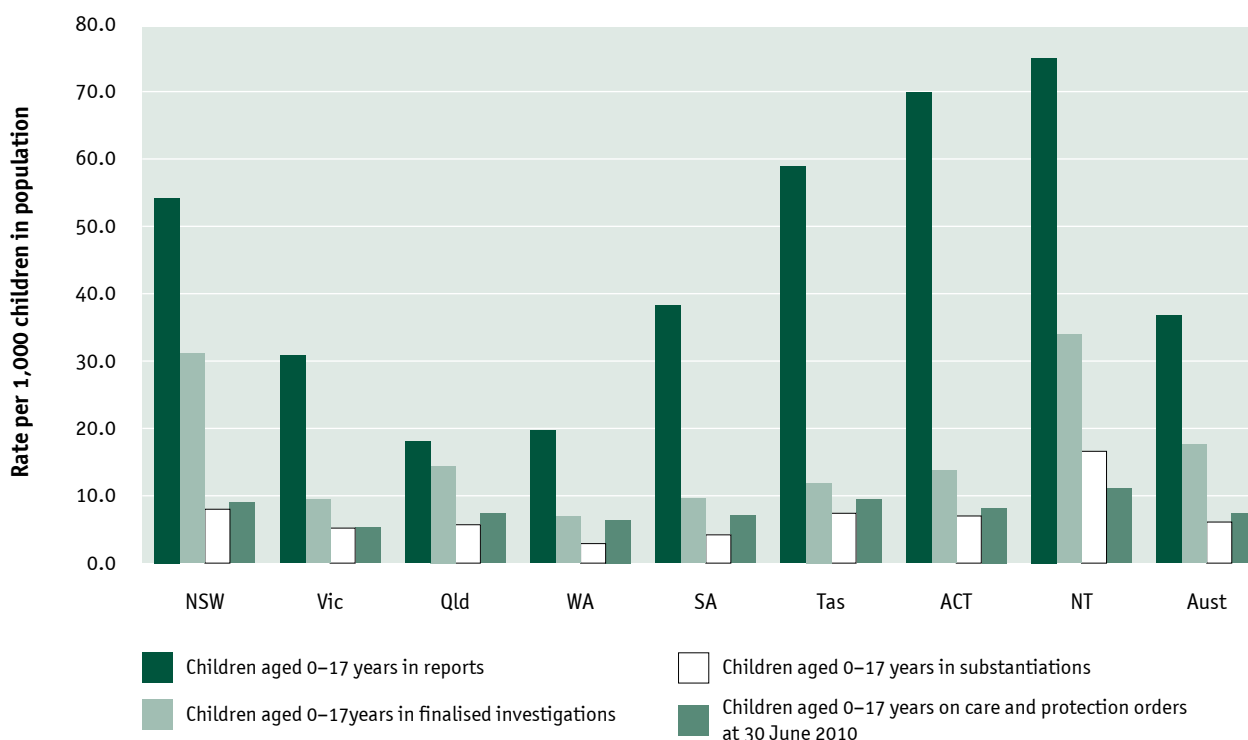
service responses to vulnerable children and their families and the extent to which these responses form part of statutory child protection services. In Victoria, the development of Child FIRST and Integrated Family Services and the historical importance of community service organisations (CSOs) are important influences in this regard. In broad terms, Victoria has lower levels of statutory child protection activity including out-of-home care placements compared with the other major states, and this is reflected in lower rates of expenditure per capita.

4.3.5 Recent reports by the Victorian Ombudsman

The Victorian Ombudsman has presented a number of major reports to Parliament on Victoria's statutory child protection system over the past two years.

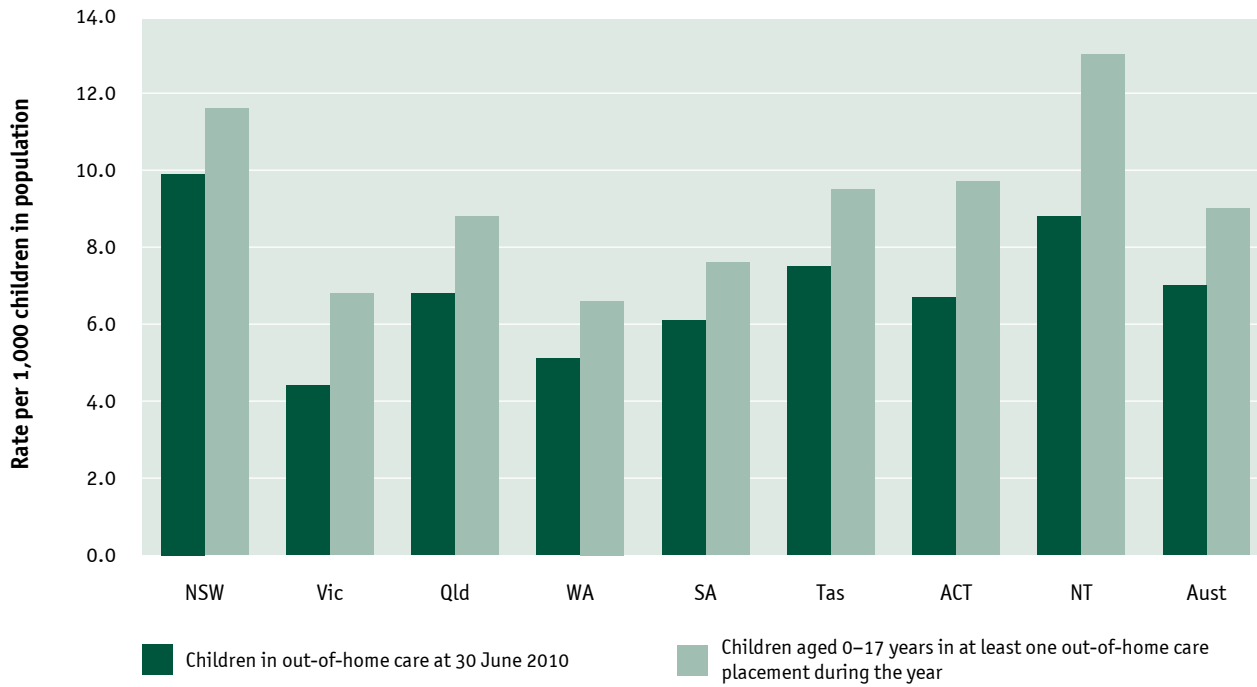
In November 2009 the Ombudsman presented to Parliament the report of his *Own Motion Investigation into the DHS Child Protection Program*. This was followed in May 2010 by a Report of a further *Own Motion Investigation into Child Protection – Out-of-home Care*. In October 2011 this report on the *Investigation regarding the Department of Human Services Child Protection Program (Loddon Mallee Region)* pursuant to the *Whistleblowers Protection Act 2001* was presented to Parliament.

Figure 4.6 Children in child protection reports, investigations and substantiations and children on care and protection orders for all states and territories: rate per 1,000 children, 2009-10



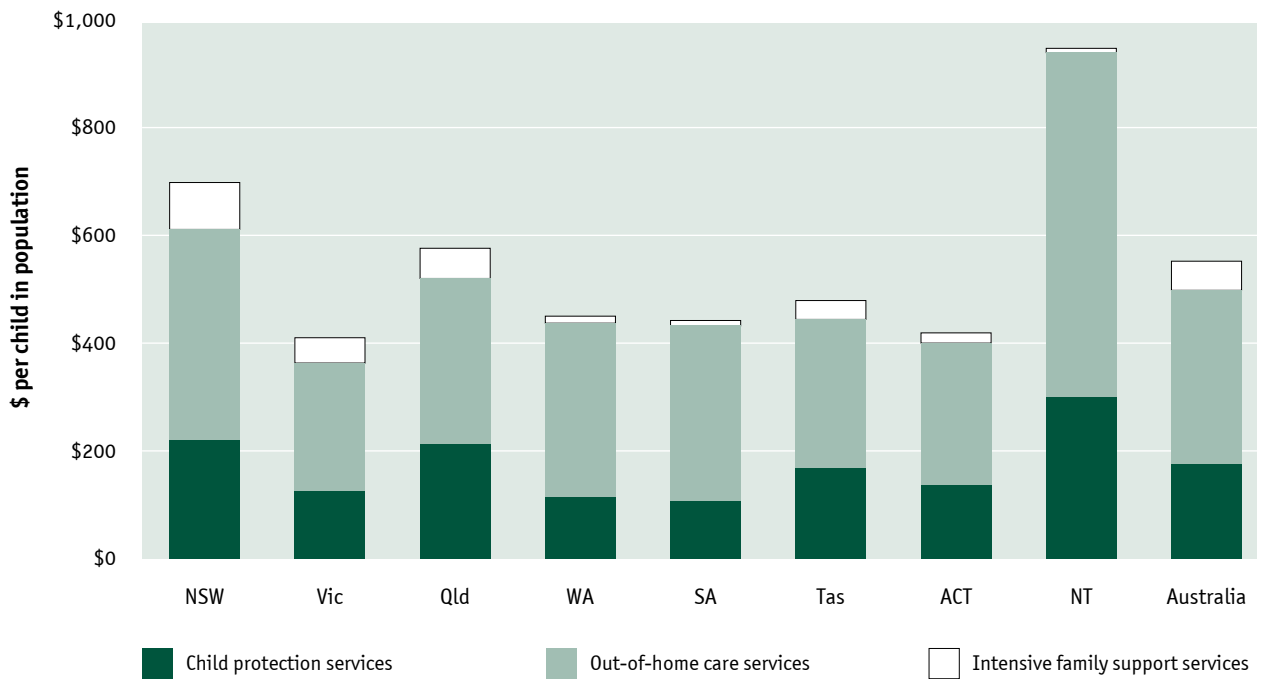
Source: SCRGSP 2011c, Table 15A.8

Figure 4.7 Children in out-of-home care, states and territories, 2009-10



Source: SCRGSP 2011c, Table 15A.16

Figure 4.8 Real recurrent expenditure on child protection and out-of-home care services, per child, states and territories, 2009-10



Source: SCRGSP 2011c, Table 15A.1

In February 2011 the Victorian Ombudsman also presented a report on his investigation into the failure of agencies to manage registered sex offenders.

These reports highlighted a number of deficiencies in statutory child protection processes and practices and also made a number of observations about broader reporting and oversight, funding and workforce issues. However, they do not represent an assessment of the overall system in reducing the incidence and impact of child abuse and neglect. Rather, particularly in relation to the child protection service, they largely focus on process and risk assessment issues, and an assessment of the adherence to appropriate processes as a basis for making judgments about the robustness and likelihood of the system protecting vulnerable children in all instances.

The Victorian Ombudsman's 2009 report *Own Motion Investigation into the Department of Human Services Child Protection Program* contained the following observations:

It was clear that the vast majority of staff interviewed by my officers wanted to follow best practice principles and conduct a thorough, well thought out investigation, but they found this was impossible because of resource constraints. This resulted in a poor quality service being provided (p. 9);

My investigation established that a large proportion of children subject to the department's intervention are not allocated a child protection worker (p. 9) and failure to allocate cases means that there are a substantial number of vulnerable children without a child protection worker to respond to their needs (p. 10);

Evidence obtained during my investigation shows that the degree of tolerance to risk to children, referred to as the 'threshold', varies across the state according to the local departmental office's ability to respond (p. 10);

Throughout my investigation, it has been apparent that the department's capacity to respond is so stretched that cumulative harm to children has not been given the priority and attention it should (p. 11)

It was suggested that the current legal system perversely encourages disputation rather than cooperation in the protection of children and in my view the appropriateness of a legal system that generates such a degree of conflict ought to be reconsidered by government and an assessment made as to whether better outcomes for children and families could be achieved through an improved model (p. 12);

I have also identified concerns regarding the degree of resources currently required to service a model built on a premise of disputation and litigation and approximately 50 per cent of child protection worker

time is spent servicing Children's Court work and subsequent Protection Orders, even though only 7.3 per cent of the total number of reports made to the department result in legal intervention being initiated in the Children's Court (p. 12);

In my opinion, compliance with statutory obligations and practice standards must be a priority for the department if the safety and wellbeing of vulnerable children and young people is to be assured (p. 14);

I consider that the accountability framework that has developed around the child protection system lacks sufficient rigour and transparency or the proactive elements required to ensure the state's response to children meets community expectation and it is also my view that there should be a greater degree of public reporting by the department regarding the child protection system's performance in meeting its statutory obligations and delivering on critical policy initiatives (p. 15); and

The issue of recruiting and retaining staff in the child protection workforce appears to be a long standing one which Victoria has in common with many other jurisdictions. Low retention rates have resulted in a staff group lacking in experience. Many reasons have been advanced for these low retention rates however the experience staff have in dealing with the legal system has figured prominently (p. 17).

These and other observations provided the basis for 42 separate recommendations all of which were accepted by DHS and by the Attorney-General in relation to the recommendation that a reference be provided to the Victorian Law Reform Commission (VLRC) to examine alternative models for child protection arrangements.

The Victorian Ombudsman's 2010 report *Own Motion Investigation into Child Protection – Out-of-home Care* contained the following observations:

Evidence emerging from research into outcomes for children in care has eroded the assumption that simply removing children at risk of harm from their homes and placing them in care will improve their wellbeing. The objectives of the out-of-home care system in Victoria have broadened beyond meeting a child's basic accommodation, food, healthcare and schooling needs. This broader approach has been to the benefit of many children placed in out-of-home care (p. 9);

Despite ongoing reforms to the out-of-home care system, some children do not experience out-of-home care placements as the safe and secure environment they should be. Rather they are subjected to further abuse and neglect (p. 9);

In reviewing the circumstances of a number of children I have concluded that further harm may have been avoided if adequate screening and assessment of their carers had occurred (p. 11);

My investigation identified substantial differences in both practices and attitudes relating to the screening of foster carers and kinship carers. These differences have become more problematic as the department has increased its reliance on kinship placements (p. 11);

I consider there is a lack of transparency and independent oversight in relation to the quality of care and safety being provided in the out-of-home care system (p. 12);

The department is struggling to meet the demand for out-of-home care services (p. 13);

The evidence I have obtained indicates that many residential staff lack basic qualifications and that some do not have adequate skills in relation to critical matters such as the use of physical restraint. Failing to appropriately recruit and train carers is likely, in my view, to perpetuate the current issues with staff turnover and create further instability for the children in residential care units (p. 14);

Overall, Victoria allocates significant resources to the provision of out-of-home care when compared to other states and territories. However, I am concerned that arrangements for funding of the out-of-home care system appear to be reactive and therefore contribute to an inefficient reliance in contingency arrangements (p. 16);

As a result of the trauma and instability they have experienced, many of these children will require intensive support in order to grow into stable, healthy adults with positive prospects for the future (p. 16);

Educational outcomes for children in care are substantially lower than those for the broader student population. The department shares this responsibility with the Department of Education and Early Childhood Development and ... witnesses have suggested that a more broad based approach will be needed if the departments are going to make a substantial difference to educational outcomes for these children (p. 17);

Effective case management is integral to improving quality of care and outcomes for individual children in out-of-home care. It is clear that the case management practices utilised by the department do not always function effectively to identify and meet the professional care needs of children (p. 19);

Research has shown that young people leaving care are at risk of experiencing poor outcomes and negative experiences in their adult lives, including unemployment, homelessness and contact with the criminal justice system. Evidence obtained during my investigation indicated that there are children in Victoria leaving care at 18 years of age with insufficient preparation and little or no ongoing support (p. 19);

When the challenge of caring for damaged children is considered, it is likely that the financial impost of inadequate carer payments is contributing to the difficulty in recruiting foster carers. Overall, the system of financial reimbursement lacks transparency and is difficult for carers to navigate. Not only is this a source of frustration to carers, but those spoken to during my investigation stated it is hindering their ability to acquire the goods and services children in their care need (pp. 19-20); and

Approaches adopted by other jurisdictions which include community visitor schemes, independent advocates and regular surveying of children in out-of-home care placements would provide a level of scrutiny not presently evident in the Victorian out-of-home care system (p. 21).

The report made 21 recommendations designed to improve processes, increase scrutiny and introduce better planning in the out-of-home care system. The Department accepted all the recommendations with the exception of the recommendation to transfer the registration of CSOs from DHS to an independent office.

The Victorian Ombudsman's 2011 report on the *Investigation regarding the Department of Human Services Child Protection Program (Loddon Mallee Region)* contained the following observations:

I believe a practice has developed where the drive to meet numerical targets has overshadowed the interest of children despite evidence that they may be at risk (p. 7) and I referred the circumstances of 59 children identified during my investigation to the department as I considered the safety of these children could not be assured (p. 6);

Despite receiving more reports in 2010-11 than the previous year, the region conducted less than three quarters of the number of investigations (p. 6);

I have also identified evidence of misrepresentation of data regarding the number of children allocated to child protection workers (p. 7); and

One element of the region's strategy to reduce the number of children without an allocated child protection worker was to investigate fewer reports (p. 9).

The report contained six recommendations covering assessment processes for child protection reports, collection of data on unmet demand and introducing amendments to the *Child Wellbeing and Safety Act 2005* to broaden the circumstances in which a child death review is conducted. All recommendations were accepted by the Department.

4.3.6 Inquiries into the deaths of children known to child protection

Since 1996 the VCDRC's annual reports on the deaths of children known to Child Protection have been tabled in Parliament. The VCDRC is a multidisciplinary ministerial advisory committee that provides a second tier review of the deaths of children who are current or recent clients of the state's statutory child protection service. The inquiry and review process examines case practice for each child death case and then in aggregate, identifies common themes and emerging trends in practice and service delivery. Chapter 21 describes this process in more detail.

The VCDRC's *Annual Report of Inquiries into the Deaths of Children Known to Child Protection 2011* presented an analysis of child deaths from 1996 to 2000. Figure 4.9 and Table 4.2 taken from the report show:

- The annual number of deaths of children known to statutory child protection services over the period 1996-2010. The table also includes the estimated impact of the legislative change in 2007 that required child death inquiries to be conducted in respect of children who had been child protection clients in the previous 12 months compared with the then timeline of child protection clients in the previous three months (Figure 4.9); and
- The number and distribution by category of death for children known to statutory child protection services over the period 1996-2010 (Table 4.2).

Significant variations occur in the number of deaths of children and young people known to statutory child protection services each year and therefore too much should not be read into the statistics, which do not necessarily reflect underlying trends.

However, a number of general observations can be made. On an age basis the greatest number of deaths is of infants aged between birth and six months and children aged between 0-3 years which comprise 61 per cent of all deaths within the known child protection population over time.

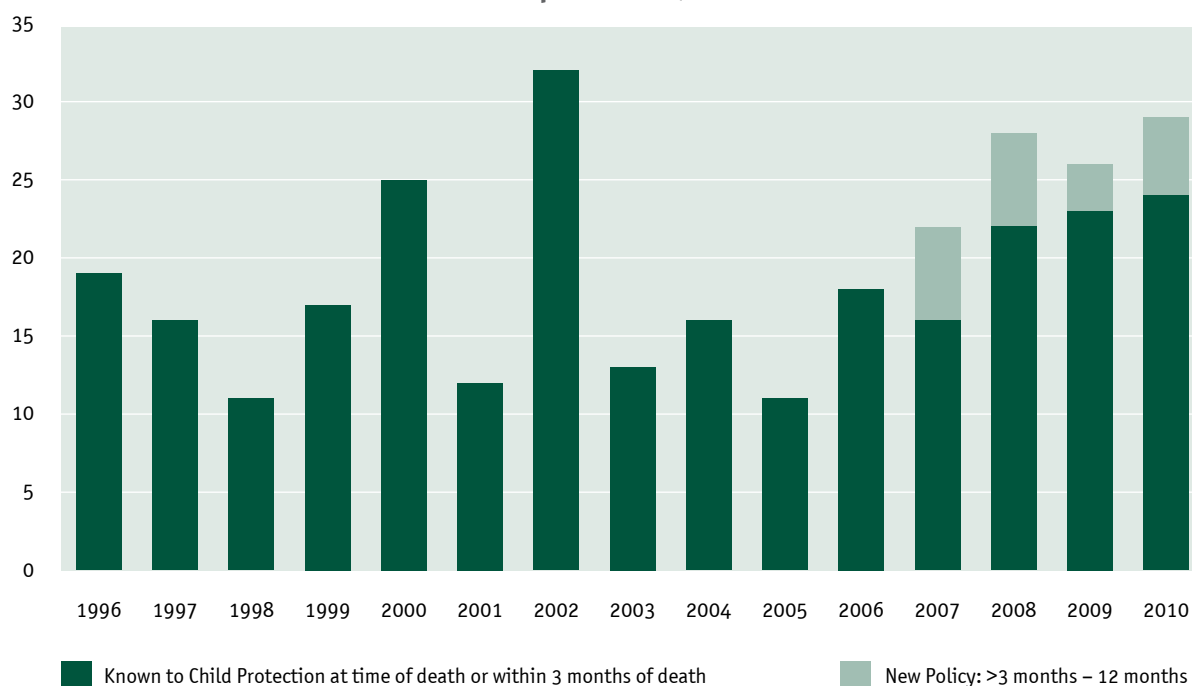
The main categories of death were: acquired/congenital illness, accounting for 33 per cent of all deaths; due to accident (19 per cent); attributable to sudden infant death syndrome (SIDS) (15 per cent); non-accidental trauma (8 per cent); substance abuse, suicide/self-harm/risk-taking behaviour of young people (14 per cent); and cause of death deemed unascertained/pending determination (11 per cent).

At the time of death 37 per cent were the subject of a statutory child protection services intake or investigation, 13 per cent were the subject of protective intervention, 18 per cent were the subject to protection orders, and statutory child protection services had ceased case involvement with 32 per cent.

The reports of the VCDRC underline the wide range of factors and complexities associated with child protection cases and the tragic deaths of children and young people. In particular, the reports note:

- That children and young people who are the subject of child protection reports and investigations often have complex needs and come from families that are facing a complex range of issues; and
- That greater emphasis needs to be placed on a comprehensive and collaborative approach focused on vulnerable families and children getting timely access to the full range of support they need.

Figure 4.9 Deaths of children known to child protection, Victoria 1996 to 2010



Source: VCDRC 2011, p. 19

Table 4.2 Deaths of children known to child protection by cause of death, Victoria, 1996 to 2010

Category of death	'96	'97	'98	'99	'00	'01	'02	'03	'04	'05	'06	'07	'08	'09	'10	Total	%
Non-accidental trauma	3	3	-	3	2	-	2	1	2	-	-	1	1	4	2	24	8
Drug/substance related	3	2	2	1	4	-	1	1	2	-	-	-	2	1	3	22	8
Suicide/self-harm	1	1	-	1	1	1	-	1	-	2	-	1	5	2	2	18	6
SIDS	6	2	1	2	-	2	8	1	2	1	3	3	5	3	4	43	15
Acquired/Congenital illness	4	5	3	5	11	5	8	5	4	4	10	8	10	10	5	97	33
Accident	1	3	3	4	4	4	8	3	3	1	4	5	4	2	8	57	19
Unascertained	1	-	1	1	1	-	1	-	1	2	1	4	-	2	-	15	5
Pending determination	-	-	1	-	2	-	4	1	2	1	-	-	1	2	5	19	6
Total	19	16	11	17	25	12	32	13	16	11	18	22	28	26	29	295	100

Source: VCDRC 2011, p. 20

4.4 Conclusion

Statutory child protection services in Australia and overseas have been the subject of periodic major reviews. Since 2000 every jurisdiction in Australia has embarked on at least one substantial review of the way in which statutory child protection services are delivered. More detailed policy and program directions have also been continually reviewed and modified.

A range of common factors has been the catalyst for, and underpins many, of these reviews. These factors also continue to be evident in this broad overview of the performance of Victoria's protection and care system and the successive reviews by the Victorian Ombudsman. In addition, this overview points to a range of more specific challenges and issues for the Victorian system.

Responding to the growth and variations in the number of child protection reports has been and continues to be a significant challenge for all Australian child protection systems. While Victoria's growth in child protection reports has generally been lower than other states and territories, the number of children who were the subject of child protection reports has increased by 49.3 per cent over the period 2000-01 to 2010-11 and the report rate per 1,000 children aged 0 to 17 years increased from 25.5 to 33.5 per cent, or an increase of 31.4 per cent over and above the growth of the Victorian population aged 0 to 17 years.

Associated with this overall increasing trend has been the marked volatility in the level of reports. In 2009-10, the number of children that were the subject of reports increased by 12.5 per cent compared with an increase of 3.9 per cent in the previous year. The increase in 2009-10 coincided with the two major reports by the Victorian Ombudsman and the associated increase in media focus. In 2010-11, a further 9.8 per cent increase in the number of children who were the subject of child protection reports was recorded.

In addition to these variations over time, there are significant variations in the spatial pattern of reports, reflecting a range of socioeconomic, demographic and location specific factors. There is also increasing evidence that interactions with statutory child protection services are recurring events for many vulnerable children and their families. Seventy per cent of the children who were the subject of a report in 2009-10 had either been the subject of a report previously or in the subsequent 10 months and report rates in the Gippsland and Loddon Mallee regions were approximately two times higher than the State average. Aboriginal children have a report rate five times that of non-Aboriginal Victorian children.

The continued growth and marked geographical and demographic variations in child protection reports raises major challenges for statutory child protection services to maintain appropriate case practice and quality standards. The Victorian Ombudsman's 2009 report on the statutory child protection program and 2011 report on the statutory child protection program (Loddon Mallee region) made a number of observations, both directly and indirectly, on the issue of demand and the responses of the statutory child protection service.

More generally, the significant incidence of recurring reports and multiple substantiations underline that statutory child protection services of itself frequently cannot redress the multiple and chronic issues that are associated with child abuse and neglect. This requires consideration of a broader framework and the quantum and design of effective prevention and targeted interventions for vulnerable children and families, particularly in disadvantaged areas. Families with multiple complex problems – parental substance, family violence, mental illness and intergenerational social and economic exclusion – and chronic involvement with statutory child protection services pose a major challenge in this regard.

Chapter 6 considers the broad system objectives and design issues. Chapters 7-9 address the major policy, identification and design issues in developing effective, efficient and integrated responses to the issue of vulnerable families and children, as well as the potential and reality of child abuse and neglect for a proportion of these vulnerable and other families and children.

In Victoria particularly, the impact of the legal framework and the role and approach of the Children's Court on the level of disputation, statutory child protection services resource utilisation and broader workforce issues have been the subject of comment by the Victorian Ombudsman and others. More recently, the detailed June 2010 report by the VLRC, *Protection Applications in the Children's Court*, reviewed Victoria's child protection legislative and administrative arrangements in relation to Children's Court processes and identified a range of options for procedural, administrative and legislative changes that may minimise duplication and maintain a focus on the best interests of children.

While the nature of, and increase in, child protection reports raises demand and policy response issues for the statutory child protection service intake services, the performance data and evidence also points to significant issues with the range and quality of out-of-home care service provision of statutory child protection services. These issues cover the increasing length of stays in out-of-home care; achieving stability in out-of-care placements; recruiting and retaining foster and kinship carers and providing appropriate training and support (including adequate financial support); an updated range of intensive remedial supports and placement options tailored to the individual and specialised needs of children and young people who have been subject to significant abuse and neglect; adequate overall funding; and greater child-centred practice including ensuring the voices of children in care are heard.

Equally concerning is the evidence that many out-of-home care placements are not achieving stability let alone improvements in the wellbeing and development of many children and young people. This is especially the case for many young people in out-of-home residential care, where educational attainment levels and other data point to major deficiencies in redressing the impact of child abuse and neglect. These deficiencies are particularly evident in the experiences of the 400 Victorian young people who formally leave care each year as a result of the expiry of their guardianship and custody order at the age of 18 years.

Chapters 10 and 11 analyse and consider these critical and long standing challenges for Victoria's out-of-home care system.

The unacceptable and growing over-representation of Aboriginal children in the number of Victorian children who are the subject of reports, substantiations, child protection orders and out-of-home care placements represents a major challenge for Victoria's child protection framework and broader economic, social and community policies. The deeper into the statutory child protection system, the greater the over-representation of Aboriginal children and young people. While Aboriginal children represented 6.6 per cent of Victorian children who were the subject of child protection reports in 2010-2011 and 10.5 per cent of Victorian children who were the subject of substantiated child abuse and neglect, they represented 15.4 per cent of children in an out-of-home care placement at the end of June 2011. The impacts of the history of dispossession of the Victorian Aboriginal community are clearly wider, but no more evident, than in these statistics. These impacts and issues for Victoria's future approach are considered in Chapter 12.

In summary, the key challenges for Victoria emerging from the available performance information are:

- The growth, clustered and recurring nature of demand pressures;
- The need for a broader and more integrated service system for vulnerable families and children;
- The need for improved and consistent practice quality;
- The importance of contemporary and appropriate legal processes;
- The requirement for an enhanced out-of-home care system;
- The need to address the over-representation of Aboriginal children; and
- The need to address the absence of comprehensive data and research on the key features of and the impact of Victoria's system for vulnerable children and families.

Also important is the range of factors impacting on the capacities and skills of the organisations and individuals involved in providing the services that underlie much of this performance data. These capacities cover the overall funding levels and arrangements, the skills of workers providing frontline services and the capabilities of funded organisations, both government and non-government, to plan, provide and oversee service provision.

Detailed considerations of these supporting capacities are covered in the later chapters of this Report – Chapter 16, Chapter 17 and Chapter 20. Particular attention is given to the focus, skills and support for frontline workers involved in providing services for Victoria's vulnerable children and families that are a major determinant of client outcomes and overall performance, and to the capacity and arrangements for non-government organisations that provide critical intensive support services and out-of-home care placements.

The Inquiry considers that a more integrated and collaborative framework for the protection and care of Victoria's vulnerable children and sustained investment in a service continuum is required. These issues are examined in Chapter 20 and Chapter 21.

A major issue that confronted the Inquiry in addressing the Terms of Reference was the absence of data and research on key dimensions of Victoria's response to vulnerable children and their families, in particular the ongoing data on major demographic characteristics and presenting issues of vulnerable children and families and the impact of statutory child protection services and other interventions. Given the individual, social and economic costs of child abuse and neglect outlined in Chapter 2 and the continued marked increases in child protection reports and direct government expenditure, the Inquiry considers that these major and fundamental constraints need to be addressed. In this regard, the Inquiry welcomes the 2011-12 Budget announcement to fund a longitudinal research study that tracks a cohort of young people in out-of-home care over a period of four years to assess the impact of out-of-home care and the adequacy of support young people receive post care.

In reaching this conclusion, the Inquiry acknowledges that there are complex ethical and methodological issues and significant costs in the development and implementation of major changes to information systems and investing in robust follow-up studies. The benefits only accrue after a period of time and complexity and costs of regular follow-up studies are likely to be accentuated given the statutory nature of child protection services and the demographic characteristics of families and vulnerability. In addition, the conduct of these studies requires specialised resources dedicated to data quality and integrity. In the longer term, the Inquiry would envisage this data would provide the essential ingredient for a significant program of external and collaborative research into key policy and service issues.

As outlined in recommendation 1 the Inquiry considers a number of the proposed areas should be subject to detailed cost-benefit and feasibility studies including the overall governance arrangements and links to the proposed Commission for Children and Young People.

Recommendation 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.